A digest of the law relating to public health and local government : with notes of 1073 leading cases, various official documents, precedents of by-laws and regulations, the statutes in full, a table of offences and punishments, ample indexes, &c; / by George F. Chambers.

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THE LAW OF PUBLIC HEALTH AND LOCAL GOVERNMENT WITH THE ACTS OF 1875

G. F. CHAMBERS.

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THE SANITARY RECORD:

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A

DIGEST OF THE LAW

RELATING TO

Public Health,

AND

Local Government,

WITH

NOTES OF 1073 LEADING CASES; VARIOUS OFFICIAL DOCUMENTS; PRECEDENTS OF BY-LAWS AND REGULATIONS;

The Statutes in full,

A TABLE OF OFFENCES AND PUNISHMENTS; AMPLE INDEXES, &c.

BY

GEORGE F. CHAMBERS, F.R.A.S.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW;

AN ASSOCIATE OF KING'S COLLEGE LONDON, (ENGINEERING DEPARTMENT); AND

LATE AN INSPECTOR OF THE LOCAL GOVERNMENT BOARD.

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AND BASED ON THE NEW CONSOLIDATION ACT OF 1875.

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Preface.

WHEN a book has passed through 6 editions in little more than 2 years apologies for its publication may be deemed unnecessary, for the fact stated is a sufficient justification of the Author's labours.

Neither time, labour, nor expense have been spared to make this entirely reconstructed edition more complete, accurate, and generally useful, than any of its predecessors: but the ground-plan remains much the same as before.

Urban Authorities consulting Part I. will find what concerns them in the first *five* Chapters: but Rural Authorities must in the first instance refer to Chapter VI. and then ascertain the details of their duties by turning to so many of the first 728 Paragraphs as have a Maltese Cross (✠) prefixed to them.

Subject to this explanation the Urban and Rural Powers respectively are exhibited under the following general heads:—

1. The Constitution of Sanitary Authorities.
2. The Meetings and Business Arrangements of Sanitary Authorities.
3. The Officers of Sanitary Authorities.
4. The Local Government Board. Provisional Orders, &c.
5. The Powers and Duties of Sanitary Authorities.

With the view of saving space, I have in Part I. used certain abbreviations as follows:—

LGB	... ...	Local Government Board.
LA	... ...	Local Authority.
A	... ...	Authority.
A	... ...	"Public Health Act, 1875."

The "Digest of Cases" in Part II. will, it is hoped, be useful to all classes of readers. My aim has been to furnish a succinct outline of all the Case Law which is available for the interpretation of the Acts relating to Local Government. Accordingly, I have included not only Cases which have been decided immediately under Acts of this class, but also a large number of other Cases calculated to throw light upon points which either have arisen, or may perhaps hereafter arise. The selection has been made in a liberal spirit*, as it has been deemed preferable to err on the side of undue comprehensiveness. Respecting the summaries which are given of the Cases it may be well to remark that for the sake of brevity each is usually confined to such a statement of the points involved as will enable a reader to judge whether any particular Case is likely to help him. Nevertheless the substance of the decisions is given as often as and as far as it was found convenient to do so. The *Law Journal Reports* being in many respects the handiest have been used as the primary standard of reference, but references to other well known Reports have been made as freely as possible. It is worth mentioning that I have in many instances found the *Law Times Reports* very unsatisfactory, especially in the matter of names. No small number of Cases reported in that publication are indexed under names different from those prefixed to the same Cases in other and better Reports. The instances of careless editing which have thus come before me have been not only of frequent recurrence, but oftentimes have been productive of serious trouble and confusion.

Attention is directed to the "Precedents of By-Laws" in Part IV. These are mainly the result of a most laborious collation of more than 200 sets of By-Laws obtained from towns, great and small, in all parts of England, with not a little new matter based upon the experience of myself and of friends whom I have consulted. Keen eyes will discover in these Precedents many defects: indeed it is allowed that they require further revision before being adopted in any particular district, but the necessary finishing touches can only be given by a draughtsman guided by proper instructions taking note of special local wants. I claim however for these Precedents, even in their present state, the merit that they are not seriously disfigured with any of the tautology, bad grammar, and, in some cases, utter nonsense and bad Law which mark many of the codes in force as recently as 1873.

The Indexes of each Part are at the end of each Part, instead of being at the end of the volume.

---

* This work will now be found to present a large body of information as to the Law of Rating, extending far beyond the limits of the Acts relating to Public Health. The volume will however for this and other reasons be henceforth more specially useful than formerly to Poor-Law Officials.

The passing of a general Act to consolidate into one the majority of the numerous Statutes with which Sanitary Authorities have hitherto had to deal is a great step forwards in the way of Sanitary Progress. So long as the previous state of confusion lasted, it was exceedingly difficult not only to administer the Law, but even to frame an intelligible Digest of it. The thanks of the whole Country, and especially of every Legal author, are due to Mr. *Sclater-Booth* M.P. for his great legislative work.

I have to thank many friends, particularly Mr. *E. J. Athawes*, and Mr. *W. H. Michael*, of the Common Law Bar, and Mr. *H. J. Hood*, of the Equity Bar, for much valuable assistance in carrying this work through the press. I trust that few, if any, serious errors have crept in: however, I shall always be glad to have mistakes pointed out, and, generally, to receive suggestions.

The rapidity with which this edition has been got out (within 4 weeks of the publication of the "Public Health Act") has been simply a matter of good organisation and method. Nothing has been sacrificed to speed, and the book is as accurate as if another 3 months had been spent over it.

G. F. C.

1, *Cloisters, Temple.*
September 15, 1875.

Contents.

Preface iii

Table of Contents vi

A Tabular Statement of Offences and Punishments ix

Part I.

Digest of Statutes.

Chapter I. The Constitution of Urban Sanitary Authorities ... 1

" II. The Meetings and Business Arrangements of Urban Sanitary Authorities 18

" III. The Officers of Urban Sanitary Authorities 23

" IV. The Local Government Board. Provisional Orders, &c. 28

" V. The Powers and Duties of Urban Sanitary Authorities 32

General Powers 32

Adulteration of Food &c. ... 34
Arbitration 34
Artizans' and Labourers' Dwellings 35
Audit of Accounts 39
Bake-houses 42
Bathing 43
Baths and Wash-houses 43
Borrowing Powers 43
Buildings 50
Burial of the Dead 51
Cellars 52
Clocks (Public) 52
Ditches &c. 52
Fires 53
Food (Unwholesome) 53
Gas Supply 54
Hackney Carriages 54
Highways and Streets 55
Legal Proceedings 58
Libraries and Museums ... 62
Lodging-houses (Common) ... 62
Lodging-houses (Ordinary) ... 64
Markets 64
Medical Powers 64
Nuisances 67
Obstructions &c. in Streets ... 70
Offensive Trades, or Manufactures 71
Overcrowding 72
Petroleum 72
Places of Public Resort ... 73
Ports and Harbours 73
Public Pleasure Grounds &c., ... 74
Purchase of Lands and Undertakings 75
Rates and Rating 76
Scavenging and Removal of Refuse 85
Sewers and Drains 87
Slaughter-houses 91
Smoke, (Prevention of) 92
Steam Whistles, &c. 92
Stipendiary Magistrates ... 93
Tramways 93
Water Closets: Privies: Earth Closets 93
Waters, (Pollution of) 94
Water Supply 95

Chapter VI. Rural Sanitary Authorities 98
Index to the Digest of Statutes 107

Part II.

Digest of Cases.

Digest 113
Index of Names 158
Index of Subjects 164

Part III.

Official Documents.

1. New Boundaries and Wards 167
2. Medical Officers of Health 168
3. Inspectors of Nuisances ... 170
4. "Borough Funds Act 1872" 172

Part IV.

Precedents of By-Laws and Regulations.

1. Meetings and Business ... 173
2. Duties of Officers and Servants 175
3. Prevention of Nuisances ... 182
4. New Streets and Buildings ... 184
5. Hackney Carriages, &c. ... 193
6. Pleasure Boats 197
7. Public Bathing 201
8. Public Baths and Wash-houses 202
9. Slaughter-houses 204
10. Offensive Trades 206
11. Market 207
12. Common Lodging-houses ... 209
13. Ordinary Lodging-houses ... 210
14. Lodging of Hop-pickers ... 212
15. Mortuary 213
16. Public Pleasure Ground ... 214
17. General Provisions ... 215

Part V.

Statutes relating to Sanitary Authorities.

*** Of Statutes to which an Asterisk is prefixed the Titles only are given.

*8 Vict. 16 ... ... Companies Clauses Consolidation Act 1845
*8 Vict. 18 ... ... Lands Clauses Consolidation Act 1845
*8 Vict. 20 ... ... Railways Clauses Consolidation Act 1845
9 & 10 Vict. 74 ... ... Baths and Wash-houses Act 1846
10 Vict. 14 ... ... Markets and Fairs Clauses Act 1847
10 Vict. 15 ... ... Gas-works Clauses Act 1847
10 Vict. 16 ... ... Commissioners Clauses Act 1847
10 Vict. 17 ... ... Water-works Clauses Act 1847
10 & 11 Vict. 34 ... ... Towns Improvement Clauses Act 1847
10 & 11 Vict. 61 ... ... Baths and Wash-houses Amendment Act 1847
10 & 11 Vict. 89 ... ... Towns Police Clauses Act 1847
*14 & 15 Vict. 34 ... ... Labouring Classes Lodging-houses Act 1851
*18 & 19 Vict. 70 ... ... Public Libraries and Museums Act 1855
20 & 21 Vict. 31 § 12 ... Inclosure Amendment Act 1857
22 Vict. 27 ... ... Recreation Grounds Act 1859

23 Vict. 16 § 12	Municipal Corporation Mortgages Act	1860
23 & 24 Vict. 30	Public Improvements Act	1860
*23 & 24 Vict. 106	Lands Clauses Amendment Act	1860
26 Vict. 13	Gardens in Towns Protection Act	1863
26 & 27 Vict. 40	Bake-house Regulation Act	1863
26 & 27 Vict. 93	Water-works Clauses Act	1863
*29 Vict. 28	Labouring Classes Dwellings Act	1866
*29 & 30 Vict. 114	Public Libraries and Museums Amendment Act	1866
*30 Vict. 28	Labouring Classes Dwellings Amendment Act	1867
30 & 31 Vict. 115	Justices of the Peace Act	1867
*31 & 32 Vict. 130	Artizans and Labourers Dwellings Act	1868
*32 & 33 Vict. 18	Lands Clauses Amendment Act	1869
33 & 34 Vict. 70	Gas and Water Facilities Act	1870
33 & 34 Vict. 78	Tramways Act	1870
34 Vict. 3	Provisional Order Bills (Committees) Act	1871
34 Vict. 13	Public Parks, Schools and Museums Act	1871
34 & 35 Vict. 41	Gas-works Clauses Amendment Act	1871
34 & 35 Vict. 70	Local Government Board Act	1871
*34 & 35 Vict. 71	Public Libraries and Museums Amendment Act	1871
34 & 35 Vict. 105	Petroleum Act	1871
35 & 36 Vict. 38	Infant Life Protection Act	1872
35 & 36 Vict. 61	Factories (Steam Whistles) Act	1872
35 & 36 Vict. 91	Municipal Corporations (Borough Funds) Act	1872
36 & 37 Vict. 33	Municipal Corporations Evidence Act	1873
36 & 37 Vict. 89	Gas and Water Works Facilities Amendment Act	1873
37 & 38 Vict. 59	Working Mens Dwellings Act	1874
38 & 39 Vict. 36	Artizans and Labourers Dwellings Improvement Act	1875
38 & 39 Vict. 55	Public Health Act	1875
38 & 39 Vict. 63	Sale of Food and Drugs Act	1875
38 & 39 Vict. 83	Local Authorities Loans Act	1875
38 & 39 Vict. 89	Public Works Loans Consolidation Act	1875

Tabular Statement

OF

OFFENCES.

A TABULAR STATEMENT OF SOME OF THE MORE COMMON OFFENCES

RELATING TO PUBLIC HEALTH AND LOCAL GOVERNMENT MATTERS

WHICH ARE WITHIN THE SUMMARY JURISDICTION OF JUSTICES.

Subject.	Statute.	Maximum Fine.	Distress.		Imprisonment in Default.		Appeal
			Above 5*l.*	Not above 5*l.*	Above 5*l.*	Not above 5*l.*	
ADULTERATION OF FOOD.							
Admixture	38 & 39 Vict. 63, 3.	50*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
Selling Adulterated Articles	„ „ § 6.	20*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
ARTIZANS AND LABOURERS' DWELLINGS.							
Obstructing Officer	31 & 32 Vict. 130, § 35.	20*l.*	Yes.	Discr.	3 m.	2 m.	No.
Non-compliance with Order	„ „ § 36.	20*l.* per day.	Yes.	Discr.	3 m.	2 m.	No.
AUDIT.							
Refusal to attend, &c.	7 & 8 Vict. 101, 32-3. 4 & 5 Will. IV., 76, 99.	2*l.*	...	Yes.	...	3 m.	No.
BAKEHOUSES.							
Employing person under 18 years old at unlawful hours	26 & 27 Vict. 40, 3.	2*l.* first time [as to subsequent offences see Act.	...	Discr.	...	2 m.	No.
Not keeping clean premises	„ „ § 4.	5*l.*	Yes.	Discr.	3 m.	2 m.	No.
Improper sleeping in	„ „ § 5.	1st time 1*l.*, then 5*l.*	...	Discr.	...	2 m.	No.
			Yes.	Discr.	3 m.	2 m.	No.
Refusing to admit Inspector	„ „ § 6.	20*l.*	Yes.	Discr.	3 m.	2 m.	No.
BY-LAWS.							
Violating Borough By-Laws	5 & 6 Will. IV. 76, 90.	As By-Law.	Yes.	Discr.	1 m. with or without lab.	1 m. with or without lab.	Yes.
Violating By-Laws under "Public Health Act"	A 182.	As By-Law.	Yes.	Discr.	3 m.	2 m.	Yes.
Violating Regulations issued by LGB	A 138.	5*l.*	Yes.	Discr.	3 m.	2 m.	Yes.

CELLARS.							
Unlawfully occupying	A 72.	1*l.* per day.	...	Discr.	...	2 m.	Yes.
DRAINS.							
Not complying with notice to repair . . .	A 41.	10*s.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Building house without	A 25.	50*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
FIRES.							
Setting chimneys on fire	A 252; 10 & 11 Vict. 89, 30 & 73. 8 Vict. 20, 140—60.	5*l.*	Yes.	Discr.	3 m.	...	Yes.
Chimney negligently on fire	A 252; 10 & 11 Vict. 89, 31 & 73. 8 Vict. 20, 140—60.	10*s.*	...	Discr.	...	2 m.	Yes.
FOOD, UNWHOLESOME.							
Having possession of	A 117.	20*l.* for every sample or 3 m. without fine.	Yes.	Discr.	3 m.	2 m.	Yes.
Obstructing an officer	A 118.	5*l.*	...	Discr.	...	2 m.	Yes.
Obstructing officer armed with warrant .	A 119.	20*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
GARDENS IN TOWNS.							
Throwing rubbish in; damaging	26 Vict. 13, § 5.	2*l.* or 2 m. without fine.	...	Discr.	...	2 m.	No.
HACKNEY CARRIAGES.	A 252; 10 & 11 Vict. 89, 37—68; and 73. 8 Vict. 20, 140—60.	Various [see the sections].	Yes.	Discr.	3 m.	2 m.	Yes.
HIGHWAYS AND STREETS.							
Various offences	A 252; 10 & 11 Vict. 34, 8 Vict. 20, 140—60.	Various [see the sections].	Yes.	Discr.	3 m.	2 m.	Yes.
HOUSE.							
Neglecting to cleanse	A 46.	10*s.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Letting infected	A 128.	20*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
Making false statements as to infection .	A 129.	20*l.* or one m. imprisonment.	Yes.	Discr.	3 m.	2 m.	Yes.
LIBRARIES AND MUSEUMS.							
Injuring property	24 & 25 Vict. 97, 52.	2 m. with or without lab. or 5*l.* and value to 5*l.* If value exceeds 5*l.* then the proceedings are by indictment under § 51.	...	...	2 m. with or without lab.	2 m. with or without lab.	Yes.

Subject.	Statute.	Maximum Fine.	Distress.		Imprisonment in Default.		Appeal.
			Above 5*l.*	Not above 5*l.*	Above 5*l.*	Not above 5*l.*	
LODGING-HOUSES, COMMON.							
Various offences	A 86.	5*l.* and 2*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Neglect to limewash	A 82.	2*l.*	...	...	...	2 m.	Yes.
Neglect to exhibit notice of registration	A 79.	5*l.* and 10*s.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
LODGING-HOUSES, ORDINARY.							
Violating By-Laws	A 90 and 183.	As By-Laws.	...	Discr.	...	2 m.	Yes.
LOCAL BOARD.							
Obstructing officer; Injuring property of	A 306-7.	5*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
MARKETS AND FAIRS ACT.	A 252; 10 Vict. 14. 8 Vict. 20, 140—60.	Various [see the sections].	Yes.	Discr.	3 m.	2 m.	Yes.
MANURE.							
Neglecting to remove	A 50.	1*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
MEDICAL OBLIGATIONS, OFFENCES AGAINST.							
Not cleansing a house	A 120.	1*s.* and 10*s.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Exposing infected person and vehicle, &c.	A 126.	5*l.* and compensation.	Yes.	Discr.	3 m.	2 m.	Yes.
Letting infected lodgings	A 128.	20*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
Infected ports regulations	A 130.	50*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
NUISANCES.							
Pigs; soakage; stagnant water	A 47.	2*l.* and 5*s.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Not abating nuisance	A 98.	10*s.* per day; wilful, 1*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Occupier obstructing owner	A 307.	5*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Disobeying order to admit officer	A 103.	5*l.*	Yes.	Discr.	3 m.	2 m.	Yes.

OFFENSIVE TRADES.							
Establishing without consent	A 112.	50*l.* and 2*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Nuisance from	A 114.	(1st offence) 5*l.* and not less than 2*l.* [as to subsequent offences see Act.]	Yes.	Discr.	3 m.	2 m.	Yes.
OBSTRUCTIONS IN STREETS.	10 & 11 Vict. 89, 21, 22, &c., 73; A 252; 8 Vict. 20, 140—60: see Stone, 549.	2*l.*	...	Discr.	...	2 m.	Yes.
OBSTRUCTING officer of Local Authority	A 103.	5*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
OVERCROWDING.	A 91 (5).	10*s.* per day; wilful, 1*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
PETROLEUM.							
Unlawfully keeping	34 & 35 Vict. 105, 7.	20*l.* per day and forfeiture.	Yes.	Discr.	3 m.	2 m.	No.
Obstructing officer	,, § 12.	20*l.*	Yes.	Discr.	3 m.	2 m.	No.
PUBLIC PLEASURE GROUNDS.							
Damaging Shrubs to the value of 1*s.* . .	24 & 25 Vict. 97, 22.	3 m. with or without lab., or 5*l.* and value.	...	...	4 m. with or without lab.; if above 10*l.* 6 m. and ditto.	2 m. with or without lab.	Yes.
RATES.							
General District, non-payment of	A 256.	The amount of the rate.	Yes.	Yes.	No.	No.	Yes.
SCAVENGING (see By-Laws).							
Non-removal of manure	A 50.	1*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Wrongful removal of refuse, or obstruction	A 42.	5*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
STREETS.							
Injuring pavements in	A 149.	5*l.* and 5*s.* per square foot.	Yes.	Discr.	3 m.	2 m.	Yes.
Bringing forward houses	A 156.	2*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
SEWERS.							
Interfering with communications . . .	A 21.	20*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
Erecting buildings over	A 26.	5*l.* and 2*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.

Subject.	Statute.	Maximum Fine.	Distress.		Imprisonment in Default.		Appeal.
			Above 5*l.*	Not above 5*l.*	Above 5*l.*	Not above 5*l.*	
SLAUGHTER HOUSES.							
Unlicensed, &c.	A 169; 10 & 11 Vict. 34, 126.	5*l.* and 5*l.* per day after conviction.	Yes.	Discr.	3 m.	2 m.	Yes.
Old house unregistered	A 169; 10 & 11 Vict. 34, 127, etc.	5*l.* and 10*s.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Bad meat therein	A 169; 10 & 11 Vict. 34, 131.	10*l.* for every piece.	Yes.	Discr.	3 m.	2 m.	Yes.
Obstructing an officer	A 169; 10 & 11 Vict. 34, 131.	5*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
Neglecting to exhibit notice of license	A 170.	5*l.* and 10*s.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
SMOKE.							
Not consuming	A 91 (7). 10 & 11 Vict. 34, 108.	10*s.* per day; wilful, 1*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
STEAM WHISTLES.	35 & 36 Vict. 61, 2.	5*l.* and 2*l.* per day.	Yes.	Discr.	3 m.	2 m.	No.
WATER CLOSETS, &c.							
New houses unprovided with	A 35.	20*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
Factories unprovided with	A 38.	20*l.* and 2*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
VOTING PAPERS.							
Various offences	A Sched. II. (1) 69.	20*l.* or 3 m. without fine.	Yes.	Discr.	3 m.	2 m.	Yes.
WATER.							
Pollution of (generally)	A 57; 10 Vict. 17, 61.	5*l.* and 1*l.* per day.	Yes.	Discr.	3 m.	2 m.	Yes.
Damaging pipes	A 57; 10 Vict. 17, 60.	5*l.*	Yes.	Discr.	3 m.	2 m.	Yes.
Tampering with meters	A 60.	2*l.* and damage.	Yes.	Discr.	3 m.	2 m.	Yes.

Addenda, &c.

PART I.—DIGEST OF STATUTES.

Page 9.	Parag. 60.	Line 4.	*For* "6" *read* "2."
„ 28.	„ 201.	„ 9.	In the Margin, *for* "& 38 Vict.," *read* "37 & 38 Vict."
„ 60.	„ 448.	„ 5.	Add in the Margin "**A** 115."
„ 92.	„ 690.	„ 1.	In the Margin, *for* "**A** 917," *read* "**A** 91 (7)."

PART V.—STATUTES.

"Markets and Fairs Clauses Act, 1847." §§ 43—9 are *not* incorporated by the "Public Health Act, 1875."

"Towns Improvement Clauses Act, 1847."—The following sections incorporated by the "Public Health Act, 1875," were inadvertently omitted in reprinting the Act for Part V. of this work.

Slaughter-houses.

125. The Commissioners may license such slaughter-houses and knackers'-yards as they from time to time think proper for slaughtering cattle within the limits of the Special Act. Commissioners may license slaughter-houses, &c.

126. No place shall be used or occupied as a slaughter-house or knacker's-yard within the said limits which was not in such use and occupation at the time of the passing of the Special Act, and has so continued ever since, unless and until a license for the erection thereof, or for the use and occupation thereof as a slaughter-house or knacker's-yard, have been obtained from the Commissioners: No new slaughter-houses in future to be erected without a license.

And every person who, without having first obtained such license as aforesaid, uses as a slaughter-house or knacker's-yard any place within the said limits not used as such at the passing of the Special Act, and so continued to be used ever since, shall for each offence be liable to a penalty not exceeding 5*l.* and a like penalty for every day after the conviction for such offence upon which the said offence is continued.

127. Every place within the limits of the Special Act which shall be used as a slaughter-house or knacker's-yard shall, within 3 months after the passing of such Act, be registered by the owner or occupier thereof at the office of the Commissioners, and on application to the Commissioners for that purpose the Commissioners shall cause every such slaughter-house or knacker's-yard to be registered in a book to be kept by them for that purpose: Existing slaughter-houses, &c., to be registered.

And every person who after the expiration of the said 3 months, and after 1 week's notice of this provision from the Commissioners, uses or suffers to be used any such place as a slaughter-house or knacker's yard, without its being so registered, shall be liable to a penalty not exceeding 5*l.* for such offence, and a penalty not exceeding 10*s.* for every day after the first day during which such place shall be used as a slaughter-house or knacker's-yard without having been so registered.

128. The Commissioners shall from time to time, by by-laws to be made and confirmed *in the manner hereinafter provided*, make regulations for the licensing, registering and inspection of the said slaughter-houses and knackers'-yards and preventing cruelty therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every 24 hours, and requiring them to be provided with a sufficient supply of water, and they may impose pecuniary penalties on persons breaking such by-laws: Commissioners may make by-laws for regulation of slaughter-houses, &c.

Provided that no such penalty exceed for any one offence the sum of 5*l.*, and in the case of a continuing nuisance the sum of 10*s.* for every day during which such nuisance shall be continued after the conviction for the first offence.

129. The Justices before whom any person is convicted of killing or dressing any cattle contrary to the provisions of this or the Special Act, or of the non-observance of any of the by-laws or regulations made by virtue of this or the Special Act, in addition to the penalty imposed on such person under the authority of this or the Special Act, may suspend for any period not exceeding 2 months the license granted to such person under this or the Special Act, or in case such person be the owner or proprietor of any registered slaughter-house or knacker's-yard, may forbid for any period not exceeding 2 months the slaughtering of cattle therein: Justices may suspend license of slaughter-houses, &c., in addition to penalty imposed.

And such Justices, upon the conviction of any person for a second or other subsequent like offence, may, in addition to the penalty imposed under the authority of this or the Special Act, declare the license granted under this or the Special Act revoked, or if such person be the owner or proprietor of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein

And whenever the license of any such person is revoked as aforesaid, or whenever the slaughtering of cattle in any registered slaughter-house or knacker's-yard is absolutely forbidden as aforesaid, the Commissioners may refuse to grant any license whatever to the person whose license has been so revoked, or on account of whose default the slaughtering of cattle in any registered slaughter-house has been forbidden.

Penalty for slaughtering cattle during suspension of license, &c.

130. Every person who during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters cattle in the slaughter-house or knacker's-yard to which such license relates, or otherwise uses such slaughter-house or knacker's-yard, or allows the same to be used as a slaughter-house or knacker's-yard, and every person who during the period that the slaughtering of cattle in any such registered slaughter-house or knacker's-yard is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters any cattle in any such registered slaughter-house, shall be liable to a penalty not exceeding 5*l.* for such offence, and a further penalty of 5*l.* for every day on which any such offence is committed after the conviction for the first offence.

Officers may enter and inspect slaughter-houses, &c.

131. The Inspector of Nuisances, the Officer of Health, or other officer appointed by the Commissioners for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any building or place whatsoever within the said limits kept or used for the sale of butchers' meat, or for slaughtering cattle, and examine whether any cattle, or the carcase of any such cattle, is deposited there; and in case such officer shall find any cattle, or the carcase, or part of the carcase of any beast, which appears unfit for the food of man, he may seize and carry the same before a Justice, and such Justice shall forthwith order the same to be further inspected and examined by competent persons:

And in case upon such inspection and examination such cattle, carcase, or part of a carcase, be found to be unfit for the food of man, such Justice shall order the same to be immediately destroyed or otherwise disposed of in such way as to prevent the same being exposed for sale or used for the food of man:

And such Justice may adjudge the person to whom such cattle, carcase, or part of a carcase, belongs, or in whose custody the same is found, to pay a penalty not exceeding 10*l.* for every such animal, or carcase, or part of a carcase, so found:

And the owner or occupier of any building or place kept or used for the sale of butchers' meat, or for slaughtering cattle, and every other person who obstructs or hinders such inspector or other officer from entering into and inspecting the same, and examining, seizing, or carrying away any such animal, or carcase, or part of a carcase, so appearing to be unfit for the food of man, shall be liable to a penalty not exceeding 5*l.* for each offence.

PART I.

Digest of Statutes.

CHAPTER I.

THE CONSTITUTION OF URBAN SANITARY AUTHORITIES.

THE following public bodies in England are in one way or another concerned in attending to the Health of the Community:— A 6 and 9.

(*a*) Town Councils of Boroughs.
(*b*) Boards of Improvement Commissioners executing Local Acts of Parliament.
(*c*) Local Boards of Health formed under the "Public 1848 Health Act."
(*d*) Local Boards formed under the "Local Government Act, 1858."
(*e*) Boards of Guardians constituted "Rural Sanitary Authorities" by the "Public Health Act, 1872."

(2.) The 2 classes of Local Boards may be taken together, so that there are therefore but 3 sorts of Urban Authorities.

(3.) **A** does not extend either to Scotland, Ireland, or the Metropolis (except as is expressly provided). A 2.

(4.) In addition to the powers, rights, duties, capacities, liabilities, and other obligations exercised by, or attaching to, an Urban Authority under the "Public Health Act, 1875," every such Authority is invested with all the powers of the "Local Authority" under the "Bakehouse Regulation Act," the "Artizans and Labourers Dwellings Act,"(*a*) or under any Acts amending these. A 10.

(5.) Where the "Baths and Wash-houses Acts" or the "Labouring Classes Lodging Houses Acts," or any of them, are in force in an Urban district, the Urban Authority executes these Acts. A 10.

(6.) Where the "Baths and Wash-houses Acts" and the "Labouring Classes Lodging Houses Acts" are *not* in force, the option of putting them in force rests exclusively with the Urban Authority. A 10.

(*a*) But this Act does not apply to places the population of which is less than 10,000; (See § 2).

(7.) The nature of the provision made for the supersession of inferior Urban Authorities by superior ones may be conveniently exhibited thus :—

A 6 (1). A *Borough* the whole of which is included in and forms part of a "Local Government," or an "Improvement District"—

An *Improvement District* which is included in and forms part of a "Local Government District"—

A *Local Government District* which is included in and forms part of an "Improvement District"—

Is, for purposes, of A *absorbed in the larger District, and the Urban Authority of the larger District is the Urban Authority of the whole area.*

A 6 (2). Where an "Improvement District" is coincident in area with a "Local Government District," the "Improvement Commissioners," and not a Local Board, are the Urban Authority.

A 6 (3). Where part of an "Improvement District" is situated within a Borough or within a "Local Government District," or where part of a "Local Government District is situated within a Borough, the remaining part of the District continues under the same Sanitary jurisdiction as if A had not passed, unless LGB by Provisional Order otherwise directs.

A 6. The following Boroughs are specially dealt with :—Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport, I.W.

A 270 (2). When a Borough comprises or is co-extensive in area with an "Improvement District," LGB may by Provisional Order dissolve the District and transfer to the Council the powers, &c., remaining vested in the Improvement Commissioners.

A 10. (8.) Where any Local Act (other than an Act for the conservancy of a river) is in force in any Urban District and which confers powers the same or similar[a] to those of A (but not for the pecuniary benefit of the Commissioners, &c.), all such powers, rights, liabilities, &c., pass to the Urban Authority.

A 303 : and refer to A 6. (9.) LGB may on the application of any LA issue a Provisional Order wholly or partially to repeal, alter, or amend any Local Act not being a River Conservancy Act or an Act conferring pecuniary privileges. Any such Order may enlarge or diminish the area to which such Act applies, and settle the Authority which is to have jurisdiction.

A 12. ✠ (10.) All the property, &c., of any superseded Authority has become transferred to and vested in the LA under the Act (Urban or Rural as the case may be).

A 12. ✠ (11.) Debts, liabilities, and obligations which have been incurred by an Authority, whose powers and property have passed to a LA will be enforceable against the LA which is the transferee, to the same extent and in the same manner as they might have been enforced against the Authority which incurred them.

A 304. ✠ (12.) The transfer of property thus provided for may in some cases occasion difficulties in the way of adjustment of interests, and it is therefore enacted that, upon the application of an Authority from whom or to whom any powers, liabilities, obligations, and property are

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(*a*) Where two Public Statutes are, in regard to any point, contradictory, it will in general be safe to comply with the requirements of the later one, but it is expressly enacted, that where the General Act and a Local Act contain provision for effecting the same or a similar object in different modes, the LA may proceed under either the General Act or the Local Act. But a person is not to be punished for the same offence both under the General Act and under a Local Act. (A 340 (1).) An Authority is not exempt from the performance of any duty to which it may be subject under the General Act, merely because a Local Act is in force. (A 340 (2).)

transferred, or are alleged or claimed to be transferred, under A, or of any person affected by the transfer, LGB may, by Order, settle any doubt or difference and adjust any accounts arising out of or incidental to the transfer, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys. But where the Order directs "any Rate to be made, or other act or thing to be done which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law," the Order is to be provisional only, until it has been confirmed by Parliament. Any settlement or adjustment under this section may be included in any Provisional Order which gives rise to the same.

(13.) Under the "Public Health Act, 1872," every parish, &c., not under an Urban A, came under the control, for Sanitary purposes, of the Guardians of the Poor Law Union in which it was situated. And although that Act is repealed by A the status of the As is preserved. 35 & 36 Vict., 79, 8. A 326.

✠ (14.) The Ratepayers of a place not under an Urban A may initiate proceedings for the establishment of a Local Board.

✠ (15.) A place may have some or all of the powers of an Urban A applied to it on the application of the existing Rural A, or of Ratepayers representing *one-tenth* of the assessment of the particular place. Urban powers are obtained from LGB by the issue of an order to be published in the *London Gazette* or otherwise. The application of these powers when suggested by Ratepayers is not to invest the Rural A with any new powers beyond the limits of the contributory place in respect of which the application is made. A 276.

✠ (16.) LGB may also, by Provisional Order, declare any Rural District, or any portion of a Rural District or Districts, to be an Urban ("Local Government") District. The new A is set up by a Provisional Order of LGB made after an Inquiry by one of its Inspectors. [See Chap. IV. *post.*] This order must be confirmed by Parliament, and then, but not till then, will the Ratepayers be called upon to select representatives to sit on a Board of their own, which will be a "Local Board." A 271.

✠ (17.) The proceedings to be taken with a view to the establishment of a Local Board in a Rural place will now be briefly set forth. No place can become a "Local Government District," without the permission of LGB. [Refer to Paragraph 34, *post.*]

✠ (18.) The first thing to be done is to convene a Meeting of the Owners and Ratepayers of the place which it is suggested should come under the jurisdiction of a Local Board. A Sch. III.

✠ (19.) This meeting is to be summoned on the requisition [in writing] of any 20 persons being Ratepayers or Owners. It will in all cases be well to secure more than 20 signatures, say 30, in case it should afterwards turn out that some of the persons who signed the requisition were not qualified to do so. A Sch. III. 1.

A Sch. III. 2. ✠ (20.) The requisition is, in the case of places in any Rural District having known and defined boundaries, to be presented to the persons or person indicated by the Act as the proper Summoning Officers or Officer, that is to say, to the Churchwardens or one of them, or, if there are no Churchwardens, to the Overseers or one of them, or if there are no Churchwardens or Overseers, or if they neglect, or are unable, or refuse to act, then to some person appointed by LGB to act as Summoning Officer. In order that the Parish officials named may lawfully act as Summoning Officers, they must be officials exercising jurisdiction co-extensive with the area over which the proposed Local Board will exercise jurisdiction. It is not sufficient if they are merely appointed for an area which includes the proposed Local Board District, or is included within it.

A Sch. III. 4. ✠ (21.) On receiving the requisition the Summoning Officer is to fix a time and place for holding the meeting, and is to give notice thereof (i) by advertisement in one or more of the local Newspapers circulated in the place, and (ii) by causing a notice to be affixed to the principal doors of every Church and Chapel[a] in the place to which notices are usually affixed.

A Sch. III. 5. ✠ (22.) The Summoning Officer is to preside at the meeting, unless unable or unwilling, in which case those present are to choose one of their number to be Chairman. With the consent of the majority the meeting may be adjourned "*from time to time.*"

A Sch. III. 6. ✠ (23.) The Chairman must propose the necessary resolution for the adoption of the Act,[b] and the meeting is to decide for or against such resolution. Any Owner or Ratepayer may demand a Poll of the Owners and Ratepayers, which Poll must be taken by Voting-papers in the form prescribed, and subject to the rules prescribed, which are mainly those of Local Board Elections, so far as applicable. If no Poll is demanded, or if the demand is withdrawn by the persons making it, a declaration by the Chairman will, in the absence of proof to the contrary, be sufficient evidence of the decision of the meeting.

A Sch. III. 6. ✠ (24.) The Poll, if there is one, is to be conducted by the Summoning Officer who will have the powers and perform the duties of a Returning Officer.

A Sch. III. 7. ✠ (25.) A copy in writing under the hand of the Summoning Officer of every resolution so passed is to be forwarded by him to LGB.

A Sch. III. 7. ✠ (26.) The Summoning Officer is also to give notice of the Resolution by Newspaper advertisements and by Church, &c., door notices. [As to both of which see Paragraph 21, *ante*.]

A 273. ✠ (27.) A resolution for the adoption of the Act[b] may be appealed against either by impugning the validity of the vote, or on the merits.

(*a*) *I.e.* Of the Established Church (1 Vict., 45). Dissenting Meeting-houses are not "Chapels."

(*b*) Or, as the case may be, where the meeting is one of owners and occupiers convened to consider some other subject.

✠ (28.) With respect to the validity of the vote—any Owner or Ratepayer may within 6 weeks of the Declaration memorialise LGB, and that Board may direct an Inquiry, and issue such Order as it deems fit. A 274.

✠ (29.) With respect to an appeal on the merits—if any number being not less than 1-20th of the Owners and Ratepayers of the place, such 1-20th to be 1-20th in number of the Owners and Ratepayers of the place taken together, or the Owners, or Ratepayers in respect of 1-20th of the rateable property in the place, are desirous that the proposed Local Government District should not be constituted, or that any part of the place should be excluded, they may present to LGB a petition to that effect under regulations which are set forth. LGB may direct any Inquiry, and make an Order. A 273.

✠ (30.) In order to provide for the expenses, should the proposal made at the Meeting fail, the Summoning Officer may require the requisitionists to give a bond with 2 sufficient sureties for the repayment to him of the costs incurred. A Court of Summary Jurisdiction must settle disputes as to the amount of the security, &c. A Sch. III. 3.

✠ (31.) If **A** be adopted, the preliminary expenses are to be defrayed out of the General District Rate. A Sch. III. 8.

✠ (32.) After the expiration of 6 weeks from the receipt of a copy of the Resolution of Owners and Ratepayers in favour of the formation of a Local Government District, LGB may, by order, declare accordingly, and from and after "the commencement of such order"[a] the place will become a "Local Government District" under a "Local Board." A 272.

(33.) But Meetings of Owners and Ratepayers may be necessary under **A** for other purposes besides the adoption of **A**. In such cases the Summoning Officer will be (i) in Boroughs, the Mayor; (ii) in Improvement Act Districts, the Chairman of the Commissioners; (iii) in Local Government Districts, the Chairman of the Board. The costs are to come out of the General Purposes Fund or Rate of the Urban **A**. A Sch. III. 2. A Sch. III. 8.

✠ (34.) The adoption of the Act by a place does not become conclusively effectual until the consent of LGB is obtained. [It would be prudent, therefore, if there should be grounds for anticipating that for any reason, (*e.g.* small population,) LGB might eventually withhold its consent, that a few of the leading Ratepayers should communicate with that Board previously to any steps whatever being taken in respect of the adoption, with the object of learning beforehand the probable views of the Board when its consent is formally applied for.]

✠ (35.) No objections can be taken at any trial, &c., as to the validity of the adoption unless 14 days' previous notice is given to the other side, specifying fully the nature of the objection which is to be made. After 6 calendar months from the date of the constitution of the District no objections will be admissable. A 274.

(*a*) This lucid phrase means the date mentioned in such order as from that which it is to take effect.

A 272. ✠ (36.) The privilege of adopting **A** attaches only (with an exception to be dealt with presently) to places which, being within the jurisdiction of a Rural A have a "known and defined boundary." This expression includes any Parish or Township having Overseers of its own; an Ecclesiastical District under the "Church Building Acts," although carved out of more than one parish[a]; and any place for which LGB has settled boundaries for the purposes of **A**.

A 272: Sch. III. 1. ✠ (37.) It often happens that a populous locality needing Urban powers may be without a suitable boundary. In such a case LGB may by Order settle a boundary, and nominate a Summoning Officer.

A 272. ✠ (38.) LGB is for this purpose set in motion by a Petition suggesting boundaries, which Petition must be signed by "*one-tenth* of the persons rated to the relief of the Poor and resident within such boundaries." This Petition should, of course, set forth at length the circumstances which are thought to render it expedient that the Act should be adopted within the proposed district. After receiving such a Petition LGB usually directs one of its Inspectors to hold a Local Inquiry. On the receipt of its Inspector's report, LGB give such decision as it deems fit, dealing also with the costs. LGB may curtail the proposed boundaries, but to enlarge them it appears that a Provisional Order (under **A** 270 (1)) is requisite.

A 278. ✠ (39.) LGB may, upon the application of any Local Board or Improvement Commissioners interested, settle by Order disputes as to the Boundaries of adjoining Districts. A Local Inquiry is to be held, and the Order, when made, shall, from its commencement, be conclusive. It is to be published in some Local Newspaper.

A 270 (1). ✠ (40.) Provision is made for a Local Government District being dissolved.

A 310. (41.) If an Improvement Act District or a Local Government District should become constituted or included in a Corporate Borough after the passing of **A**, the Board of Commissioners or the Local Board ceases to exist, and its powers, &c., pass to the Town Council.

A 8: Sch. II. (42.) Local Boards are elective, according to Rules set out in **A**.

A Sch. II. (1) 32-5. (43.) The first election is presided over by the Summoning Officer or by a person named by LGB in its Order establishing the Local Board. Subsequent Elections will be conducted by the Chairman, but if the office is vacant, or if the Chairman should be a Candidate,[b] or be unable, owing to illness "or other sufficient cause," or be absent, or refuse, to conduct the election, some other person is to be appointed, (in the case of a first election, by LGB, and in any other case by the Local Board) to act as Returning Officer. Provision is made for the appointment, if needs be, of a substitute.

(*a*) *Reg.* v. *Northowram and Clayton Ratepayers.* The meaning of the expression "known or defined boundary" was exhaustively considered in *Reg.* v. *Grasmere L. B.*

(*b*) Refer to *Reg.* v. *Ward*, and see *Reg.* v. *Cousins:* also *Reg.* v. *White* and *Reg.* v. *Owens.*

(44.) If the Chairman be absent during an election and no person has been appointed Returning Officer, the proceedings will be void[a].

(45.) The Local Board (or at the first election, the Returning Officer) is to appoint persons to assist the Returning Officer. A Sch. II. (1) 34.

(46.) The Voting is by Voting-papers, framed upon information, supplied mainly by the Poor-Rate Books, and therefore the Returning Officer is entitled to inspect certain Parochial Books and Papers which are in the hands of the local Poor Law Officers. The Returning Officer may cause an alphabetical list of the Voters to be made. A Sch. II. (1) 38. A Sch. II. (1) 37.

(47.) The Voters are all[b] persons who have been rated to the Poor-Rate for "one whole year," preceding the day of tendering the vote, provided they have paid all arrears of rates (as well as Rates under **A** as Poor Rates), except Rates made or due within 6 months immediately preceding. Payment of a portion of a Rate, even by arrangement with an **A** pending an appeal, would appear not to be sufficient[c]. Owners also, provided they are on the Register, are likewise entitled to vote. A Sch. II. (1) 11.

(48.) With regard to owners it may here be observed that there is no provision such as is contained in the "Reform Act" (2 & 3 Will. IV., **45**, 26,) that persons succeeding to a qualification by descent, succession, marriage, devise or promotion to any benefice, may vote, although they have not been in possession of their qualifications for the qualifying time. Such persons therefore cannot vote.

(49.) The Votes depend on the rating of the Voter, according to the following scale[d]:— A Sch. II. (1) 12.

Under 50*l.*	One vote.
50*l.* and under 100*l.*	Two ,,
100*l.* and under 150*l.*	Three ,,
150*l.* and under 200*l.*	Four ,,
200*l.* and under 250*l.*	Five ,,
Over 250*l.*	Six ,,

(50.) Owners, whether Ratepayers or not are entitled to special votes in respect of their ownership according to the rateable value of the property occupied (or owned without personal occupation, as the case may be). These special votes are separately computed up to a maximum of 6. A Sch. II. (1) 13.

(51.) Owners may Vote either personally or by proxy. This is a new enactment. Hitherto only Corporations could avail themselves of proxy voting. A Sch. II. (1) 14.

(52.) A person is appointed proxy by writing under the hand of the appointor, or under the common seal, or under the hands of 3 directors, &c., according as the owner is an individual, a Corporation, or an unincorporate body of persons respectively. Every instrument appointing a proxy must be attested. A Sch. II. (1) 15.

(*a*) *Reg.* v. *Backhouse.*
(*b*) But aliens cannot vote (32 & 33 Vict., 14, 2.)
(*c*) 37 J. P., 460.
(*d*) This of course only applies to elections in Local Board Districts. A different Franchise is in force in Municipal Boroughs, &c.

A Sch. II. (1) 16. (53.) No member of a Corporation, or of any unincorporate body of persons (other than a partnership of not more than 6 persons) may Vote individually in respect of the Corporate, &c., properties.

A Sch. II. (1) 17. (54.) Partners in a Firm consisting of not more than 6 persons may Vote as owners of the Partnership property as if it were equally divided among them.

A Sch. II. (1) 43. (55.) The Ratepayers have Voting-papers left for them at their residences, &c., marked with a statement of the number of Votes allotted to them by the Returning Officer, but the Votes of Owners and proxies are only allotted in virtue of their either being on the Register of Owners, &c., or of a claim having been made between March 1 and 6; or, in the case of a first election, at least 14 days before the last day appointed for the delivery of the Voting Papers. This claim (which must furnish certain specified items of information) remains in force so long as it remains correct or not withdrawn. It is desirable that it should be signed by the Owner or by his authorised agent, though this is not prescribed by the Act. On proof of a wrong number of Votes having been allotted, the Returning Officer may at the scrutiny amend the figures, *but if Voters do this they may come within the enactment as to tampering with Voting Papers.*

A Sch. II. (1) 18, 20 and 31.

A Sch. II. (1) 19. (56.) Every Local Board is to keep a Register of Owners and proxies. This Register is to be open to the inspection of candidates and persons interested, subject to regulations prescribed by the Board. Any register made before the passing of **A** is deemed a Register under **A**.

A Sch. II. (1) 30.

A Sch. II. (1) 30—31. (57.) Various provisions are made as to the formation of the Register of Owners and Proxies, and for the revision of the same annually in the month of March. A few of the chief points are as follows:—Objections may be made to the retention of names on a Register; claims and objections must be sent to the Chairman of the Local Board on some one of the first 6 days of March or they will not be admissible; and there is special provision as to the Voting of Owners and Proxies at a first election.

A 33 & 34 Vict. 97. (Sch. Title, "Letter of Attorney.") (58.) A proxy paper now needs a stamp, and remains in force so long as it continues correct, &c.

A Sch. II. (1) 10: and see A 4. ✠ (59.) The word "Owner" when used in relation to voting means a person for the time being in the actual occupation of any kind of property rateable to the Poor-Rate, and not let to him at a Rack-Rent, or a person receiving the Rack-Rent either on his own account or as mortgagee or other incumbrancer in possession. And the "Rack-Rent" is a rent equal to at least *two-thirds* of the full nett annual value of the property free of certain (specified) charges. It would seem therefore that the following persons are entitled to vote under the generic name of "Owner":—Freeholders, Tenants for life, Copyholders, Long Leaseholders paying ground rents, Mortgagees or other Incumbrancers in possession. When used otherwise than *in relation to Voting*, the

word "Owner" comprises also an Agent[a] and a Trustee receiving Rack-Rents (including the Trustees of a School-house and School dwellings not receiving any rent,[b]) or the person who would receive the Rack-Rents if such were payable in respect of the premises. And a Receiver appointed by the Court of Chancery must probably be deemed an "Owner,"[c] for purposes other than Voting.

(60.) As regards the process of Voting—a Voting-paper is to be sent by the Returning Officer, at least 3 days before the day of collection, to every Ratepayer and Owner entitled to one, so that the papers are to be at the disposal of the Voter for at least 6 clear days and be collected on the day next after. Thus, papers sent out on a Monday must not be collected before the Thursday. Sunday is not to be reckoned as one of such two clear days. [See Paragraph 79, *post.*] A Sch. II. (1) 44.

(61.) Voting-papers should not be sent to Executors unless it is known that they are entitled to vote. [See Paragraph 67, *post.*]

(62.) Every Voter must initial his Voting-paper in the margin against the name of each candidate voted for, and must append his Signature. For the Signature, the Voter's usual Signature suffices—Surname with Initials only, or Christian name in full, as he pleases.[d] A Sch. II. (1) 45.
A Proxy must write his own initials and name, and state the name of the person or body of persons for whom he is proxy. A Sch. II. (1) 46.

(63.) If a Voting-paper is sent out with an error in the name of the Voter for whom it is intended, and he signs it according to his true name, the variance should not be deemed to invalidate the Vote. It is true that the **A** does not contain any provision to this effect, but there is such a provision applicable to Parliamentary and Municipal Elections, and that precedent may well be followed by an intelligent Returning Officer. 6 Vict., 18, 81.

(64.) A Firm whose members have not qualified as owners should (it seems) use the Signature of the Firm as given on the Voting-paper, but this point is by no means clear.

(65.) Voters who cannot write may affix "marks" to their Voting papers, and this operation must be duly witnessed. A Sch. II. (1) 47.

(66.) A Voter must attend carefully to the instructions printed on the Voting-paper; he must also comply with certain requirements which frequently are not specified. Amongst these may be noted one, the non-observance of which seldom fails to invalidate many Voting-papers: Voting papers when filled up must neither be sent nor given to anybody save the Authorised Collector. The only exception to this rule is, when the Collector *neglects to call*, in which case, on the day or first day appointed for the examination and casting up of Votes, the Voter may *in person* attend before 12 o'clock at noon, before the Returning Officer, and hand in the uncollected Voting-paper. This A Sch. II. (1) 49 (b).

(*a*) Refer to *Peck* v. *Waterloo and Seaforth L. B. H.*
(*b*) *Bowditch* v. *Wakefield L. B. H.*
(*c*) *Eddleston* v. *Francis.*
(*d*) See *Reg.* v. *Tart.*

provision does not meet the case of a Voting-paper uncollected owing to the default *of the Voter*. In such case the Voting-paper becomes void.

A Sch. II. (1) 49. (a). (67.) A Person entitled to receive a Voting-paper who has not received one, must, if he wishes to vote, go to the Returning Officer before *the day of collection*,[a] and in his presence fill up a Voting-paper which such officer is required to supply, and take charge of.

A Sch. II. (1) 48. (68.) The Returning Officer is to cause the Voting-papers to be collected on the day of collection, which is not to be later than April 7.

A Sch. II. (1) 50. (69.) A Voting-paper handed to a Collector unsigned or improperly filled up is bad, and is not to be counted.[b]

(70.) It has never been determined judicially what is the extent of the discretion vested in the Returning Officer to reject Voting-papers which there are probable grounds for supposing have not been signed or "marked" by the persons by whom they purport to have been signed or "marked." Probably however it is the duty of the Returning Officer to reject such papers, and if he acts in good faith, and to the best of his judgment, no attempt to impeach his conduct will be successful.[c]

A Sch. II. (1) 69. (71.) To fabricate or in any way to tamper with a Voting-paper, or to personate a Voter, is punishable by a fine of 20*l.* or less, or 3 months' imprisonment; but voting in the name of a deceased voter is not punishable.[d]

A Sch. II. (1) 51. (72.) On the day following the day of collection, and on as many days immediately succeeding as may be necessary, the Returning Officer is to attend at the place appointed and add up the votes, ascertaining the validity of each, when questionable, by reference to the Rate-books, and to such documents and persons as he sees fit. This work accomplished, he is to cast up the valid votes, and then the Candidates who, being duly qualified, shall have obtained the greatest number of votes are to be deemed duly elected. A Candidate or Agent may attend the examination, but must not obstruct business.

A Sch. II. (1) 52. (73.) The Returning Officer is to notify the result to each successful Candidate, and is to cause copies of a printed Official Record of the result to be exhibited at the places where Parochial Notices are
A Sch. II. (1) 53. usually exhibited. [See Paragraph 21, *ante*.] The Nomination and Voting-papers and a Certificate of the result are to be laid before the
A Sch. II. (1) 54. Local Board at its next meeting. These, and all other documents relating to the election, are to be preserved and left open to Public Inspection[e] for 6 months without charge.

(74.) The Returning Officer's Certificate is conclusive, and cannot be set aside on the ground of the invalidity of certain votes.[f]

(*a*) To go *on the day of collection* will be to go *too late*.

(*b*) See *Reg.* v. *Avery*.

(*c*) See *Reg.* v. *Lofthouse*; *Reg.* v. *Backhouse*; and *Tozer* v. *Child*.

(*d*) *Whiteley* v. *Chappell*. This case was decided on 14 & 15 Vict., 105, 3 (Poor Relief Act), but the same words—"persons entitled to vote"—are used in both Acts.

(*e*) It does not appear that non-ratepayers are not entitled to inspect the papers.

(*f*) *Reg.* v. *Cross*. *Reg.* v. *Diplock*.

(75.) The Returning Officer has similar powers in deciding whether a Candidate is qualified, to those which he has with respect to the validity of a vote. He is therefore (it seems) bound not to return an unqualified person, even though that person has a majority of votes.[a] But he is not entitled to a casting vote in case of a tie.

(76.) A Returning Officer and his Assistants can be punished for wilful misconduct: Penalty not exceeding 50*l.* in the case of a Returning Officer: not exceeding 5*l.* in the case of an Assistant. The misconduct of a Returning Officer must be as to some certain point, not a mere mistake about a doubtful point.[b] A Sch. II. (1) 68.

(77.) An Agent of a Candidate may accompany a person who delivers or collects Voting-papers, but *one* clear day's notice in writing must be given to the Returning Officer of the intention to send an Agent. Such Agent is prohibited from interfering. If he does so he will incur penalties. A Sch. II. (1) 50. A Sch. II. (1) 69.

(78.) The Nomination of Candidates must now be considered. Before every election the Returning Officer is to publish a notice intimating that an election is coming on, and stating the number and qualification of the persons to be elected, the dates of nomination and election, &c., and the mode of voting in case of a contest. This notice is to appear after the close of the revision of the Register, and not less than 14 days before the last day for the delivery of the nomination papers, and Copies are to be exhibited at the places where Parochial Notices are ordinarily exhibited. [See Paragraph 21, *ante.*] A Sch. II. (1) 36.

(79.) Whenever the day appointed for the performance of any act relating to an election is a Sunday, Christmas Day or Good Friday, a Bank Holiday, or a Public Fast or Thanksgiving Day, such act is to be performed on the day next following, unless that day also be one of the days excluded as aforesaid in which case, on the day next following such excluded day. A Sch. II. (1) 66.

(80.) The last day for receiving Nominations for every Local Board Election is fixed by the Returning Officer. See A Sch. II. (1) 36.

(81.) Special provision is made for Elections due to be held between the passing of **A**, and April, 1876. A Sch. II. (1) 73.

(82.) Any person entitled to vote may nominate any person qualified to be elected, but he must take care not to nominate a greater number of Candidates than there are vacant seats. A Sch. II. (1) 39.

(83.) A Nomination must be in writing; it must be signed by the Nominator, and must state the Names, Residences and Callings (or Qualities) of the Nominees; and must be delivered to the Returning Officer. A Sch. II. (1) 40.

(84.) If there are not more Candidates than there are vacant seats when the last day for receiving Nominations has gone by, the A Sch. II. (1) 42.

(*a*) *Reg.* v. *St. Pancras Inspectors of Votes.* (*b*) See *King* v. *Burrell*: and *Summerhill* v. *Coley.*

Returning Officer has only to prepare his Certificate that the persons nominated are (if duly qualified) duly elected. But if there are more
A Sch. IV. Form N. Candidates, as aforesaid, then Voting-papers, in the form prescribed, must be prepared and issued.

A Sch. II. (1) 47. (85.) The names of the Candidates are to appear on the Voting-papers in the alphabetical order of the Surnames. Although a Candidate is nominated by different persons and on different papers it is not necessary to print his name more than once on the Voting-papers, nor the names of more than one of his Nominators.

A Sch. II. (1) 41. (86.) A person nominated may withdraw from his Candidature by notice in writing to the Returning Officer. Such withdrawals are common, and it occasionally happens (either by accident or arrangement) that they are sufficiently numerous to leave no greater number of Candidates than there are vacant seats: in this case also there can of course be no contest. A refusal to serve may be tendered to the Returning Officer not only after the Voting-papers have gone out but even after they have been collected: at any time in fact, up to the execution of the Returning Officer's Certificate of the result. If tendered after that act, it is so far ineffectual, that the Candidate next highest on the poll does not take the seat. A vacancy thus arising is a "casual vacancy."

A Sch. II. (1) 65. (87.) Similarly, if after an annual election there are seats still vacant because there were fewer Candidates than seats to be filled, the vacancies are to be treated as "casual" and dealt with acccordingly.

A Sch. II. (1) 65. (88.) A casual vacancy howsoever occurring[a] may be filled up by the Board itself choosing any qualified person. But this choice must
and compare Sch. II. 71 (c). be made within 6 weeks of the vacancy occurring, or not at all[b], unless LGB enlarges the time. A member thus chosen holds his seat only for the unexpired time for which his predecessor would have held it had he continued in office.

A Sch. II. (1) 65. (89.) In event of a casual vacancy, or an ordinary vacancy which ought to have been filled up in a previous year, being filled up at an annual election, the successful Candidate chosen by the fewest votes is to be deemed elected to fill such special vacancy. If there is no poll the matter is to be settled by lot.

A Sch. I. (1) 9. (90.) The existence of vacancies, or a defect in an election of members, does not invalidate the proceedings of a Local Board.

(91.) The expenses of a Local Board election are defrayed out of the General District Rate, and are in the discretion of the Board[c]. The Board may sanction payments to the Returning Officer and to

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(*a*) As this power now extends to the filling up of vacancies not filled up at an annual election, it may be presumed that a case of a tie at such an election may now be dealt with.

(*b*) Glen used to infer that the "one month" limit under the old Act did not really imply a limitation (*Public Health*, p. 56, 5th Ed.); but it is to be noted that he gave an opposite interpretation to a form of words nearly similar which has reference to Elections of Guardians (*Poor Law Orders*, p. 23, 7th Ed.). The form of words used in A removes a doubt which ought never to have existed.

(*c*) *Metcalfe, Ex-parte.*

other persons for his or their services, but in the case of a Returning Officer such a payment is not as often made as it should be.

(92.) In the case of newly-created Boards, the first meeting is to be held within 10 days of the election. The Returning Officer names the place and time, and summons the members.

(93.) No express power of resignation is given to members of Local Boards, but if a member wishes to resign, a letter to that effect addressed to the Chairman suffices. In the case of a member ceasing to be qualified the Board may proceed to a new election directly it possesses sufficient proof of the facts. No formal resignation need in such case be awaited, for in point of fact having ceased to be a member the ex-member has no office to resign.

(94.) The number of members to compose a Local Board will henceforth be determined by the Order forming the Board, but doubtless suggestions emanating from the meeting which adopts the Act, or from Ratepayers, will receive due consideration from LGB.

(95.) LGB may, after Local Inquiry, increase or diminish by Order the number of members of a Local Board, and may prescribe the time and manner of such increase or diminution and may vary temporarily the provisions as to the continuance in office and retirement of members. A Sch. II. (1) 2.

(96.) Subject as hereinafter mentioned, *one-third* of the whole number of members of a Local Board (or the number nearest to *one-third*) go out of office every year on April 15; they are eligible for re-election. A Sch. II. (1) 59-60. A Sch. II. (1) 63.

(97.) If a District is divided into Wards, *one-third* of the members elected for each ward retire annually. Where the number to be elected for any ward is less than 3 the rota of retirement is to be such as the Local Board with the sanction of LGB may determine. A Sch. II. (1) 59. A Sch. II. (1) 61.

(98.) Every Local Board election is to be completed not later than April 15 on which day the new members come into office. But in the case of a first election in a newly formed district the Order of LGB will govern the necessary election dates. Members elected under such circumstances are to be deemed to come into office on the 15th of April next following the "commencement of the Order." A Sch. II. (1) 55.

(99.) Before April 15 a number of persons equal to the number of members going out are to be elected, and so many others as may be necessary to complete the full number of the Board. A Sch. II. (1) 62.

(100.) The law makes no provision as to the way in which retirements by rotation are to be regulated, and each Local Board arranges its rota as is pleases. But however it may decide, no member is to remain continuously in office for more than 3 years, unless he is re-elected. A Sch. II. (1) 60. A Sch. II. (1) 61.

(101.) When a Board meets for the first time it should forthwith frame a scheme for the retirement of its members in 3 batches. There can scarcely be a simpler or a fairer plan than to write the names of the members on so many slips of paper, and let some one draw them

one by one. Then let the first batch of one-third go out the first year, and so on.

(102.) Another plan is to take the one-third who stand nearest the bottom of the poll as the first batch to retire; then, the one-third next above these as the second batch, and so on. This plan has the advantage that it keeps on the Board for the longest period possible that section of the Board who, by their original high position on the poll, may be deemed it to be most in favour with the electoral body, but of course it falls through if the first election passes off without a poll.

A 312. (103.) The retirement and mode of election of certain Improvement Commissioners previously regulated by the old "Local Government Acts" are now to be regulated by **A**. But this does not affect qualifications fixed by a Local Act, or interfere with *ex-officio* members in cases were there are such.

A Sch. II. (2) 1-2. (104.) Provision is made for a failure to elect a Local Board and for the lapse of one. Mortgagees may obtain the appointment of a receiver; a new Board may be elected; or the District may be dissolved, and made "Rural."

A Sch. II. (1) 6-9: and 271. (105.) Provision is made for a Local Government District being divided into Wards. The proposal may emanate from the Owners and Ratepayers, but LGB will have to give effect to it (after a Local Inquiry). Where Wards are instituted, certain special provisions as to Voting apply. Ward arrangements may be altered from time to time. A District divided into Wards under a Provisional Order can only be interfered with by another Provisional Order duly confirmed.

A Sch. II. (1) 56-8. (106.) No person elected can act (except in witnessing Declarations) until he has signed a Declaration regarding his qualification. This Declaration must be witnessed by two other members, and be filed by the Clerk. Corruptly making a false declaration is a misdemeanor. Any person who neglects for 3 months to sign the Declaration, is to be deemed to have refused to act and his seat becomes vacant.

A Sch. II. (1) 3. (107.) A member must reside within the District, or within 7 miles thereof,[a] and be possessed of real or personal estate, or both, or be rated to the Poor-rate as follows:—

Population of District.	Estate Qualification.	Rating Qualification.
Under 20,000	500*l.*	15*l.*
Over 20,000	1000*l.*	30*l.*

A Sch. II. (1) 4. Where persons are jointly possessed, or rated, their qualifications, if divided equally, must amount for each to the prescribed minimum. The same property is not to qualify both owner and occupier.[b]

(*a*) Measured "as the crow flies," *Reg.* v. *Saffron Walden Inhabitants; Stokes* v. *Grissell.*

(*b*) For Local Boards of Health constituted under the "Public Health Act, 1848," the qualification was somewhat different, nor were the disqualifications expressed in quite the same terms. (See §§ 16, 18 and 19). But no new Boards are now formed under that Act, which has been repealed. In respect of old Boards formed under that Act, **A** contains some special provisions. (See **A** Sch. II. (1) 71-2).

(108.) No bankrupt, &c., or person whose affairs are under liquidation, or who has entered into any composition with creditors, is capable of being elected, so long as proceedings are pending against him. A Sch. II. (1) 5.

(109.) A member's seat becomes vacant if he loses his qualification; or becomes a bankrupt; or submits his affairs to liquidation by arrangement; or compounds with his creditors; or accepts an office of profit under the Board; or becomes concerned in any bargain or contract entered into by the Board, or a participator in the profit either thereof, or of any work done under **A** in the District; or is absent from the meetings of the Local Board District for more than 6 months consecutively (unless in the case of illness). A Sch. II. (1) 64.

(110.) But a member does not lose his seat because he is interested in any sale, or lease of lands, or loan of money to the Local Board, or because a Joint-stock Company in which he is a Shareholder has a contract with the Board, but such Shareholder is not to vote upon any question in which his Company is interested. LGB may however dispense with this last restriction so far as it concerns Shareholders in Water Companies and Companies carrying on "other Works of a like public nature." It is not clear what works are here included. A Sch. II. (1) 64.

(111.) Any person not qualified; or being disabled; or who has not signed the required declaration, who shall act as a member is liable to a penalty of 50*l.*, recoverable by any person by action of debt. A Sch. II. (1) 70.

✠ (112.) LGB possesses extensive powers with respect to the alteration of areas, and the union of Districts. A 270.

✠ (113.) As regards the alteration of areas—LGB may by Provisional Order dissolve any Local Government District, and may merge it in other Districts, Urban or Rural; or it may by Provisional Order add any portion of a Local Government District or of a Rural District immediately adjoining a Local Government District to such District; or add any portion of a Local Government District immediately adjoining a Rural District to such District. The remaining part of such Local Government or Rural District will continue under the same Sanitary jurisdiction as it was before the severance, unless LGB, by Provisional Order, otherwise directs. A 270 (1).

✠ (114.) The dissolution of a District, and the inclusion of the whole or any part thereof in any other District, are matters which may all be embraced in one Provisional Order. A 275.

✠ (115.) Every Order made by LGB under Part VIII. of **A** (Alteration of Areas, &c.,) shall specify a day on which it is to come into operation. Such day will be the "Commencement of the Order;" from and after that day the powers, &c., of any superseded A pass to the superseding A; but in the case of the Constitution of a new Local Government District the powers, &c., continue with the old A till the first meeting of the newly formed Local Board. A 275.

✠ (116.) Any such order may provide for the settlement of differences or the adjustment of accounts as between Districts, Parishes, or other places, rendered requisite in consequence of the exercise of any of the A 275.

powers in Part VIII. of **A**. Where any Local Government District is altered in extent the Order shall prescribe the number of members to be elected for the District when altered.

A 270 (3). ✠ (117.) LGB may by Order dissolve any Special Drainage District constituted either before or after the passing of **A** in which a loan for the execution of Works has not been raised, and merge it "in the Parish or Parishes in which it is situated." But in a case where a loan has been raised for works, LGB can only dissolve the District by a Provisional Order.

✠ (118.) The Guardians as the Rural A may initiate the proceedings for thus bringing about the dissolution of a District.

A 279. ✠ (119.) If it should appear to LGB on the application of any LAs, or of one of them, and after Inquiry, that it would be for the advantage of such Districts, or any of them, or any parts thereof, or of any contributory places, to be formed into a United District for all or any of the following purposes :—

(i.) The procuring a common supply of water.

(ii.) The making a main Sewer or carrying into effect a system of sewerage for the use of all such Districts or places.

(iii.) For any other purpose of **A**.

LGB may, by Provisional Order, form such Districts or contributory places into a United District. Should the union be carried out, the expenses incidental thereto are to be a first charge on the Rates of the United District, leviable under **A**.

A 280. ✠ (120.) The governing body of a United District is a Joint-Board consisting of such *ex-officio* members and of such number of elective members as LGB, by the Provisional Order forming the District, determines.

A 280. ✠ (121.) A Joint-Board is a body corporate by the name determined by the Provisional Order, having a perpetual succession and a common seal, with power to acquire and hold lands without any license in mortmain. Its business arrangements will be much the same as those of an ordinary Board.

A 282 : and Sch. I. (2).

A 281. ✠ (122.) The Provisional Order forming a United District will prescribe the powers, liabilities, and election and other arrangements, &c., of the Joint-Board, and may deal with the adjustment of liabilities, &c.

A 281. ✠ (123.) For all purposes save those special objects for the execution of which the Joint-Board has been deemed necessary, the component Districts will continue to exercise independent powers. But nevertheless the Joint-Board may delegate any of its functions to the LA of a component District.

A 283. ✠ (124.) The expenses of a Joint-Board are to be defrayed (unless the Provisional Order establishing the Joint-Board prescribes some other arrangement) out of a Common Fund contributed by the component Districts in proportion to their rateable value, according to the Valuation List in force for the time being. [See Chap. V., *post.*]

✠ (125.) The contributions to be supplied by the component Districts are to be levied in each by their respective As on the requisition of the Joint-Board communicated by precept. A sum mentioned in a precept is a debt, and is recoverable accordingly. A 284.

(126.) Provision is made for Districts making default in the payment of their contributions. A 284.

(127.) A district under § 10 of the "Public Health Act, 1848," formed for main sewerage, or a Joint Sewerage Board District under § 10 of the "Sewage Utilisation Act, 1867," may be dissolved by LGB, by Provisional Order, or may be constituted a United District under A. Until an Order is made existing arrangements continue. But enactments of the "Sanitary Acts" in force in any such District at the passing of A are to be deemed replaced by the corresponding provisions of A. Any Order under A 323 may settle differences, adjust accounts, or apportion liabilities. A 323.

CHAPTER II.

THE MEETINGS AND BUSINESS ARRANGEMENTS OF URBAN SANITARY AUTHORITIES.[a]

SOME suggestions on the choice of candidates for a UA, on the duties of members, and on the business arrangements which should be made with a view to its work being performed in the best manner, will now be offered.[b]

✠ (129.) Candidates are generally forthcoming in sufficient numbers, but men of the right stamp are frequently not to be had. It is always desirable to have at least a Lawyer (whether a Barrister or Solicitor), an Engineer, an Architect, a Medical Practitioner, and a professional Financier (whether Banker or Accountant). The technical knowledge which such men commonly possess will often keep a Board out of difficulties. One or two Builders are also useful, but when the building element is too strongly represented, a disposition to jobbery often springs up. Clergymen too are able to do good service by reason of their extensive acquaintance with people and places.

✠ (130.) It is very important to have a good Chairman: on the tact, experience, and popularity of the Chairman much will depend. A UA may often have the law on its side and yet may not command willing obedience, and constant litigation to enforce the law is as impossible as it is undesirable. No effort therefore should be wanting on the part of a Board, collectively and individually, to earn the confidence of the public, always taking care, however, not to condone, for the sake of popularity, a disinclination to obey the law.[c]

A 199: and Sch. I. ✠ (131.) Business will be much facilitated if the meetings are conducted in accordance with some recognised Regulations as to Business; indeed A prescribes a few such Regulations for Local Boards, and a complete code will be found in Part IV. [*post*].

(*a*) Some parts of this Chapter do not apply where a Town Council is the Urban A. In such a case the proceedings are to be regulated according to the law with respect to Municipal Corporations. (See A 198.)

(*b*) Some of the observations which follow are based on the writer's personal experience as Chairman of a Local Board.

(*c*) This caution will often be found much needed in reference to Building By-Laws.

(132.) Every Local Board is to appoint a Chairman at the first meeting after it is established, and thenceforward annually, at the first meeting after the annual election, which will be the "annual" meeting named in the Act. If the office of Chairman becomes vacant during the year it may be filled up again. No Vice-Chairman is contemplated. If the Chairman is absent when a meeting should commence, the members present are to appoint one of their number to act as Chairman for the occasion. A Sch. I. (1) 12 and 3-4. A Sch. I. (1) 5.

(133.) Every Urban Authority (not being the Council of a Borough) must hold an annual meeting; and at least once in each month an ordinary meeting. A 199. See 13 & 14 Vict., 21, 4.

(134.) The annual meeting of every Local Board is to be held as soon as convenient after April 15 every year. A Sch. I. (1) 11.

(135.) *One-third* of the full number of members, or the number nearest thereto, is the quorum, but this is subject to the qualification that in no case shall a larger quorum than 7 be required. A Sch. I. (1) 2.

(136.) The names of all members present are to be recorded [in the Minute Book], and when any vote [*i.e.* "division"] is taken the names of the members voting on each question are to be recorded. Those present who do not vote are to be ignored. Voting by Ballot is clearly not admissible. A Sch. I. (1) 6.

(137.) Every question is to be decided by a majority of votes, [unless more than a simple majority is required in a particular case]. A Sch. I. (1) 7.

(138.) The Chairman is entitled to vote on all questions, and when the numbers are equal he is entitled to a second or casting vote. But he is under no legal obligation to give it. A Sch. I. (1) 8.

(139.) Every Urban Authority is to provide itself with Offices, and a Common Seal. A 197: and 7.

(140.) A Local Board may with the sanction of LGB change its name. Every such change is to be published as LGB directs. No such change is to affect the legal status of the Board. A 311.

(141.) Every Urban Authority may appoint Committees, but no Committee is to borrow money, make a rate, or enter into a contract. Committees are to be subject to any regulations or restrictions imposed on them.[a] If no quorum is prescribed, the quorum is to be 3 members. A 200: and Sch. I. (2).

✠ (142.) Meetings of committees are to be conducted in accordance with the rules for meetings prescribed in A, so far as such meetings are not otherwise regulated by the Authority appointing the committee. It will be convenient that the Regulations mentioned in a preceding Paragraph should be made applicable to committees. A 204: and Sch. I.

✠ (143.) Casual vacancies in committees may be filled up within 6 weeks. A 203.

(*a*) As to the relation of a Board to its committees, see *Barnsley L. B.* v. *Sedgwick*.

A 182-3. ✠ (144.) LAs have power to frame By-Laws with respect to various matters though Rural As are rather restricted as to this. These By-Laws may prescribe reasonable penalties in no case (even under Incorporated Acts) exceeding 5*l.* for each offence; and, in the case of continuing offences,[a] a further penalty not exceeding 2*l.* a day. By-Laws imposing penalties must be so framed as to allow of the recovery of less than the full amount. By-Laws may be altered or repealed. See A 315. No By-Law is to be of any effect if repugnant to the laws of England, or to the provisions of **A**.

✠ (145.) By-Laws may be framed by LAs with respect to the following matters:—

A 44.	✠ Cleansing Footways; ✠ removal of House refuse; ✠ cleansing of earth-closets, privies, ashpits, and cesspools; the keeping of animals so as not to be injurious to health.(*b*)
A 44.	Nuisances arising from snow, filth, dust, ashes and rubbish.
A 157 (1).	Level, width, construction and sewerage of new streets.
A 157 (2).	Walls, foundations, roofs and chimneys of new buildings so as to secure stability, prevent fire, and for purposes of health.
A 157 (3).	Ventilation of buildings inside and out.
A 157 (4).	Drainage of buildings; water-closets, &c., ash-pits, cesspools; and closing of buildings unfit for habitation.
A 171 (4): 172: 10 & 11 Vict., 89, 68.	Hackney carriages (including the drivers thereof); and horses, poines, mules and asses, and boats let for hire.
A 171 (5): 10 & 11 Vict., 89, 69.	Bathing, where any part of the sea-shore or strand of a river is within the District.
A 10: 9 & 10 Vict., 74, 34.	Baths and Wash-houses.
A 169: 10 & 11 Vict., 34, 128.	Slaughter-houses and Knackers' yards.
A 112.	Newly-established Offensive Trades.
A 167: 10 Vict., 14, 42-9.	Markets.
A 80.	✠ Number of lodgers who may be received into a common Lodging-house; and the separation of the sexes; promoting cleanliness and ventilation in such houses; notices and precautions as to infectious diseases; generally for the well ordering of such houses.
A 10: 14 & 15 Vict., 34, 46.	Labouring classes Lodging-houses.
A 90.	✠ Other Lodging-houses:—Number of persons to occupy a house, or part of a house, and the separation of the sexes; the registration of such houses; the inspection of them; enforcing drainage, privy accommodation, and promoting cleanliness and ventilation in them; cleansing and lime-washing of them at stated times; the paving of the courts and court-yards; and notices and precautions as to infectious diseases. [But the permission of LGB must be had specially as to By-Laws for the ordinary Lodging-houses.]
A 314.	✠ Lodging and accommodation of hop-pickers.
18 & 19 Vict., 70, 21.	Management of Public Libraries and Museums.(*c*)
A 141.	✠ Management of Mortuaries.
A Sch. V., part III.	Management of Burial-grounds.
A 164.	Public Walks and Pleasure-grounds.
33 & 34 Vict., 78, 46.	Tramways.

(*a*) As to the meaning of this expression, see the judgment of Keating, J., in *Marshall* v. *Smith*.

(*b*) Refer to the important case of *Wansted L. B.* v. *Wooster*.

(*c*) The enactments for Libraries and Museums will be "Rules and Regulations." These are much the same as By-Laws, except that Par. 147 does not seem to apply to them.

✠ (146.) All By-Laws made by a LA under and for the purposes of A must be sealed with the common seal. A 182.

✠ (147.) All[a] By-Laws under A must be confirmed by LGB or they will not be enforceable. No By-Laws are to be confirmed unless notice of intention to apply for their confirmation has been given in a local Newspaper circulated in the District *one* month at least before the application. Nor unless a copy of the proposed By-Laws has lain open for inspection at the office of the LA during a period of *one* month. Provision is made for obtaining extracts from proposed By-Laws. A 134.

✠ (148.) Respecting proposals for the confirmation of By-Laws LGB has issued the following instructions :—

> "By-Laws and regulations which require the confirmation of the Local Government Board should, before they are finally approved of by the Local authority, be submitted to the Board in writing, and not in print, upon foolscap paper, with a margin of one-third on each folio. The draft thus forwarded for the perusal and observations of the Board shall be written on one side only, and signed by the Clerk to the Authority.
>
> "The notice of intention to apply for confirmation should be postponed till after the draft has been examined by the Board, and the copy of proposed By-Laws for the inspection of the ratepayers should not be deposited at the office of the Authority until the draft has been so examined and returned by the Board.
>
> "When the draft has been thus examined and returned, and the By-Laws have been published as required by the statute applicable thereto, they should, together with the draft so returned, be forwarded sealed, and where necessary signed, to the Local Government Board for confirmation. The Board should at the same time be furnished with a copy of the newspaper containing the advertisement of the intention of the Authority to apply for confirmation of the By-Laws."

✠ (149.) By-Laws when confirmed are to be printed and hung up in the office of the LA. A copy is to be delivered to any Ratepayer applying for the same. A 185.

✠ (150.) A By-Law requiring to be confirmed by LGB needs no other confirmation. A 134.

(151.) By-Laws made under 5 & 6 Will. IV., 76, 90, for the prevention and suppression of various nuisances, now require no other confirmation than that of LGB. A 187.

✠ (152.) In the case of By-Laws made by the Council of a Borough, a written or printed copy, authenticated by the common seal of the Borough, is to be evidence, until the contrary is proved, of the due making and existence of such By-Laws. 36 & 37 Vict., 33, 2.

✠ (153.) By-Laws of LAs are proved in evidence by the production of a copy certified by the Clerk to be such, and to be duly confirmed. A 186.

(154.) Where a notice, plan, or description of any work is required by an Urban By-Law to be laid before an Urban A, such A shall within *one* month approve or disapprove. If the work is commenced after disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any By-Law, the Urban A may cause so much of the work as has been executed to be pulled down or removed. A 158.

(*a*) These observations do not apply to Tramway By-Laws, which are dealt with by the Board of Trade, and are the subject of special conditions.

A 158. (155.) Expenses incurred by an Urban A in or about the removal of works contrary to a By-Law may be recovered in a summary manner, either from the person executing the works or from the person causing the works to be executed.

A 158. (156.) Where an Urban A may, under A 158, pull down or remove a work which contravenes a By-Law, or where the beginning or the execution of a work is a penal offence, the existence of the work during its continuance in such a form or state as to contravene a By-Law shall be deemed a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of *one* year from the day when the offence was committed or the By-Law broken.

✠ (157.) Besides By-Laws, Urban As may enact "Regulations" on various subjects as follows:—

A Sch. I. (1) 1. Summoning, &c., of meetings: Business arrangements.
A 189. Duties and conduct of officers and servants.
A 200. Committees.
A 125. ✠ Removal of infected persons from ships to hospitals. [Must be approved by LGB.]
A 143. ✠ Management of place provided for *Post-mortem* examinations.

A 188. ✠ (158.) "Regulations" made by a LA are not subject to the foregoing provisions respecting By-Laws. A LA may publish, in any way it sees fit, Regulations issued by it.

37 & 38 Vict., 88, 28. ✠ (159.) By the "Births and Deaths Registration Act, 1874," it is enacted that every Registrar, when and as required by a Sanitary A, as defined by the "Public Health Act, 1872," (*i.e.*, "Urban" and "Rural" Sanitary A,) is to transmit by post or otherwise a return, certified under his hand to be a true return, of such of the particulars registered by him concerning any death as may be specified in the requisition of the Sanitary A. The A may prescribe its own form, and in that case the return is to be made according to such form. The Registrar making such return will be entitled to a fee of 2*d.*, and to a further fee of 2*d.* for every death entered in such return, which fee is to be paid by the A.

A 205. ✠ (160.) Inspectors of LGB may attend any meetings of Urban As (being Local Boards[a]) and of Rural As generally, when directed so to do by LGB.

A 206. ✠ (161.) Every LA is to submit annually to LGB a report of all works executed, and of its receipts and expenditure under A during the preceding year. An Urban A is to publish a copy of the Report in some local Newspaper circulating in the District.

(*a*) Except Oxford.

CHAPTER III.

THE OFFICERS OF URBAN SANITARY AUTHORITIES.

THE appointment by Urban As of the following officers is obligatory:—Medical Officer of Health (who must be a legally qualified practitioner), Surveyor, Inspector of Nuisances, Clerk, and Treasurer. "Other officers and servants as may be necessary" are also to be appointed, but an officer under a Local Act may be also an officer under **A**. A 189 and 191.

(163.) The salaries of all officials are paid out of the General District Rate, except that under certain circumstances [See next Paragraph] a Parliamentary grant in aid may be had. A 189 and 207.

✠ (164.) Urban As control the duties and salaries of their officers, but if any portion of the salary of any officer is paid out of moneys voted by Parliament, LGB has the same power with respect to his qualification, appointment, duties, salary, and tenure of office, as in the case of a District Medical Officer of a Union. A 189 and 191.

(165.) The duties and conduct of officers and servants are to be dealt with by Regulations.[a] But LGB may prescribe the qualification and duties of *all* Medical Officers of Health appointed under **A**. In case of illness, &c., a LA may appoint a deputy Medical Officer. A 189. A 191.

✠ (166.) Questions being occasionally raised at proceedings before Justices, &c., as to the proper way of proving formally an officer's appointment, it may be well to state that there appears to be no necessity for an appointment to be under seal. A certified extract from the Minute Book of LA would seem to be sufficient proof of the person named therein having been duly appointed to the office he is stated to hold.

✠ (167.) A Medical Officer of Health may exercise any of the powers conferred on an Inspector of Nuisances, and he may act for more than one LA, but the consent of LGB must be obtained before he can A 191.

(a) With respect to the appointment of Medical Officers and of Inspectors of Nuisances two Circulars dated November 11, 1872, have been issued by LGB. These Circulars are given in Part III. of this work, where also will be found other information of a practical character which will assist LAs in the performance of their work.

accept a second appointment. With the sanction of LGB any District Medical Officer of a Union may be appointed a Medical Officer of Health. When two or more As agree to join in the appointment of a Medical Officer, or of an Inspector of Nuisances, LGB shall by Order prescribe the necessary election and financial arrangements.

A 286. ✠ (168.) Where it appears to LGB that the appointment of a Medical Officer of Health for two or more Districts in the same county would diminish expense and otherwise be desirable it may by Order unite such Districts for this purpose, and make regulations as to the appointment and removal of such officer, and the apportionment of his salary, and other matters including the meetings and expenses of the representatives of the constituent bodies. When such a combination is formed no other Medical Officer of Health may be appointed for any constituent District, except as an assistant to the chief officer. No Urban District with a population of 25,000 or upwards, or (in the case of a Borough) having a separate Quarter Sessions is to be included in a combination without the consent of the LA or Council. LGB is to give 28 days notice of its intention to make an Order to every LA which is to be included in a combined district. If within 21 days of the notice any LA objects to be included in the combination, the Order is to be provisional only until confirmed by Parliament. LGB may require any District Medical Officer of a Union comprising or coincident with any constituent District to render local assistance to the chief Medical Officer of Health. Additional remuneration may be made to him in consideration of this extra work.

A 192. ✠ (169.) Neither the Treasurer, nor any partner of his, nor any one in his or their employ, can be Clerk, or *vice versâ*. Penalty, 100*l*., which may be recovered by any person, with full costs of suit, by action of debt.

A 318. ✠ (170.) Nothing in A is to affect any Clerk or Treasurer whose tenure of office is regulated by § 12 of the "Public Health Act, 1872."(a)

A 309. ✠ (171.) An officer deprived of his functions in consequence of the fusion, &c., of two or more As, or in consequence either of the "Public Health Act, 1872," or of A, or of any Provisional Order made under either of those Acts, and not re-employed in an office of equal value by a LA, may by Order of LGB receive compensation by way of annuity or otherwise out of the Rates.

(a) This section runs as follows:—"Where the Council of a Borough or Improvement Commissioners, having been previously to the passing of this Act a Local Board, have appointed, in their capacity of Local Board, a different person as Clerk or Treasurer from the person who is their Clerk or Treasurer in their capacity of Council or Improvement Commissioners, the Clerk or Treasurer so appointed by them shall continue to hold his office upon the terms upon which he held the same at the passing of this Act, but on such Clerk or Treasurer vacating the office it shall be discontinued as a separate office, and the person for the time acting as Clerk or Treasurer to such Council or Improvement Commissioners, in their capacity of Council or Improvement Commissioners, shall perform the duties of Clerk or Treasurer under the Sanitary Acts, with such additional remuneration as the Council or Improvement Commissioners may determine. The Clerk and Treasurer of the Union shall be the Clerk and Treasurer of the Rural Sanitary Authority having jurisdiction in such Union, but there may be awarded to such Clerk and Treasurer, in respect of their additional duties under the Sanitary Acts, such remuneration as the Rural Sanitary Authority may, with the approval of the Local Government Board, determine."

(172.) The Surveyor and Inspector of Nuisances may be the same person. Except in small towns this combination of duties is undesirable, for each class of work generally needs the undivided attention of one man. A 192.

(173.) Whether the three offices of Clerk, Surveyor, and Inspector may be held by one person is not clear. Such combination is not directly prohibited, but probably the maxim *Expressio unius est exclusio alterius* applies, and only the Surveyorship and Inspectorship can be held by the same person.

(174.) The duties of the Surveyor are very numerous, and he should not only be well versed in the technicalities of his profession, but should possess at least an elementary acquaintance with those branches of Law which bear upon his functions. Some knowledge of road-making, of the arts of construction, of the strength of materials, and of engineering generally is essential. It is better for a LA to offer a good salary and get a good man than hire a "cheap" Surveyor.

(175.) Every Urban A should provide itself with a good map of its District. On this map should be marked all sewers, sewer ventilators, public lamps, water mains, pumps, and reservoirs, even although the A has no control over these works. A map provided by an Urban A is to be open at all reasonable times to the inspection of ratepayers. Compare A 20.

✠ (176.) The Inspector of Nuisances should not only be a man of active and businesslike habits, but he should also possess tact and discretion; for if he does his work properly he will be constantly called upon to confront the prejudices of the public.

✠ (177.) The Inspector of Nuisances should keep not only a diary of his daily proceedings, but also what may be called a "house ledger," that is to say, a book enumerating all the houses within his district, and particulars in a tabular form as to (1) number of rooms; (2) number of inmates; (3) nature of water supply; (4) existing provision for sewerage; (5) existing provision for removal of refuse; (6) prevalent nuisances; (7) alterations required; and (8) general remarks. The Inspector should likewise have a "nuisance book" in which to enter notes of all nuisances, and of all complaints made to him. These books should be laid before the LA at stated intervals.

✠ (178.) As regards the classes of the community from which an Inspector of Nuisances should be selected, this much may be said. A retired non-commissioned officer of the army will often make a good Inspector, but LGB has expressed its disapproval of licensed victuallers being appointed, and has refused to sanction such an appointment.

✠ (179.) An Inspector of Nuisances may, with the sanction of LGB, act for more than one LA. [See Paragraph 164, *ante*.]

✠ (180.) The general powers of entry conferred on officers of LAs will be learnt by the references in the margin. A 41, 102, 305.

✠ (181.) Officers, if they are to be entrusted with money, are to give "sufficient security for the faithful execution" of their duties, and are A 194.

to account for all moneys which they receive. Every Board is left to determine for itself what security shall be "sufficient" in respect of each officer.

A 195. ✠ (182.) Every officer must make out when and in such manner as is required, a perfect account in writing of all moneys received and disbursed by him for the purposes of **A**. Disbursements must be shown by vouchers, and cash balances must be paid over to the Treasurer.

A 195. ✠ (183.) Every officer who collects rates must within 7 days of receiving money pay it over to the Treasurer. And when directed to do so he must deliver a list of persons in arrear, which list is to be authenticated by his signature.

A 196. ✠ (184.) If an officer fails to account, or fails within 5 days to deliver up papers, &c., or money, summary proceedings may be taken against him, and he may be sent to gaol (but not for more than 6 months). Proceedings under this section do not release sureties.

A 264. ✠ (185.) No writ or process is to be served against an officer in respect of the execution of his duties until after *one* month's notice in writing, "clearly stating the cause of action." At the trial the plaintiff will be kept to his notice, and unless the notice is proved, the jury must find for the defendant.

A 264. ✠ (186.) All actions must be commenced within 6 months after the accruing of the cause of action, and in the County or place where the action arose, and not elsewhere, unless a Judge otherwise order.[a] For further information respecting procedure see the reference in the margin.

A 265. ✠ (187.) Members and officers of **LAs** (including Joint-Boards and Port Sanitary **As**) are not personally liable for anything done *bonâ fide* in the execution of **A**. But this broad statement is subject to the provisions as to audit.

A 306-7. ✠ (188.) Persons wilfully obstructing a member of a **LA**, or any person duly employed in executing **A**; or defacing, &c., notices put up by authority of **LGB** or any **LA**, or injuring works the property of a **LA**, are subject to a penalty of 5*l.* or less.

A 193. ✠ (189.) An officer or servant employed under **A** is not to be concerned in any bargain or contract made with his Board; if he be so, or if under cover of his office or employment he accept "any fee or reward whatsoever, other than his proper salary, wages, and allowances," he becomes permanently disqualified from holding or continuing in any office under **A**, and also subject to a penalty of 50*l.*, recoverable by any person by action of debt. An action by a common informer must be brought within one year of the offence.[b] On a person being convicted of treason or felony, any public office which he may hold becomes vacant.

33 & 34 Vict., 23, 2.

(*a*) *Southampton Bridge Co.* v. *Southampton L. B.*

(*b*) *Dyer* v. *Best.*

✠ (190.) Whether or not a 𝔏𝔄 is justified in employing temporarily an accountant to examine into its finances, paying his fees out of the rates, will depend upon circumstances, which a Court of Quarter Sessions, called upon to quash a rate appealed against on this ground, is a proper tribunal to decide. In one Case the payment was condemned by the Sessions, and the Superior Court refused to interfere.[a]

✠ (191.) Any 𝔏𝔄 may enter into contracts necessary for the execution of **A**. Every Urban contract shall specify the work, materials, matter or things to be furnished, had or done; the price; the time limited for performance; and some penalty for default. **A** 173, 174 (2).

(192.) Every written contract must bear a stamp, the value of which should, it seems, be 10*s*.[b] In an Urban District, when the amount of a proposed contract exceeds 50*l*., it is to be in writing and under seal. When the amount equals 100*l*. or upwards it must be the subject of a public tender. In this latter case 10 days' public notice inviting tenders is to be given, and with respect to such a contract "sufficient security for the due performance of the same" is to be taken. **A** 174 (1 and 4).

(193.) Before contracting for the execution of any work, an Urban 𝔄 must obtain from its Surveyor an estimate in writing both of the probable expense of executing the work, and of the annual expense of repairing it; also a report as to the most advantageous mode of contracting; whether for the execution only of the work, or for its maintenance for a term of years as well. This provision is only directory; notwithstanding its omission a Board will be liable on its contract.[c] **A** 174 (3).

(194.) As regards contracts under the "Baths and Wash-houses Acts," and under the "Labouring Classes Lodging-houses Acts," see the references in the margin. 9 & 10 Vict., 74, 26. 14 & 15 Vict., 34, 37.

(195.) It has been decided that an estimate for work to be executed is only a pre-requisite when the Board is about to incur an outlay for works which it will hereafter be required to keep up, *e.g.*, permanent works on public highways.[d] At the same time it is evidently desirable that no considerable outlay should ever be embarked on without an estimate, whether legally necessary or not. The line may perhaps be conveniently drawn at 10*l*.

(196.) Provision is made for contracts being binding on successors, and an Urban 𝔄 may accept a composition in respect of a penalty incurred by reason of the non-performance of a contract. **A** 174 (5).

(*a*) *Reg.* v. *Worksop L. B.*
(*b*) Refer to an opinion in 38 J. P., 511.
(*c*) *Nowell* v. *Worcester, Mayor.*
(*d*) *Cunningham* v. *Wolverhampton L. B. H.*

CHAPTER IV.

THE LOCAL GOVERNMENT BOARD.— PROVISIONAL ORDERS, &c.

34 & 35 Vict., 70, 3.

✠ THE Local Government Board (the Central Public Health Authority for England and Wales), consists of a President appointed by the Queen, and of the following *ex-officio* members :— the Lord President of the Council, all the Secretaries of State, the Lord Privy Seal, and the Chancellor of the Exchequer.

34 & 35 Vict., 70, 4.

✠ (198.) The President and one of the Secretaries may be members of the House of Commons.

34 & 35 Vict., 70, 2, and Schedules.

✠ (199.) LGB now conducts all the Poor-Law business of the abolished Poor Law Board, and also the Sanitary business formerly conducted by a Secretary of State, or by the Privy Council.

A Sch. V., part III.

✠ (200.) The powers and duties of the Board of Trade in connection with the "Alkali Acts, 1863 & 1868," (26 & 27 Vict., **124** : 31 & 32 Vict., **36**), and the "Metropolis Water Acts, 1852 and 1871," (15 & 16 Vict., **84** : 34 & 35 Vict., **113**), and of the Secretary of State in connection with Highway and Turnpike Acts, now devolve on LGB.

34 & 35 Vict., 70, 5.

✠ (201.) Save as provided elsewhere, any act to be done or instrument to be executed by, or on behalf of, LGB, may be done or executed in the name of the Board by the President, or by any member, or by a Secretary, or Assistant-Secretary, if such officer is authorised accordingly. A Rule, Order, or Regulation made by the Board is valid if sealed, and if signed by the President or an *ex-officio* member, and countersigned by a Secretary or an Assistant-Secretary. The production of such *primâ facie* evidence of any such Rules, &c., as is required by the "Documentary Evidence Act, 1868," with respect to the Rules, &c., of the (late) Poor Law Board is, until the contrary be shown, sufficient proof that any such Rule, &c., of LGB was duly made.

& 32 Vict., 37.

✠ (202.) Large Powers of supervision are possessed by LGB. Some of these powers have already been noticed, but there are others,

including especially the Provisional Order system, which remain to be examined.

✠ (203.) A Provisional Order is a decree somewhat resembling in its nature an Act of Parliament, and frequently based in the first instance on an Inquiry conducted by an Inspector of 𝔏𝔊𝔅, whose Court is, in some of its attributes, not unlike a Parliamentary Committee, but much less cumbersome and costly. The Inquiry, when there is one, secures for the project brought up for review a reasonably sufficient investigation; at the same time the Order afterwards made only becomes binding when confirmed by Parliament, which confirmation however is usually granted as a matter of course unless an aggrieved party presents a petition to Parliament praying to be heard against the confirmation of the Order, when the Order is referred to a Select Committee and treated as a Private Bill. The Provisional Order system is simple and economical. A 297.

✠ (204.) The following is an enumeration of the matters which may be the subject of Provisional Orders under **A**:—

Alteration of areas.	A 6 (3): 270 (1-2).
Purchase of land.	A 176 (5).
Alteration of incidence of Urban expenses.	A 208 and 211 (c).
Constitution of Local Government Districts.	A 270.
Formation of United Districts.	A 279-80.
Union of Districts for Medical Officers of Health.	A 286.
Formation of Port Sanitary Authorities and matters incidental thereto.	A 287.
Repeal and alteration of Local Acts.	A 303.
Settlement of differences arising out of transfers of Powers, &c. [In certain cases only.]	A 304.
Alteration of Provisional Orders.	A 304 and 339.
Apportionment of Turnpike debts.	36 and 37 Vict., 90, 15.

✠ (205.) The steps to be taken to obtain a Provisional Order are briefly these:—A 𝔏𝔄 needing certain additional powers, publishes certain advertisements and notices: it then presents to 𝔏𝔊𝔅 a petition stating its requirements, and thereupon an Inspector may be sent down into the locality to hold a Court of Inquiry. The case of the petitioning 𝔄 is opened by Counsel, or by an Attorney, or by the Clerk, and supported by such evidence as is deemed necessary: if the project is opposed, the opponents bring rebutting evidence whereby they seek to show, for instance, that the plan propounded by the 𝔄 is intrinsically bad, or unduly costly, or that another and better plan may be devised. The Inspector takes notes of the evidence and eventually makes a report on the project. A 297.

✠ (206.) If the result is favourable, 𝔏𝔊𝔅 issues at its discretion its Provisional Order granting the desired Powers, subject to confirmation by Parliament, and there the contest usually ends. The confirmation is obtained by a Bill introduced by 𝔏𝔊𝔅 itself, which Bill generally embraces several Provisional Orders.

✠ (207.) With respect to Provisional Orders of 𝔏𝔊𝔅 the following enactments are in force. A 297.

A 297 (1). ✠ (208.) No Provisional Order is to be made unless public notice of the purport of the proposed Order has been previously advertised for 2 successive weeks in some local newspaper circulating in the District to which it relates.

A 297 (2). ✠ (209.) Before making a Provisional Order LGB must consider any objections offered by persons affected. Where the subject matter is one to which a Local Inquiry is applicable, such must be held. All persons interested may attend.

A 297 (3). ✠ (210.) LGB makes to Parliament the necessary application for the confirmation of a Provisional Order.

A 297 (4). ✠ (211.) A Provisional Order contained in a confirmation Bill which is before Parliament may be petitioned against, in which case the Bill may be referred to a Select Committee, before which the petitioner may be heard.

A 297 (5). ✠ (212.) Any Act confirming a Provisional Order under the "Sanitary Acts" or A, and any Order in Council under the "Sanitary Acts" may be repealed, altered or amended by another Provisional Order made by LGB and duly confirmed by Parliament.

A 297 (6). ✠ (213.) LGB may revoke, wholly or partially, any Provisional Order before it is confirmed, but not whilst the confirming Bill is pending in Parliament.

A 297 (7-8). ✠ (214.) The making of a Provisional Order is *primâ facie* evidence that all the requirements as to preliminary proceedings have been complied with. Every Act confirming a Provisional Order is deemed a Public General Act.

A 298. ✠ (215.) The reasonable costs incurred by a LA in respect of a Provisional Order and of the Inquiry preliminary thereto, as sanctioned by LGB (whether in promoting or opposing the same) shall be deemed expenses properly incurred and they may be paid accordingly (*i.e.*, out of the Rates, &c.) Or LGB may sanction the costs being defrayed out of a loan.

✠ (216.) A Provisional Order cannot be removed by *Certiorari* with a view to its being quashed.[a]

A 295; and see Sch. V., part III. ✠ (217.) Besides Provisional Orders LGB issues Orders of lesser moment, against which there is no appeal,[b] and which become operative so soon as they are issued. Every Order of LGB under A is binding and conclusive, and is published in such a manner as the Board may direct.

A 293. ✠ (218.) LGB may cause to be held such Inquiries as are directed by A and Inquiries in relation to any matter concerning the Public Health in any place, or as to matters with respect to which their sanction is necessary.

(*a*) *Frewen* v. *Hastings L. B.*

(*b*) This statement is in one sense too broad. When a Department of State such as LGB exceeds its proper functions, the Courts can and will interfere. See the remarks of Stuart, V.C., in *A. G.* v. *Manchester, Bp. of*, quoting a judgment of Cottenham, C.

✠ (219.) LGB may make Orders as to the costs of Inquiries and Proceedings instituted by it; and as to appeals to it, and as to the parties by whom, or the Rates out of which, such costs are to be borne. Every such Order may be made a Rule of a Superior Court. A 294.

✠ (220.) Inspectors when holding under A Inquiries directed by LGB have, as far as regards witnesses, the production of papers and accounts, and the inspection of places and matters, powers similar to those possessed by the Poor-Law Inspectors for the purposes of the Poor Law Acts. [And they are exempt from personal liability in respect of any thing done *bonâ fide* in the execution of A.] A 296. See 4 & 5 Will. IV., 76, 12: and 10 & 11 Vict., 109, 19-22.

✠ (221.) Persons wilfully obstructing an Inspector duly employed in the execution of A, are subject to a penalty of 5*l.* or less. See A Sch. V., Part III.

✠ (222.) By various General and Local Acts it is prescribed that the consent sometimes of one and sometimes of another Department of State is to be obtained before LAs can put in force certain Acts or do certain things. Now the consent of LGB is substituted for these various consents, and its determination as to what is within this provision is conclusive. 34 & 35 Vict., 70, 2 and 7. A Sch. V., part III.

✠ (223.) LGB is a Court of appeal and General Inquiry Office for information and advice on an infinite number of subjects.

✠ (224.) Important powers have been conferred on LGB to interfere when LAs fail in their duty. If satisfied after due inquiry that a LA has been guilty of default, LGB must make an Order limiting a time for the performance of the duty neglected. If the Order is disregarded, it may be enforced by *Mandamus*, or LGB may appoint some person to perform the duty; the expenses and costs are to be paid by the LA in default. A 299: and see 106.

✠ (225.) A person thus appointed by LGB, and who may be changed from time to time, is invested with all the powers of the LA in default, including (in an extreme case) the power of levying Rates. A 299-300.

✠ (226.) LGB may from time to time certify as to expenses incurred, or as to an estimate of expenses to be incurred; also as to the amount of any loan required to meet the expenses in respect of a defaulting LA. The Public Works Loan Commissioners may grant loans on security of the rates. A certificate of LGB is conclusive as to the matters to which it refers. A 301.

✠ (227.) The word "expenses" includes all sums payable by, or by order of, LGB, or the person appointed by LGB, on the occasion of a default by a LA. A 302.

✠ (228.) Default as to the following matters is within the scope of these provisions:— A 299.

Provision of Sewers.

Maintenance of existing Sewers.

Provision of Water Supply where danger to health arises from the insufficiency or unwholesomeness of an existing supply, and a proper supply can be got at a reasonable cost.

Default in enforcing any provision of the "Public Health Act, 1875," which it is the duty of the A to enforce.

CHAPTER V.

THE POWERS AND DUTIES OF URBAN SANITARY AUTHORITIES.

(1) GENERAL POWERS OF THE "PUBLIC HEALTH ACT, 1875," AND SAVING CLAUSES, &c.

A 317. ✠ THE schedules of **A** are to be read and have effect as part of the Act.

A 313. ✠ (230.) Where in any Act or Order in force at the passing of **A**, or in any document, any Provisions of the "Sanitary Acts," repealed by **A** are referred to, such Act, &c., is to be read as if the corresponding Provisions of **A** were therein referred to, and substituted for the same. Nevertheless those substituted provisions are to be governed by any limitations previously in operation.

A 315: see def. in A 4. ✠ (231.) Any By-Law made under the "Sanitary Acts" which is inconsistent with **A**, is to be deemed repealed so far as it is inconsistent.

A 316. ✠ (232.) In the construction of the provisions of Acts incorporated with **A** the term "Special Act" includes **A**, and, in the case of the "Lands Clauses Acts," any Order confirmed by Parliament and authorising the purchase of lands otherwise than by agreement: the term "the limits of the Special Act" means the limits of the district: and the **A** is to be deemed "Promoters," "Commissioners," or "Undertakers" as the case may be.

A 171. (233.) The expressions "superintendent constable," and "any constable or other officer appointed by virtue of this or the Special Act" are for the purposes of **A** to mean any constable or officer of Police acting in and for an Urban District. And "within the prescribed distance" is to mean within an "Urban District."

A 341: see also A 260. ✠ (234.) All powers given by **A** are to be deemed additional, and not to derogate from any other Powers confirmed by Parliament, law, or

custom; and such other powers may be exercised as if **A** had not passed. Nothing in **A** is to exempt any person from any penalty to which he would have been subject had the Act not passed. No person adjudged to pay a penalty under **A** is to be liable, for the same offence, under any other Act.

✠ (235.) A LA may, with the consent of an adjoining LA, execute in the adjoining District any of the works or things which it may execute within its own District, and upon such terms as may be arranged. Provision is made for the recovery of expenses. A 285.

✠ (236.) A LA is to make compensation to persons sustaining any damage by reason of the exercise of any of the powers of **A**. Disputes are to be settled by arbitration unless the compensation claimed does not exceed 20*l*., in which case a Court of Summary Jurisdiction may, at the option of either party, decide the matter. This provision is of general applicability. A 308.

✠ (237.) **A** contains various saving clauses and temporary provisions which must be briefly noted :—

The rights of persons incorporated for the establishment of slaughter-houses before Aug. 31, 1848, are protected. A 169.

The rights of a Clerk or Treasurer whose office is regulated by § 12 of the "Public Health Act, 1872," are protected. A 318.

Special District Rates under the "Local Government Acts" are kept alive. A 319.

LGB may make provision for the continuance of a division of expenses between landlords and tenants. A 320.

Certain Securities are declared to remain valid. A 321.

Turnpike Trustees possessing Sanitary Powers are not to be deemed Urban As but their Powers are to be exercised by the LA within whose District the Turnpike Act area is locally contained. A 322.

The accounts of any Urban or Rural Sanitary A under the "Sanitary Acts" repealed by **A** not audited at the passing of **A** are to be deemed to be the accounts of such A under **A**. A 324.

Urban and Rural Sanitary As existing at the time of the passing of **A** continue to exist undisturbed, and pass under **A**: likewise all members and officers; and By-Laws not inconsistent with **A**. A 326.

Interference with various Government Department Rights and Water and Navigation Rights is prohibited. A 327, 330, 332.

Interference with mines, smelting of ores, and iron-works, &c., is prohibited. A 334.

Collegiate Bodies and Government Departments continue in possession of former powers and subject to former obligations. A 335.

The Metropolitan Board of Works is protected from interference. A 336.

Annual Payments in respect of drains are saved. A 337.

Rates, Orders, Acts, &c., of As under certain Local Acts, made, &c., before the passing of **A**, are saved. A 338.

The constitution of a Local Board of Health under the "Public Health Act, 1848," is not affected, [This will keep alive the 1848 qualifications and disqualifications of members], but Orders in Council or Provisional Orders under that Act may be repealed, altered, or amended under **A**. A 339.

Several special provisions are made as to Oxford and Cambridge. A 67, 205, 228. 342, and Sch. I. (1) 13 : II. (1) 75.

Numerous Acts are repealed in whole or in part subject to various savings and provisos. A Sch. V.

(2) ADULTERATION OF FOOD, &c.

38 & 39 Vict., 63, 10. (238.) The "Sale of Food and Drugs Act, 1875," provides that for every borough in England having a separate Court of Quarter Sessions or a separate Police Establishment, the Town Council may appoint a Food Analyst, who is to possess "competent knowledge, skill, and experience." The appointment of these officers for the country at large rests with the Courts of Quarter Sessions of every County. LGB controls the appointment and removal of these officers, and may insist on their being appointed.

38 & 39 Vict., 63, 13. (239.) Sanitary As are not in terms responsible for the execution of the Act, but nevertheless Medical Officers of Health, Inspectors of Nuisances, of Weights, &c., and of Markets are, under the direction and at the cost of the Authority which appoints them, to procure samples of food, or drugs, if they suspect the same to be adulterated, and to submit them to be analysed by the Analyst of the District.

(3) ARBITRATION.

A 179-80. ✠ (240.) With a view of saving expense to the parties, certain disputes either as to money payments or as to things relating to the work of LAs may be referred to Arbitration.

A 181. ✠ (241.) All questions referable to arbitration under **A** may, at the option of either party,[a] when the sum in dispute is less than 20*l.*, and it is the amount, not the liability, which is at issue,[b] be determined by a Court of Summary Jurisdiction. The Court may invoke the advice of a competent Surveyor (not being the Surveyor of the LA), and may make what order they think proper as to costs.

A 262. ✠ (242.) It would seem that no award can be set aside for want of form; nor be removed by *Certiorari* or other writ or process into any superior Court.

✠ (243.) The following are some of the matters which either are required to be, or may be, settled by Arbitration:—

A 150. Disputes relative to the paving, &c., of private streets.

A 155. Compensation payable in respect of alterations of Building Line.

A 52. ✠ Terms upon which Water Companies are to furnish supplies of water "proper and sufficient for all reasonable purposes," and questions as to what supplies are "proper and sufficient," and what purposes are "reasonable."

A 61. ✠ Supply of Water to a LA of adjoining District.

A 308. ✠ Compensation payable for damage sustained in consequence of the exercise of any of the powers conferred on a LA.

A 328. ✠ Differences of opinion as to what will be the effect on rivers, canals, docks, &c., of works proposed to be done by a LA.

(*a*) In *Cook* v. *Ipswich L.B.H.*, Cockburn, C.J. held this to mean "must."

(*b*) *Reg.* v. *Burslem L.B.*

✠ Differences of opinion with respect to the efficiency of substituted sewers, &c., and with respect to the consequences resulting from interferences with water-rights. A 333.

✠ Terms on which sewers may be used by persons outside the District. A 22.

Differences relating to supplies of gas. 34 & 35 Vict., 41, 24 and 29.

Purchase of lands, &c., under the "Artizans' and Labourers' Dwellings Improvement Act, 1875." 38 & 39 Vict., 36.

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(4) ARTIZANS' AND LABOURERS' DWELLINGS.

(244.) Several Acts on this subject have been passed during the last quarter of a century, but for one reason or another very little has been done under any of them. The subject, however, has again received the attention of Parliament, and the Session of 1875 saw the passing of a measure which promises to be much more useful than any of its predecessors. The "Artizans' and Labourers' Dwellings Improvement Act, 1875," does not profess to repeal any previous statute, but its obvious effect will be to supersede more or less all the earlier Acts, and it is to be regretted that they have not been avowedly consolidated by, and embodied in, the new Act. 38 & 39 Vict., 36.

(245.) So far as England generally is concerned, irrespective of London, the Act only applies to Urban Sanitary Districts having at least 25,000 inhabitants. The Urban Sanitary 𝔄𝔰 of such Districts are charged with its execution. 38 & 39 Vict., 36, 2.

(246.) Proceedings under the Act are to be initiated by an "official representation" to the effect that certain houses, courts, or alleys, within a certain area are unfit for human habitation, or that diseases indicating a generally low condition of health have been prevalent, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement or condition of the streets and houses, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defect. The official representation must proceed to state that the sanitary defects which it recites cannot be effectually remedied otherwise than by an Improvement Scheme for the re-arrangement and re-construction of some or all of the streets and houses within the area. 38 & 39 Vict., 36, 3.

(247.) The 𝔏𝔄 is to take the representation into its consideration, and if satisfied of the truth thereof and of the sufficiency of its resources, it is to pass a resolution that the area concerned is an unhealthy area for which an Improvement Scheme ought to be propounded. The resolution being passed the 𝔏𝔄 is forthwith to proceed to make a Scheme, which may include any number of unhealthy areas. A member of a 𝔏𝔄 beneficially interested in lands within an area complained of is not to vote on such resolution, or on any question relating to the purchase, &c., of lands in which he is interested. Penalty for voting, 20*l.* or less. The resolution will, however, remain valid. 38 & 39 Vict., 36, 3.

38 & 39 Vict., 36, 4. (248.) An official representation may emanate either from the Medical Officer on his own account, or because he is moved to make it by two or more Justices of the Peace, or 12 or more ratepayers. The Medical Officer is enjoined to make a representation whenever he sees cause; and when instigated as aforesaid he must inspect the area and report his opinion.

38 & 39 Vict., 36, 15. (249.) The action of the Local Medical Officer is not conclusive. If after such complaint he does not inspect or report, or reports an area to be not unhealthy, the 12 ratepayers may, if dissatisfied, apply to LGB for an independent investigation by a Medical Officer specially appointed. The costs will fall as LGB may think fit.

38 & 39 Vict., 36, 8. (250.) If a LA declines to act upon an official representation, or to proceed with an Improvement Scheme, it must notify its reasons to LGB, which may direct a local Inquiry.

38 & 39 Vict., 36, 5. (251.) Every Improvement Scheme is to be accompanied by maps, particulars, and estimates. Various requisites are prescribed for it; especially that it shall provide for the accommodation, in suitable dwellings, of at least as many persons of the working classes as may be displaced, and this either within the area or in its vicinity. Power is given to a LA to make terms with an owner for the improvement of property included in a Scheme.

See also § 9.

38 & 39 Vict., 36, 6. (252.) On the completion of a Scheme, the LA is to publish a certain advertisement, and serve various notices. This done the LA is to petition LGB for a Provisional Order to confirm the proposed Scheme and authorise the purchase of the requisite property. If LGB views the application favourably, it will direct a local Inquiry, preparatory to the issue of the Provisional Order.

38 & 39 Vict., 36, 6-7. (253.) There are various provisions as to costs of which there are two classes :—(1) costs incurred by, or sanctioned by, LGB, and (2) costs sanctioned by a Parliamentary Committee in connection with an opposed Provisional Order.

38 & 39 Vict., 36, 9. (254.) When an Improvement Scheme has been confirmed by Parliament it is the duty of the LA to take steps for carrying it into execution "as soon as practicable." Having purchased the requisite lands, it may re-sell or let on lease all or any part of the area, under condition that the purchasers or lessees will carry the scheme into execution. But except with the express approval of LGB, the LA is not to meddle with building operations beyond clearing sites and making streets. The LA is to impose suitable conditions as to the design, &c., of the houses to be erected. Any dwellings duly erected by a LA out of funds provided under the Act must be sold within 10 years. LGB may, for reasons and on conditions that are specified, sanction the modification of a Scheme.

38 & 39 Vict., 36, 12.

38 & 39 Vict., 36, 10. (255.) If within 5 years after the removal of any old buildings the LA has failed to carry out an Improvement Scheme, LGB may order the sale of the land, but the purchaser will have to enter into conditions to erect dwellings for the working classes.

(256.) When a LA proposes to take as many as 15 houses it must give at least 13 weeks notice by placards, &c., and then obtain a Justice's certificate that its intentions have been duly made known. 38 & 39 Vict., 36, 11.

(257.) As regards the Local Inquiry by the officer of LGB, preparatory to the issue of a Provisional Order, various regulations are laid down. 38 & 39 Vict., 36, 16-18.

(258.) The purchase of lands required for an Improvement Scheme will be governed generally by the "Lands Clauses Acts," but some alterations in the details of these Acts are prescribed. For instance, the compensation payable for property taken compulsorily is to be assessed on the "fair market value . . . due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state . . . without any additional allowance in respect of the compulsory purchase." 38 & 39 Vict., 36, 19-20; and Sch.

(259.) Elaborate provision is made with respect to the financial working of the Act. A separate account of receipts and expenditure is to be kept, and any deficiency on the former side is to be made good out of the Local Rate, or from moneys borrowed. The borrowing arrangements of a LA under the Act will depend generally on the "Public Health Act, 1875." And the same remark applies to the audit of accounts. 38 & 39 Vict., 36, 21-3. A 316.

(260.) Where, in any place to which the Act applies, a Local Act of similar effect is in force, the LA may proceed under either; but it is not by reason of the Local Act exempted from the obligations of the Act of 1875. 38 & 39 Vict., 36, 30.

(261.) There are various miscellaneous provisions are to the authentication and service of notices; as to advertisements; as to the obstruction of officers (the penalty for this offence is 20*l.* or less); as to deposit of Maps and Plans, as to payment of purchase moneys and entry on lands; and as to Arbitration proceedings, including appeals in respect thereof, and costs. 38 & 39 Vict., 36, 21-9, and Sch.

(262.) From a perusal of the Paragraphs which now follow, it will readily be seen how much the Act of 1875 interferes with previous legislation.

(263.) Under the "Artizans' and Labourers' Dwellings Act, 1868," the Medical Officer of Health is to report in writing to the Urban A any premises which are in a state dangerous to health, so as to be unfit for human habitation. 31 & 32 Vict., 130, 5. A 10 and 97.

(264.) The A must refer this report to a Surveyor or Engineer, who is to report on the cause and remedy of the evil, or whether the premises ought to be demolished. 31 & 32 Vict., 130, 6.

(265.) On receipt of the Surveyor's report the A is to cause a copy of it and of the Medical Officer's report to be given to the owner, with notice of the time and place appointed by the A for the consideration of them. The owner may attend and state objections. The A may 31 & 32 Vict., 130, 7.

next make an order in writing, and, if necessary, may cause to be prepared a plan, specification, and estimate with respect to the suggested works.

31 & 32 Vict., 130, 8. (266.) The Clerk is to forthwith inform the owner that this plan, &c., has been prepared and may be seen and copied by him. The owner may within 3 weeks state in writing any objection he may entertain, and may support such objection at a personal interview. The A shall thereupon make such order as it may think fit.

31 & 32 Vict., 130, 9-11. (267.) Any person aggrieved by an order of a A may appeal to the Quarter Sessions under regulations which are fully set forth.

31 & 32 Vict., 130, 12. (268.) If 4 or more Householders in or near any street represent to the Medical Officer of Health in writing that any premises in or near that street are in a state dangerous to health, so as to be unfit for human habitation, he must forthwith inspect the premises and report on them. But the absence of representation does not excuse him.

31 & 32 Vict., 130, 13. (269.) If the A neglects for 3 calendar months to take proceedings, the Householders may apply to LGB, which may compel the A to proceed.

31 & 32 Vict., 130, 14-16, and 18. (270.) The provisions of the Act relating to the execution of works by owners are very complicated and cannot well be summarised.

31 & 32 Vict., 130, 18-19. (271.) If owners make default, the A must order the premises to be shut up or demolished, or it may itself execute the required works. In this latter case the A may apply to the Quarter Sessions for an order charging the expenses on the premises with interest at the rate of 4 per cent. per annum; and the A is to be deemed a mortgagee.

23 & 24 Vict., 145, part II.

31 & 32 Vict., 130, 21-2, and 24. (272.) The Act contains various provisions protecting tenants, owners against tenants, and one owner against another.

31 & 32 Vict., 130, 20. (273.) If the A orders the demolition of any premises and the owner does not within 3 months comply, the A must do the work, selling the materials and paying the balance (if any), to the owner, after deducting expenses.

31 & 32 Vict., 130, 23. (274.) If the A orders the improvement of any premises, it will be a compliance with the order if the owner instead of effecting the required works, takes down the premises. A site cleared in virtue of this or the previous provision, is not to be re-occupied by a house or other building injurious to health. If it is so re-occupied, the A may order alterations, and, on non-compliance, may effect alterations at the expense of the owner.

31 & 32 Vict., 130, 25. (275.) On the completion by an owner of works ordered, he may apply to the A for an order to charge on the premises an annuity, as, compensation to him for his expenditure. The A on being furnished with the requisite evidence (Surveyor's certificate, &c.) may make a charging order.

31 & 32 Vict., 130, 25. (276.) An annuity under the Act is to be at the rate of 6 per cent. per annum on the expenditure, and is to be payable for 30 years. The costs are to be deemed part of the expenditure.

(277.) A form of charging order is prescribed. 31 & 32 Vict., 130, Sch. 2, Form A.

(278.) A certified copy of every charging order, of the Surveyor's certificate on which it is based, and of the accounts, is within 6 months after the date of the order, to be deposited with the Clerk of the Peace of the County and filed. 31 & 32 Vict., 130, 29.

(279.) Every charging order in Middlesex and Yorkshire is to be registered as if the charge were made by deed by the absolute owner. 31 & 32 Vict., 130, 29.

(280.) There are special provisions as to the service and authentication of notices issued by the A. 31 & 32 Vict., 130, 15-17, and 34.

(281.) The expenses of working the Act are to be defrayed out of a Special Rate not exceeding 2*d.* in the £ in any year. 31 & 32 Vict., 130, 31.

(282.) The Public Works Loan Commissioners may advance moneys to the A subject to the sanction of LGB (The Act 31 and 32 Vict., **130**, is one of the "Sanitary Acts.") 31 & 32 Vict. 130, 37. A 4.

(283.) There are also special provisions as to the service of summonses, &c., against an A. 31 & 32 Vict., 130, 32.

(284.) Any Company or Body Corporate may appear before Magistrates by any Member of their Board. 31 & 32 Vict., 130, 37.

(285.) Penalties of 20*l.*, which, under § 36, may accumulate from day to day, are prescribed for obstructing Officers of an A engaged in executing the Act. 31 & 32 Vict., 130, 35-6.

(286.) Urban As may be charged with the working of several other Acts of Parliament for facilitating the construction of Improved Dwellings for the Labouring Classes. These Acts are the "Labouring Classes Lodging Houses Act, 1851," (14 & 15 Vict., **34**); the "Labouring Classes Dwelling Houses Act, 1866," (29 Vict., **28**); the "Labouring Classes Dwelling Houses Act, 1867," (30 & 31 Vict. **28**); and the "Working Mens' Dwellings Act, 1874" (37 & 38 Vict., **59**). But these Acts are not necessarily in force in the Districts of Urban As.

(5) AUDIT OF ACCOUNTS.

✠ (287.) The accounts of every LA are to be made up in the form and to the day or days in every year appointed by LGB. A 245 and see 324.

(288.) Urban accounts (not being the accounts of a Borough) are to be audited once in every year, as soon as may be after March 25, which day is therefore by implication the last day of the financial year of Urban As. Such accounts are to be audited by the Poor Law Auditor of the District; but if he should happen to be a member of the Board, LGB is to entrust the audit to the Auditor of some adjoining Union. A 247 (1).

A 248. ✠ (289.) Rural accounts are to be audited once in every half-year, as soon as may be after March 25 and Sept. 29. Rural accounts and likewise the accounts of Overseers collecting or paying money for the purposes of **A** are to be audited in the same manner as under the Poor Law Acts, and an Auditor auditing Sanitary accounts has the like powers, and is subject to the like obligations as those which prevail in the case of Poor Law audits. The same right of appeal also exists.

A 250. ✠ (290.) The power of Auditors auditing the accounts of any 𝔄 extends to the accounts of Officers, or Assistants, receiving moneys or goods on behalf of such 𝔄.

✠ (291.) Information as to Poor Law audits will be found as follows:—7 & 8 Vict., **101**, 32—3 and 35—6; 11 & 12 Vict., **91**, 4—5 and 7—10; 12 & 13 Vict., **103**, 8—9 and 11; 29 & 30 Vict., **113**, 6—7; and 31 & 32 Vict., **122**, 24.

A 246: 5 & 6 Will. IV. 76, 73 and 92: 1 Vict. 78, 45. (292.) In Boroughs the Sanitary accounts are to be audited by the Borough Auditors under the same regulations as those under which the Municipal accounts are audited. And they may be removed by *Certiorari*.

A 247 (2). (293.) The Auditor is to be paid not less than *two guineas* a day, and elsewhere than in Boroughs, his travelling expenses. Nothing is said about the Auditor's personal expenses, but in settling his fee it seems reasonable to make some allowance for refreshments, and, if needs be, for his lodging.

A 247 (3). (294.) The Auditor fixes the day (or days) on which he will conduct his audit, and when the fixture is made the 𝔄 is to give in one or more of the local newspapers 14 days' notice of the time and place of the audit, and also notice as to when and where the accounts will be open for the inspection of the ratepayers. The production of any such newspaper containing the notice is to be deemed, on any proceeding, sufficient proof of the notice.

A 247 (4). (295.) As to inspection by persons interested.—For 7 days previous to the day of audit a copy of the accounts to be audited, together with all "Rate-Books, Account-Books, Deeds, Contracts, Accounts, Bills, Vouchers, and Receipts mentioned or referred to in such Accounts," are to be deposited at the Office of the 𝔄, and to be open, during Office hours, to the inspection (including copying) of all persons interested without any fee being charged.(a) Any officer who neglects to make up accounts, or who tampers with the accounts, or obstructs inspection, is liable to a penalty of 5*l.* or less.

A 247 (5, 7, and 9). (296.) The duties of the Auditor are set forth at great length. He is first of all to examine the accounts with minute attention to all the items, and then to disallow such items as he deems to be contrary to law, but inasmuch as many of the illegal charges will have been

(a) "All persons interested," should be understood to mean only "Owners and Ratepayers."

actually paid, he is to surcharge the amount on the person who has made or authorised the same, and such person is within 14 days to refund it out of his own pocket.[a] The power of surcharge extends to the amount of deficiencies or losses caused by negligence or misconduct. The Auditor can compel the production of papers and the attendance of persons, failure as to which involves penalties.

(297.) A person surcharged may compel an Auditor to state in writing his reasons for making the surcharge, and the person so aggrieved may apply to the Court of Queen's Bench for a writ of *Certiorari* to remove the disallowance into that Court as if it were a disallowance by a Poor Law Auditor. Or the person aggrieved may apply for redress to LGB. A 247 (7). A 247 (8).

(298.) The Auditor is required himself to enforce by legal proceedings his surcharges, and the A is to re-imburse him such expenses as he may not recover from the person surcharged. A 247 (9).

(299.) On the other hand, ratepayers and owners may not only make before the Auditor objections to accounts, but also they have the same right of appeal against allowances made by him as they have by law against disallowances.[b] A 247 (6).

✠ (300.) The law relating to appeals against the decision of a Poor Law Auditor, may be ascertained by the references in the margin. 7 & 8 Vict., 101, 35-6: 11 & 12 Vict., 91, 4: 29 & 30 Vict., 113, 6: 34 & 35 Vict., 70, 2.

✠ (301.) The law relating to the recovery of disallowances may be ascertained by the references in the margin. A 247 (9): 7 & 8 Vict. 101, 35-6.

(302.) The audit being over, the Auditor is within 14 days to transmit to the Clerk a report as to the audit, which report is to be deposited at the Office of the A. An abstract of the accounts prepared by the Clerk is then to be published in one or more local newspapers. A 247 (10).

(303.) The accounts of a Local Board, and of Improvement Commissioners constituted a Burial Board, are to be kept distinct; and when their expenses are met by moneys raised under 23 & 24 Vict., 64 these accounts are to be audited in the same manner as their other accounts. The audit provisions of Local Acts are specially dealt with. 23 & 24 Vict., 64, 3. A 247, *ad fin.*

✠ (304.) All LAs are to transmit annually *both* to the Home Secretary and *also* to LGB, particulars of their income and expenditure. The necessary returns are to be prepared by the Clerk, or where there is no Clerk, by the Treasurer. The returns are to be made for the latest period of 12 months preceding the month of June in each year for which the accounts of the Board shall have been made up. Penalty for neglecting to prepare a return, 20*l.* 12 & 13 Vict., 35. 23 & 24 Vict., 51. 34 & 35 Vict., 70, 8.

✠ (305.) In the case of a Rural A, the returns are to be prepared by the Clerk at the close of each half-year. A 215: Gen. Ord. for Accounts, Art. 30.

✠ (306.) With a view of facilitating the preparation by LAs of annual returns, LGB has issued a blank form.

(*a*) When an improper payment is made by cheque, the person signing the cheque will be the person to be surcharged. (*A. G.* v. *Tottenham L.B.*)

(*b*) Refer to the case of *Reg.* v. *Great Western Railway Co.* (3)

33 & 34 Vict., 97, 3. (307.) Documents issued by an Urban A, are now subject to the appropriate stamp duty, all exemptions having been abolished. The cheques of a Board are therefore liable to the usual stamp.

✠ (308.) And LGB has advised that the old-established exemptions enjoyed by Guardians of the Poor for their various legal instruments are interfered with so far as regards instruments which are under the "Sanitary Acts," but this view has not yet been supported by a Court of Law, and regard being had to the form of § 42 of the "Public Health Act, 1872," compared with § 151 of the "Public Health Act, 1848," does not seem sound. Nor has it ever been considered by any Court
33 & 34 Vict., 97. whether the "Stamp Act, 1870," affects old exemptions of Guardians in respect of Poor Law Matters.

A 249. ✠ (309.) Provision is made for bills owing to Solicitors or Attorneys by LAs being taxed by the Clerk of the Peace of the County, or his deputy, in cases where the accounts are required by A to be audited by the Clerk of the Peace. LGB issued an Order on Nov. 29, 1872, fixing the fee payable on such taxation at "*four pence* per sheet or folio of 72 words each." This taxation is only *primâ facie* evidence of the reasonableness, not of the legality, of the charges. If a Bill of this kind is presented to the Auditors or Auditor untaxed, their or his decision upon both the reasonableness and the legality of the charges is final.

(6) BAKEHOUSES.

A 10-12. 26 & 27 Vict., 40, 2. ✠ (310.) All LAs are charged with the supervision of the Bakehouses in their respective Districts. A Bakehouse means any place in which bread, biscuits, or confectionery are baked, from the baking or selling of which a profit is derived.

26 & 27 Vict., 40, 3. ✠ (311.) No person under the age of 18 may be employed in any Bakehouse between 9 p.m. and 5 a.m. Penalty on the occupier of the Bakehouse: for the 1st offence, 2*l.* or less; for the 2nd offence, 5*l.* or less; for the 3rd and every subsequent offence, 1*l.* per day or less; no greater penalty than 10*l.* may be imposed.

26 & 27 Vict., 40, 4. ✠ (312.) The inside walls and ceiling of every Bakehouse and the passages leading thereto must, where the Bakehouse is situated in a town, &c., of more than 5000 inhabitants, be painted with oil or lime-washed, or partly painted and partly lime-washed. In the case of paint there must be 3 coats, and the painting must be renewed at least every 7 years, and must be washed with hot water and soap at least every 6 months. Every Bakehouse wherever situated must be kept clean, must be provided with proper ventilation, and must be free from effluvia. Penalty for default, 5*l.* or less.

26 & 27 Vict., 40, 4. ✠ (313.) The Court may, in addition to, or instead of, a penalty, order the executiom of works. Penalty for non-compliance, 1*l.* per day or less.

✠ (314.) No place on the same level with a Bakehouse and forming part thereof may, in any town, &c., of more than 5000 inhabitants, be used as a sleeping place, unless (i.) it is effectually separated from the Bakehouse by a partition from floor to ceiling; and (ii.) is provided with an external glazed window of at least 9 superficial feet, the half at least of which can be opened for ventilation. Penalty for letting, or occupying, or knowingly suffering to be occupied any place contrary to the Act, 1*l.* or less, and for every subsequent offence, 5*l.* or less. 26 & 27 Vict. 40, 5.

✠ (315.) Any officer of a 𝔏𝔄 may enter and inspect any Bakehouse during the hours of baking. Penalty for refusing to admit or for obstructing an Inspector, 20*l.* or less. An Inspector who is refused admission may apply to a Justice for a warrant. 26 & 27 Vict., 40, 6.

✠ (316.) As regards the expenses of working the "Bakehouse Regulation Act," see the references in the margin. 26 & 27 Vict., 40, 7. A 207 & 229.

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(7) BATHING.

(317.) An Urban 𝔄 having within its District any Sea-shore or River-strand, may make By-Laws respecting Public Bathing Places, the use of Bathing Machines, and for preventing indecent exposure. It may prescribe the charges to be made, and the limits within which Bathing may or may not take place. A 169 (5). 10 & 11 Vict., 89, 69.

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(8) BATHS AND WASH-HOUSES.

(318.) Inasmuch as personal cleanliness is an important security for health, Parliament has given facilities for the establishment of Public Baths and Wash-houses, but these facilities have been most unwisely neglected. The adoption of the "Baths and Wash-houses Acts" by an Urban 𝔄, is optional, but when adopted, the said 𝔄 is charged with the execution of those Acts.[a] 9 & 10 Vict., 74: 10 & 11 Vict., 61. A 10.

✠ (319.) Any 𝔏𝔄 carrying on Water Works may supply water to Public Baths and Wash-houses. This extends to any Baths and Wash-houses that are "public" and not carried on for private profit. A 65.

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(9) BORROWING POWERS.

✠ (320.) Any 𝔏𝔄, Joint-Board, or Port Sanitary 𝔄 (including the Local Board of Health of any Main Sewerage District, and any Joint A 233 & 244.

(*a*) Has the Vestry lost the right of "adopting" the Baths and Wash-houses Acts? Apparently not.

Sewerage Board under any of the "Sanitary Acts") may, with the sanction of LGB, for the purpose of defraying expenses incurred in the execution of the "Sanitary Acts" or A, borrow money or re-borrow in order to discharge existing loans.

A 233. (321.) In the case of an Urban A, the security is to be a mortgage of any Fund, or of all or any Rates out of which the A is authorised to defray expenses incurred in the execution of A.

A 233. ✠ (322.) In the case of a Rural A, the security is to be the Common Fund, *or* the Rates, according as the money borrowed is for "general" or for "special" expenses.

A 233-4. ✠ (323.) The exercise of this power is subject to the sanction of LGB and to other conditions as follows :—

(i.) The money must be expended only on permanent works, including under this expression any works of which the cost ought in the opinion of LGB to be spread over a term of years (*a*).

(ii.) The sum borrowed must not at any one time exceed in the whole, with the balances of all the outstanding loans contracted by the LA, under the "Sanitary Acts" and A, the assessable value for 2 years of the premises assessable within the District in respect of which the money is to be borrowed (*b*).

(iii.) Where the sum proposed to be borrowed would with such balances (if any) exceed the assessable value for one year the sanction of LGB is not to be given until after a Local Inquiry and Report by an Inspector.

(iv.) The LA, with the sanction of LGB, determines the time for repayment, which is in no case to exceed 60 years. The repayment is to be either by equal annual instalments of principal, or of principal and interest, or by a sinking fund created by the purchase of Exchequer Bills or other Government Securities. But the moneys borrowed must be paid off within the period sanctioned.

(v.) A LA may at any time apply the whole or part of a Sinking Fund under A towards the discharge of the moneys, for the repayment of which the Fund has been established. But in such case a sum equivalent to the interest which would have been produced by the Sinking Fund (or part) so applied is to be paid into the fund each year, and accumulated until the whole moneys borrowed are discharged.

(vi.) Where money is borrowed to discharge a previous loan, the time for repayment is not to extend beyond the unexpired portion of the period for which the original loan was contracted, unless with the sanction of LGB, and shall in no case extend beyond 60 years from the date of the original loan.

25 & 26 Vict., 100, 1. [Not Rural.] (These extended powers apply also to Burial Grounds when they are in the hands of Improvement Commissioners appointed under any Local Act.)

✠ (324.) A LA is under no legal obligation to exercise the whole of its borrowing powers if it should eventually find that a smaller amount than that sanctioned will suffice for its needs.

See 5 & 6 Vict., 35, 102. ✠ (325.) It may here be noted that Income Tax is payable on the interest of money thus lent, and it is the duty of the LA to deduct the tax from the interest before handing it over, paying to the proper Revenue Officer the amount thus withheld. If the deduction is not duly made from time to time, and at the proper time, the LA may eventually have to pay the amount of the tax a second time.(*c*)

A 234. ✠ (326.) When an Urban A borrows money to defray private expenses, or expenses chargeable to only a part of its District, it must, as

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(*a*) A steam roller is within this provision (Croydon, *2nd Annual Report of* LGB, p. 342) Also costs in respect of Provisional Orders or incidental thereto (A 296).

(*b*) This expression may be taken to mean the aggregate rateable value of the property assessable to the General District Rate, as shown by the Rate-Book which immediately precedes in date the application to LGB for permission to borrow. "Two years' assessable value" is twice this sum.

(*c*) Refer to 37 J. P., 61.

between the ratepayers of the District, make good so far as it can the money borrowed, as occasion requires, either out of Private Improvement Rates, or out of a rate levied in the part of the District.

(327.) Money borrowed for road-making is usually required by LGB to be repaid in 20 years. *L. G. Chron.*, Jan. 31, 1874.

✠ (328.) The Public Works Loans Commissioners are empowered to make advances to a LA for the purposes of A. Repayment must be made within 50 years, as LGB may determine. The interest is to be 3½ per cent., unless the Treasury should determine that some other rate is necessary in order to obviate loss to the Imperial Exchequer. A 242-4: See also 38 & 39 Vict., 89.

✠ (329.) Under this enactment, the following scale has been settled between LGB and the Treasury :— *2nd Annual Report of* LGB 1872. p. 48.

30 Years Loan	...	...	...	...	...	...	...	3½	per cent.
40 „	„	...	...	...	...	...	...	3¾	„
50 „	„	...	...	...	...	...	...	4	„

✠ (330.) In determining the time within which a loan under A shall be repayable, LGB is to have regard to the probable duration and continuing utility of the works in respect of which it is required. This section does not extend to any loan required for defraying expenses incurred by LGB in the performance of the duty of a defaulting LA after August 10, 1872. A 243 (1). A 243 (2).

✠ (331.) The Public Works Loan Commissioners may reduce to 3½ per cent. the interest on loans made before August 10, 1872. A 243.

✠ (332.) Loans may for sufficient reasons be contracted to pay off existing loans, but to this latter power recourse should only be had in exceptional cases. A 234 (6).

✠ (333.) There are Statutory forms of mortgage deeds, and of transfers of mortgages. A 236 & 238, and Sch. IV.

✠ (334.) Registers of the mortgages and transfers are to be kept. A Clerk who wilfully fails to make a Statutory entry in a Register is liable to a penalty of 20*l.* or less. A 237-8.

✠ (335.) On default for 6 months in the payment of any principal or interest due under a mortgage, and after demand in writing, the mortgagee, &c., may apply to a Court of Summary Jurisdiction for the appointment of a Receiver, who will both make and collect rates to pay off the money due. But it is a condition precedent to an application for the appointment of a Receiver being granted that at least 1,000*l.* should be due to the applicant or joint applicants. A 239: and see Sch. II. (2) 1-2.

✠ (336.) Special provision is made as to the validity of certain securities granted for a term less than the limited period of years, in cases where the Sanction or Provisional Order authorising them specified repayment *within* such limited period of years. [This provision is only of temporary application.] A 331.

✠ (337.) In addition to the powers of raising money on security of the rates, all LAs and Joint Boards which possess "any land, works, or other property," for the purposes of disposal of sewage, may A 235 & 244.

mortgage such property up to *three-fourths* of its value, to procure advances of money, in addition to their general borrowing powers, on the condition, however, that the money so borrowed "shall be applied for purposes for which moneys may be borrowed under **A.**" Mortgagees are not responsible for the application of their advances.

A 235.

24 & 25 Vict., 90, 1-2.

(338.) An elected Board of Improvement Commissioners acting as a LA and constituted a Burial Board may borrow money for burial purposes.

38 & 39 Vict., 83.

✠ (339.) By the "Local Loans Act, 1875," new and important additional facilities are granted to LAs for the raising of money.

38 & 39 Vict., 83, 4.

They may issue Debentures, Debenture Stock, or Annuity Certificates, by way of security for moneys advanced to them.

38 & 39 Vict., 83, 31.

✠ (340.) Any A having power to levy a rate for public local purposes leviable on the basis of an assessment in respect of property *may* resort to the Act. It is, therefore, available to every Urban and Rural Sanitary A, and *this notwithstanding any provision in any other Act of Parliament passed previously to the Act.* The Act does not extend to Scotland or Ireland, and comes into force on January 1, 1876.

38 & 39 Vict., 83. 31.

38 & 39 Vict., 83, 2-3.

38 & 39 Vict., 83, 4.

✠ (341.) A LA shall be deemed to borrow subject to the provisions of the Act, whenever it raises a loan by the issue of Debentures or Debenture Stock or Annuity Certificates purporting to be created under the powers of the Act, or partly in one way and partly in the other, subject to the proviso that where a particular mode is prescribed that and no other shall be adopted.

38 & 39 Vict., 83, 5.

✠ (342.) A Debenture is to take effect as a deed, and charge the local rate or property specified therein with payment as in the Debenture mentioned of the principal and interest therein specified. Where a Debenture charges property other than the local rate, and it is intended in default of payment of the principal and interest that the property is to be sold, this is to be stated. The principal sum may be made payable to bearer or to a person named, and his executors, &c. A Debenture in which the principal sum is made payable to bearer is to be transferable by delivery. A Debenture in which the principal sum is made payable to a person named therein and his executors, &c., is to be termed a "Nominal Debenture," and be transferable by writing in manner directed by the LA. There may be attached to a Debenture under the Act, or be thereafter issued in respect thereof, or partly in one way and partly in the other, Coupons making the interest therein mentioned payable to the bearer or to the person named or his order; or the interest may be made payable to the owner of the Debenture or otherwise as mentioned therein. The Debentures are not to be issued for less than the prescribed sums; where no sum is prescribed, for less than 20*l.*

38 & 39 Vict., 83, 6.

✠ (343.) A LA duly empowered to do so may create and issue Debenture Stock under regulations and conditions for which reference must be made to the Act.

✠ (344.) Every Annuity Certificate is to take effect as a deed, and charge the local rate or property therein specified with payment as in such certificate mentioned of an annual sum therein specified. The provisions as to sale of property charged, as to payees, and as to transfers, which are enacted in respect of Debentures, are applicable almost *verbatim* to annuity certificates. The minimum amount of an annuity certificate is to be 3*l*. 38 & 39 Vict., 83, 7.

✠ (345.) All sums due or authorised to be raised on or in respect of any securities issued in respect of the same loan are to be paid without any preference. When issued in respect of several loans they are to take priority according to the dates of the loans. Moneys borrowed may, unless it is otherwise prescribed, be deemed to form one loan or several loans, as may be deemed most convenient by the borrowers, so that the aggregate amount authorised to be borrowed be not exceeded. The date of the commencement of each loan is to be fixed by the LA, and may be so fixed irrespectively of the dates of the particular securities issued in respect of the loan so that the period within which the loan is required to be discharged be not exceeded. 38 & 39 Vict., 83, 8.

✠ (346.) Provision is to be made for the discharge within the prescribed period of every loan in respect of which securities have been issued; where no period is prescribed, the period is to be 20 years. The discharge of the loan is to be secured by the LA by one or more of the following methods:— 38 & 39 Vict., 83, 13.

(1.) By the issue of Annuity Certificates limited to expire within the prescribed period;

(2.) By the issue of Debentures in such manner as to make it obligatory on the LA to pay off an equal sum in each year of the prescribed period, or of some lesser period;

(3.) By the annual appropriation of a fixed sum to the discharge of a certain portion of such loan;

(4.) By the creation of a Sinking Fund, when such is prescribed, but not otherwise.

✠ (347.) When the discharge of a loan is to be effected by the appropriation of an annual sum this is to be carried out under regulations which are detailed in the Act with great minuteness. 38 & 39 Vict., 83, 14.

✠ (348.) Various regulations are prescribed with respect to Sinking Funds. The following are some of the more important:— 38 & 39 Vict., 83, 15.

(1.) Such equal yearly and half-yearly sums are to be paid into the fund each year as, being accumulated at compound interest at the prescribed or sufficient rate per cent. per annum, will at the expiration of some period not longer than the prescribed period suffice to discharge the whole of the sum borrowed;

(2.) The first payment is to be made within one year from the date of the loan;

(3.) All moneys paid into the Sinking Fund and all accumulations thereof are to be invested by the LA in the prescribed manner, or if no manner is prescribed, or if a manner has been prescribed then if LGS assents, in securities in which trustees are by law for the time being authorised to invest, or in Debentures, Debenture Stock, or Annuity Certificates issued under the Act [by some other LA]. Any such investments may be from time to time varied and the dividends are to be invested in like securities;

(4.) A LA is to apply the Sinking Fund to the purposes for which it was created and until the loan is wholly discharged to no other purpose;

(5.) Provision is made for the selection of the Debentures, &c., which are to be paid off;

(6.) Any surplus of a Sinking Fund remaining after the discharge of a loan is to be paid to some other Sinking Fund of the LA; or if no such fund exist, shall be disposed of as the LA may with the sanction of LGS think expedient;

(7.) Where any part of a Sinking Fund is invested in any securities of the LA, or is applied in paying off part of a loan before the prescribed period, the interest which

would otherwise be payable on such securities or part of a loan shall be paid into the Sinking Fund and invested;

(8.) If the annual income of the Sinking Fund is not less than the annual interest payable on so much of the loan as remains undischarged, the equal annual sums required to be paid into the Sinking Fund may cease to be paid.

38 & 39 Vict., 83, 16. ✠ (349.) Where a Sinking Fund is created an annual return is to be made by the LA to LGB, in such form as may be prescribed by that Board, and verified as required, showing the amount which has been invested or applied for the purpose of such Sinking Fund during the year preceding the making of such return, and the description of the securities upon which any investment has been made, and also showing the purposes to which any portion of the Sinking Fund has been applied during the same period, and the total amount (if any) remaining invested at the close of the year. This return must be prepared and transmitted within 21 days after the expiration of each year.

38 & 39 Vict., 83, 16. ✠ (350.) In case a LA fails to comply with the provisions of the Act with respect to any Sinking Fund, LGB may order the payment into the Sinking Fund of a sum in respect of which default has been made. Such Order may be enforced by *Mandamus*.

38 & 39 Vict., 83, 11-12. ✠ (351.) In case of non-payment for 21 days by a LA of moneys due on securities under the Act, a remedy may be had by *Mandamus*, or by action or instead of or in addition to action by the appointment of a Receiver. The smallest aggregate amount (whether in one sum or separate sums) to authorise the appointment of a Receiver is 500*l*. A Receiver may acquire the power to levy rates.

38 & 39 Vict., 83, 10. ✠ (352.) A holder of securities is exempt from all responsibility with reference to the application of the moneys advanced.

38 & 39 Vict., 83, 27. ✠ (353.) Trustees or other persons authorised or directed to invest any moneys in the Debentures or Debenture Stock of any railway company, may unless the contrary is provided by the instrument authorising or directing such investment, invest such moneys in Nominal Debentures or Nominal Debenture Stock issued under the Act.

38 & 39 Vict., 83, 9. ✠ (354.) A notice of Trust is not receivable by a LA in relation to any security issued by such A under the Act.

38 & 39 Vict., 83, 29-30, and Schs. ✠ (355.) There are various miscellaneous provisions calculated to facilitate the working of the Act, including power to make general rules. A few such rules are prescribed.

38 & 39 Vict., 83, 22. ✠ (356.) Every Debenture, Stock Certificate to bearer, and Annuity Certificate is to be deemed well executed if under the common seal of the LA, where that A is a body corporate; and if signed by 2 or more members where the LA is not a body corporate, or if otherwise executed as LGB may on the application of *any* LA direct.

38 & 39 Vict., 83, 23-5. ✠ (357.) A register of securities under the Act is to be kept by the LA. This register may, under conditions, be inspected, and provision is made for its rectification.

38 & 39 Vict., 83, 32. ✠ (358.) Debenture Stock is to be deemed to be capital stock of a body corporate, and any other security issued under the Act is to be con-

sidered a writing obligatory for the purposes of the "Forgery Act, 1861." Any Coupon "crossed" as a Banker's cheque might be is to be deemed a banker's cheque or draft.

✠ (359.) For definitions of certain terms used in the Act see the reference in the margin. 38 & 39 Vict., 83, 34.

✠ (360.) The Commissioners of Inland Revenue are, on the application of any LA, and on payment of such sum as may, with the sanction of the Treasury be agreed upon, to supply blank forms of Certificates, &c. 38 & 39 Vict., 83, 22.

✠ (361.) A LA, "on such indemnity being given as it may require, and on payment of the expense of the issue," must issue fresh securities to replace any that have been lost, mislaid, or destroyed. 38 & 39 Vict., 83, 33.

✠ (362.) Coupons in respect of any Debenture, or Stock Certificate to Bearer, may be issued comprising the Interest payable during the whole term of the Debenture, &c., or during any less period. At the expiration of any such less period fresh Coupons may be issued, or such Debenture, &c., may be exchanged for another with Coupons for a further period. The Act contains some other provisions respecting Coupons. 38 & 39 Vict., 83, 17-19.

✠ (363.) Stock Certificates to Bearer may under certain regulations be converted into Nominal Debenture Stock. A Trustee of Debenture Stock is not to hold a Stock Certificate to Bearer unless authorised to do so by his Trust. This provision affects the Trustee, but not the LA. 38 & 39 Vict., 83, 20-1.

✠ (364.) A very important Section deals with Loans under Official Sanction. Any LA about to raise a Loan under the Act may apply to LGB to authorise the issue of "Securities under Official Sanction." Before granting such Sanction LGB is to require the LA to produce particulars of its financial condition, and the sanction of LGB is not to be given unless that Board is satisfied with the result of the Inquiries made. Securities under Official Sanction are to be authenticated by official stamps as LGB may direct. The sanction of LGB is to be conclusive evidence that the securities to which it relates are in conformity with the Act. The owner of any security issued under official sanction is on request by him to LGB to be furnished, in the case of a security charged on a rate, with a statement of the rateable value of the property subject to the rate; and in the case of a security charged on property, with a statement of the estimated value of such property. Also, of the relative priority of the Loan in respect of which such security is issued, and of the other Loans (if any) of the LA. 38 & 39 Vict., 83, 26.

✠ (365.) The Public Works Loan Commissioners may, under conditions, accept securities under the Act as security for Loans made by them. 38 & 39 Vict., 83, 28.

✠ (366.) LAs may re-borrow in manner provided by the Act for the purpose of discharging their Loans, "provided that the time for repayment of any money so borrowed shall not be extended beyond the unexpired portion of the term for which the original loan was contracted, unless with the sanction of LGB, and in no case shall be extended beyond the prescribed period." 38 & 39 Vict., 83, 31.

(10) BUILDINGS.

(367.) An Urban A is constantly called upon to exercise control over buildings, especially over new buildings. But these matters depend as much upon By-Laws as upon Statutes.

A 157. (368.) It has already been stated [see Paragraph 145, *ante*], what subjects are to be treated in By-Laws concerning buildings. Building By-Laws may prescribe conditions as to notices and the deposit of plans, &c. Work done in contravention of valid By-Laws may be altered or pulled down. No By-Law can affect buildings erected in any place before such place became constituted, or included in, an Urban District, or by virtue of any Order of LGB became subject to this enactment.

A 159. (369.) The re-erection of a building pulled down to, or below, the ground floor, or of any frame building of which only the frame-work is left down to the ground floor, or the conversion into a dwelling house of any building not originally such, or the conversion of one dwelling house into more than one, are severally to be considered cases of "the erection of a new building."[a]

A 155: 12 & 11 Vict. 34, 58. (370.) When any house or building situated in any street in an Urban District, or the front thereof, has been taken down to be re-built or altered, an Urban A may prescribe a new building line, paying compensation for the loss or damage caused by the house, &c., being set back or forwards. The case of a temporary Church removed to make way for a permanent one, is within this provision, but the line must be prescribed before progress is made with the works. A Perpetual Curate in whom a site is vested[b] under 43 Geo. III., **108**, is an "owner" for the purpose of compensation.

A 156 and 160 (2): 12 & 11 Vict. 34, 66. (371.) An existing building line is not to be encroached upon without the consent of the Urban A, but that consent may be given for the purpose of improving the line of a street. Penalty (continuing) for an encroachment, 2*l.* per day, or less, after written notice from the A.

A 160 (3): 10 & 11 Vict. 34, 75-8. (372.) Ruined or dangerous buildings are to be dealt with by an Urban A. In certain cases moneys expended by the A may be recovered by distress from the defaulting owner. If the owner cannot be found within the District, or sufficient distress cannot be made, the buildings may, after 28 days' notice, be taken and sold (compensation being made), or they may be pulled down, and the materials sold, the overplus (if any), accruing from the sale being restored to the owner, on demand. But notwithstanding the sale, the remedies for compelling payment of so much of the whole expense as is deficient, remain.

A 157. (373.) Buildings belonging to a Railway Company and used for *Railway purposes* under any Act of Parliament are exempt from

(a) *Hobbs* v. *Dance.* (b) *Folkestone Corporation* v. *Woodward.*

§§ 155-7 of A. This is a new enactment. Be it observed that it does not grant to a Railway Company a general exemption from Building By-Laws.

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(11) BURIAL OF THE DEAD.

(374.) Burials are regulated by a number of Statutes with which LAs have no direct concern, but it is necessary to refer to the matter because, by certain Statutes, Local Boards and Commissioners under Improvement Acts are authorised to be the Burial Authorities, and the economical advantages of this plan are self-evident. 20 & 21 Vict. 81, 4.

(375.) There are two ways by means of which Urban As may become Burial Boards. By 23 & 24 Vict., 64, Her Majesty in Council, acting on the petition of a Local Board or Improvement Commissioners, may order that such Board or Commissioners be the Burial Board for such District. In such petition it must appear (*inter alia*) that the District of the Board or Commissioners is *conterminous* with that of the proposed Burial Board. The other mode is the following:—Where the Burial Act, 20 & 21 Vict., 81, has been adopted by the Vestry of a place having a known and defined boundary, the Local Board (or the members for any Ward within the Local Board District, if such Ward is the Parish or place which has adopted the Act) may, *at the option of the Vestry*, be the Burial Board for such Parish or place. In the latter way a Local Board or Improvement Commissioners may become the Burial Board acting for a District *not conterminous* with that of the Urban A. 23 & 24 Vict. 64, 4. A Sch. V. Part III.

(376.) When the District of a Burial Board is included in or *conterminous* with that of a Urban A, the former may, with certain consents, transfer its property to the latter. A Sch. V. Part III.

(377.) It is to be noted that if a Parish has been divided into Ecclesiastical Districts, any one of which has a separate Burial Ground, the Vestry of the entire Parish cannot appoint a Burial Board without the approval of a Secretary of State. 23 & 24 Vict., 64, 4.

(378.) For other provisions the "Burial Acts" must be consulted.

(379.) The transfer, by virtue of the "Public Health Act, 1872." of the powers, &c., of any Local Board or Improvement Commissioners to an Urban Sanitary A includes all powers, &c., attached to such Local Board, &c., as a Burial Board under any General Act. A 310.

✠ (380.) A LA may, and if required by LGB shall, provide a proper place for the reception of dead bodies. It may make the necessary arrangements for the interment of the same. By-Laws may be prescribed. A 141.

✠ (381.) A LA may provide a place for the reception of dead bodies that are to undergo *post-mortem* examination; but this is not [?] to be at a Workhouse or at a Mortuary. Orders for the removal of a body A 143.

may be made by a Coroner or other constituted authority. Regulations may be prescribed, and there is a provision as to expenses.

A Sch. V. Part III. (382.) Any Urban A which is constituted a Burial Board is empowered to repair fences which surround a disused Burial Ground, and to make By-Laws for the Preservation and Regulation of all Burial Grounds within its limits.

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(12) CELLARS.

A 71-4. ✠ (383.) No cellars are to be occupied as dwellings unless they were in existence and lawfully so occupied at the time of the passing of **A**, and not even then unless certain conditions as to dimensions, light, drainage, private conveniences, ventilation, &c., are fulfilled. Penalty, 1*l.* per day or less. The Act is to apply to any vault, cellar, or underground room in which any person passes the night.

A 75. ✠ (384.) Where 2 convictions against the provisions of any Act relating to the occupation of a cellar, &c., have occurred with 3 months a Court of Summary Jurisdiction may order the premises to be closed for a *time*, or may empower the LA to close them *permanently*.

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(13) CLOCKS (PUBLIC).

A 165: see also 10 & 11 Vict., 34, 143. (385.) An Urban A may provide and maintain Public Clocks, and may illuminate the same by night.

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(14) DITCHES, &c.

A 48. ✠ (386.) Where any Water-course or open Ditch lying near to, or forming the boundary between, two adjoining Districts is foul and offensive, a Justice of the District injuriously affected may on the application of the LA summon the adjoining (and defaulting) LA before a Court of Summary Jurisdiction, which may order the cleansing of the Water-course, or permanent or other structural works

A 144. 5 & 6 Vict., 50, 67. (387.) LAs fulfilling the duties of Surveyors of Highways may keep in order ditches lying near highways, even if on private lands,[a] making payment, however, for any damage that may be done. The amount payable is to be settled as in the case of damages for materials taken out of enclosed lands for Highway purposes. Turnpike Trustees possess similar powers over ditches.

3 Geo. IV., 126, 114.

(*a*) *Tuthill* v. *West-Ham L. B.* illustrates the powers of LAs in dealing with ditches alongside highways.

(15) FIRES.

(388.) An Urban A is charged with certain duties with respect to fires, for which the "Towns Police Clauses Act, 1847," must be consulted. Briefly the points are as follows:— A 171 (2). 10 & 11 Vict., 89.

Power to have persons who set Chimneys on fire wilfully, fined 5*l.* or less. The offender is also liable to be indicted for felony. 10 & 11 Vict., 89, 30.

Power to have persons who negligently allow Chimneys to catch fire, fined 10*s.* or less. 10 & 11 Vict., 89, 31.

Fire-Engines and Appliances and Fire-men may be provided. The Fire-men may be paid, and rules may be prescribed for their guidance. 10 & 11 Vict., 89, 32.

And these may go out beyond the District, but in such cases charges are to be made by the A.[b] Disputes are to be settled by 2 Justices. 10 & 11 Vict., 89, 33.

(389.) The ordinary expenses relating to Fire-Engine matters fall on the General District Rate.

(390.) An Urban A is to cause Fire-plugs and appliances to be provided and maintained; and for this purpose may make agreements with Water Companies or any persons. The situation of the plugs is to be made known by marks on the neighbouring buildings and walls. A 66.

(16) FOOD (UNWHOLESOME).

✠ (391.) The Medical Officer or Inspector of Nuisances may at all reasonable times examine any articles of food (*of the kinds specified*) exposed for sale, or deposited in any place for sale, or for preparation for sale and intended for human food. Proof of intention rests with the party charged. If any such article of food appears diseased, unsound, unwholesome, or unfit for human food, the officer may cause the removal thereof that it may be dealt with by a Justice. A 116.

✠ (392.) The kinds of food which may be dealt with are :—"Any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk;" and care must be taken that any article seized comes under some one or other of these heads. [This is less comprehensive than 10 Vict., 14, 15, which is to the same effect, but that Act is only in force in a few, and those Urban, places.] A 116.

✠ (393.) If satisfied that the article seized is diseased, &c., the Justice must condemn it and order it to be destroyed, or so disposed of, as to prevent it from being exposed for sale or used as food. The owner of the article, or of the premises on which it was found, may be fined 20*l.* for "every animal, carcase, or fish, or piece of meat, flesh, fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, flour, or for the milk so condemned." Or he may be imprisoned for 3 months without the option of a fine. The Justice A 117. Compare A 251.

(*a*) See *Drighlington L. B.* v. *Bower* and *Lewis* v. *Arnold*.

(*b*) In the case of *Atkinson* v. *Newcastle Waterworks Co.*, compensation was recovered against a Water Company for premises burnt down because its mains were not duly charged, but this was under § 35 of the "Waterworks Clauses Act, 1847," which is not incorporated by A, though A. 55 seems modelled thereon.

who convicts need not be the Justice who condemned the article
A 118. seized. Penalty for obstructing, &c., an officer, 5*l.* or less.

A 119. ✠ (394.) On complaint, on oath, by an officer of a LA that there is reason for believing that unsound, &c., food is concealed in any building, a Justice may grant a search warrant, and authorise the removal of the suspected articles. Penalty for obstructing a search, or a removal, 20*l.* or less, additional to the main penalty.

✠ (395.) It is doubtful whether food can be seized *after* it has been sold.

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(17) GAS SUPPLY.

A 161, and compare 10 Vict., 15, 13; 10 & 11 Vict., 34, 119-20, and 34 & 35 Vict., 41, 24-7. (396.) Any Urban A may contract with any person for the lighting by gas or otherwise of the streets, markets, and public buildings in its District, and may provide the necessary appliances.

A 161. (397.) Subject to certain conditions as to non-interference with existing Gas Companies, &c., any Urban A may establish and carry on Gas Works for their district, obtaining their powers in that behalf under the "Gas and Water Works Facilities Act, 1870," but the Provisional Order will require the sanction of LGB, and not that of the Board of Trade.

A 162. (398.) An Urban A may, with the sanction of LGB, buy up existing Gas Works. [See "Purchase of Lands and Undertakings," *post.*]

A 163. (399.) All the powers conferred by the old Lighting and Watching Act (3 & 4 Will. IV., 90,) devolve on an Urban A as soon as one is established, and the ownership of all Lamps, Lamp-posts, Gas-pipes, Fire-Engines, Hose, &c., which previously belonged to the Lighting Inspectors, becomes vested in the said A.

A 150. (400.) An Urban A may compel the lighting of private streets.

A 153. (401.) An Urban A may, after notice in writing, alter the position of Gas-pipes in streets, if necessary. Certain conditions are imposed.

A 65: 9 & 10 Vict., 74, 28: 14 & 15 Vict., 34, 39. (402.) A LA, when managing Water or Gas Works, may supply, either gratuitously, or on favourable terms, Water and Gas to Public Baths and Wash-houses, and to Lodging-houses erected under the Act 14 & 15 Vict., 34.

33 & 34 Vict., 70, 4, and Sch. A.: this Act has been amended by 36 & 36 Vict., 89. (403.) Under the "Gas and Water Works Facilities Act, 1870," the consent of the LA is needed before Gas or Water Powers can be obtained by Undertakers by a Board of Trade Provisional Order.

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(18) HACKNEY CARRIAGES.

A 171 (4): 10 & 11 Vict., 89. (404.) An Urban A controls all Hackney Carriages publicly plying for hire within its District.

(405.) But within the Metropolitan Police District there are special provisions in force. See 6 & 7 Vict., 86; 16 & 17 Vict., 33 and 127; 23 & 24 Vict., 113; 32 & 33 Vict., 115.

(406.) The provisions with respect to this matter are derived almost exclusively from the "Towns Police Clauses Act, 1847." The following is an outline of them :— 10 & 11 Vict., 89.

Hackney Carriages to be Licensed.	§ 37.
Definition of Hackney Carriages.	§ 38.
License Fee not to exceed 5*s*.	§ 39.
Persons applying for Licenses to do so in writing.	§ 40.
What is to be specified in the Licenses.	§ 41.
Licenses to be registered.	§ 42.
Licenses to be in force for one year only.	§ 43.
Proprietors to give notice if they change their abode.	§ 44.
Penalty for plying for hire[a] without a license, 2*l*. or less.	§ 45.
Drivers not to act without being Licensed ; License fee 1*s*.	§ 46.
Penalty on Drivers acting without a License, 1*l*. or less.	§ 47.
Proprietor to hold the License of his drivers; procedure before Justices, as to Licenses.	§ 48.
Proprietor to return License to Drivers when they quit his service.	§ 49.
Licenses may be suspended or revoked for misconduct.	§ 50.
Every Hackney Carriage to have painted on it the number of the persons which it is designed to carry.	§ 51.
Various miscellaneous provisions.	§ 52-67.
The LA may make By-Laws to regulate the hire of Carriages, &c.	§ 68.

(407.) Licenses to drivers are to terminate at the Annual Licensing Meeting next after they are issued.[b] A 171.

(408.) Any Urban A may license the proprietors, drivers, and conductors of horses, ponies, mules, or asses, plying for hire within the District, in like manner and with like incidents and consequences, so far as applicable, as in the case of proprietors, &c., of Hackney Carriages. By-Laws may be prescribed as to various matters. A 172.

(409.) Any Urban A may license the proprietors and boatmen, &c., of Pleasure Boats. By-Laws may be prescribed as to various matters. A 172.

(19) HIGHWAYS AND STREETS.

(410.) An Urban A may regulate by By-Laws the level, width, construction and sewerage of new streets. A 157.

(411.) An Urban A may purchase premises for improving streets, or with the sanction of LGB, may purchase premises for new streets. [See "Purchase of Lands and Undertakings," *post*.] A 154; 160 (2); 10 & 11 Vict., 34, 67.

(412.) An Urban A has the exclusive control of all Public Highways (not being Turnpike roads) within its District. It takes the A 144.

(*a*) A vehicle when on a Railway Company's premises is not "plying for hire" within the meaning of this section. (See *Curtis* v. *Embrey*, and the cases there cited.)

(*b*) This is doubtless the meaning of the Act, but the language is less precise than it might have been.

5 & 6 WILL. IV., 50, 69.

place of the Parish Vestry for the purposes of the "Highway Act, 1835," and may deal with encroachments. An Urban Surveyor or other person appointed by the A may perform ministerial acts appertaining to a Surveyor of Highways.

28 & 29 Vict., 107, 2. 3 Geo. IV., 126, 118 and 124.

(413.) An Urban A has power to remove encroachments, &c., on a road which has been a Turnpike road, but which at any time subsequent to July 5, 1865, may have become an ordinary highway. Penalty for an encroachment, 2*l.* The penalty and the expenses of restorations may be recovered by distress from the offender.

A 146.

(414.) An Urban A may agree for the making of roads by private parties, such roads thereafter to be repaired by the public. And by a vote of *two-thirds* of the whole number of members, may agree to share the expense of making such roads. It may also make terms for the adoption, maintenance, or construction of bridges, &c., and by a vote of *two-thirds* of the whole number of members it may agree to pay part of the expense of making or altering such bridges. Moreover an Urban A may enter into agreements respecting Turnpike and private roads, and county bridges. That is to say, such A may under certain conditions agree with Turnpike Trustees, or persons liable for the repair of streets or roads, or County Bridge Surveyors to assume the duty of maintaining, repairing, cleansing, or watering any such streets or roads, or road over a County Bridge, and may remove or replace Toll-gates, &c., on agreed terms. Personal representatives of persons interested in Tolls may join in such agreements.

A 147.

A 148.

10 Vict., 15, 8-12. 10 Vict., 17, 30-4. 26 & 27 Vict., 112, 17-21. 33 & 34 Vict., 78, 27.

(415.) Where a Gas, Water, Telegraph (G.P.O.), or Tramway Company desires to break up highways under the control of a LA, it can only (save on emergencies) do so after notice. It is the duty of such Company to repair the temporary damage which they have caused, and their liability does not cease when such repairs are finished.[a] Gas and Water Companies must keep the road, &c., in "good repair" for 3 months, and for 12 months are liable for any subsequent damage caused by subsidence.[b] In the case of Telegraph and Tramway Companies the conditions are slightly different. They are to "pay all reasonable expenses . . . for 6 months."

A 149.

(416.) An Urban A has the management of all streets within its District, being highways "repairable by the inhabitants at large," and is to provide for their being kept in repair. Persons wilfully displacing, &c., pavements, stones, materials, fences, posts, or trees in streets are subject to penalties; namely 5*l.* or less for every offence, and 5*s.* for every square foot of surface injured. An action for personal injury owing to non-repair, does not lie against a LA.[c] Improvements must not be made in a way calculated to cause unnecessary injury to owners.[d]

See A 4 for definition of "street."

A 26.

(417.) No vault, arch, or cellar is to be constructed under the carriageway of any street without the consent, in writing, of the

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(*a*) See *London & Blackwall Railway Co.* v. *Limehouse, B. W.*

(*b*) Refer to *Hyams* v. *Webster.*

(*c*) See *Gibson* v. *Preston, Mayor.*

(*d*) *Milward* v. *Redditch L. B.* In this case a Mandatory Injunction was granted.

Urban A. Penalty 5*l.*, and 2*l.* per day; and the A may alter or deal with the work.

(418.) Where a private street (not being a highway) is for the whole or a portion of its length so circumstanced that it is expedient that it should become a public street, repairable at the public expense, the Urban A may serve notices[a] on the adjacent owners or occupiers requiring them to make good the street in the particulars specified in A, with the view of taking the street eventually under its own control. If the requirements of the A are not complied with, it may itself execute the necessary works and charge the owners in default, in proportion to their frontages. This enactment also applies to any street, a portion of which in width is already repairable by the public, by reason of its being a public footpath. The notice, it will be observed, is to be given to owners or occupiers, but the owners only are held liable for the expenses, which may be recovered summarily, or may be declared to be "Private Improvement Expenses." A 150. A 213-15.

(419.) Before serving notices calling upon parties to pave, &c., private streets, plans, and sections, according to scales specified, and an estimate showing how the works are to be carried out, are to be deposited at the Office of the A, open to inspection. Objections may be taken by parties interested, and disputes are to be settled by arbitration.[b] Apportionments cannot be questioned after 3 months. A 150. A 257.

(420.) When a private street, not being a highway, is paved, &c., to the satisfaction of the Urban A, it may be adopted as a highway, but a sole owner or a majority of owners may object. A 152.

(421.) The Incumbent of any Church or Chapel, or the Minister of any place of Public Worship, which is now by law exempt from Poor Rates, is also exempt from the liability attached to "owners" or "occupiers" under the provisions just set forth. This exemption extends to Churchyards and Burial Grounds, but not in all cases to lands which may be appurtenant to such buildings, nor to a School-house and school Dwellings[c] in the hands of Trustees. The Urban A may undertake the burdens of which certain properties are thus relieved. A 151: 3 & 4 Will. IV., 30, 1.

(422.) An Urban A has power to require reasonable alterations to be made (at the public expense) in the position of gas and water pipes, &c., and in default of this being done by the Proprietors on request, it may execute the works itself. The user of the pipes must not be permanently injured. Liabilities under Local Acts are not affected. A 153.

(423.) An Urban A must name streets and number houses. The occupiers are to affix the numbers and renew them from time to time. Penalty for defacing numbers or names, or putting up any different ones, or not renewing, 2*l.* or less. A 160 (1): 10 & 11 Vict., 34, 64-5.

(*a*) If a notice is not proved to have been given, the Board cannot recover the expenses. (*Jarrow L. B.* v. *Kennedy.*)

(*b*) Refer to *Cook* v. *Ipswich L. B. H.*

(*c*) *Bowditch* v. *Wakefield L. B. H.*

A 160 (2): 10 & 11 Vict., 34, 69-70.

(424.) An Urban A has power to order, after 14 days' notice, the removal or alteration of any projection from a house or building which obstructs the safe and convenient use of a street, which projection has been erected since the adoption of the "Local Government Acts." Penalty for default, 2*l.* or less. On default, the A may remove the obstruction and recover the expenses from the occupier in default. If such projection were lawfully erected before the adoption of the Acts, the removal can only be accomplished after 30 days' notice, and moreover compensation is payable. An occupier is entitled to deduct from rent, expenses saddled on him for the removal of obstructions not put up by him.

A 160 (2): 10 & 11 Vict., 34, 71-2.

(425.) An Urban A has power to order, after 8 days' notice, that all doors, &c., which open upon any street shall not open outwards, except (and by leave) in the case of public buildings. Penalty for default, 2*l.* or less. On default, the A may make the alteration and recover the expenses from the occupier in default. In the case of doors, &c., in existence at the time of the adoption of the Acts, the alteration may be made by the A.

A 160 (2): 10 & 11 Vict., 34, 73.

(426.) Street openings to vaults or cellars are to be properly covered in. Penalty for default, 5*l.* or less.

A 160 (3): 10 & 11 Vict., 34, 74.

(427.) Every building in or near any street is to be provided with a proper water-shoot. Penalty for default, 2*l.* per day or less.

A 160 (4): 10 & 11 Vict., 34, 79.

(428.) Bars or chains, protected at night by lights, are to be erected across streets whilst repairs are in progress. Penalty for interfering with such bars or lights, 5*l.* or less.

A 160 (4): 10 & 11 Vict., 34, 80.

(429.) During the repairs, &c., of houses, hoardings are to be put up to the satisfaction of the A. The safety and convenience of foot-passengers is to be considered, and lights are to be provided at night. Penalty for default, 5*l.* or less, and 2*l.* per day or less.

A 160 (4): 10 & 11 Vict., 34, 81.

(430.) Deposits of building materials, &c., or excavations in a street, are to be securely fenced, and by night, lighted. Penalty for default, 5*l.* or less, and 2*l.* per day or less.

A 160 (4): 10 & 11 Vict., 34, 82.

(431.) Keeping a deposit of materials, &c., lying about, or an excavation open, for an unnecessary time, subjects the offender to a penalty of 5*l.* or less, and 2*l.* per day or less.

A 160 (4): 10 & 11 Vict., 34, 83.

A 149.

(432.) An A is to take note of any building, hole, or other place dangerous to passers by, and is to cause the same to be suitably protected. The expenses may be recovered from the owner in default. Similarly, it may erect and maintain fences and posts for the protection of foot-passengers.

(21) LEGAL PROCEEDINGS.

A 259: 31 & 32 Vict., 130, 37.

✠ (433.) A LA appears before any Court, or in any legal proceeding, by its Clerk, or by any officer or member empowered generally, or by a resolution of such Authority, so to appear.

(434.) In any proceeding by or against a LA, it is not necessary for the plaintiff to prove the corporate name of the LA or the constitution or limits of the district. But this does not deprive a defendant of any right which he might have availed himself of if A had not been passed. A 260.

✠ (435.) Every Local Board, and any Improvement Commissioners being an Urban A and not otherwise incorporated, is a body corporate with perpetual succession and a common seal and with power to sue and to be sued in its corporate name and capacity and to hold lands for the purposes of A without any license in Mortmain. As in existence at the passing of A retain their old designations; new As the names sanctioned by LGB. A 7. And see A 326.

✠ (436.) Any Notice, Order, or other such document under A may be in writing or print, or partly in writing and partly in print. If it requires authentication, it will be sufficient if signed by the Clerk, Surveyor, or Inspector of Nuisances. A 266; see also 38 & 39 Vict., 36, 2, 5, and 28.

✠ (437.) The service of Notices may be considered as dealt with in A 267. From this it may be collected that Notices to a LA may be served by post, directed to the Board or its Clerk, at its office, or they may be delivered to the Clerk in person. A 267; see 8 Vict. 18, 134.

✠ (438.) Notices, Orders, and other documents under A may be served by delivery of them to, or at the residence of, the person addressed, or where addressed to an owner or occupier the service may be by delivery either of the original or of a true copy to some person on the premises; if there be no person who can be so served the service may be accomplished by fixing the Notice, &c., on some conspicuous part of the premises. Or the service may be effected by Post, in which case the Notice, &c., is to be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of Post. Proof of posting with the proper address will be proof of service. It suffices if the notice, &c., be addressed simply "To the Owner," or "To the Occupier," of the premises (naming them). A 267; and see 31 & 32 Vict., 130, 15-17. Also A 220.

(439.) Notices, &c., served under §§ 69, 70, 71, 73, and 74, of the "Towns Improvement Act," may at the option of the A be served on Owners instead of Occupiers, or on Owners as well as Occupiers. Occupiers may deduct from rent (as in the case of Private Improvement Expenses) a proportion of any payments which they may make in virtue of this provision. The LA when dealing with the Owners directly, will recover from such Owners in the ordinary way. A 160.

✠ (440.) Consents of a LA should in all cases be in writing, but it may be said generally that the acts of a LA do not require to be under seal unless it is intended to authenticate the acts of others.[a]

✠ (441.) No Rate, Order, Conviction, or thing is to be vacated, quashed, or set aside for want of form, or to be removeable by *Certiorari* or A 262.

(a) See *Barnsley L. B.* v. *Sedgwick.*

other writ or process into any Superior Court, unless the contrary is expressly provided by A. But this enactment is not to prevent the removal of any case stated for the opinion of a Superior Court, or of any Rate, Order, Conviction, or thing to which such Special Case relates.

A 258; 30 & 31 Vict., 115: 34 & 35 Vict., 41, 46.

✠ (442.) No Justice is incapable of acting at Sessions in respect of matters arising out of A merely because he is interested by reason of being a member of a LA or a ratepayer.

A 251-52, 256: and see also 104.

✠ (443.) The course of procedure before Justices with respect to matters directed to be dealt with in a summary manner, will be found by aid of the references in the margin.

A 257.

✠ (444.) The time within which summary proceedings for the recovery of "Private Improvement Expenses" must be taken, is to be reckoned from the date of service of notice of demand.

A 257.

✠ (445.) Expenses in the nature of Private Improvement Expenses, including expenses specifically so designated, are recoverable with interest from any person who is for the time being owner of the premises concerned. And they are a charge on the premises. Apportionments can only be questioned within 3 months. The time of 6 months, within which proceedings to recover must be taken, runs from the expiry of the aforesaid 3 months.[a]

A 252.

✠ (446.) If a *bonâ fide* question of title arises the summary jurisdiction of Justices is ousted: this has always been held as a maxim when the title to property is in question. In the case of a nuisance the parties must resort to their remedy by indictment or by applying for an injunction.[b]

A 261.

✠ (447.) Proceedings for the recovery of demands below 50*l.*, if recoverable in a summary manner, may, at the option of the LA, be taken in the County Court. When, however, resort is had to the County Court, the limitation of time for procedure is regulated by the statutes of limitation applying to actions for debt.[c]

A 253.

✠ (448.) Proceedings for the recovery of any penalty under A shall not, except as is expressly provided, be taken by any person other than "a party aggrieved,"[d] or the LA, except with the written consent of the Attorney-General. But this consent is dispensed with in certain cases connected with noxious Trades and buildings, &c.

A 108 and 115.

✠ (449.) Any Act or default causing a nuisance within the District of a LA shall, except as hereinafter, be deemed to be committed within the District of such A, but proceedings before a Court of Summary Jurisdiction must take place only within the district where the default happens.

A 254.

✠ (450.) Where the application of a penalty is not otherwise provided for, *one-half* shall go to the informer and the remainder to the

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(*a*) See *Jacomb* v. *Dodgson*.
(*b*) 37 J. P., 366.
(*c*) See 37 J. P., 701.
(*d*) The decisions of the Courts on the meaning of the expression "a party aggrieved," have been such as to render proceedings by private individuals most hazardous. See the cases of *Boyce* v. *Higgins*, and *Hollis* v. *Marshall*.

LA. If the **LA** is the informer, it will take the whole penalty, which will go into the General Fund.

✠ (451.) Penalties incurred under any Act incorporated by **A** are to be recovered and applied as penalties incurred under **A**. A 316.

✠ (452.) In a District where there is in force a Local Act, providing for purposes the same as or similar to **A**, proceedings may be instituted under either the Local Act or **A**, but no person may be punished for the same offence under both Acts. A 310: and see 111.

✠ (453.) Books purporting to contain any rate or assessment made under **A** or any Minute; and copies of any Orders or Resolutions are respectively to be received as *primâ facie* evidence of the validity of such Rates, Minutes, Orders, and Resolutions, and are to be taken to be what they profess to be unless the contrary be shown. A 223: Sch. I. (1) 10.

✠ (454.) By-Laws must be proved in evidence by the production of a copy signed by the Clerk, and certified by him to be a true copy and to have been duly confirmed. But this does not apply to Borough By-Laws. A 186.

✠ (455.) False evidence given wilfully and corruptly at any examination, after the witness has taken an oath, or made an affirmation, subjects the offender to the penalties attaching to wilful and corrupt perjury. A 263.

✠ (456.) Where proceedings are to be taken against several persons for one joint nuisance, they may be included in one complaint. Any Order in such a case may be made upon one or more of the persons so included, so far as the nuisance appears to the Court to be caused by his or their acts or default, notwithstanding that it may not be practicable to determine the precise extent to which each may contribute to the nuisance. The costs may be distributed as the Court deems reasonable. Proceedings thus taken against several persons jointly are not to cease because of the death of one of them. In proceedings as to nuisances it suffices to designate "Owners" and "Occupiers" by those terms respectively. Persons against whom proceedings are taken may recover contribution from others if otherwise legally entitled to do so. A 255.

✠ (457.) Various forms to be used in legal processes are prescribed. A 317: and Sch. IV.

✠ (458.) Where any person feels aggrieved by any rate, or by any order, conviction, judgment, or determination, an appeal lies to the Quarter Sessions, and thence (in certain cases) to a Superior Court. There may be an appeal against a conviction in respect of a Rate, as well as against the Rate itself.[a] A 269.

✠ (459.) The provisions of the Act, 11 & 12 Vict., **43**, apply to the recovery of penalties under **A**. A 251: and see A 4: 31 & 32 Vict., 130, 38.

✠ (460.) There are special provisions with respect to proceedings against Collectors of Rates, and against ratepayers in arrear. A 196 and 256.

(*a*) See *Ricardo* v. *Maidenhead L.B.*

9 & 10 Vict., 74, 30 and 40: 14 & 15 Vict., 34, 41: 31 & 32 Vict., 130, 9.

(461.) For information concerning legal proceedings under the "Baths and Wash-houses Act," the "Labouring Classes Lodging Houses Acts," and the "Artizans and Labourers' Dwellings Act," see the references in the margin, but probably all summary proceedings under these Acts should now be deemed to be regulated by **A**.

(462.) For penalties for miscellaneous offences as to which no particular provision is made in any General or Local Act reference must be made to the penalty clauses of the "Railways Clauses Consolidation Act, 1845," which are rendered available for the purpose by § 210 of the "Towns Improvement Clauses Act, 1847," in all Urban Districts where that Act is in force in its entirety.

✠ (463.) In the case of damage to the property, &c., of a LA if the element of wilfulness is wanting, it would seem that the only remedy is by civil action for the value of the injury.

35 & 36 Vict., 91.

✠ (464.) Certain As may expend funds which are under their control in promoting or opposing Bills in Parliament, but before this enactment becomes operative various consents have to be obtained, and the conditions generally in regard to this are very stringent.

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(22) LIBRARIES AND MUSEUMS.

18 & 19 Vict., 70, 4-5: 29 & 30 Vict., 114: 34 & 35 Vict., 71, 1.

(465.) Town Councils, Improvement Commissioners and Local Boards are empowered to execute the Acts relating to Public Libraries and Museums.

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(23) LODGING HOUSES (COMMON).

A 76-7.

✠ (466.) Every LA is to keep a Register of all Common Lodging Houses within its District, and of the number of lodgers authorised to be received in each, and of the names and residences of the Keepers thereof. No person may keep such a house until the statutory regulations have been complied with. But in the case of the death of the Registered Keeper his widow or any member of his family may for 4 weeks keep the house without being registered.

A 78.

✠ (467.) A house is not to be registered until it has been inspected and approved by some officer of the LA. The LA may refuse to register as the Keeper of a Common Lodging House a person who does not produce a certificate of character, signed by 3 inhabitant Householders rated at not less than 6*l*.

A 76.

✠ (468.) A certified extract from a Register is to be received in evidence, and such an extract is to be furnished gratis.

A 83.

✠ (469.) A LA may require Keepers of Common Lodging Houses who take in beggars or vagrants to make returns of inmates on Schedules furnished by the A.

✠ (470.) A 𝔏𝔄 may make By-laws as to Lodging Houses. A 80 and 182, &c.

✠ (471.) A Common Lodging House is to be open at all times to any officer of the 𝔏𝔄 who visits the house to inspect it. Penalty for refusing to admit an officer, 5*l.* or less. A 85.

✠ (472.) A 𝔏𝔄 may, by notice in writing, require the Keeper of every Registered Common Lodging House to affix and keep undefaced and legible, on some conspicuous place on the outside of the house, the words "Registered Common Lodging House." Penalty for default, 5*l.* or less, and 10*s.* per day after conviction. A 79.

✠ (473.) The Keeper of a Common Lodging House is to lime-wash Walls and Ceilings in the 1st week of April and October in every year. Penalty for default, 2*l.* or less. A 82.

✠ (474.) The Keeper of a Common Lodging House is to give immediate notice to the Medical Officer of Health, and also to the Relieving Officer, when a case of fever, or of any infectious disease occurs in his house. A 84.

✠ (475.) A 𝔏𝔄, on being satisfied that a Common Lodging House is without a proper supply of water and that such a supply may be had at a reasonable rate, may require an additional supply to be furnished to such house; if the Owner or Keeper neglects to comply with the notice of the 𝔏𝔄 the said house may be removed from the Register until the notice is complied with. A 81.

✠ (476.) For offences by the Keeper of a Common Lodging House penalties are prescribed of 5*l.* or less, and for continuing offences, of 2*l.* per day or less. The following are enumerated as offences:— A 86.

(1.) Receiving a lodger in an unregistered house.
(2.) Failing to make a report of lodgers, though furnished with the necessary forms.
(3.) Failing to give notices as to infectious disease. [But the patient must have been *confined to his bed!*]

✠ (477.) A Keeper of a Common Lodging House convicted of a *third* offence against **A**, *may be* debarred for 5 years from keeping such a house. A 88.

✠ (478.) As it is a common trick for persons to pretend that they belong to the same family, in order to evade the law respecting Common Lodging Houses, it is provided that the burden of proving such a statement shall rest on those who make it. A 87.

✠ (479.) The expression "Common Lodging House" includes a part of a house. A 89.

(480.) The "Towns Improvement Clauses Act, 1847," thus defines a "*Public* Lodging House:"—"Every house shall be deemed a Public Lodging House within the meaning of this Act in which persons are lodged for hire for a single night or for less than a week at one time, or any part of which is let for any term less than a week." [This Section is not incorporated by **A**, and therefore is only in force in a limited number of Urban Districts, but it is cited here as it may be useful in determining what is a "Common Lodging House" under **A**.] 10 & 11 Vict., 34, 116.

(24) LODGING HOUSES (ORDINARY).

A 90. ✠ (481.) LGB may, by notice in the *London Gazette*, empower any LA to make By-Laws applicable to houses let in lodgings, which yet are *not* Common Lodging Houses. The points which these By-Laws may embrace are as follows:—

(1.) Number of inmates: separation of sexes.
(2.) Registration of the houses.
(3.) Inspection of the houses.
(4.) Drainage and privy accommodation; cleanliness and ventilation.
(5.) Cleansing and lime-whiting at stated times; paving of courts and court-yards.
(6.) Notices and precautions connected with infectious disease.

(25) MARKETS.

A 166-7, and Sch. III. (482) An Urban A being a Local Board or Improvement Commissioners, with the consent of the Owners and Ratepayers expressed by resolution at a meeting convened as prescribed, and a Town Council with the consent of *two-thirds* of their number, may provide within its District a Market Place, and other conveniences for holding Markets.

10 Vict., 14. And to facilitate this, §§ 12—16 and 21—49 of the "Markets and Fairs Clauses Act, 1847," are partly incorporated. By-Laws may be made.

A 166; 10 Vict., 14, 13. (483.) When an Urban A establishes a Market, it acquires by so doing exclusive rights.[a] Existing exclusive private rights must not be prejudiced; so that if such rights exist the Urban A cannot set up a Market of its own without the consent of the parties whose rights

A 167. will be affected. All Tolls must be sanctioned by LGB.

A 168. (484.) An Urban A may buy up an existing Market. [See "Purchase of Lands and Undertakings," *post.*]

(26) MEDICAL POWERS.

A 142. ✠ (485.) In certain cases of death by infectious disease a Justice may order the removal of a dead body to a mortuary. Penalty for obstructing the execution of an order, 5*l.* or less.

A 131 and 133. ✠ (486.) Any LA may provide (by building or hiring, &c.) a Hospital, or a temporary place for the reception of the sick, and may, with the sanction of LGB, make provision for the supply of Medicine and Medical Assistance for the Poor. Two or more As may combine.

A 132. ✠ (487.) Any expenses incurred by a LA in maintaining in a Hospital, &c., a patient not a pauper may be recovered from him within 6 months, or from his estate.

(*a*) See *Ashworth* v. *Heyworth*. What amounts to an infringement of "Market Rights" is discussed at length in *Fearon* v. *Mitchell*.

✠ (488.) Any LA may provide a place, and apparatus at that place, for the disinfection (free of charge) of bedding, clothing, or other articles. And a carriage for the conveyance of infected persons. A 122-3.

✠ (489.) Any LA may order the destruction of infected bedding, clothing, &c., and give compensation. A 121.

✠ (490.) A LA is empowered, on receiving a Certificate from its Medical Officer of Health or from any legally qualified [*i.e.* registered] Medical Practitioner, to call upon the owner or occupier of a house to cleanse and disinfect the same, or any part thereof, or any articles therein likely to retain infection, within a specified time. Penalty (continuing), not less than 1*s.* and not exceeding 10*s.* per day. On default the LA must do the work and may recover the expenses in a summary manner from the owner or occupier in default. Or in case of poverty, or other sufficient cause, it may, with his consent, do the work at the public expense. A 120.

✠ (491.) A Justice may, on the Certificate of a legally qualified [*i.e.* registered] Medical Practitioner, direct the removal, at the cost of the LA, of a person suffering from any dangerous infectious disorder to a suitable Hospital, &c., within the District of the LA, or within a convenient distance, if the Hospital Managers consent. It is specified that this provision is intended to meet the case of a patient who is without proper lodging or accommodation, or is lodged in a room occupied by more than one family, or is on board a ship, or is in a Common Lodging House; but in this last-named case the LA makes the Order. A 124.

✠ (492.) An Order under A 124 shall be addressed to such constable or officer of the LA as the Justice or LA making it may think expedient. Penalty for disobeying or obstructing the execution of an Order, 10*l.* or less. A 124.

✠ (493.) Persons who are landed from ships while suffering from dangerous infectious disorders, are the subject of further provisions. A LA may make regulations (which must be sanctioned by LGB) for the removal of such persons to any Hospital to which such A is entitled to remove patients, and for keeping them there so long as may be necessary. Regulations may impose penalties of 2*l.* or less for each offence. A 125 and 188.

✠ (494.) Persons suffering from dangerous infectious disorders who wilfully expose themselves without proper precaution against spreading the same, in any street, public place, shop, inn, or public conveyance, or who enter any public conveyance without previously informing the owner, conductor, or driver, of their state (and those in charge of persons so suffering), are liable to a penalty of 5*l.* or less. The same penalty also applies to persons giving, lending, selling, transmitting, or exposing infected bedding, clothing, rags, or other things which have not been disinfected. But the penalty does not apply where the transmission is "with proper precautions" to a place where disinfecting is to be performed. A 126.

A 126. ✠ (495.) The person suffering as aforesaid who enters a public conveyance without previously notifying to the owner or driver the fact that he is so suffering, shall also in addition make compensation to the owner or driver.

A 127. ✠ (496.) Every owner or driver of a public conveyance shall immediately provide for its disinfection after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder. Penalty, 5*l.* or less. An owner asked to convey a patient may insist on being paid beforehand his probable expenses under this section.

A 128. ✠ (497.) Any person (including an Innkeeper) who lets for hire any house, room, or part of a house, in which there has been any person suffering from a dangerous infectious disorder, without the same, and all articles therein likely to retain infection, having been disinfected to the satisfaction of a qualified [*i.e.* registered] Medical Practitioner, as testified by a Certificate, is liable to a penalty of 20*l.* or less.[a]

A 129. ✠ (498.) Any person who lets for hire, or shows for the purpose of letting for hire, a house or part of a house, who, if questioned as to there having been at any time within 6 weeks a person in the house suffering from any dangerous infectious disorder, knowingly makes a false answer, is liable to a fine of 20*l.* or less, or to imprisonment with or without hard labour for *one* month or less.

A 134-7. ✠ (499.) Whenever any part of England is threatened to be, or is, affected by any formidable epidemic,[b] &c., LGB may by Order published in the *London Gazette*, put into force certain Regulations. An Order will last for such time as is specified therein. The LA of
A 139. the District is to carry out its provisions. LGB may direct 2 or more As to act jointly. It may, by subsequent Order, abridge or extend the period of the Order, or alter or revoke the same.

A 134. ✠ (500.) The regulations issued as aforesaid may embrace all or any of the following purposes:—

(1.) The speedy interment of the dead;

(2.) House to house visitation;

(3.) The provision of Medical Aid and accommodation, for the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease.

A 134. ✠ (501.) An Order may apply to vessels, whether on Inland waters or on arms of the sea lying within the jurisdiction of the Admiralty.
A 138. Provision is made for the fees of Medical Men attending persons on board ship.

A 137 and 140. ✠ (502.) Provision is made respecting power of entry; violation of regulations; obstruction of officers, &c.; and penalties.

(*a*) Refer to *Best* v. *Staff*.

(*b*) The several classes of infectious disease have been thus defined:—"*epidemic*, that is diseases that are not native diseases, but which arise from a general cause, as excessive heat, and are generally prevalent: *endemic*, that is, diseases peculiar to the inhabitants of the country, or which prevail locally, as from Marsh Miasma, when they are called native diseases: and *contagious*, that is, diseases which are propagated from one individual to another, generally by contact, as distinguished from infection, which is the propagation of disease by effluvia from patients crowded together."—Hoblyn's *Medical Dictionary*.

(27) NUISANCES.[a]

✠ (503.) It is the duty of every 𝔏𝔄 to make from time to time an inspection of its District with the view of ascertaining what Nuisances exist calling for abatement, and of enforcing their abatement. A Justice, on complaint on oath made after notice of an intention to make the same, may make an order to permit entry for purposes of inspection, or to ground proceedings in cases where admission has been refused. A 92. A 95 and 102.

✠ (504.) Any matter or thing removed by a 𝔏𝔄 for a nuisance may be sold by Auction. The surplus, after paying expenses, is to be handed on demand to the owner. A 101.

✠ (505.) For a full account of all that is included under the name of "nuisances," reference must be made to **A**, but a concise summary may be given here:— A 91.

Any premises in such a state as to be a nuisance or injurious to health.

Any ditch, &c., privy, &c., that is so foul or in such a state as to be a nuisance or injurious to health.

Any animal so kept as to be a nuisance or injurious to health.

Any accumulation or deposit which is a nuisance or injurious to health.

Any house or part of a house so over-crowded as to be dangerous or injurious to the health of the inmates, whether of the same family or not.

Any factory, &c. (not otherwise under regulation), not kept clean and properly ventilated, or so over-crowded as to be dangerous or injurious to the health of those employed.

Any furnace, &c., not consuming as far as practicable its own smoke, and used for working engines, &c., for trade purposes.

Any chimney (not of a private dwelling house) sending forth black smoke so as to be a nuisance.

There are of course exceptions and provisos, but for these **A** must be consulted as no summary of them can well be framed.

(506.) Any person in an Urban District keeping pigs in a Dwelling House, or so as to be a nuisance, or allowing stagnant water to remain in a cellar or place within a Dwelling House for 24 hours after written notice from the 𝔄 to remove the same; and any person allowing a water-closet, &c., to overflow and soak away, is liable for every offence to a penalty of 2*l.* or less, and 5*s.* per day or less. The 𝔄 must abate the nuisance, and may recover the expenses from the occupier. A 47. Compare 10 & 11 Vict., 89, 28.

✠ (507.) Any accumulation or deposit which is connected with a manufacture, and which is proved not to have been kept longer than is necessary for the purposes of such manufacture, and to have been protected by the best available means, is exempt. A 91.

✠ (508.) The provisions of **A** as to nuisances are to be deemed additional and do not abridge or affect other rights or remedies, but no person is to be punished for the same offence under **A** and under some other enactment, (and to the like effect **A** 341). A 111.

(*a*) Reference may be made to the dictum of Lush, J. in *Brown* v. *Bussell*. And see *Rex* v. *White*, and *Great Western Railway Co.* v. *Bishop*.

A 93. ✠ (509.) Information of a nuisance may be given to the LA by (i.) any person aggrieved; or by (ii.) *two* inhabitant householders; (iii.) any officer of the LA; (iv.) the Relieving officer; (v.) any constable or police officer.

A 94. ✠ (510.) Having received information of a nuisance, the LA is to make inquiries. If satisfied of the existence of a nuisance it is to serve a Notice on the person by whose act, default, or sufferance the nuisance arises or continues. If such person cannot be found, the owner or occupier is to be served. The Notice is to require the abatement of the nuisance within a specified time, and the execution of such works and the doing of such things as may be necessary. Should any question of structural alterations arise, or there be no occupier, the Notice is to be served on the owner.

A 95. ✠ (511.) If the person on whom the Notice is served makes default in compliance, or if the nuisance, although abated, is in the opinion of the LA likely to recur, complaint is to be made to a Justice who will summon the person on whom the Notice was served.

A 96. ✠ (512.) If the Court is satisfied that the alleged nuisance exists, or is likely to recur, the Court is to make an Order on the person served to comply with all or any of the requisitions of the Notice, or otherwise to abate the nuisance, or to do any works necessary; or an Order prohibiting the recurrence of the nuisance and directing the execution of works necessary to prevent recurrence, or an Order for both abatement and prohibition. The Court may by its Order impose a penalty of 5*l.*, or less, on the person on whom the Order is made, and is also to give directions as to the costs.

A 97. ✠ (513.) If in the judgment of the Court a house or building is rendered unfit for human habitation by reason of the existence of a certain nuisance, the Court may prohibit the house, &c., being used until the cause of unfitness as aforesaid has been removed. Subsequently the Court may determine its first Order by another
A 98. declaring the house habitable. Neglect to obey an Order involves a penalty of 10*s.* per day or less. If the neglect is wilful the penalty may be 1*l.* per day. Moreover the LA may do the work and recover the expenses in a summary manner from the person on whom the Order was made.

A 99 and 269. ✠ (514.) Any person on whom an Order has been made may appeal to the Quarter Sessions. Thereupon the Order becomes suspended.

A 100. ✠ (515.) If the author of a nuisance, or the owner or occupier of the premises, is not known or cannot be found, the Order of the Court may be addressed to and executed by the LA.

A 94 (3). ✠ (516.) Where a nuisance is caused by a person who cannot be found, and the owner or occupier is clearly not responsible, the LA may abate the same at the public expense.

A 108. ✠ (517.) Where a nuisance within the District of a LA appears to be wholly or partially caused without the District, proceedings may nevertheless be taken, subject to the proviso that summary proceedings are

not to be taken otherwise than before a Court having jurisdiction in the District where the default is alleged to arise.

✠ (518.) Moreover, complaint of a nuisance may be made to a Justice by (i.) any person aggrieved, (ii.) any inhabitant of the District, or (iii.) any owner of premises within the District, and thereupon proceedings may be had as if the 𝔏𝔄 were the complaining party. But the Court may adjourn the hearing of the Summons in order that the premises may be examined by a constable or other person. The Court may authorise any constable or other person to enter and examine and do all necessary acts, and to recover the expenses. The powers and duties of a constable or other person acting under this section are assimilated to those of an officer of a 𝔏𝔄. A 105.

✠ (519.) For the purpose of examining as to the existence of a nuisance a 𝔏𝔄 or an officer may enter under conditions, &c., set forth. The entry must be between 9 a.m. and 6 p.m., except that in the case of a nuisance arising from a business, it may be at any hour when the business is in progress or is usually carried on. A 102.

✠ (520.) If admission for the purposes of **A** 102 be refused, a Justice may by Order compel the person having the custody of the premises to admit the 𝔏𝔄, or its officer, or if no such person can be found the Justice may authorise entry [by force, it would seem]. A Justice's Order for admission continues in force until the nuisance has been abated or the work for which entry was necessary has been done. A 102.

✠ (521.) Any person refusing to obey a Justice's Order to admit a 𝔏𝔄 or its officer is liable to a penalty of 5*l.* or less. A 103.

✠ (522.) Ample provision is made as to costs and expenses incurred in respect of proceedings for the removal of nuisances. These will in general be chargeable on the person on whom the Order is made. If, however, the Order is made on the 𝔏𝔄, or if no Order is made, but the existence of the alleged nuisance is proved, then the person in default will have to pay the costs. Costs in the case of nuisances caused by an owner may be recovered from the owner for the time being. No costs and expenses are to exceed one whole year's rack-rent of the premises. Costs may be recovered in a summary manner, or in any County or Superior Court. The Court may apportion expenses amongst persons in default. Costs and expenses to which an owner is liable may be recovered by a 𝔏𝔄 from the occupier, who may deduct the amount from his next payment of rent. No occupier is to be required thus to pay more than the amount of rent for the time being due, unless he refuses to disclose truly the amount of his rent and the name and address of the person to whom it is payable. Nothing herein is to affect any existing contract between landlord and tenant, by which the occupier has agreed to discharge all dues, &c., on the property. A 104.

✠ (523.) "Owner" is defined in **A** 4. A lessee for 21 years who sub-lets, and not the Freeholder, &c., may be the "owner" for the purposes of this enactment if his sub-tenant is the author of the nuisance.[a] A 4.

(a) *Cook* v. *Montague.*

A 506. ✠ (524.) An occupier who prevents an owner from carrying into effect any provisions of **A**, and who has been ordered by a Justice to permit the necessary works to be executed, is liable to a penalty of 5*l.* or less per day. Refusal (without good cause) on the part of an occupier to disclose an owner's name and address, and wilful neglect and mis-statement subject the offender to a penalty of 5*l.* or less.

A 106. ✠ (525.) Where a LA neglects its duties as to nuisances, LGB can interfere and set the law in motion through an officer of police; such officer may recover from the LA such expenses as are not paid by the person proceeded against. But no officer of police may enter a dwelling-house without the occupier's consent, except with a Justice's warrant.[a]

A 46. ✠ (526.) On receipt of a certificate from the Medical Officer of Health, or from 2 medical practitioners, that a house is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that cleansing, &c., would tend to prevent or check infectious disease, the LA shall, by written notice to the owner or occupier, require that the house or part thereof be white-washed, cleansed, or purified, as the case may require. Penalty for default, 10*s.* per day or less; or the LA may do the work itself and charge the person in default.

A 107. ✠ (527.) If, in the opinion of a LA, summary proceedings would afford an inadequate remedy for a nuisance, it may cause proceedings to be taken in any Superior Court. The expenses are to be defrayed out of the general Fund or Rate.

✠ (528.) As regards nuisances arising on board ships see Paragraph 553 (*post*).

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(28) OBSTRUCTIONS, &c., IN STREETS.

A 171: 10 & 11 Vict., 89. (529.) Certain of the powers of the "Towns Police Clauses Act, 1847," are conferred on Urban As, and may be exercised by them in the usual way.

(530.) These powers (all of which involve penalties) may thus be concisely exhibited :—

10 & 11 Vict., 99, 21. Power to make orders for preventing obstructions in streets during Public Processions, &c., and in the neighbourhood of Theatres and other places of public resort.

10 & 11 Vict., 89, 22. Power to regulate the route of Vehicles during Divine Service on Sundays and certain other days. Orders are to be posted up.

10 & 11 Vict., 89, 23. Power to authorise Proprietors of Stage Coaches to deviate by order from their licensed route with immunity from penalty.

10 & 11 Vict., 89, 24-7. 10 & 11 Vict., 89, 3. Power to provide a Pound, to impound and sell Stray Cattle, and to prosecute persons guilty of Pound-breach. ["Cattle" includes horses, asses, mules, sheep, goats, and swine.]

10 & 11 Vict., 89, 28. Power to have fined persons committing various offences in a street, such as exhibiting, &c., animals, &c.; suffering ferocious dogs to be at large; slaughtering cattle; improperly or furiously driving carts; letting carts stand unattended in a street; improperly drawing timber, &c.; riding or driving on a footway; obstructing streets

(*a*) See *A. G.* v. *Gee*; and 37 J. P., 654.

with furniture or goods; exposing themselves indecently; distributing obscene books (see also 20 & 21 Vict., 83); singing obscene songs; using profane language; discharging fire-arms and fire-works (see also 23 & 24 Vict., 139, 9); wilfully or wantonly ringing or knocking at any door; flying kites; making slides; beating carpets, &c., (except door-mats before 8 a.m.); placing in windows heavy articles liable to fall; throwing anything from a building (except snow with care); permitting servants to stand on window sills; leaving cellars open; throwing down litter (except on account of frost or illness); keeping pigstyes or pigs so as to be a nuisance.

Power to have drunken and riotous persons fined. [But there are also other important Statutes dealing with these offenders, with which Statutes, however, Urban Authorities have nothing to do. Section 29 of the "T. P. C. Act" is however still operative in all Urban Districts, and therefore proceedings may be taken under that Section, but they must be in accordance with the restrictions in A 253, as to which see *post*.] 10 & 11 Vict., 89, 29.

(29) OFFENSIVE TRADES OR MANUFACTURES.

(531.) An Urban Authority can control the establishment for the first time within its District of any offensive trade.[a] Some such are mentioned in **A** in the form following; namely:—Blood-boiler, bone-boiler, fellmonger, soap-boiler, tallow-boiler, tripe-boiler, and any other noxious or offensive trade, business or manufacture. Penalty on offenders, 50*l.* or less, and there may be a continuing penalty of 2*l.* per day or less, whether there has or has not been a conviction in respect of the establishment thereof. By-Laws may be made. A 112-13.

(532.) With respect to existing candle-houses, melting-houses, melting-places, soap-houses, slaughter-houses, buildings or places for boiling offal or blood, or for boiling, burning, or crushing bones, or any manufactory, &c., used for any trade, &c., causing effluvia, the law can only be put in motion with a repressive object by an Urban Authority on its receiving a certificate signed by (i.) the Medical Officer of Health, or (ii.) any *two* legally qualified Medical Practitioners, or a Requisition signed by (iii.) *ten* inhabitants [not necessarily ratepayers or males], calling attention to a particular establishment as being a nuisance. On receipt of such memorial, the Urban Authority must direct complaint to be made to a Justice; who is to summon before a Court of Summary Jurisdiction the proprietor, &c., of the establishment of which complaint is made. The Court may convict if it appears that the trade, &c., is a nuisance, or causes effluvia which is a nuisance or injurious to the health of the District, and unless it be shown that the defendant has used "the best practicable means" to abate such nuisance, or to prevent or counteract such effluvia. Penalty, 5*l.* or less, but in no case less than 2*l.* The penalty is to be doubled on each conviction, but in no case to exceed 200*l.* The Court may suspend its final determination A 114.

(*a*) As regards the interpretation to be put on this enactment, reference should be made to the case of *Wanstead L. B.* v. *Hill*, and especially to the observations of Willes, J., thereon. The question whether A 112 (originally the 64th section of the "Public Health Act, 1848") applies to a place where noxious materials are simply deposited for sale, as distinguished from a place where they are manufactured, does not seem to have been judicially decided. Probably, however, the enactment does so apply. (Refer to an Opinion in 37 J. P., 350.) Brick-making is not necessarily an offensive trade, and the question whether it is a nuisance must depend upon circumstances, for no general rule as to distance can be laid down. (*Cleve* v. *Mahany*.)

on an undertaking being given by the defendant to adopt, within a reasonable time such means as the Court may deem practicable and order to be carried into effect ; or if he give notice of appeal.

A 114. (533.) Any Urban A may on such certificate as aforesaid take proceedings at Law or in Equity in respect of matters alleged therein.

A 115. (534.) Where the manufactory, &c., complained of is situate without the District of an Urban A, proceedings may nevertheless be taken by such A, subject to the proviso that summary proceedings are not to be taken otherwise than before a Court having jurisdiction in the District in which such manufactory, &c., is situate.

A 114. (535.) The proceedings before Justices will fail if the defendant proves that he has used the best practicable means for abating the nuisance ; [but he may still be indicted at Common Law.]

Compare A 341.

See A 91. ✠ (536.) A noxious accumulation or deposit necessary for effectually carrying on any business or manufacture, is not punishable as a nuisance if it can be proved to be only temporary, unavoidable, and as well protected as the circumstances permit.

(30) OVER-CROWDING.

A 91 (5). ✠ (537.) Any house so over-crowded as to be dangerous or injurious to the health of the inmates (whether or not members of the same family) is a nuisance.

A 109. (538.) Where two convictions against any Act relating to over-crowding have taken place within 3 months, a Court of Summary Jurisdiction may, on the application of the LA, direct the closing of the house for such period as it deems necessary.

(31) PETROLEUM.

34 & 35 Vict., 105, 8-10. (539.) By the "Petroleum Act, 1871" (kept alive by continuance Acts), certain Urban As were constituted the As to grant Licenses under that Act.

34 & 35 Vict., 105, 11. (540.) Any officer authorised by the A may purchase Petroleum for the purpose of testing it, and may inspect the places where it is stored.

(541.) The officers of an Urban A should exercise vigilance in ascertaining whether Petroleum is stored in places and in quantities contrary to the conditions laid down in the licenses granted.[a]

(a) See the case of *Burslem L. B.* v. *Shropshire Union Railway Co.*

(32) PLACES OF PUBLIC RESORT.

(542.) Under Incorporated Sections of the "Towns Police Clauses Act, 1847," an Urban A may obtain the imposition of:— A 171 (3); 10 & 11 Vict., 89.

A penalty on Victuallers harbouring Constables while on duty, 1*l.* or less. 10 & 11 Vict., 89. 34.

A penalty on Refreshment-House Keepers harbouring disorderly persons, 5*l.* or less. 10 & 11 Vict., 89. 35.

A penalty on persons keeping places for fighting, baiting, or worrying animals, 5*l.* or less, or imprisonment for a month or less. Spectators also are liable to be arrested and fined 5*s.* or less. (See also 12 & 13 Vict., 92.) 10 & 11 Vict., 89. 36.

(543.) The various Licensing Acts obviously come into close contact with the subject matter of the foregoing Paragraph, but they are beyond the scope of this book, except the "Public House Closing Acts," (27 & 28 Vict., **64**, and 28 & 29 Vict., **77**,) which may be mentioned because they may be adopted in certain Urban Districts. But they have, however, been much modified in their scope by the "Licensing Act, 1872," (35 & 36 Vict., **94**,) and now only apply to Refreshment Houses in which intoxicating liquors are *not* sold.

(33) PORTS AND HARBOURS.

✠ (544.) It having been found by experience that many severe epidemics which have occurred in this country (especially Cholera) have been propagated from Sea-port Towns, special provision is made for the Sanitary regulation of Harbours and Ports.

✠ (545.) A "Port" under **A** means a Port as established for Customs purposes. The Port Sanitary provisions of **A** extend to the Port of London. A 287 and 291.

✠ (546.) LGB may by Provisional Order permanently constitute as the Sanitary A of a Port any LA or Conservators, &c., whose District, or part thereof, abuts on any part of the Port. The Provisional Order will state what are to be the powers, duties, &c., of the Port A, and how its expenses are to be met. A 287-8.

✠ (547.) Until a Provisional Order setting up a Port Sanitary A has been made, and confirmed by Parliament, LGB may by Order temporarily constitute a Port Sanitary A, and renew such Order. A 287 and 325: and see 290.

✠ (548.) A Port Sanitary A may, with the sanction of LGB, delegate any of its powers to any Riparian A within or bordering on its District. A 289.

✠ (549.) The Sanitary concerns of a Port may be entrusted by LGB to a Port A formed by the Union of two or more Riparian As, or to a Joint Board specially constituted. One Port A may be empowered, by Provisional Order, to govern 2 or more Ports. A 287.

✠ (550.) **A** provides the machinery necessary to enable the principal Port A to recover from the Constituent As payment of their several shares in the common expenses. But LGB may, by Order, declare a constituent A exempt from contributing. A 287, 290, and 292.

✠ (551.) In some instances LGB has decided that the expenses shall be apportioned on the following principles:—Urban As to pay in proportion to the rateable value of their respective Districts: Rural As to pay in proportion to the rateable value of such of the Parishes within their respective Districts as abut upon that part of the Customs Port which is within the jurisdiction of the Port Sanitary A; such rateable value to be ascertained from the valuation lists in force for the time being for the purpose of the Poor Rate.

A 287. ✠ (552.) The duties of a Port A will in each case be defined broadly in the Provisional Order establishing it.

A 115. ✠ (553.) For the purposes of A as regards nuisances, any Ship, &c., lying within the District of a LA is to be subject to the jurisdiction of such A as if it were a house: any Ship lying not within the District of any LA is to be deemed to be within the District of such LA as LGB may prescribe: or where none is prescribed, then within the District of the nearest LA. The officer in charge is to be deemed the "occupier." This section does not apply to any Ship in charge of an officer bearing Her Majesty's commission or belonging to a Foreign Government.

A 130. ✠ (554.) LGB may make Regulations to be published in the *London Gazette* with a view to the treatment of persons affected with cholera and epidemic, endemic, or infectious disease, and to prevent the spread of such diseases, as well on the Waters of the United Kingdom, and on the high seas within 3 miles of the coast thereof, as on land; and may declare by what As such regulations shall be executed. Penalty for wilful neglect, 50*l.* or less.

A Sch. V., Part III. ✠ (555.) All penalties imposed by the "Quarantine Act," (6 Geo. IV., 78,) may be reduced in amount by the Court. Every Vessel having on board any person affected with a dangerous or infectious disorder shall be deemed to be within the provisions of that Act, although such Vessel has not commenced her voyage, or has come from, or is bound to, some place in the United Kingdom.

✠ (556.) The Admiralty, with the consent of the Treasury, lends old Ships to Port Sanitary As to be fitted up by them as Floating Hospitals. Such As will often do well to obtain in this way the Hospital accommodation they may want.

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(34) PUBLIC PLEASURE GROUNDS, &c.

A 164. (557.) An Urban A may purchase, take on lease, lay out, plant, improve, and maintain land for public walks or pleasure grounds, and may prescribe By-Laws applicable thereto. When such places are provided by private persons the A may contribute to the expenses of maintenance.

(558.) Persons damaging trees in streets are liable to a penalty of 5*l.* or less; and to make compensation for injury done. A 119.

(559.) Some recent Acts connected with this subject may be noted in this place, viz., the "Recreation Grounds Act, 1859," (22 Vict., **27**); the "Public Improvements Act" (23 & 24 Vict., **30**); the "Gardens in Towns Act," (26 Vict., **13**); and the "Public Parks, &c., Act, 1871," (34 Vict., **13**); and see also 10 & 11 Vict., **34**, 135.

(560.) Under the "Metropolitan Commons Act, 1866," Local Boards within the Metropolitan Police District are charged with certain duties as to Commons. 29 & 30 Vict., **122**.

(35) PURCHASE OF LANDS AND UNDERTAKINGS.

✠ (561.) LAs often need to acquire land, especially for sewerage purposes. To this end various facilities are afforded them. They may acquire the land which they want either by purchase out and out, or, when a limited right will suffice, by lease. Also, the acquisition may take place either by agreement, or by the exercise of compulsory powers. A 154 and 175.

✠ (562.) In respect of lands belonging to the Duchy of Lancaster, special provision is made. A 178.

✠ (563.) **A** embraces not only lands but water-mills, dams and weirs. The words "lands" and "premises" include "messuages, buildings, lands, easements, and hereditaments of any tenure."(*a*) A 175 and 4: see also 13 Vict., **21**, 4.

✠ (564.) Any surplus lands acquired under **A** by a LA must be sold unless LGB otherwise direct. The proceeds are to be applied towards the discharge, by means of a Sinking Fund or otherwise, of borrowed moneys, or if no loans are outstanding, then to the General Purposes Fund or Rate. Surplus property may also be dealt with by letting or exchange. A 175 and 177.

✠ (565.) The land transactions of LAs in general relate to the acquisition of land to be devoted to purposes as to which diversity of opinion prevails, and friendly negociation is out of the question. It is often necessary, therefore, to resort to the compulsory powers of the "Lands Clauses Consolidation Act, 1845," the provisions of which (excepting a few sections), are now available to all LAs. A 176 (1). 8 Vict., **18**, as amended by 23 & 24 Vict., **106**, and 32 & 33 Vict., **18**.

✠ (566.) The regulations to be observed by a LA proposing to acquire land compulsorily are so plainly set out in **A** that it is only necessary to submit a brief summary. The LA begins by publishing and serving notices: it then presents a petition under seal to LGB for leave to put in force the powers of the "Lands Clauses Acts;" this petition, which must contain a statement of the land intended to be taken, and certain particulars as to the names of the owners, lessees, A 176.

(*a*) Perhaps even a right of fishery may be included under the word "lands." See *Oldaker* v. *Hunt*.

and occupiers thereof, is usually referred to an Inspector, who holds an Inquiry on the spot: if the report of the Inspector is favourable, LGB usually issues a Provisional Order conferring either conditionally or unconditionally the powers sought. This Order does not come into force until confirmed by Parliament, but, as soon as it is made, a copy of it is to be served on every owner, lessee, and occupier affected.

A 176. ✠ (567.) Notices under A may be given in September—October, or October—November, as well as in November—December, but no Inquiry preliminary to a Provisional Order under this provision, shall be held until the expiration of *one* month from the end of such 2 months.

A 176. ✠ (568.) Notices or Orders under A 176, which have to be served on a number of persons who have rights in, over, or on, lands in common, may be served on any 3 such persons, and this will be service on all.

A 207. (569.) In Urban Districts the costs of these proceedings become a charge on the District Fund and General District Rate.

A 229. ✠ (570.) In Rural Districts the costs of these proceedings will usually be "special expenses."

✠ (571.) For further information on all matters relating to Provisional Orders, see Chap. IV., *ante*.

A 162 and 168. (572.) An Urban A may (with the sanction of LGB) purchase, by agreement with the Directors of the same, any Gas-works, or Market belonging to a Company. If the company was formed under the "Companies Act, 1862," a "Special Resolution" must be passed; otherwise, *three-fourths* of the Shareholders (in number and value) of the Company at a meeting specially convened for the purpose must (personally or by proxy) concur in the sale. All this applies to Water-works, A 63. except that the sanction of LGB is not needed.

33 & 34 Vict., 78, 43-4. (573.) An Urban A may acquire Tramways by compulsory purchase. (But see § 697 *post*.)

A 173, 10, 4. 9 & 10 Vict., 74, 24. 10 & 11 Vict., 61, 4. 14 & 15 Vict., 34, 35. 29 Vict., 28, 5. (574.) An Urban A may acquire land for carrying out the "Baths and Wash-houses" and the "Labouring Classes Lodging Houses Acts," but only by agreement with the owners.

(36) RATES AND RATING.

A 227. (575.) The Rate-levying Powers of LAs are very extensive, especially now that Parliament has enacted that any limit for a Rate prescribed by a Local Act shall not apply to a Rate required to be levied for expenses incurred by an Urban A in executing A.

A 207. (576.) All expenses payable by an Urban A and not otherwise provided for, shall be charged on the District Fund and General District Rate, subject to the following exceptions :—

(1) Expenses payable by a Town Council in the execution of the "Sanitary Acts" chargeable at the passing of A to the Borough Fund or Borough Rate, continue so chargeable.(*a*)

(2) Expenses payable by Improvement Commissioners in the execution of the "Sanitary Acts," chargeable at the passing of A to any Rate in the nature of a General District Rate, leviable over the whole District, continue so chargeable.

(3) Expenses payable by an Urban A in the execution of *certain purposes* of the "Sanitary Acts," chargeable at the passing of A to the Borough Fund or Borough Rate, whilst expenses for other purposes of the said Acts, were chargeable to a General Rate for paving, sewering, and other general purposes leviable over the whole District, continue so respectively chargeable.

(577.) Where, at the passing of A, the Sanitary expenses of an Urban A were payable otherwise than according to the old "Local Government Acts," LGB may, on the application of such A, or of any 10 persons rated to the Relief of the Poor, declare by Provisional Order that thenceforth the expenses incurred in the execution of A shall be defrayed out of the District Fund and General District Rate, subject to the restrictions prescribed in certain cases as to Highway Expenses. A 208.

(578.) The "General District Fund" serves to defray the expenses specifically directed to be charged to it, and all other expenses not otherwise provided for.(*b*) A 207 and 210.

(579.) In the District of every Urban A whose expenses are to be defrayed out of the District Fund and General District Rate, there is to be a "District Fund," and the Treasurer is to keep a separate account called "The District Fund Account:" moneys carried to that account are to be applied in defraying such of the expenses chargeable thereon under A as the Urban A may think proper. A 209.

(580.) For the purpose of defraying expenses chargeable on the District Fund, which that Fund is insufficient to meet, the Urban A shall from time to time, by writing under their common seal, levy a General District Rate, which accordingly is the principal Rate of every Local Board and of some other Urban As. A 210.

(581.) § 86 of the "Public Health Act, 1848," authorised the levy of "Special District Rates," *i.e.* Special Rates over a Special District. With a saving as to things done (which saving was amended by 24 & 25 Vict., 61, 12), § 86 was repealed by § 54 of the "Local Government Act, 1858." *Special* Rates in a District were Rates for special (permanent) works, as distinguished from *General* Rates in a District, which were Rates for current expenses.(*c*) Where any such Rates were leviable at the passing of A they may still be levied. A 319.

(582.) A General District Rate may be levied to meet prospective expenditure, and it may be so far retrospective that it may be applied to defray expenses incurred within 6 months before the making of A 210.

(*a*) In Boroughs the expense of Public Baths and Wash-houses are chargeable to the Borough Fund (9 & 10 Vict., 74, 4.)

(*b*) The question having occasionally arisen as to whether some part of the salary of a Surveyor might not be charged to the Highway Rate, when most of his time for a lengthened period has been devoted specially to Highway work, it may be well to state that it would seem that such an arrangement would not be legal. As regards the "Artizans and Labourers' Dwellings Act, 1868," Schedule I. must be read with § 31 and be taken to mean that the Local Board may add, in respect of that Act, 2*d.* in the £, but not more, to its General District Rate.

(*c*) T. Taylor: *Treatise on L.G. Act*, p. 82.

the Rate. Retrospective and prospective expenditure may be included in one and the same Rate, but the two classes of items should be sufficiently specified in the estimate.[a] It may be doubted whether As in general are scrupulous to observe the limits of time permitted by law in the allocation of the proceeds of a General District Rate. It may be worth while, therefore, to recommend the individual Members of As who are disposed to make payments that are retrospective beyond the limits named by the statute, to be careful how they act in this matter, or they may have to refund[b] the amounts wrongfully paid out of the Rate by cheques signed by them.[c] In calculating the aforesaid period of 6 months, during which a Rate may be made retrospectively, the time during which any appeal or other proceeding relating to such Rate is pending is to be excluded.

A 211. (583.) The levy of a General District Rate is governed by A 211, which section is sufficiently explicit as regards all the practical details.

A 211 (1). (584.) Urban As must henceforth levy their General District Rates on the assessment employed for the Poor-Rate, the option of having
A 212. an assessment of their own having been taken away.[d] The local Poor Law officers are to give to the officers of the Urban A certain (specified) facilities, as regards access to books, &c., for preparing the General District Rate. Refusal subjects the offender to a penalty of 5*l.* or less.

A 218. (585.) The powers of an Urban A with respect to the levying of Rates are very large, and as a guarantee that those powers shall not be abused, every Rate before being made is to be preceded by an Estimate, which is to contain particulars of the amount needed, of the purposes to which it is to be applied, of the rateable value of the property assessable, and the amount of the Rate in the £ which it is necessary to make. The Estimate after being approved by the A is to be entered in the [proposed] Rate-book, and the two together are to be open free to the inspection of Ratepayers and persons interested at
A 219. the office of the A, before the Rate is actually made. Copies or extracts may be taken. An estimate is not to be deemed part of a Rate nor to affect the validity thereof. Penalty for obstructing inspection, &c., 5*l.* or less.

A 210. (586.) Public notice of the intention to make a General District Rate, and of the time when it is to be made, and of the place where the [proposed] Rate-book is deposited for inspection, is to be given in the previous week at least 7 days previous to the making [by notices on the Church-doors, &c.] The 7 days are exclusive of the day on which the notice was posted, and of the day when the making takes place.[e]

(*a*) Per Cockburn, C.J., in *Reg.* v. *Worksop L.B.* (2)

(*b*) As to the consequences of improper expenditure generally, see *A. G.* v. *Tottenham L.B.*

(*c*) This liability does in truth attach to all improper payments; *e.g.* to payments made for work done, which ought to have been the subject of a formal contract and was not.

(*d*) With the statement here made (and which is in strict accordance with A 211) the enactment in A 221 assuredly clashes because under the latter the Poor Rate is *not* conclusive.

(*e*) *Reg.* v. *Shropshire JJ.*

But in seeking to recover a Rate it is not necessary to prove that notice was given. The Rate will be invalid if the Estimate contains illegal items,[a] and, arguing from the analogy of the Poor-Rate, the General District Rate will also be invalid if it be not accompanied by an Estimate at all.[b]

(587.) A Ratepayer can appeal against his assessment to the Quarter Sessions.[c] A 269.

(588.) If in the course of preparing a Rate the Clerk finds that he is ignorant of the name of the owner or occupier of a property, it suffices if he designates the person to be rated as the "owner" or the "occupier" of the property (naming it) as the case may be. It is, however, his duty to use his best endeavours to ascertain the names. It is even possible that in case of a change of ownership or occupation the absence of names might cause a difficulty, especially if any question of apportionment should arise. See A 220.

(589.) An Urban 𝔄 may from time to time amend a Rate by making alterations in the names of the parties charged, and in the amounts, for reasons and on conditions which are specified. A Ratepayer can appeal against amendments. A 221.

(590.) Every Rate under **A** (except a Private Improvement Rate) is to be published just as a Poor-Rate is published, that is to say, by posting notices at the usual parochial posting places, before Morning Service on the Sunday after the Rate has been made.[d] Though publication is enjoined, yet non-publication does not render void a Local Board Rate,[e] there being in **A** no words of avoidance as in **17** Geo. II., **3**. If the defect causes a grievance to any individual he can appeal. Rates are to commence and be payable, &c., and be collected as the Urban 𝔄 may appoint. A 222. 17 Geo. II., 3.

(591.) A General District Rate must be in writing under the common seal of the 𝔄, or it will be void[f]; but the signatures of 5 members seem no longer requisite. A 210.

(592.) It seems that a Rate must be paid according as it appears in the Rate-book, even if erroneously calculated, for the Ratepayer should have looked when the Rate was being prepared to see how he was charged, and should have appealed if he felt aggrieved.[g]

(593.) Unoccupied premises are not to be charged to a General District Rate, but they must be entered in the Rate-book precisely as if they were to be so charged. If they should become occupied or should be occupied during any part of the period to which the Rate relates, the occupier for such portion of the time is to be charged for A 211 (2-3).

(*a*) See *Reg.* v. *Worksop L.B.* (1)

(*b*) This has been so held in the case of a Poor-Rate, and the Principle seems applicable to a General District Rate. *Eastern Counties Railway, In Re.*

(*c*) The proceedings on an appeal from a Rate are governed by the Local Act (if any), even though the valuation is made under an Act independent of such Local Act. (*Reg.* v. *Middlesex JJ.*)

(*d*) It does not appear that this need be done actually *on* the *Sunday* morning. Posting on Saturday would suffice so long as the Notice was duly visible on the Sunday morning.

(*e*) See *Le Feuvre* v. *Miller.*

(*f*) *Reg.* v. *Worksop L.B.* (2)

(*g*) *Bavin* v. *Hutchinson.*

the appropriate proportional part. Similarly, where a change of tenancy takes place, a Rate is to be apportioned between the outgoing and the in-coming occupier. [But where the out-going occupier has actually paid the whole Rate in advance, it does not appear that he has any claim on the Urban A for the return of a portion of the money.]

(594.) Sometimes an uncertainty arises as to which of two parties ought to be rated, where both are in some sense occupiers. The case of *Roads* v. *Trumpington Overseers* will aid the settlement of a controversy of this kind.

32 & 33 Vict., 71, 32.

(595.) In the case of a Ratepayer becoming a bankrupt, an unpaid Rate, if it became payable within 12 months before his bankruptcy, is a charge on his estate, payable in full.

A 211 (1).

(596.) The General District Rate is to be levied upon the occupier of all such kinds of property as by the laws in force for the time being are, or may be, assessable to the Poor-Rate, and is to be assessed upon the full nett annual value of such properties, as shown by the latest Poor-Rate, subject, at the option of the Urban A, to certain conditions, as follows:—

A 211 (1) (a).

(597.) The owner instead of the occupier may be rated :—

(i.) Where the rateable value of the premises does not exceed 10*l.*

(ii.) Where the premises are let to weekly or monthly tenants. [Whatever the value.]

(iii.) Where the premises are let in separate apartments.

(iv.) Where the rents are payable or are collected more frequently than once a quarter.

A 211 (1).

(598.) The following additional points must be noted. Where the owner is rated instead of the occupier, the Urban A must abate the rateable value of the premises. This abatement is not to be less than *one-fifth* of the annual value, nor more than *one-third*. Also, if an owner is willing to continue paying Rates whether the premises are occupied or not, he may be charged on only *one-half* the rateable value.[a]

A 211 (1) (b).

(599.) Certain kinds of property are assessable at *one-fourth* their nett annual value.

✠ (600.) Some difficulty has occasionally been experienced in valuing farms under this and kindred enactments, because buildings are to be valued in full, but land only at *one-fourth*, and farm buildings depend for their value on the land which surrounds them. The correct principle of assessment is now considered to be to assess the buildings at the fair interest of the capital invested in them : then to deduct this from the total value of the farm as a whole and levy the rate on *one-fourth* of the difference.

(*a*) Local Boards will in general do well to encourage this seemingly heavy discount. By so doing an infinite amount of time, trouble, and account-keeping will be saved the Collectors, and summonses against defaulters will seldom be required. It is to be observed that the allowance made by the "Poor Rate Assessment and Collection Act, 1869," (32 & 33 Vict., 41, 3—6) as regards Poor-Rates is different from this. And it may be added that that Statute, repealing as it did the "Small Tenements Rating Act, 1850," (13 & 14 Vict., 99), very undesirably enlarged the franchise in Local Government Districts.

(601.) With respect to exemptions either partial or total,[a] it may be convenient to throw together the following heads of information, gathered partly from statutes and partly from cases :—

Properties Rateable at One-fourth.

Tithes, &c. (*b*); Land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds (*c*); or hop gardens, or garden ground not let or occupied with a messauge (*d*), land used for plantations or woods, or for saleable underwood (*e*).

Land covered with water; wet docks (*f*); canals (and the towing paths thereof) (*g*); Railways (and the land appurtenant thereto used for sidings, turn-tables, &c.) (*h*), but not a Railway constructed without Parliamentary Powers (*i*); reservoirs, but not the pipes or mains connected therewith (*j*); the canals and filter beds of Waterworks (*k*).

Properties Rateable at their Full Value.

Workhouses (*l*); Railway Stations, Offices, Warehouses, &c. (*m*); Tramways (*n*); Dock Buildings of all kinds (*o*); Works connected with sewers (*p*).

Properties wholly exempt.

Churches, Meeting-houses and premises, or such parts thereof as are exclusively appropriated to Public Religious worship (*q*); Light-houses, &c. (*r*); Volunteer Storehouses (*s*); certain Literary and Scientific Societies (*t*); Ragged and Sunday Schools (*u*) *may be* exempt at the discretion of the A making the Rate (*v*); Harbour Piers (*w*); Sewers (*x*); Tolls at Markets in respect of animals coming to market (*y*). A Derrick afloat and anchored with stones has been held exempt (*z*).

Special.

Land acquired under the Burial Acts for a Burial Ground (with or without a building thereon) is not to be assessed to any Local Rate at a higher value than that at which it was assessed at the time it was so acquired (*a*) ; Telegraphs (*b*) ; Cemeteries (*c*); Factories not at work are not assessable at their full value, but as warehouses for storage of machinery when machinery is in them.(*d*)

(602.) If within any Urban District or part thereof "any kind of property" is, by a Local Act, exempt from rating in respect of all or any of the purposes for which a General District Rate may be made, such exemptions are to continue as regards a General District Rate levied under A, unless LGB, by Provisional Order, otherwise directs. A 211 (1) (c).

(*a*) Rateability depends on the question "whether the subject is or is not capable of beneficial occupation." *Metrop. B. W.* v. *West Ham Churchwardens.*

(*b*) 14 & 15 Vict., 50. No deductions allowable for Curate's salary. *Reg.* v. *Sherford Inhabitants.*

(*c*) A 211. And where land has been flooded, say, for some months, it seems reasonable to make some remission in the amount charged in respect of it. (37 J.P., 238.)

(*d*) *Chelmsford Union* v. *Chelmsford L.B.*

(*e*) 37 & 38 Vict., 54, 12.

(*f*) *Reg.* v. *Newport Dock Co.*

(*g*) A 211; and refer to *Reg.* v. *Neath Canal Co.*

(*h*) *Midland Railway Co.* v. *Birmingham Council.*

(*i*) *North Eastern Railway Co.* v. *Leadgate L.B.*

(*j*) *Reg.* v. *Birmingham Water-works Co.*

(*k*) *East London Water-works Co.* v. *Leyton Sewer* A.

(*l*) *Chelmsford Union* v. *Chelmsford L.B.*

(*m*) *South Wales Railway Co.* v. *Swansea.*

(*n*) *Pimlico Tramway Co.* v. *Greenwich Union.*

(*o*) *Reg.* v. *Newport Dock Co.*

(*p*) *Metro. B. W.* v. *West Ham Churchwardens.*

(*q*) See also A 151; 3 & 4 Will. IV., 30, 1.

(*r*) 17 & 18 Vict., 104, 430.

(*s*) 26 & 27 Vict., 65, 26.

(*t*) 6 & 7 Vict., 36.

(*u*) 32 & 33 Vict., 40.

(*v*) See *Bell* v. *Crane.*

(*w*) *New Shoreham Harbour Commissioners* v. *Lancing Churchwardens.*

(*x*) *Metro. B. W.* v. *West Ham Churchwardens.*

(*y*) *Caswell* v. *Wolverhampton Overseers.*

(*z*) *Cory* v. *Greenwich Churchwardens;* and *Cory* v. *Bristow* (1875).

(*a*) 18 & 19 Vict., 128, 15.

(*b*) See *Electric Telegraph Co.* v. *Salford Overseers;* referred to in 37 J.P., 237 : but the case of *St. Marylebone Vestry* v. *Postmaster General* shows a difficulty which besets the recovery of Rates in respect of Telegraphs, namely, that the amount to be paid is in the absolute discretion of the Treasury. The statute says that lands and undertakings acquired by the P.O. for Telegraph purposes are to be assessed at sums not exceeding the value at which they are assessable upon such acquisition. (31 & 32 Vict., 110, 22).

(*c*) See the cases of *Reg.* v. *St. Mary Abbot's, Kensington,* and *Reg.* v. *Abney Park Cemetery Co.*

(*d*) *Staley* v. *Castleton Overseers : Harter* v. *Salford Overseers.*

(603.) Nearly everything that has been said respecting General District Rates applies, *mutatis mutandis*, to all the other Rates which Urban Authorities are authorised to levy, save that Tithes and lands, &c., are rated for Highway Rates at their *full value;* and Private Improvement Rates are the subject of some special provisions.

Compare A 216.

(604.) The principal[a] other Rates which it is necessary or lawful for Urban Authorities to levy, are:—Highway Rates, Lighting Rates, Watering Rates, and Private Improvement Rates.

A 213. (605.) Private Improvement Rates are always separately levied; but the other Rates are sometimes levied separately under their several names, and are sometimes merged in the General District Rate and have no separate existence.

A 211 (4). (606.) An Urban Authority may from time to time divide its District, or a street in it, into one or more parts for any of the purposes of A, and may make a separate assessment on such parts. Divisions may be abolished or altered. Every such part, so far as relates to the purposes for which the separate assessment is made, is exempt from any other assessment under A. But expenses incurred in common in respect of the different parts of a District thus divided, must be apportioned between them in an equitable manner.

A 216. (607.) In any Urban District where expenses under A are charged on the District Fund and General District Rate, and no other provision for Highways is made by a Local Act, the repair of Highways is to be defrayed as follows:—

(i.) Where the *whole* District is rated for works of paving, water supply and sewerage, or for any of these works, the cost of repairing Highways is to be defrayed out of the General District Rate.

(ii.) Where *only a part* of a District is rated for such public works the Highways within that limited area are to be repaired out of the General District Rate. All other Highways are to be repaired out of a separate Highway Rate levied only in those parts of the District that are free of all charge for such public works as aforesaid.

5 & 6 Will. IV., 50. 25 & 26 Vict., 61. 27 & 28 Vict., 101.

(iii.) Where there are no charges for public works as aforesaid, the Highways are to be repaired by a separate Highway Rate levied over the whole area which is subject to the jurisdiction of the Urban Authority. Such a rate will be governed by the "Highway Acts," and consequently lands, &c., will be rated at their full assessable value.

A 216. (608.) Where part of a parish is within an Urban District, and the excluded part was, before the constitution of such Urban District, liable to Highway Rates for the original undivided parish, such excluded part (unless in the case of an Urban District constituted before the passing of A, a resolution was passed under the "Local Government Amendment Act, 1861," 24 & 25 Vict., 61, 9 [whole Act now repealed] deciding that such excluded part should be a separate Highway District, or unless such excluded part has been included

(*a*) Provision is made for the levy by a Local Board of certain miscellaneous Rates, such as a Burial Rate; (A Sch. V. part III: 23 & 24 Vict., 64, 1); an Artizans' Dwellings Rate (31 & 32 Vict., 130, 31); a Labouring Classes Lodging Houses Rate (14 & 15 Vict., 34, 5, 8, and 12); a Library Rate (18 & 19 Vict., 70, 7 and 15: 34 & 35 Vict., 71, 1), &c.: but it is best to levy these together with and as part of the General District Rate. The extra amount levied under the Act of 1868 in respect of Artizans' Dwellings must not exceed 2*d.* in the £; nor in respect of a Library, or a Stipendiary Magistrate (26 & 27 Vict., 97, 7) 1*d.* in the £ in any one year.

in a Highway District under the "Highway Acts,") shall, for all Highway purposes, be treated as part of the Urban District.

(609.) In the case of an Urban District constituted after the passing of **A**, a meeting of Owners and Ratepayers of an excluded part may decide that such excluded part shall be a Highway Parish for all Highway purposes. But the requisition to hold the necessary meeting must be presented within 6 months of the constitution of the Urban District. The Quarter Sessions may direct that for any such excluded part Waywardens shall be elected, and may invest such Waywardens with all or any of the powers of Waywardens under the "Highway Acts." A 216.

(610.) **A** contains few provisions as to Highways. Local Boards are specifically invested with exclusive powers within their Districts over the Highways therein, and this implies that they are to consult the several "Highway Acts" for guidance. But Ratepayers within an Urban District are specially exempt from Rates for the repair of Highways outside their District. A 144. A 145.

(611.) A Local Government District cannot be formed into a Highway District under the "Highway Act, 1862," but a part of a parish which is excluded from a Local Government District is to be deemed a place separately maintaining its own Highways, and capable of being included in a Highway District without the consent of the Urban 𝔄. 25 & 26 Vict., 61, 7 and 41. 27 & 28 Vict., 101, 5. See A 216.

(612.) Highway Rates need *not* be laid before Justices nor the Vestry, nor need "the signature of the Urban 𝔄" be annexed. Highway accounts need not be verified before Justices. A 217.

(613.) Any Surveyor of Highways who ceases to be such in virtue of any provision of **A** may, before he goes out of office, recover arrears of Highway Rates. Any surplus he may have after discharging any debts legally owing on account of Highways is to be paid by him to the Treasurer of the Urban 𝔄, to the Highway Fund or Rate account. A 145.

(614.) Lighting Rates and Watering Rates may for our present purpose be taken together. Although as to both, *eo nomine*, **A** is silent, yet the power to levy such Rates seems conferred by **A** 211 (4).

(615.) These Rates are usually separately levied only in those cases where a Local Government District comprises areas of both an Urban and Rural character. To light and water highways in sparsely populated localities is unnecessary, and the expenses of lighting and watering are commonly and justly fastened on the Urban parts of a District.

(616.) With respect to Watering Rates—inasmuch as **A** authorises an 𝔄 to water, if it thinks fit, only a portion of its District, it may be supposed that in that way has arisen the usage of defraying the expense of watering by a Rate limited to a portion of a District. But the law is rather obscure as regards this point. A 42; and see A 211 (4).

(617.) If the area to be lighted and the area to be watered are conterminous, as it is obviously convenient that they should be, this class

of expenditure may be met by the levy of a single rate for the double purpose. Occasionally, however, a Lighting and a Watering District must have distinct boundaries, and then two separate Rates must be made.

A 213 and 232. ✠ (618.) Not every LA is called on to levy a Private Improvement Rate.

A 213. ✠ (619.) This is a Rate to repay expenditure which a LA has declared to be necessary, owing to the default of an owner.

✠ (620.) The following are the items of expenditure which may be the subject of a Private Improvement Rate :—

A 23. Construction of necessary House Drains.

A 36. Construction of a sufficient Water-closet (or Privy or Earth-closet), and of an Ash-pit.

A 41. Reparation of existing Water-closets, &c., and Ash-pits.

A 62. Laying on Water, to Houses (in certain cases).

A 150. Sewering, Paving, &c., and Lighting, &c., Private Streets (*a*).

A 213, 232, and 257. ✠ (621.) Money expended by a LA in Private Improvement Expenses may be advanced by the A for a period not exceeding 30 years. The repayment is to be by a Rate levied year by year on the occupiers, which Rate is to include an allowance for interest at a rate not to exceed 5 per cent. per annum. If the premises charged should become unoccupied, the Rate is payable by the owner so long as the premises continue unoccupied.

A 214. ✠ (622.) A proportion of a Private Improvement Rate may be deducted by an occupier from his rent under complicated regulations.

A 215. ✠ (623.) A Private Improvement Rate may be redeemed as regards the remainder of the time for which it has to run. Moneys paid in redemption of a Private Improvement Rate are to be applied in a particular manner (which is specified).

A 218-22 and 232. ✠ (624.) Provisions which apply to General District Rates apply also to Private Improvement Rates, except that publication is not required.

A 240-1. ✠ (625.) Money may be advanced for Private Improvement Expenses on the security of a yearly Rent-charge, payable half-yearly during a term not exceeding 30 years, with interest and costs limited to 6 per cent. Rent-charges may be deducted in part from Rent, and may be redeemed precisely as Private Improvement Expenses. Rent-charges and Transfers thereof must be registered.

A 257. ✠ (626.) Private Improvement Expenses and expenses in the nature of Improvement Expenses are recoverable with interest from any person who is the owner of the premises when the works are completed: and they are a charge on the premises. Apportionments cannot be questioned after *three* months. (See Paragraph 445, *ante*.)

A 268. ✠ (627.) Persons aggrieved by the decision of a LA with respect to any expenses recoverable summarily or Private Improvement Expenses may appeal to LGB within 21 days' of receiving notice of the decision.

(*a*) Rural As as such are not invested with any paving, &c., powers.

✠ (628.) A 𝔘𝔄 should exercise a careful judgment in fastening outlays of capital on individuals against their will.[a]

(629.) All casual receipts whatsoever arising in Urban Districts are to be placed to the credit of a separate account to be called the "District Fund Account." Moneys carried to that account are to be applied in defraying such of the expenses chargeable thereon under A as the Urban 𝔄 may think proper. A 209.

(630.) The expenses of executing the "Labouring Classes Lodging Houses Act, 1851," (when that Act is in force), are to be charged to the District Fund. Any deficiency is to be made up from the General District Rate or by a separate Lodging Houses Rate. A 207: and see A 4 and 209.

(631.) Urban Rates are to commence and be payable and are to be collected according as the Urban 𝔄 may from time to time appoint. A 222.

✠ (632.) In valuing premises all improvements and additions calculated to enhance their annual value for letting should be systematically taken into account. This applies not only to structural additions, but to alterations in value brought about by the application of agricultural land to more profitable uses (*e.g.*, Nursery Gardens), or by the development of traffic on a Railway.

(633.) The payment of any Urban Rate may be excused, in whole or in part, on the ground of poverty, but for obvious reasons such excusals should be made with great discrimination. A 225.

✠ (634.) Nothing in Part VI. of A ("Rating") is to affect any lease, contract, or agreement entered into between Landlord and Tenant. A 226: see also A 104 and 320.

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(37) SCAVENGING AND REMOVAL OF REFUSE.

(635.) If it appears to the Inspector of Nuisances of an Urban District that any accumulation of manure, dung, soil, or filth or other offensive or noxious matter, ought to be removed, he shall give notice to that effect to the owner thereof or to the occupier of the premises. If in 24 hours the notice is not complied with, the manure, &c., may be seized and sold by the Urban 𝔄. The nett proceeds (after paying expenses) are to be paid on demand to the owner of the manure, &c. If the proceeds do not suffice to defray the expenses, the deficiency may be recovered in a summary manner from the owner of the accumulation, or from the occupier of the premises, or (if there is no occupier) from the owner of the premises. A 49.

(636.) Notice may be given by any Urban 𝔄 (by public announcement or otherwise) that manure and other refuse matter is to be removed periodically from Mews and other premises. Penalty for default, 1*l.* per day or less. A 50.

(*a*) See *Wilson* v. *Bolton, Mayor*.

A 42. ✠ (637.) Every LA may, (and when ordered by LGB *shall*,) undertake or contract for—

The removal of house refuse from premises.

The cleansing of earth-closets, privies, ash-pits, and cesspools.

Either for the whole or part of its District; moreover every Urban A, and any Rural A invested by LGB with the requisite powers, may (and when ordered by LGB, *shall*) undertake or contract for the proper cleansing and watering of streets. All refuse thus collected may be sold or otherwise disposed of, and any profit made by an Urban A is to be carried to the District Fund Account. In a Rural District any such profit shall be placed to the credit of the contributory place in which it arises. If any person removes or obstructs the removal by the LA, or Contractor, of any refuse thus authorised to be removed by the LA, he will for each offence incur a penalty of 5*l.* or less. An *occupier of a house within the District* is not liable to such penalty in respect of refuse, &c., produced on his own premises, and intended to be removed for sale, or for his own use, and in the meantime kept so as not to be a nuisance.

A 43. ✠ (638.) If a LA has made provision for removing house refuse and cleansing earth-closets, privies, ash-pits and cesspools, and fails without reasonable excuse after notice in writing from an occupier to perform its duty in respect of any of these matters within 7 days, the LA may be fined 5*s.* a day for every day that default continues. The fines will go to the occupier.

✠ (639.) A LA may perform its scavenging work either by having its own staff of men, carts, and horses, or by employing Contractors. The carts of a LA must have the name, &c., of an officer painted on them, or they will be liable to duty under 4 Geo. IV., **95**, 15.

✠ (640.) Where a LA does not itself undertake or contract for the cleansing of footways and pavements adjoining any premises; the
A 44. removal of house refuse; the cleansing of earth-closets, privies, ash-pits, and cesspools, it may establish By-Laws imposing on occupiers of premises the duty of doing these things at prescribed intervals. [When these matters are thus left to take care of themselves they are seldom properly attended to.]

(641.) It is open to question whether the expression "cleansing footways" used in **A** would be held to imply that it was the duty of an occupier to remove weeds and grass growing in a public footway adjoining his premises.

A 44. (642.) An Urban A may make By-Laws for the prevention of Nuisances arising from snow, filth, dust, ashes, and rubbish; and for the prevention of the keeping of Animals so as to be injurious to health.

A 45 (643.) An Urban A may provide convenient places both for the temporary and for the permanent deposit of refuse of all kinds.

(38) SEWERS AND DRAINS.

✠ (644.) "Sewer" includes sewers and drains of every description, except drains to which the word "drain" applies, and except drains vested in and controlled by a Road 𝔄 which is not a 𝔏𝔄. "Drain" means any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed. A 4.

(645.) An Urban 𝔄 may provide a map of its District, indicating the sewers thereof. Such map is to be open to the inspection of Rate-payers. A 20.

✠ (646.) All public sewers and their appurtenances are under the sole control of the 𝔏𝔄 of the District. But sewers within the District of a 𝔏𝔄, which have been or hereafter may be constructed by or transferred to some other 𝔏𝔄, or by or to a Sewage (*sic*) Board or other 𝔄 empowered by Parliament to construct Sewers shall (subject to any agreement to the contrary) vest in the 𝔄 which constructed them or to whom they have been transferred. The following sewers are also exempt from such control:—Sewers made for profit; sewers for draining, preserving, or improving land under any local or private Act; sewers for irrigating land; sewers under the authority of Commissioners appointed by the Crown. A 13.

✠ (647.) Any 𝔏𝔄 can[a] buy up sewers or rights as to sewers within its District, but the rights of third parties are protected, and the purchase money is to be subject to the same trusts (if any) as the sewer right or property sold was subject to. A 14.

✠ (648.) On every 𝔏𝔄 is cast, in explicit terms, the duty of keeping in repair old sewers and of making new ones. A 15.

✠ (649.) In order to facilitate the construction of sewers, large powers (including powers of entry on lands after giving "reasonable notice") are conferred upon 𝔏𝔄𝔰. The "reasonable notice" is to be given to any owner, or occupier, whose property will be affected. A 16.

✠ (650.) Old sewers may be enlarged or improved; or, under reservation of the lawful rights of all persons, may be closed up and disused, but in no case so as to be a nuisance. A 18.

✠ (651.) For the purpose of making a sewer through private lands, a 𝔏𝔄 may proceed either under a general or under a Local Act (if any), at its option.[b]

(652.) An Urban 𝔄 may construct a sewer along a private street, not being a highway, in default of the owner doing so. At the option of the Board the expense may be recovered summarily, or may be A 150.

(*a*) But can the machinery of the "Lands Clauses Act" be invoked for the compulsory purchase of a Sewer? Refer to the remarks of Cranworth, C. in *Pinchin* v. *London & Blackwall Railway Co.*

(*b*) *Derby, Earl of*, v. *Bury Improv. Com.*

declared to be a "private improvement" outlay: it is chargeable on
A 214. the owner in either case, though under certain circumstances an occupier may have to share the burden with the owner.

A 19. ✠ (653.) All public sewers are to be constructed, covered, ventilated, and kept so as not to be a nuisance or injurious to health, and properly cleansed.

A 27. ✠ (654.) If a LA should consider that it is not able to provide a proper sewerage outfall within its District, it may purchase or lease land for the purpose lying outside its District.

✠ (655.) An obligation to make compensation applies to all cases in which land is interfered with,[a] whether involving temporary damage only, or the deterioration of property by permanent occupation,[b] but does not comprise any "indirect injury."[c]

A 327-36. ✠ (656.) A contains some important restrictions as to works, the existence of which restrictions it is proper to note here.

A 32: as to notices generally see A 265. ✠ (657.) A LA proposing to construct works outside its district, is required to give a variety of notices at least 3 months beforehand. The section prescribing these notices is very precise, and care must be taken to comply exactly with its requirements.

A 33-4. ✠ (658.) If any of the parties entitled to receive notice should lodge notice of objection within the said 3 months, the proposed work cannot be commenced without the sanction of LGB. This sanction is petitioned for by the LA, and thereupon an Inspector of LGB may be directed to proceed to the place and hold an Inquiry there into the propriety of such work. (See Chap. IV., *ante*.)

✠ (659.) It is desirable that the notices mentioned in the previous Paragraph should be given at the same time as the notices for a Provisional Order to take the land which is wanted outside the District, otherwise there may be a difficulty in obtaining the Order; or even if the Order be obtained, it may afterwards be rendered of no avail because of the appearance of parties making objections which eventually evoke an unfavourable decision from LGB.

A 27. ✠ (660.) LAs possess many facilities for utilising their sewage. These will be found in A 27.

A 27 and 29. ✠ (661.) Any A may acquire lands, buildings, and apparatus for receiving, storing, disinfecting, distributing or otherwise disposing of sewage. It may let its lands on lease or carry on farming operations by its own servants; or may enter into arrangements with Contractors to take the sewage. Provision is to be made for so effectually disposing of all the sewage brought to the land, that there may be no nuisance.

A 30. ✠(662.) A LA may also in its corporate capacity contribute to the expenses of any sewage contracts, or take Shares in a Company formed for dealing with the sewage of its District.

(*a*) *Lister* v. *Lobley.*

(*b*) See *Derby, E. of,* v. *Bury Improvement Commissioners;* also *Herring* v. *Metropolitan Board of Works;* also *Reg.* v. *Wallasey L.B.*

(*c*) *Bigg* v. *London Corporation.*

✠ (663.) A lease of lands granted by a LA must be for agricultural purposes and not be for a longer term than 21 years. A contract for the supply of sewage may be for any period not exceeding 25 years. A 29. A 27 (3).

✠ (664.) Any owner or occupier of premises within the District of a LA is entitled to apply for the admission of his sewage into its sewers after notice, but the said A may make its own regulations with respect to the mode in which the communications are to be made. Non-compliance with these provisions subjects the offender to a penalty not exceeding 20*l.*, and the LA may close any communications wrongfully made, and can recover in a summary manner the expenses which it has incurred. A 21.

(665.) No building is to be newly-erected over any sewer of an Urban A without the consent of the A. Penalty 5*l.*, and 2*l.* for every day which the offence is continued after notice in writing; and the LA may pull down, &c., the building, and recover in a summary manner the expenses of doing so. A 26.

✠ (666.) Any owner or occupier of premises outside the District of a LA may use its sewers upon such terms and conditions as may be agreed on. Disputes on these points may be settled by a Court of Summary Jurisdiction, or by arbitration, at the option of the owner, or occupier. A 22.

✠ (667.) If at the passing of **A** it happened that any sewers were thus used by persons outside a District in consideration of an annual payment for such use, that payment was not affected. If the user should cease, the payment is to cease. If the user should be resumed, the payment is to revive. A 337.

(668.) In an Urban District no new house is to be built or occupied, or old house (pulled down to the ground floor) re-built or occupied without proper drainage. The drain is to be connected with a sewer of the LA, unless there is no sewer within 100 *feet* "of some part of the site of the house;" in that case the connection is to be with a covered cesspool, or other "place," not being under any house. In any case the works must be constructed in accordance with the requirements of the A. Penalty for default not exceeding 50*l.* and costs. A 25.

(669.) The drainage of buildings may be the subject of By-Laws. A 157 (4).

✠ (670.) If any house within the District of an LA is without effectual drainage, the LA shall by written notice require the owner or occupier to make a connection with a public sewer, if there is one within 100 *feet* "of the site of such house," or with a covered cesspool or other "place," if there be no sewer available. The A may prescribe the materials, &c., to be used. If the owner does not comply with the Order, the LA may execute the works and recover the outlay from the owner in a summary manner, or it may declare the outlay to be a "Private Improvement Expense." In certain cases the A may construct specially a new sewer, and apportion the expenses amongst the A 23.

owners; and recover them summarily, or declare them to be Private Improvement Expenses.

A 24. ✠ (671.) If a house has a drain which, though sufficient generally is in the opinion of the LA objectionable for any reason, the LA may close such drain on the condition that it provides at its own expense an effectual substitute.

A 17. ✠ (672.) LAs are not authorised to discharge unclarified sewage into natural streams, watercourses, canals, ponds, or lakes. Nor may they allow sewage to continue to be so discharged even after a long acquiescence on the part of the riparian owners.[a] If, however, the mischief is of small moment the Courts will not interfere.[b]

✠ (673.) And even when no proceedings are taken to stop absolutely all discharge of sewage, yet an Injunction will often be granted to prohibit any *additional* sewage being discharged.[c]

A 31: 27 & 28 Vict., 114. ✠ (674.) The construction of works for the application of sewage to lands is to be deemed an "Improvement of Land" within the "Improvement of Land Act, 1864."

A 299. ✠ (675.) If a LA makes default in providing its District with sufficient sewers or in the maintenance of existing sewers, LGB may order the A to remedy its default within a specified time. The powers thus conferred on LGB are of a very stringent character, and LAs would in all cases do wisely not to neglect their duty so as to compel matters being pushed to this extreme. [See Paragraphs 224-8, *ante.*]

✠ (676.) A LA need not, for the mere purpose of constructing a sewer through private lands, acquire the absolute possession of any land under the "Lands Clauses Act;" for to acquire permission to make a sewer is to acquire an easement.[d]

A 224. (677.) Premises which are deemed by an Urban A to be already sufficiently drained may be relieved in part from contributing to the construction of a new sewer according as the A may consider just under all the circumstances.

A 331. ✠ (678.) Any Navigation, &c., Corporation owning property through or near which any sewer, &c., belonging to a LA runs or is situate, may at its own expense take up, divert, or alter the level of such
A 333. sewer, &c., or may replace it by a new sewer, &c. But the substituted sewer, &c., must be certified by the Surveyor of the LA to be as effectual as the old one. Any dispute may be settled by arbitration.

✠ (679.) A LA in providing sewers, or generally in executing works is not at liberty to commit a nuisance itself,[e] by adopting, for instance, an ill-conceived out-fall. An individual damnified under such circumstances may obtain an Injunction to restrain the LA from proceeding with its works.[f]

(*a*) *A. G.* v. *Leeds, Mayor.*
(*b*) *A. G.* v. *Gee.*
(*c*) *A. G.* v. *Richmond.*
(*d*) *Thornton* v. *Nutter.*
(*e*) *Itchen Bridge Co.* v. *Southampton L. B. H.*
(*f*) *A. G.* v. *Birmingham Council.*

✠ (680.) Inasmuch as LAs are supposed to be in general acting for the interest of the public at large, the Courts are not over-willing to interfere unless good reason be shown.[a] But it is the fact that Injunctions against LAs for permitting sewage to flow into streams have of late become increasingly common, and have stimulated the utilisation of sewage.

✠ (681.) Merely to attempt to deodorise sewage flowing into a river (especially if the attempt fails) will not be recognised as compliance with an Injunction prohibiting the sending of sewage into a river, and is a contempt of Court.[b]

✠ (682.) If a house is drained into a sewer and the drainage is not defective, a LA, if it chooses to divert the sewer, cannot charge on the owner of the house the expense of making the new connection. This was decided in a London case,[c] but the principle seems to be of general application.

✠ (683.) Two adjacent LAs may, with the sanction of LGB, make terms for the use by one of them, of the sewers of the other. If the As are not able to agree as to terms, LGB may settle the terms. Storm water (as far as practicable), and also the sewage of other Districts or places, must be excluded from the sewers when an arrangement under this power is in force, unless the receiving A consents. A 28.

(39) SLAUGHTER-HOUSES.

(684.) An Urban A may provide or may license such Slaughter-houses in its District as it deems requisite, and fitly located.[d] [This provision supersedes that in the Act 26 Geo. III., 71.] Existing rights must not be prejudiced. A 169: 10 & 11 Vict., 34, 125-31.

(685.) No new Slaughter-houses are to be established without a license. Penalty, 5*l.* or less, and after conviction, 5*l.* per day or less. A 169: 10 & 11 Vict., 34, 126.

(686.) Existing Slaughter-houses are to be registered. Penalty, 5*l.* or less, and 10*s.* per day or less. A 169: 10 & 11 Vict., 34, 127.

(687.) Slaughter-houses are to be regulated by By-Laws. Penalties for breaches, viz.:—5*l.* or less, or 10*s.* per day or less, may be prescribed. Justices may suspend a license for 2 months on the conviction of the holder, or if the person convicted is the owner they may forbid slaughtering on the premises for 2 months; on a *second* or subsequent conviction a license may be revoked, or an owner absolutely forbidden to slaughter. Penalties for using Slaughter-houses, the licenses of which have been suspended or revoked, 5*l.* or less, and the same sum per day or less. A 169: 10 & 11 Vict., 35, 128-30.

(*a*) See *Ware* v. *Regent's Canal Co.*; *Lillywhite* v. *Trimmer*; *Goldsmid* v. *Tunbridge Wells Improvement Commissioners*; *A. G.* v. *Gee*; *A. G.* v. *Colney Hatch Lunatic Asylum*.

(*b*) *Spokes* v. *Banbury L. B.*

(*c*) *St. Marylebone Vestry* v. *Viret*.

(*d*) See *Anthony* v. *Brecon Markets Co.*

A 170. (688.) The owner or occupier of every licensed or registered Slaughter-house shall within *one* month after the licensing or registration affix, on some conspicuous place on the premises, the words "Licensed Slaughter-house," or "Registered Slaughter-house," as the case may be. The notice is to be kept undefaced and legible so long as the premises are used for the purpose aforesaid. Penalty for default, 5*l.* or less, and 10*s.* per day after conviction.

A 169: 10 & 11 Vict., 34, 131. (689.) The Inspector of Nuisances, or Officer of Health, or other officer of an Urban A appointed for the purpose, may enter and inspect any Slaughter-house and any place kept or used for the sale of butcher's meat, and may examine any cattle or carcase there, and may seize the same if it appears unfit for food, and may carry it before a Justice who may, after further inspection by competent persons, inflict on the owner or on the person having the custody of the article, a penalty of 10*l.* or less for every animal, carcase, or part of a carcase. What is thus seized is to be immediately destroyed or otherwise disposed of. Penalty for obstructing an officer, 5*l.* or less.

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(40) SMOKE (PREVENTION OF).

A 917. ✠ (690.) A Trade Fire-place or Furnace that does not consume "as far as practicable," its own smoke, is a "nuisance," and has already been dealt with in general terms [see "Nuisances," *ante*]. At an Inquiry before a Court of Summary Jurisdiction, the Court must dismiss the complaint if satisfied that the Furnace is constructed so as to consume as far as practicable its smoke (having regard to the nature of the manufacture), and that it has been carefully attended to by the person in charge.

8 Vict., 20, 114. 24 & 25 Vict., 70, 8. 28 & 29 Vict., 83. 34 & 35 Vict., 95. (691.) Every Locomotive used on a Railway or Highway must consume its own smoke. Penalty, 5*l.* per day or less.

(692.) Smoke, with or without noxious or offensive vapours, will, except in trifling cases, justify an A in taking proceedings.[a]

A 324. (693.) Nothing in A extends to Mines, so as to interfere with or obstruct their efficient working, nor to the smelting of ores and minerals, nor to certain classes of ironworks.

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(41) STEAM WHISTLES, &c.

35 & 36 Vict., 61, 2. ✠ (694.) No person may use a Steam Whistle or Steam Trumpet for summoning or dismissing workmen without the sanction of the LA.

(*a*) Refer to *Crump* v. *Lambert; Cooper* v. *Woolley; Barnes* v. *Akroyd; Norris* v. *Barnes.* These, however, are private cases, but they will serve to show the nature of Nuisance which may be repressed, and the relief which will be granted by the Courts. See, as to disregarding an Order of Justices to abate a Nuisance, *Reg.* v. *Waterhouse.*

Penalty, 5*l.* or less, and 2*l.* per day or less. LGB may revoke a sanction on the application of a person prejudicially affected, if the LA refuses to do so. When the facts are disputed, an Inquiry by one of its Inspectors is usually ordered by LGB.

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(42) STIPENDIARY MAGISTRATES.

(695.) By the "Stipendiary Magistrates Act, 1863," a place which is under a Local Board and has 25,000 inhabitants, may obtain a Stipendiary Magistrate. The proposal for the appointment of such a functionary is in the first place to be sanctioned by at least *two-thirds* of the Local Board, and the Board is empowered to fix his salary; and eventually, to provide it out of the "Local Improvement Rate;" and also to provide a Police Office. 26 & 27 Vict., 97, 3-4.

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(43) TRAMWAYS.

(696.) Under a Board of Trade Provisional Order, an Urban A may construct Tramways. 33 & 34 Vict., 78, 4, 6-16.

(697.) An Urban A may acquire Tramways by purchase, and may lease and take tolls in respect of the same, but such an A is expressly prohibited from working Tramways. 33 & 34 Vict. 78, 43-5. 33 & 34 Vict., 78, 19.

(698.) The expenses are to be borne by the General District Rate, or money may, with the sanction of the Board of Trade, be borrowed under much the same regulations as those which control the borrowing of money for Sanitary purposes. 33 & 34 Vict., 78, 20, and Sch. A.

(699.) Persons engaged in establishing Tramways are placed under various restrictions with a view to protect the interests of Road, Gas, Water, Telegraph and Sewer Authorities. 33 & 34 Vict., 78, 26-33.

(700.) An Urban A exercises control over Tramways in that its sanction is necessary before a Tramway can be constructed; and it regulates by By-Laws the working of Tramways, and is empowered to license Drivers, &c. By-Laws as to Tramways require the sanction of the Board of Trade, not that of LGB. 33 & 34 Vict., 78, 4, 46-8.

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(44) WATER-CLOSETS; PRIVIES; EARTH-CLOSETS.

✠ (701.) Every LA is to see that the house-drains, water-closets, earth-closets, privies, cesspools, and ash-pits within its District are constructed and kept so as not to be a nuisance or injurious to health. In order properly to attain this end, the Surveyor or Inspector of A 40-1.

Nuisances is armed with certain powers of entry. If he find any drain, &c., in bad condition, or to require alteration or amendment, the LA must serve notice on the owner or occupier to execute within a reasonable time the necessary works. Penalty for default, 10*s.* per day or less. If the default continues, the LA may execute the necessary works and recover the expenses in a summary manner, or declare them to be "Private Improvement Expenses." Any person may invoke, by writing, the intervention of the LA as to this matter.

A 35-6. ✠ (702.) No new house is to be built, or old house (pulled down to the ground floor) rebuilt, without a sufficient water-closet, earth-closet, or privy, and an ash-pit furnished with proper doors and coverings. Penalty, 20*l.* or less. A LA must require the owner or occupier of a house unprovided as aforesaid, forthwith to provide such of these appliances as it may deem requisite; on default it may do the work required and recover the expenses in a summary manner or declare them to be "Private Improvement Expenses." A water-closet, &c., may, by leave of the LA, be used in common by two or
A 4. more houses. The word "house" includes schools, factories, and other buildings in which more than 20 persons are employed at one time.

A 38. ✠ (703.) These enactments apply to factories, &c., as well as to houses, but in the case of factories there is, on the requisition of the Urban A, to be separate accommodation for each sex. Penalty, 20*l.* or less, and 2*l.* per day or less.

A 37. ✠ (704.) Earth-closets having come into use, they are the subject of special provision. Any enactment requiring the construction of a water-closet, may, with the approval of the LA, be satisfied by an earth-closet. A LA may undertake, or contract for, the supply of dry earth, &c.

A 39. (705.) An Urban A may provide and maintain public urinals, water-closets, earth-closets, privies, and ash-pits; and other similar conveniences.

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(45) WATERS (POLLUTION OF).

A 70. ✠ (706.) Provision is made for dealing with wells, tanks or cisterns, public or private, or supplied from any public pump, and used, or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, which are polluted so as to be injurious to health. On receiving a representation to this effect, a LA may apply to a Court of Summary Jurisdiction to order a remedy. The Court must summon the owner or occupier if the well, &c., be private, or any person alleged to be interested, if it be public. The Court may direct that the well, &c., be permanently or temporarily closed, or that the water be used for certain purposes only, or may make such other order as shall appear requisite to prevent injury to

the health of persons drinking the water. The Court may order water to be analysed. If the person on whom the order is made fails to comply with it the Court may authorise the LA to do what is necessary and recover the expenses in a summary manner from the person on whom the order is made. In Rural Districts expenses not recovered as aforesaid are to be deemed "special."

✠ (707.) A person who bathes in, or washes, any dog or other animal, or throws "rubbish, dirt, filth, or other noisome thing," into any stream, reservoir, aqueduct or other water-works belonging to or under the control of a LA, or washes skins, &c., or clothes, &c., therein, or does any other act to foul such water, is liable to a penalty of 5*l.* or less, and 1*l.* per day or less after written notice. A 57: 10 Vict., 17, 61.

✠ (708.) A LA may, with the consent of the Attorney-General, take such legal proceedings for the protection of water-courses from pollution by sewage as it may deem advisable. The costs (if any) may come out of the Rates. A 69.

✠ (709.) A Gas Manufacturer who causes or suffers refuse products to flow into any stream, &c., or who wilfully does any act whereby water is fouled, is liable to a penalty of 200*l.* for every offence, and after 24 hours' notice from the LA or person to whom the water belongs, to a further penalty of 20*l.* per day. The principal penalty must be sued for within 6 months after the offence has ceased. A 68; and compare 10 Vict., 15, 21-4: 10 Vict., 17, 62-4.

✠ (710.) For the purpose of ascertaining whether any water is fouled by Gas, an LA may lay open any pipes, &c., after giving 24 hours' notice to the owner or manager. Provision is made as to the costs of such examination according as the Gas-owner is or is not in default. In the former case they are borne by him : in the latter they are chargeable on the Rates. A 57: 10 Vict., 17, 65-7. See also 10 Vict., 15, 26-9.

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(46) WATER SUPPLY.

✠ (711.) A LA may provide its District or any part thereof with water, and in order to do so may construct and maintain such Works, dig wells, or contract for a supply, but it is not to put itself in competition with any private Water Company, so long as such Company is able and willing to supply water "proper and sufficient for all reasonable purposes," and on such terms as may be agreed upon, or be settled by arbitration. Differences of opinion are also to be settled by arbitration. A 51-2: and 63. See A 4 for definition of "Water Works" and Water Company

✠ (712.) As regards the construction by a LA of Reservoirs which will hold more than 100,000 gallons, numerous special regulations are prescribed. Persons to be affected, and who object, may obtain a Local Inquiry by an Inspector of LGB. A 53.

✠ (713.) Any LA may buy up any water-mill, dam, or weir which interferes with the proper water supply of its District. It may hire Water-works, or with the sanction of LGB purchase water or water A 51, 175-76.

rights either within or without its District, and the powers, &c., of any Water Company. The "Lands Clauses Consolidation Act, 1845," is available, but the compulsory powers of that Act are only to be exercised under a Provisional Order of LGB.

A 64. ✠ (714.) All Pumps, Wells, &c., used for the gratuitous supply of water, may be kept in good working order by the LA, and it may construct new ones (to be used gratuitously).

A 65. ✠ (715) Any LA may supply water from Water-works purchased or constructed by them to any Public Baths and Wash-houses, or for trading or manufacturing purposes, on terms to be agreed on. Moreover, any LA may construct works for the gratuitous supply of Public Baths and Wash-houses supported out of the Rates.

A 54. ✠ (716.) A LA is armed with the same powers (and is subject to the same restrictions) for laying down water mains as for laying down
A 16. sewers, and this both within and without its District.

A 61. ✠ (717.) Any LA supplying water may, with the sanction of LGB, supply water to an adjacent A on terms to be agreed on, or settled by arbitration.

A 57: 26 & 27 Vict., 93: 10 Vict., 17. ✠ (718.) For the purpose of enabling any LA to supply water, the "Water-works Clauses Act, 1863," and various sections of the "Water-works Clauses Act, 1847," are incorporated by A. The following are the incorporated provisions of the latter Act :—

10 Vict., 17, 28-34.	With respect (where the LA does not control the streets) to the breaking up of streets.
10 Vict., 17, 44-7.	With respect to the communication pipes to be laid by the undertakers.
10 Vict., 17, 48-53.	With respect to the communication pipes to be laid by the inhabitants.
10 Vict., 17, 54-60.	With respect to waste or misuse of the water supplied by the undertakers.
10 Vict., 17, 61-7.	With respect to the provision for guarding against fouling the water of the undertakers.
10 Vict., 17, 68-74.	With respect to the payment and recovery of the water rates.

But (1) the provisions just cited as to pipes (§§ 44-53) apply only in Districts where the LA lays pipes; (2) any dispute authorised or directed by any Incorporated provision to be settled by an Inspector or 2 Justices is to be settled by a Court of Summary Jurisdiction; (3) some words are to be deemed omitted from § 44; and (4) rent for pipes, &c., paid by an occupier may be deducted by him from his landlord's rent.

A 63. ✠ (719.) Any Water Company may contract to supply water, or may lease its Water-works to a LA, or may, under certain conditions, sell and transfer its Works to a LA.

A 62. ✠ (720.) A LA may compel an owner to have any house of his supplied with water if the house is without "a proper supply," and a proper supply can be had at a cost not exceeding the Water Rate authorised by the Local Act, or where there is no such Act, not exceeding 2*d.* per week. But this limit is no longer absolute. If this payment will not command the requisite service LGB may, on the application of the LA, require an owner to pay a higher charge, so long as it be "reasonable." The A may execute the works if the owner

makes default in doing so, and may recover the expenses in a summary manner, or may declare them to be "Private Improvement Expenses," or the A may contract with a Water Company for the execution of the Works. The A or the Water Company may also levy a Water Rate on the premises, as if the owner or occupier had demanded a supply, and were willing to pay for the same. The A is set in motion by a Report from its Surveyor.

✠ (721.) A LA may enforce a proper supply of water to Common Lodging Houses. [See Paragraph 475, *ante*.] A 81.

✠ (722.) LAs providing Water are to supply it pure and wholesome. They may keep it laid on constantly at such pressure as will carry it to the topmost storey of the highest dwelling-house. They may, under certain regulations, charge Water Rates and Rents; and may enter into agreements,(a) as to Water Supply, and as to the provision of Water Meters, and the hire and inspection thereof. A 55-6 and 58.

✠ (723.) Where water is supplied by measure by any LA, the register of the meter, &c., is to be *primâ facie* evidence of the quantity consumed. Disputes as to this are to be determined by a Court of Summary Jurisdiction, and such Court may award costs. A 59.

✠ (724.) Any person who by wilful or culpable negligence injures a meter or fittings, or fraudulently tampers with an index, or fraudulently abstracts or uses water is liable to a penalty of 2*l*. or less (without prejudice to the right of the LA to resort to other remedy). A 60.

✠ (725.) Any person wilfully injuring property belonging to any works of water-supply, or wasting water, &c., is liable to a penalty of 5*l*. or less. A 57: 10 Vict., 17, 60.

✠ (726.) When a complaint is made to LGB that a LA has neglected to supply its District with water in cases where danger to health arises from the insufficiency or unwholesomeness of the existing supply, and a proper supply can be got at a reasonable cost, LGB may make an order limiting a time for the LA to provide a supply. The order may be enforced by *Mandamus*, or LGB may appoint some person to execute the works which the LA ought to have executed, and may charge the expenses on the Rates by loan or otherwise. [See Paragraphs 224—8, *ante*.] A 299—301.

(727.) As to the water supply of the Universities of Oxford and Cambridge, there are special provisions. A 67.

(728.) An Urban A may obtain alterations in the position of water-pipes in streets if necessary. Certain conditions are imposed. A 153.

(a) Whether such an agreement will need a stamp will depend on circumstances. The Board of Inland Revenue hold that "every agreement is liable to a stamp duty, unless it bears internal evidence that the subject matter thereof is not of the value of 5*l*." If the agreement as to Water is for a specified period, and the payment for that period is less than 5*l*., no stamp will be necessary; but if a greater sum than 5*l*. should be payable, it would, according to the rule referred to, be requisite that the agreement relating thereto should be stamped.

CHAPTER VI.

RURAL SANITARY AUTHORITIES.

(729.) The "Public Health Act, 1872," provided that every locality which was not under the control of some Urban Sanitary Ⱥ should, for Sanitary purposes, fall under the supervision of the Guardians of the Poor of the Union in which it is situate, which Guardians were thereby appointed the "Rural Sanitary Ⱥ."

A 9. (730.) **A** declares the complete identity of the Rural Ⱥ with the Board of Guardians. Subject to the Provisions of **A**, all Statutes, Orders, and legal provisions applicable to any Board of Guardians, are to apply to them *quâ* Rural Ⱥ.

A 9. (731.) Where any Poor Law Union is a "Rural" area (according to the definition given in **A**), no portion of the Union being within an Urban jurisdiction, the whole Board of Guardians, *ex-officio* as well as elected, are the Rural Sanitary Ⱥ.

(732.) But, inasmuch as Poor Law Unions were not formed for Sanitary purposes, a Poor Law Union District often includes one or more areas governed by an Urban Ⱥ.

A 9 (1). (733.) As it would clearly be unfair to allow the Guardians representing or belonging to such Urban areas to interfere in the Sanitary concerns of the adjacent Rural areas merely because for Poor Law purposes they come in contact with the concerns of such Rural areas, certain restrictions are put upon the action of Guardians who represent Urban places.

A 9 (1-2). (734.) For instance, no Guardian, whether *ex-officio* or elective, who resides in, or represents, any Parish of the Union, which Parish forms or is wholly included within an Urban District, is to act or vote

in any case in which the Guardians of such Union act or vote in their capacity of members of the Rural A. The disability thus *primâ facie* attaching to an *ex-officio* Guardian resident in the Urban portion of a District is removed, if he owns or occupies property in the Rural portion of a value sufficient to qualify him as an elective Guardian for the Union.

(735.) Where the number of elective Guardians qualified to act and vote as members of the Rural A is less than 5, LGB may, from time to time, by Order nominate a sufficient number of persons to act as Guardians as will make up the number to 5. These persons must be either owners or occupiers of property in the Rural District of a value sufficient to qualify them as elective Guardians. Their functions are limited to Sanitary work. A 9.

(736.) Provision is made for the case of a parish some part only of which is already within an Urban District. In order to permit the principle of mutual non-interference to be carried out, it is enacted that LGB may, by Order, divide such a Parish into wards, and allot a suitable number of Guardians to each. The Guardians who in virtue of such Order represent the Urban ward or wards will act on the Board for Poor Law purposes only. But until such division into wards has been accomplished, all the Guardians of the Parish may act as members of the Rural A. A 9 (3).

(737.) The various Boards of Guardians (modified in their constitution, or liable to be so modified, as aforesaid) are the As now responsible for the health of Rural areas.

(738.) In addition to the powers, rights, duties, capacities, liabilities, and obligations exerciseable by, or attaching to, a Rural A, every such A is invested with all the powers, &c., of the LA under the "Bakehouse Regulation Act." A 11. 26 & 27 Vict., 40.

(739.) It should be clearly understood that these powers of the Guardians are exclusive. That is to say that for Sanitary purposes the Guardians have entirely superseded every other body, which, within the Rural limits of their jurisdiction (as defined), formerly performed any Sanitary work under any Public general Acts.

(740.) The Board of Guardians thus invested with the duties of supervising the Sanitary management of a number of Parishes is not bound to do the whole of its work itself.

(741.) It may delegate for the current year of its office *all its Sanitary powers* to a Committee consisting wholly of its own members. But the decision to do this must be obtained at a meeting "specially convened for the purpose," and *one-third* of the members of the Committee are to be *ex-officio* Guardians, unless a number of *ex-officio* Guardians equal to so large a proportion does not exist. A 201.

A 201. (742.) It would seem that the Committee once appointed cannot be restricted in any way by the general body of Guardians in its proceedings with respect to Sanitary matters, it being, during its term of office, the Rural A of the District.

A 202. (743.) Further, a Board of Guardians (including any Committee thus formed) may at any meeting specially convened for that purpose, establish, for a contributory place, a Parochial Committee, composed either of Guardians only, or of Guardians and of persons who contribute to the Poor Rate, and qualified in such other manner (if any) as the A may determine. The Guardians chosen may be selected promiscuously from the Board, but the Ratepayers must be Ratepayers of the contributory place, in respect of which the Parochial Committee is formed. This Committee may number as many persons as the A which appoints it sees fit. And the same A may impose regulations and restrictions, and may alter the constitution of, or dissolve, the Parochial Committee. The action of such a Committee is to be confined to its own parish, and as it is only to be deemed the "Agent" of the A which forms it, the said A will not be relieved from any obligation resting upon it in virtue of any Act of Parliament or otherwise. The Rural A cannot confer on a Committee any powers which it does not itself possess.

A 203. (744.) Casual vacancies in Committees may be filled up within 6 weeks by the appointing A out of qualified persons.

(745.) In cases where the Sanitary duties of Guardians are very onerous it will usually be more satisfactory to all parties concerned, that Parochial Committees should be entrusted with the Sanitary duties that have to be performed in particular parishes.

2nd Annual Report of LGB 1872, p. 42. (746.) LGB has stated its views as to the duties which can be properly undertaken by Parochial Committees :—

"The appointment of Officers cannot, therefore, be delegated to a Parochial Committee; and it would also seem that the power to issue precepts for contributions cannot be so delegated, as it is a matter connected with the general administration of the affairs of the whole Rural District, the liabilities in respect to which attach to the Guardians. The Guardians, as the Sanitary A, are the only body responsible for the Financial transactions of the District, and the Auditor will be unable to accept any accounts of the Committee, except as Agents of the Sanitary A."

In like manner LGB in its relations with the District only recognises the Rural A, which alone should communicate with the Board. The following duties may, in the opinion of LGB, be assigned to a Parochial Committee :—

"(1.) To inspect their District, from time to time, with a view of ascertaining whether any works of construction are required, or any nuisances exist which should be abated.

"(2.) To superintend the execution and maintenance of any works which may be required, or have been provided for the special use of the District, and to give directions for any repairs or other matters requiring immediate attention in relation to such works which fall within the reasonable scope of the authority which they possess as Agent of the Sanitary A.

"(3.) To consider complaints of any nuisances, and the action of the Medical Officer of Health, or Inspector of Nuisances thereon, and to inform these Officers of any nuisances requiring their attention, and to give such directions for abatement of the same, in cases of urgency, as the circumstances may seem to require.

"(4.) To examine and certify all accounts relating to expenditure chargeable as special expenses within their District.

"(5.) To report to the Sanitary A, from time to time, the several matters requiring their attention, and the manner in which their Officers and Servants have discharged their duties."

(747.) Subject as aforesaid Parochial Committees may be empowered to incur expenses, within any limits prescribed by the A which appoints them. They are to report their expenditure according to the directions of the A, which must defray the expenditure legally incurred. A 202.

(748.) As some special points arise in connection with the expenses of a Board of Guardians acting as a Rural A, it may be well to refer to this matter here.

(749.) Expenses are divided into "general" expenses and "special" expenses. A 229.

(750.) "General" Expenses, other than those chargeable upon owners and occupiers under **A** are Establishment Charges appertaining to the Union at large, and expenses connected with disinfection, and the conveyance of infected persons, and all other expenses not determined by **A**, or by LGB, to be special expenses. A 229.

(751.) "Special" Expenses are expenses incurred for the benefit of any Parish, or contributory place, and embrace outlays for Sewers, Water Supply, (if not self-supporting,) Management of Transferred Trust Property, and for purposes which are determined by LGB to be "special." A 229.

(752.) "General" Expenses are to be defrayed out of a Common Fund raised out of the Poor-Rate levied in the several Parishes of the Union. A 229.

(753.) "Special" Expenses are to be separately charged on each contributory place. But where the amount required in respect of special expenses is less that 10*l.*, or is so small that a lesser rate than *one* penny in the £ would be required, no special rate is to be levied, but the amount is to be paid as if it formed part of the contribution required for general expenses. A 229-30.

(754.) The following areas in a Rural District are contributory places for the purposes of **A**:— A 229.

(1.) Every *parish* not having any part of its area within a Special Drainage District, formed under the "Sanitary Acts," or A, or within an Urban District. For definition see **A** 4.

(2.) Every *Special Drainage District* as aforesaid.

(3.) In the case of a Parish wholly situated in a Rural District and part of which is within a Special Drainage District as aforesaid, *that part of the Parish which is not within such Drainage District.*

(4.) In the case of a Parish a part of which is within an Urban District, *such portion as is not within such Urban District, nor within a Special Drainage District, as aforesaid.*

A 230. (755.) Ample instructions are given in **A** as to the mode in which payment is to be obtained by the Board of Guardians of the moneys due for Sanitary purposes from the Parishes and contributory places within the Union.

A 230. (756.) An intimation of money being due, or being required, is to be conveyed by a precept of the Board to all the different sets of Overseers, requiring them to pay the amounts specified in the precepts respectively addressed to them within such time and to such persons as are named therein. General Expenses and Special Expenses are not to be mixed up in the precept in one lump sum, but are to be separately stated.

A 230. (757.) When a contributory place is a small area carved out of a larger one, the Overseers of what may be called the Mother Parish &c. are to perform the Finance duties which the Board of Guardians requires to have performed in order to recover a contribution that is due.

A 230. (758.) The Overseers are to pay the contribution required in respect of General Expenses out of their Poor-Rate. The Special Expenses they are to meet by a separate Rate levied as if it were a Poor-Rate, except that allowance by Justices is not required, and tithes, and land, &c., are to be rated at *one-fourth.*[a] [See Paragraph 601 *ante*, which, as a whole, applies to Urban and Rural Rates equally.]

A 230. (759.) Should the Overseers have a surplus in hand from any separate rate levied under **A**, when they retire from office, such surplus is to be paid to such person as the Rural A may appoint, and is to go in reduction of the next call that may be made for defraying expenses incurred by the Rural A.

A 231. (760.) Provision (analogous to that which obtains with respect to Poor-Rates) is made for Overseers making default in the payment of the contributions due on behalf of their Parishes, &c. Provision is
A 230. also made for contributions being equitably apportioned between different parts of the same Parish where a special outlay has been incurred for one part of the Parish in particular.

A 229. (761.) Where a Rural A makes Sewers, provides Water, or executes other Sanitary works for the common benefit of two or more contri-

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(*a*) It is to be noticed that A 230 contemplates the levy (if needs be) of what must be called a Secondary Special Rate, for which the allowance of Justices probably *is* requisite.

butory places within its District, it may apportion the expenses. Overseers aggrieved by an apportionment may, within 21 days after notice thereof, appeal to LGB, whose order will be conclusive.

(762.) A confers extensive powers on LGB with respect to the alteration of areas and the union of Districts. Facilities exist for a Rural area becoming Urban; and *vice versâ*. Or LGB may by Provisional Order decree a conversion. [See Chap. I., *ante*.]

(763.) A place may have some or all of the powers, &c., of an Urban A applied to it. [See Paragraph 15, *ante*.]

(764.) A Rural A, with the consent of LGB, but not otherwise, may constitute any portion of the area within its jurisdiction a Special Drainage District with separate contribution. A 1877.

(765.) For information analogous to that supplied in Chap. II. (*ante*) for Urban As as respects Meetings and Business Guardians acting as the Rural A must consult almost exclusively the "Consolidated Order" of July 24, 1847, and the Poor Law Acts connected therewith. [See Paragraph 730, *ante*.] A 9.

(766.) The Chairman is appointed annually, at the first meeting after an election, that is to say, after April 15. If the office of Chairman becomes vacant during the year, it must be filled up again. A Vice-Chairman is also to be appointed, and there may be *two* Vice-Chairmen. If the Chairman is absent when a meeting should commence, and no Vice-Chairman is present, the members present are to appoint one of their number to act as Chairman "until the Chairman or a Vice-Chairman take the chair."(a) C.O., 1847, Arts. 29-31. C.O., 1847, Art. 37.

(767.) Meetings must be held at least once in each fortnight. C.O., 1847, Art. 28.

(768.) No Act is valid unless *three* members be present and *concur* in what is proposed, and therefore if they are not unanimous so small a number as *three* members cannot settle a particular question. Voting by Ballot is open to grave objections. C.O., 1847, Art. 32.

(769.) The names of all members present should be entered in the Minute Book, and when there is a division it is convenient that the names as well as the numbers of the members voting on each side should be recorded. Those present who do not vote are to be ignored.

(770.) All questions are decided by a majority of votes, unless more than a simple majority is required by statute in a particular case. C.O., 1847, Art. 32.

(771). The Chairman is entitled to vote on all questions, and when the numbers are equal, he is entitled to a second or casting vote. 12 & 13 Vict., 103, 19.

(a) By-Laws for Meetings somewhat similar to those prepared for Urban As (see Part IV.) would be found useful.

A 201: Sch. I. (2) 1-8.

(772.) A Rural A may under restrictions delegate its powers to a Committee.(a) [See Paragraph 741, *ante*.] A Committee (Union or Parochial) may choose its own Chairman and may meet and adjourn as it thinks proper. If no quorum is prescribed for it by the A which appoints it, then 3 members are to form the quorum. Every question is determined by a majority of votes of the members present and voting, and the Chairman has a second or casting vote. The proceedings of a Committee are not invalidated by any vacancies amongst its members, or defect in the mode of appointment.

A 204: Sch. I. (2).

(773.) Meetings of Committees are to be conducted in accordance with the Rules for Meetings prescribed in **A**, so far as such meetings are not otherwise regulated by the A appointing the Committee.

(774.) A Board of Guardians should have a separate Minute Book and Ledger in connection with its functions as a Rural Sanitary A. In many cases it will be advisable for Sanitary work and Poor-Law work to be dealt with on different days.

A 245: G. O. for Accounts, 1867, Art. 30 & Sch. B.: and see also G. O., June 27, 1870. A 248.

(775.) The accounts of every Rural A are to be made up in such form and to such day or days in every year as may be appointed by LGB; and they are to be audited as Poor-Law accounts are, in every respect.

(776.) Parliament has conferred on Rural As power to frame By-Laws with respect to the following matters:—

A 44. Cleansing footways:

A 41. Removal of house refuse from premises; cleansing of earth-closets, privies, ash-pits, and cesspools.

A 80. Common Lodging-houses: [This is compulsory.]

A 141. Management of Mortuaries.

A 314. Lodging of Hop-pickers.

And Rural As may obtain from LGB powers to frame By-Laws as to other matters. [See Paragraph 145, *ante*.]

A 182-8.

(777.) For information respecting the formalities attending the enactment of By-Laws, see Chapter II., *ante*, and **A** 182—8.

(778.) The attention of Rural As is also directed to Paragraphs 158—61.

A 190.

(779.) Every Rural A must from time to time appoint fit and proper persons to be Medical Officer (or Officers) of Health,(a) and Inspector (or Inspectors) of Nuisances.(a) Other officers and servants may also be appointed, if necessary.

A 190.

(780.) An increase of salary may, with the sanction of LGB, be awarded to the Clerk and the Treasurer of the Union in consideration of the additional duties thrown upon them in connection with **A**.

A 190.

(781.) If a Union Clerk be unable or unwilling to do Sanitary

(a) As to the relation of a Board to its Committees, see *Barnsley L. B.* v. *Sedgwick*.

work, such work may be entrusted to the Assistant Clerk, who may be awarded special remuneration as aforesaid.

(782.) Officers are to give a bond "for the due and faithful performance" of their duties, with "2 sufficient sureties." Each Board determines for itself what security shall be "sufficient" in respect of each officer, and should take care that the bonds of its officers cover their duties under **A**. C.O., 1847, Art. 184. See also **A** 194.

(783.) A Rural 𝔄 appears before any Court, or in any Legal proceedings, by its Clerk, or by any officer or member authorised by such 𝔄 so to appear. **A** 259. C. O. Amend. Order 1866, Art. 3.

(784.) 𝔏𝔊𝔅 does not deem it expedient that a Relieving Officer should be appointed an Inspector of Nuisances, it being desirable that the post should be occupied by some one who is in a more independent position than a Relieving Officer, and able to devote more time to the duties than such an officer can be expected to do.

(785.) A Rural 𝔄 may enter into such contracts as may be necessary. **A** 173; C.O.1847 Arts. 44—51.

(786.) The following Urban Paragraphs apply also to the work of Rural 𝔄𝔰:— 164; 166—71; 176—91.

(787.) The powers of supervision possessed by 𝔏𝔊𝔅 in connection with the work of Urban 𝔄𝔰 extend also to Rural 𝔄𝔰. Therefore Chap. IV., (*ante*), applies to Rural 𝔄𝔰.

(788.) Such of the Paragraphs in Chap. V., (*ante*), exhibiting the Powers and Duties of Urban 𝔄𝔰, as apply to Rural 𝔄𝔰 are indicated by a mark prefixed to them (✠), accompanied here and there by marginal annotations.

(789.) The following are the only heads in Chap. V. to which Rural 𝔄𝔰 need refer in order to find any matters applicable to them:—

	PAGE
General Powers	32
Arbitration	34
Audit	39
Bake-houses	42
Borrowing Powers	43
Burial of the Dead	51
Cellars	52
Ditches, &c.	52
Food (Unwholesome)	53
Legal Proceedings...	58
Lodging-houses (Common)	62
Lodging-houses (Ordinary)	64
Medical Powers	64
Nuisances	67
Offensive Trades or Manufactures	71
Overcrowding	72

Ports and Harbours 73
Purchase of Lands and Undertakings 75
Rates and Rating (only Private Improvement Expenses) ... 84
Scavenging and Removal of Refuse 85
Sewers and Drains 87
Smoke (Prevention of)... 92
Steam Whistles, &c. 92
Water-closets; Privies; Earth-closets 93
Waters (Pollution of) 94
Water Supply 95

(790.) It is believed that if the aforesaid marks and notes are duly attended to, no difficulty will be found in discriminating between what matters are, and what matters are not, of Rural application, or of discovering generally what is the precise state of the Law.

Index of Digest of Statutes.

**** *The Figures refer to the Paragraphs.*

	Par.
Abatement of Nuisances	503
Absence of Members of Local Boards ...	109
of the Chairman during an Election ...	44
Accountant, employment of	190
Accounts of Sanitary Authorities ...	237, 287
Accumulations of manure, &c.	505, 635
Actions by and against Sanitary Authorities	434
Acts of disqualified Members of Local Boards	111
Adjoining districts, union of	119
execution of works in ...	235, 386, 654
Adoption of "Public Health Act, 1875" ...	17, 34
expenses	30
Adding up votes	72
Adulteration of Food	238
Agent of a Candidate; and Voting Papers	77
of Sanitary Authority	743
Agreements between Landlord and Tenant	237, 634
Aggrieved party	448
Aliens cannot vote	47 (n)
"Alkali Acts"	200
"Allowance" of Rates, unnecessary ...	612
by Auditor, appeal against ...	299
Alteration of areas	113
of pipes laid in streets	415
of Sewers	678
Amendment of Rates	589
Analysts	238
Animals kept so as to be a nuisance	505, 506, 530
Annual Meetings of Sanitary Authorities...	132
Reports	161, 304
Appeal against Rates	587
against disallowances, &c.	297, 299
to Quarter Sessions	458
to Local Government Board ...	223
Application of Penalties	450, 451
Appointment of Officers	162
Apportionment of Rates	593
of expenses	386, 418
of adjoining District expenses ...	550
Approval of Local Government Board ...	147
of Sanitary Authority	440
Arable Land, rating of	601
Arbitration	240
Areas, alteration of	113
Artizans' and Labourers' Dwellings ...	4, 244
Ash-Pits	637, 701
Asses, licenses for hire of	408
Assessment of Properties	596, 599
Attorney-General, consent of, to action for penalties	440
Audit of Accounts	187, 287
Authentication of Documents of Sanitary Authorities	436
Bars in Streets to be protected... ...	428
"Bake-house Regulation Act"... ...	4, 310
Ballot, voting by, not lawful	136, 768
Bankruptcy of Members of Local Boards...	108, 109
Bathing	317
"Baths and Wash-Houses Acts" ...	5, 6, 318
Bedding, disinfection of	488
Boats, licenses for hire of	409
removal of sick persons from ...	493
Books, production of, at an Election ...	46
at an Inquiry	220
Borrowing Powers of a Local Authority ...	320
of Joint Boards	124
Boundaries, "known or defined" ...	36
of adjoining Districts ...	39
Bread, inspection of	391
Bridges, private, repair of	414
Building-Line	370, 371
Building, none to be erected over Sewers...	665
new, defined	369
ruinous or dangerous	372
"Burial Acts"	374
Burial Accounts	303
Burial Boards, Local Board may be ...	375
Borrowing	338
Burial Grounds, partial exemption of, from rates	601
fences round	382
Rates	604 (n)
Butcher's Meat, inspection of	391
By-Laws	144, 454
general catalogue of	145
confirmation of	147
Cambridge, provisions as to	237
Canals, rating of	601
Candidates, nomination of	78
disqualified, not to be returned ...	75
Carpet beating in streets	530
Carriages for removal of the sick ...	488
Casting-vote of Chairman	138
Casual Vacancies, how to be filled up ...	88
Cellars, occupation of	383
Cellar Flaps	426
Cemeteries, rating of	601
Certificate of Returning Officer as to an Election	74
of Officer of Health as to houses in bad condition ... 248, 268,	526
of ten inhabitants as to a Noxious Trade	532
of Auditor	302
Certiorari, in respect of disallowances in accounts	292
not available with respect to a Provincial Order	216
not available with respect to an informality as to a Rate	441
not available as to Arbitration ...	242
Cesspools, cleansing of	637
examination of, by Surveyor ...	701
Chairman of Local Board	132
duties as Returning Officer... ...	43
Channelling Streets	418
Charging Order under "Artizans' Act, 1868"	277
Chimneys on Fire	388
smoky	690
Christmas Day, provision as to... ...	79
Churches and Meeting Houses exempt from certain expenses	421
notices on doors of	21, 586
Cisterns, public	714
Cleansing privies, ash-pits, and cess-pools	637
Common Lodging Houses	473
infected articles	488
infected Houses	490
water-courses	386
Clerk of Local Authority, appointment of...	162
Legal proceedings by	433
Clerk of Guardians to produce books, &c....	46
Clerks for Elections	45

	Par.
Clocks (public), Local Boards may set up...	385
Closing ruined buildings	271, 372
cellars	384
Clothing (infected) may be destroyed ...	489
Collection of Voting Papers	68
Combination of Authorities	119
Commencement of an Order	32
Committees	141
Parochial	743, 745
Commons, management of	560
Common Lodging-houses	466
Compensation for Local Authorities for causing injury by works	236
for setting back houses	370
for destroying clothing	489
disputes as to, to be settled by Arbitration	243
Composition for Rates	596, 598
for penalties	196
Confirmation of By-Laws	147
of Provisional Orders	206
Consent of Local Government Board ...	222
of Local Authorities, how signified ...	440
Conservancy Acts (River)	8, 9
Constitution of Urban Authorities ...	1
Rural Authorities	729
Continuance in office of Members of Local Boards	100
Contracts, persons concerned in, disqualified as Members of Local Boards ...	109
penalties on Officers interested in ...	189
under seal	192
Conveyance of Sick persons	488
Corporations, voting by	51
Corrupt Practices at Elections... ...	71, 76
Costs of Inquiries	215
of Parliamentary Proceedings ...	464
of Prosecutions	527
of Provisional Orders	215
County Bridges	414
County Court, Local Boards may resort to	447
Damage to individuals to be compensated for	236
to property of Local Authorities ...	188
Dangerous Buildings	372
Day of Collection	67
Days, reckoning of	60
Declaration to be made by Members of Local Boards	106
Deductions from Rent of payments made	424, 439
Defacing boards	188
Default of Local Authorities	224, 228
Defects in Election	90
Deposit of Building Materials	430
Disallowances by Auditors	296
Disinfecting Houses	490
clothing	488
Disqualification of Members of Local Boards	109
Dissolution of Districts	113, 117
of a Local Government District ...	40, 113
District Rates, General	580
Special	581
District Fund	578
District, Special Drainage	117
Ditches, cleansing of	386
Divine Service, carriage regulations as to	530
Docks, rating of	547
Documents of Local Boards	436
Dogs in streets	530
Doors opening in streets	425
Drain distinguished from Sewer ...	644
Drains	701
Drainage District, Special	117
Drivers of Hackney Carriages	406
of Carriages conveying Sick persons ...	496
Drunken persons in streets	530
Dung, accumulation of	635
Duration in office of Members of Local Boards	100
Dust, removal of	642
Earth-closets	704
Easement as to sewers	676
Election of Local Boards	42
Emptying Ash-pits, &c.	640
Enforcement of Rates	460
Entry upon premises to remove nuisances	519
as to Sewers	649
general powers of	180, 502
Epidemics	499, 544
Epidemic, definition of	499 (n.)
Estimate before making Rates	585
before Contracts	193
Evidence at an Inquiry	220
Execution of work beyond limit of district	532
Executors, voting by	61
Exemptions from Rating	601
from Stamp Duty, abolished ...58, 307, 308	
Expenses generally	576
of Elections	91
of Joint Boards	124
of removing nuisances	522
of repairing private street	414
incurred by Local Government Board	215
due from owners	445
Exposure of infected persons	494
Extinguishing fires	388
Factories to be provided with Water-closets, &c.	703
rating of	601
Failure to Elect a Local Board... ...	104
Farm, Sewage	661
Fast Day, public, provision as to ...	79
Fees to Officers of a Board	189
Fell-mongers	531
Fever in Common Lodging-houses ...	474
Filth, removal of	635
Fires	388
Fire Engines	388, 399
Fire-plugs	390
Fireworks in streets	530
Firms, signature of	64
Fish, inspection of	391
Food, adulteration of ...	238
unwholesome may be seized ...	391
Foot-ways, obstruction on	530
Forging Voting Papers	71
Forms, various	457
Fouling Water	707
Fruit, inspection of	391
Furious driving in streets	530
Furnaces, prevention of smoke... ...	505, 690
Gardens, public	557
Game, inspection of	391
Guardians, powers of ...	118, 738, 789
ex-officio	734
Gas Companies opening roads	415
Gas-lamps in streets	415
Gas-pipes, alteration of	401
Gas-washings	709
Gas-Works	398
Gas Supply	396
Gates opening on streets	425
General District Rates	580
Good Friday, provision as to	79
Hackney Carriages, regulation of ...	404
Harbouring Constables	542
Health, Medical Officer of	162, 167
Highways and Streets	410
Highway Rates	603, 607
Hoardings round buildings during repair	429
Horses for hire, licenses of	408
Hospitals may be provided	486
Houses, drainage of	668, 670
numbering of	423
purification of	490
re-building of	370
removal of projections from ...	424
supply of water to	475, 720
to have water shoots	427
unfit for habitation ...	246, 268, 372
Illuminations, public, street regulations as to	530
Impounding stray cattle	530

Par.

Improvement Commissioners 1, 103
Improvement Expenses, private ... 618
"Improvement of Land Act, 1864" ... 674
In-coming and out-going tenants ... 593
Incorporated powers 232, 233, 291, 388, 406, 451, 482, 530, 542, 565
Incumbents of Churches exempt from certain expenses 421
Indecent conduct in streets 530
Infected bedding 325, 488
houses 474, 490
persons 493, 494
carriages for the conveyance of the same 488
Inheritance, qualifications by, none ... 48
Injunction as to pollution of water ... 673
mandatory ... ... 416 (n.)
Injury to works of Local Authorities ... 188
Inquiries by Inspectors of the Local Government Board 16, 39, 209, 218, 220, 658, 694
Inspection of Books prepared for Audit ... 295
Common Lodging Houses 471
Food 391
New Rates 685
Slaughter-Houses 689
Voting Papers 73
Inspector of Nuisances, appointment of ... 162, 176
duties of 177
Inspector of Markets 239
Inspectors of Local Government Board ... 160
Interest payable on Mortgage 328, 329

Joint appointments of Officers ... 167, 168, 179
Joint Boards 119
Joint Offenders, proceedings against ... 456
Voting by 54
Joint property, qualification by ... 107
Joint rating, qualification by 107
Joint-Stock Company, shareholder in, not disqualified as Member of Local Board 110
Jurisdiction 449
Justices of the Peace may act although Ratepayers 442
settlement of compensations by ... 241

Keepers of Common Lodging Houses ... 466
of an Inn where there has been a case of fever 497
Keeping animals so as to be injurious to health 505

Labouring Classes Dwelling Houses ... 286
Lodging Houses 5, 6, 286
Land, assessment of 601
Land Improvement Act referred to ... 674
Landlord and Tenant 237
"Lands Clauses Consolidation Acts" ... 565
Lands, purchase of 561
Lapse of a Local Board 104
Legal proceedings 433
Libraries and Museums, public... ...145 (n.), 465
Licenses, Boats 409
Hackney Carriages 406
Horses, &c., for hire 408
Slaughter Houses and Knacker's Yards 684
Light-houses exempt from Rates ... 601
"Lighting and Watching Act, 1833" ... 399
Lighting Rates 614
Lighting Streets 396, 400
Limitation of time for proceedings ... 86
in the amount of certain Rates ... 578 (n.)
Line of Buildings in a street 370, 371
Loans, Members of Local Boards concerned in, not disqualified 110
by Commissioners of Public Works ... 328
Local Acts as affected by general Acts 8 (n.), 171, 204, 237, 452
Local Government Board 197
Local Boards of Health, 1848 1
Local Boards, 1858 1
powers and duties of 229
Locomotive Engines on roads 691
Lodging-Houses, Common 466
ordinary 481

Par.

Lodgings for Labouring Classes ... 286
London Gazette 15, 481, 499
London (Metropolis) exempt from general Acts 3

Mad Dogs in streets 530
Magistrates, stipendiary 695
Manufactories, offensive 531
Manure, removal of 635
Map of Urban District 175
Market Gardens, rating of 601
"Markets and Fairs Clauses Act, 1847" ... 482
Markets, establishment of, by Local Board 482
Marks by Voters who cannot write ... 70
Meadow Land, rating of 601
Meat, inspection of 391
Medical Officer of Health, appointment of 162, 167
Medical Powers 485
Medicine, supply of 486
adulteration of 238
Meetings of Local Boards 131
first Meeting of 92
Guardians 662
Owners and Ratepayers 18, 23, 33
Metropolis not within the "Public Health Act 1875" 3
Mews, removal of manure from... ... 636
Mines, rating of 601
not to be interfered with 237
Minute Books, &c. 453
Misconduct of Returning Officer ... 70, 76
Mortgage of Rates 321
register of 334
Mortuaries to be provided 380
use of 380, 485,
"Municipal Corporations Acts" 49 (n.), 131 (n.), 151
Museums, public 465

Naming Streets 423
Necessaries, public 705
Nett Annual Value 596
New Buildings defined 369
regulation of ... 145, 270, 367
drainage of 145, 668
New Roads 411
New Sewers 648
Nomination of Candidates 78, 82
Notice of Action 185
of Audit 294
of Election 73
of Fever in Common Lodging-Houses... 474
of intended Rates 586
of Members elected 73
of Nuisance 509, 518
of street repairs 418
on Churches, &c. 21
service of 437, 438
for the removal of Manure, &c. ... 635
as to taking Land 566, 657
Notice Boards, defacing 188
Noxious accumulations 536
Trades 531
Nuisances 503
notice of 509, 518
in adjoining Districts 517
entry upon premises to examine ... 519
procedure before Justices, as to ... 456, 520
remedies as to ... ... 531 (n.)
Numbering Houses 423
Number of Members of Local Boards ... 94
Nursery Grounds, rating of 601

Obstructing Officers 188
Obstructions in streets 529
Occupiers, description of, when unknown... 438
service of Notices on 438, 439
required to remove Refuse 635
Offences in streets 530
in places of public resort 542
Offensive accumulations 536
Trades 531
Office of Urban Authority 139

	Par.
Officer of Health, appointment of	162
to inspect Animals and Food	239, 391
Officers of Urban Authorities, appointment of	162
to give security	181
Officers of Rural Authorities	779
Official Documents, evidence of	453
Official representation	246
Open Bathing Places	317
Openings to Vaults and Cellars	426
Order of Justices for removal of Nuisances	512
for the execution of Works	513
to permit entry of Officer	520
Orders, Provisional	202
of Local Government Board	217
Ornamental Grounds	557
Out-fall for Sewage	654
Out-going Tenants, apportionment of rates	593
Over-crowding in houses generally	537
Overseers to produce Rate-books at Election	46
Owner defined	59, 421, 523
claim of, to vote at Elections	55
description of, when unknown	438, 456
service of Notice on	438, 439
compositions by, as to Rates	597
payment by, of Private Improvement Expenses	621
liabilities of, as to Sewers	652
may claim to use Sewer	666
Oxford, provisions as to	237
Parks, lands for	559
Parliament, costs of proceedings in	464
Pasture land, rating of	601
Paving public streets	416
private streets	418
Penalties, recovery of	450, 451
Personation of Voters	71
Perjury	455
Petitions to Local Government Board	205
Petroleum	539
Pigs	506, 530
Pipes, Gas and Water, may be removed	401, 415, 422
Places of Public Resort	542
Play Grounds	559
Pleasure Grounds	557
Poll as to adoption of "Public Health Act, 1875"	23
Pollution of Rivers, &c.	672, 709
water	706, 707
wells	706
Ponies licensed for hire	408
Poor-Rates, Books, and Officers	46
Post Office, service of notices through	438
Post-Mortem Examinations, provision for	381
Posts, erection of	432
Pounds for stray cattle	530
Poverty, remission of Rates for	633
of Owner of house needing cleansing	490
Powers of Sanitary Authorities	229, 789
Powers of entry	180, 519
Precautions during repair of Buildings	429
as to offensive Trades	532
Prevention of Fires	388
Smoke	690
Private Improvement Expenses	418, 444, 605, 618, 652, 670, 701, 720
Private Roads, repair of	414
Privies, cleansing of	701
for new houses	702
Privy Council superseded	199
Proceedings before Justices	443
Processions, regulation of	530
Production of Books at an Election	46
Projections from houses, removal of	424
Proprietor of street	420
Hackney Carriages	406
Prospective Rates	582
Provisional Orders	202, 204, 207
Proxy, vote by a	51, 56
Proxy Paper	52
Public Baths and Wash-houses	5, 6, 318
Public Fast Day, provision as to	79
"Public Health Act, 1848"	1
Public House Closing Acts	543
Public Libraries and Museums	465
Public Pleasure Grounds	557
Public Works Loan Commissioners	328, 365
Publication of Orders of Local Government Board	217
Election Notices	78
Rates	590
Annual Report and Balance Sheet	161
Pumps, fouling of	706
Purchase of Land	561
houses for new streets, &c.	411
Gas-Works, Water-Works or Markets	572
of Sewer Rights	647
Qualification of Members of Local Boards	107
Voters	47
Quarter Sessions, appeals to	458, 587
Quorum	141
Ragged Schools may be exempt from rating	601
"Railways Clauses Consolidation Act"	462
Railway, rating of	601
Railway Companies and By-Laws	373
Rate, General District	580
Highway	603, 607
Lighting and Watering	614
Burial	604 (n)
Private Improvement (and see P. I. Expenses)	618
Rates, generally, making of	585
publication of	590
when invalid	591
appeal against	587, 592
Re-building Houses	370
Receiver of Rates	335, 351
Recreation Grounds	559
Redemption of Mortgages	332
Private Improvement Rates	623
Refusals incidental to an election	86
Refuse, removal of	636, 639
Register of Common Lodging Houses	466
Owners and Proxies	56
Slaughter Houses	686
Registration of Deaths	159
Mortgages	334, 357
Regulations by Local Authorities	157, 158, 165
Relieving Officer may give notice of nuisance	509
Rent, lawful deductions from	424, 439, 622, 718
Repair of highways	412
Repair of Sewers	648
streets not highways	414
wells	714
Re-payment of Loans	323, 328, 346
Report, annual, of Local Boards	161
as to houses in bad condition	246, 268
of Auditor	302
Reservoirs	707, 712
Resignation of Members of Local Boards	93
Retirement of Members of Local Boards	96
Improvement Commissioners	103
Retrospective Rates	582
Returning Officer	43
discretion of, undefined	70
Riotous conduct in street	530
Rubbish in Waters	707
Ruined Buildings	372
Rural Sanitary Authorities	729
Rural Unions, defined	731
Salaries of Officers	164
Sanctions of Local Government Board	222
of Local Authorities	440
Sanitary Authorities, names of	:
Saving Clauses of the "Public Health Act, 1875"	235
Scale of voting at Elections	49
Scavenging powers of Local Authorities	635
Scrutiny of votes at Elections	72
Seal of Local Board	139, 435
Secretary of State's authority superseded	199
Security of Officers	181
Sewage, utilisation of	660
Sewer distinguished from Drain	644
Sewers and Drains	644

	Par.
Sewers exempt from control of Local Authorities	646
Shareholders in Companies, voting by, when members	110
Ships	493, 501, 543
Sick persons, conveyance of	488
Signature of Voting Papers	64
Rates	591
Sinking Fund for payment of Mortgages	323, 346
Sinking Wells	711
Slaughter-Houses	684
rights as to	237
Slides in streets	530
Smoke, prevention of	690
Snow, removal of	145
Soap-boiling	531
Soil, accumulations of	635
Special District Rates, saving for	33, 581
Special Drainage Districts	117, 754, 764
Stables, manure of	636
Stagnant Water	506
Stamp Duty, exemptions from, abolished	58, 307, 308
Stands for Carriages and Horses	406
Steam Whistles	694
Stipendiary Magistrates, appointment of	625
Rates for	604 (n)
Stray Cattle, impounding of	530
Streams, pollution of	707
Streets, cleansing of	637
construction of new	311
doors and gates opening on	425
improvement of	411
lighting of	396
line of	370
obstructions in	530
offences in	530
private	414
watering of	616
Summary proceedings	446, 459, 461
Summoning Officer	20
Sunday, provision as to	79
Sunday School exempt from Rates	601
Supply of Water	711
Surcharges by Auditors	296, 582
Surplus lands, sale of	564
Surveyor, appointment of	162, 172
duties of	174
Surveyors of Highways, referred to	412
Tallow melting	531
Tampering with Voting Papers	55, 71
Telegraph Authority, opening roads	415
Telegraphs, rating of	601
Thanksgiving day, public, provision as to	79
Tithe Rent-Charge, rating of	601
Tolls at Markets	483
Towing Paths, rating of	601
Trade, Board of	200
Trades, offensive, regulation of	531
Tramway Companies opening roads	415
Tramways	696
By-Laws for	147 (n.)
Transfer of Mortgages	333
of Powers	7
Treasurer of Local Authority, appointment of	162
Tripe Boiling	531
Turnpike Roads Acts	200
Turnpike Trustees not Sanitary Authorities	237
Umpire, appointment of	240
Underground Rooms, occupation of	383
Union of Districts	119
Unoccupied premises	593
Unwholesome Food	391
Urban powers for Rural Districts	15
Use of Sewers by persons beyond District	666, 667
by adjacent Authority	683
Utilisation of Sewage	660
Vacancies in Local Boards	88
Vagrants in Common Lodging Houses	469
Valuation of Property for rating	596
Vaults, entrance to, from streets	417
Vegetables, inspection of	391
Volunteer Store-House exempt from rating	601
Vote, casting, of Chairman	138
Voting Papers for Elections	60
Voting, scale of, at Elections	49
Walls of new buildings	145
Wards for Elections	105
Wash-Houses, Act relating to	318
Wasting Water, penalty for	718
Water Acts, Metropolis	200
Water Companies opening roads	415
Water-closets in houses	701, 702
in factories	703
Water-courses, cleansing of	380
Water, fouling of	706
supply of	711
Water pipes, alteration of	415, 728
Water-shoots	427
Water-Works, purchase of	572, 713
Wells, public	714
digging of	711
Wet Dock, rating of	601
Whitewashing Houses	490, 526
Whistles, Steam	694
Wood-lands, rating of	601
Workhouses, rating of	601
Works, penalty for damaging	188
execution of, beyond District	235

PART II.

Digest of Cases.

THE object aimed at in the compilation of the following Notes is sufficiently explained in the Preface, and the reader is accordingly requested to refer to what is there said; but a few additional explanations will not be out of place here.

Where a decision was appealed against, references to reports of the case in its earlier stages are usually omitted unless the facts and arguments were not set forth with satisfactory fulness at the final stage.

Much confusion often arises in citing references to periodicals running over a long term of years, where there exists an "Old" and a "New" Series of each. Having considered this matter in connection with the *Law Journal* and *Law Times*, and bearing in mind that the "New Series" of each of these periodicals has now been going on for many years, and that references to the "Old Series" are not only very few, but of annually diminishing importance, it has been decided on reflection to suppress the letters "N. S." usually appended to references to the above-named periodicals, and to do the converse thing, that is, append the letters "O. S." to such references as apply to the "Old Series" of each respectively. This arrangement, it is to be understood, is limited to the *Law Journal* and *Law Times* and does not extend to any other works, so that the *Common Bench Reports*, for instance, are cited in the usual way, as "*Common Bench*" and "*Common Bench, New Series*," and so on in other instances.

The classification adopted is the result of much thought and patient labour: like all such undertakings it is doubtless open to criticism, but the ample index appended, coupled with a little ingenuity on the part of the reader in always turning to more heads than one, will it is hoped render reference to the cases a task free from serious difficulty.

Though the *Weekly Reporter* is not as a rule cited here, many of the following cases will be found therein. The dates appended will facilitate search.

Accountant.

1858. [1]

Haigh v. *North Bierley Union.* A Board of Guardians by resolution employed an Accountant; his appointment was not by a contract under seal, but he was held entitled to recover for work done, &c. (28 L. J., Q. B. 62: E. B. & E., 873: 31 L. T. (o.s.) 213.)

1857. [2]

Reg. v. *Worksop L. B.* (1.) Accountant—Held that the Court of Quarter Sessions was entitled to decide whether a Local Board was justified in incurring the expense of employing an accountant. (21 J. P., 451.)

Adoption of Acts.

1857. [3]

Barber v. *Jessopp.* Validity of application of the "Local Government Act, 1858"—Inexact use of the terms "parish," "town," and "township"—Application held valid—General highway rate levied over the whole Parish held invalid. (26 L. J., Ex. 186: 1 H. & N., 578: 28 L. T. (o. s.), 306.)

1859. [4]

Bird, Ex-parte. Adoption of the "Local Government Act, 1858"—Appeal to Secretary of State who confirmed the adoption—*Mandamus* for a Poll of the Ratepayers refused as too late. (28 L. J., Q. B., 223: 1 E. & E., 931: 33 L. T. (o.s.), 162.)

1871. [5]

Driver v. *Kingston Highway Board.* Adoption of "Public Health Act, 1848"—Repair of highways—Outstanding contract with the Highway Board. (24 L. T., 480: 20 W. R., 20.)

1870. [6]

Littleborough L. B., Ex-parte. Meeting to adopt "Local Government Act, 1858"—Chairman takes the show of hands, but if a Poll is demanded, the Summoning Officer is to conduct it. (22 L. T., 437.)

1862. [7]

Matlock Bath District, Ex-parte. "Local Government Act, 1858," §§ 12, 14, and 16—Though a place has boundaries assigned to it, it cannot adopt the above Act until the parish in which it is situated has refused to do so—*Mandamus* to Secretary of State to publish boundaries, refused, because the parish meanwhile had resolved to adopt the Act. (31 L. J., Q. B., 177: 2 B. & S., 543: 6 L. T., 243.)

1864. [8]
Reg. v. *Bird.* Proposed adoption of the "Local Government Act, 1858"—If the Chairman has improperly refused to cause a Poll to be taken, the Meeting is abortive and a new Meeting is necessary—*Mandamus* refused. (39 L. T. Newsp., 286.)

1873. [9]
Reg. v. *Grasmere L. B.* "Local Government Act, 1858," §§ 12 and 17—Adoption—Place having "a known or defined boundary"—Township containing detached portion of other Townships—Order by Local Government Board for adoption held valid. (42 L. J., Q. B., 131: [*Reg.* v. *Local Government Board*] L. R., 8 Q. B., 227.)

1868. [10]
Reg. v. *Hardy* (Secretary of State for the Home Department). Adoption of the "Local Government Act, 1858" by a Parish which included a Corporate Borough but not the Parliamentary Borough—Adoption held valid. (38 L. J., Q. B., 9: L. R., 4 Q. B., 117: 9 B. & S., 926: 19 L. T., 352.)

1866. [11]
Reg. v. *Northowram & Clayton Ratepayers.* "Local Government Act, 1858," §§ 12--14 and 16—Adoption—An Ecclesiastical District under 6 & 7 Vic., c. 37, is a place having "a known and defined boundary." (35 L. J., Q. B., 90: L. R., 1 Q. B., 110: 7 B. & S., 110.)

Adulteration of Food.

1873. [12]
Fitzpatrick v. *Kelly.* "Adulteration of Food Act, 1872," §§ 2--3—Sale of adulterated butter—Guilty knowledge need not be proved. (42 L. J., M. C., 132: L. R., 8 Q. B., 337: 28 L. T., 558: 38 J. P., 55.)

1874. [13]
Roberts v. *Egerton.* "Adulteration of Food Act, 1872"—A custom of the trade to colour tea is not to be supposed to be known to the public—Conviction affirmed. (43 L. J., M. C., 135: L. R., 9 Q. B., 494: 30 L. T., 633.)

1874. [14]
Pope v. *Tearle.* "Adulteration of Food Act, 1872," §§ 2--3—Admixture—A declaration of the bare facts suffices—The Vendor is not required to give details. (43 L. J., M. C., 129: L. R., 9 C. P., 499: 30 L. T., 789.)

Appointment of Officer.

*** See also "Seal."

1874. [15]
Austin v. *St. Matthew's, Bethnal Green, Guardians.* Clerk to Master of Workhouse—Such an appointment must be under seal. (43 L. J., C. P., 100: L. R., 9 C. P., 91: 29 L. T., 807: 38 J. P., 248.)

1872. [16]
Dyte v. *St. Pancras Guardians.* Appointment of Medical Officer—An appointment of this character involves a contract which should be under seal. (27 L. T., 342.)

1861. [17]
Eales v. *Cumberland Black Lead Mine Co.* If Directors of a Company appoint one of themselves to a salaried office, such appointment is not void—*Quære*, Is it a breach of trust? (30 L. J., Ex., 141: 6 H. & N., 481: 3 L. T., 861.)

1838. [18]
Reg. v. *Dolgelly Union.* Election of a Clerk—Allegation that the successful candidate was elected by the votes of Guardians not themselves duly elected—*Mandamus* to admit the unsuccessful candidate as having the majority of valid votes, refused, no public inconvenience being shown. (7 L. J., M. C., 99: 8 A. & E., 561: 3 N. & P., 542.)

1851. [19]
Reg. v. *Griffiths.* (1.) "Art. 155 of C. O., 1847"—Election by Guardians of a Clerk—If a Guardian be present he must, whether willing or not, be counted in ascertaining if a "majority of the guardians present" concur. (17 Q. B., 164.)

1847. [20]
Reg. v. *Grimshaw.* Municipal Corporation—Meeting convened to appoint a Coroner—An appointment without any writing save the entry in the minutes, held good. (16 L. J., Q. B., 385: 10 Q. B., 747: 9 L. T. (o. s.), 221.)

1846. [21]
Reg. v. *Welch.* Salaried Treasurer to Board of Guardians under a Local Act—Held that such an appointment required a stamp. (2 C. & K., 296.)

1805. [22]
Rex v. *Bedford Level Corporation.* Election to an office—Majority made up of bad votes—*Mandamus* granted to admit another candidate who had a majority of good votes. (6 East., 356.)

1856. [23]
Smart v. *West Ham Union.* Poor Rate Collector—Action for poundage—Appointment not under seal—Guardians held not liable—Action should have been against the parish in default. (25 L. J., Ex., 210: 10 Ex., 867: 11 Ex., 867: 3 C. L. R., 696: 26 L. T. (o.s.), 285.)

Apportionment.

*** See also "Paving Expenses."

1869. [24]
Edwards v. *Rusholme Overseers.* Poor Rate—Apportionment—Empty house. (38 L. J., M. C., 153: L. R., 4 Q. B., 554: 10 B. & S., 526.)

1863. [25]
Jacomb v. *Dodgson.* "Local Government Act, 1848," §§ 62 and 63—Sewering, &c., a Street—Apportionment—Limitation—The time for proceeding summarily to recover apportioned expenses runs from the end of the three months within which the party charged may dispute the amount. (32 L. J., M. C., 113: 3 B. & S., 461: 7 L. T., 674.)

1869. [26]
Sanson v. *St. Leonard's, Shoreditch, Vestry.* "Metropolis Roads Act, 1863," § 4—Apportionment of rent. (38 L. J., C. P., 286: L. R., 4 C. P., 654.)

1870. [27]
Sawyer v. *Paddington Vestry.* Sewers Rate—New Street—Apportionment. (Metropolis.) (40 L. J., M. C., 8: L. R., 6 Q. B., 164: 23 L. T., 662.)

Arbitration.

1868. [28]
Barnett v. *Great Eastern Railway Co.* "Lands Clauses Act, 1845," § 76—Money payable under an award—*Mandamus* for payment into the Bank, granted. (18 L. T., 408: 16 W. R., 793.)

1856. [29]
Blagrave v. *Bristol Waterworks Co.* An arbitration clause in a Local Water Act held not to extend to a claim for compensation for damage caused by the interruption of a drain by the Company's works. (26 L. J., Ex. 57: 1 H. & N., 369.)

1855. [30]
Bradby v. *Southampton L. B. H.* "Public Health Act, 1848," § 144—Construction of a Sewer—Where a Local Board denies simply that damage is done, this involves a dispute as to an amount and not as to liability, and therefore is a matter for arbitration. (24 L. J., Q. B., 239: 4 E. & B., 1014.)

1872. [31]
Buccleuch (Duke of) v. *Metropolitan Board of Works.* "Lands Clauses Act, 1845," § 63—Lands injuriously affected—Arbitration—Admissibility of the Arbitrator's Evidence as to what matters he had taken into consideration. (41 L. J., Ex., 137: L. R., 5 H. L., 418: 27 L. T., 1.)

1869. [32]
East London Union v. *Metropolitan Railway Co.* "Lands Clauses Act, 1845," § 76-7—When the price of land taken compulsorily has been settled by Arbitration, the execution of the conveyance is a condition precedent to the right of action for the purchase money. (38 L. J., Ex., 225: L. R., 4 Ex., 309.)

1863. [33]
Holdsworth v. *Wilson.* "Public Health Act, 1848," §§ 125 and 127—Appointment of Umpire—Award of costs—Non-Taxation thereof. (32 L. J., Q. B., 289: 4 B. & S., 1: 8 L. T., 434.)

1874. [34]
Jacomb v. *Huddersfield Corporation.* Local Act—Compulsory purchase of Land—Arbitration—Form of Notice to treat. (31 L. T., 466.)

1864. [35]
Kellet v. *Tranmere L. B. H.* Arbitration under the "Public Health Act, 1848"—A Court cannot enlarge the time for making an award. (34 L. J., Q. B., 37: 11 L. T., 457.)

1860. [36]
Reg. v. *Burslem L. B.* "Public Health Act, 1848," § 144—Compensation—Denial of Liability—*Mandamus*—Arbitrator or Justices only to deal with disputes as to amount and not as to liability. (29 L. J., Q. B., 242: 1 E. & E., 1077: 2 L. T. 667.)

1853. [37]
Reg. v. *Metropolitan Commissioners of Sewers.* Compensation for Damage—Arbitration *Ex-parte*—Arbitration only applicable where amount is in dispute; not where liability is denied. (Metropolis.) (22 L. J., Q. B., 234: 1 E. & B., 694: 21 L. T. (o. s.), 58.)

1863. [38]
Ringland v. *Lowndes.* "Public Health Act, 1848," §§ 124--5—Construction of Sewer—Damage—Arbitration—Attendance under protest—Held that the award could not be enforced. (33 L. J., C. P., 25 and 337: 17 C. B. (N. S.), 514: 9 L. T., 479.)

1874. [39]
Uttley v. *Todmorden L. B.* "Public Health Act, 1848," § 144—Land taken for Sewer—Powers of Arbitrator in assessing compensation. (44 L. J., C. P., 19: 31 L. T., 445: 39 J. P., 56.)

"Artisans' and Labourers' Dwellings Act, 1868."

1871. [40]
Flight v. *St. George's, Southwark, Vestry.* "Artisans' and Labourers' Dwellings Act, 1868," §§ 5--6—Held that under the particular circumstances, reports by Medical Officer and Surveyor might include a row of houses in one statement. (25 L. T., 24.)

Audit.

1873. [41]
Prest, Ex-parte. Poor Law Audit—Surcharge—Claim to set off—Justices called on to show cause why they should not issue a Distress Warrant. (37 J. P., 309.)

1857. [42]
Reg. v. *Brecknock JJ.* Surcharge by Auditor—Technical objections against a Distress Warrant allowed, the circumstances showing a case of hardship. (7 E. & B., 951. n.)

1859. [43]
Reg. v. *Denbighshire JJ.* Poor Law Audit—Whilst an appeal to the Poor Law Board (now L. G. B.) is pending, the Court will not grant a *Mandamus* for a Distress Warrant. (33 L. T. (o. s.), 145.)

1860. [44]
Reg. v. *Ewell Overseers.* "Nuisances Removal Act, 1855," § 7—Held that a Nuisance Committee was entitled to the repayment of its expenses by the Overseers, without justifying the items to them. (9 W. R., 127.)

1859. [45]
Reg. v. *Finnis.* Poor Law Audit—Surcharge—Refusal to pay—Summons—A Justice must issue a Distress Warrant if the proof required by 11 & 12 Vict., c. 91, § 9, be complete—He cannot review the grounds of the surcharge. (28 L. J., M. C., 201: 1 E. & E., 935: 33 L. T. (o. s.), 146.)

1873. [46]
Reg. v. *Fordham (Hertfordshire JJ.).* Poor Law Audit—Treasurer's certificate of non-payment by an Overseer is only *prima facie* evidence, and Justices may hear rebutting evidence—Distress Warrant for unpaid balance. (42 L. J., M. C., 153: L. R., 8 Q. B., 501: 38 J. P., 87.)

1873. [47]
Reg. v. *Great Western Railway Co.* (3.) Poor Law Audit—Surcharge—Remission by order of L. G. B. (37 J. P., 389.)

1866. [48]
Reg. v. *Knott.* 7 & 8 Vict., c. 101, § 32—Powers of Poor Law Auditor to surcharge—Court will not interfere if there was evidence before the Auditor from which he might have reasonably inferred misconduct or negligence on part of the Overseer. (15 L. T., 291: W. N., 1866, p. 368.)

1857. [49]
Reg. v. *Linford.* Surcharge by Auditor—If the proof be complete, Justices have no discretion, but must issue a Distress Warrant. (7 E. & B., 950.)

1869. [50]
Reg. v. *Master (Gloucestershire JJ.).* Poor Law Audit—Surcharge on an Overseer—Bankruptcy is a good defence. (38 L. J., M. C., 73: L. R., 4 Q. B., 285: 10 B. & S., 42: [*Reg.* v. *Martin*] 19 L. T., 733.)

1856. [51]
Reg. v. *Napton Overseers.* 7 & 8 Vict., c. 101, § 35—An Auditor's decision on an Attorney's Bill which has *not* been taxed by the Clerk of the Peace cannot be removed by *Certiorari.* (25 L. J., Q. B., 206: [*Reg.* v. *Hunt*] 6 E. & B., 408: [*Napton Overseers, Re.*] 27 L. T. (o. s.), 124.)

1852. [52]
Reg. v. *Street.* Disallowance by a Poor Law Auditor because the Vestry had not sanctioned a certain appeal—Held that as the Vestry after the Audit sanctioned the expenditure, the Auditor's disallowance must be quashed. (22 L. J., M. C., 29: 18 Q. B., 682: 19 L. T. (o. s.), 165.)

1853. [53]
Reg. v. *Tyrwhitt.* Local Act—Audit—Held that notwithstanding the Local Act, a disallowance by an Auditor under the general Acts was good. (2 E. & B., 77: 21 L. T. (o. s.), 112.)

1874. [54]
Reg. v. *West Bromwich Commissioners.* Local Act—"Local Government Act, 1858," § 60: "Public Health Act, 1872," § 49—Audit of Accounts not exclusively relating to Sanitary matters. (*Times,* June 12, 1874.)

1829. [55]
Rex v. *Great Faringdon Guardians.* Every rated parishioner has a right to inspect the Parish Accounts at a reasonable time. (9 B. & C., 541.)

1864. [56]
Usher v. *Woodman.* Auditor's Fees—Sufficiency thereof—Judgment for the plaintiff (the Auditor). (29 J. P., 27.)

Banking Account.

1862. [57]
Pedder v. *Preston, Mayor.* Corporation with several accounts at a Bank when the Bank suspended payment—Held that an overdrawn account might

be set off. (31 L. J., C. P., 291 : 12 C. B. (N. S.), 535 : 6 L. T., 540.)

Bankruptcy.

1873. [58]
Hardwicke v. *Brown.* "Municipal Corporations Act, 1835," § 62—Town Councillor—Disqualification *ipso facto* by bankruptcy. (L. R., 8 C. P., 406 : 28 L. T., 502 : 37 J. P., 407.)

1863. [59]
Saberton, In re. "Bankruptcy Act, 1861," § 156—Local Rates due from a bankrupt—Order made for the payment in full of one year's rates. (9 L. T., 267.) [See the "Bankruptcy Act, 1869," § 32.]

Bathing.

1821. [60]
Blundell v. *Catterall.* The King's subjects have no common Law right to bathe on the Seashore and to pass over it for *that* purpose on foot or in vehicles. (5 B. & Ald., 268 : Hall, *Seashores*, p. 184.)

1864. [61]
Mace v. *Philcox.* "Public Health Act, 1848"—Local Acts—A License for Bathing Machines granted by a Board does not confer a right to use a foreshore without the consent of the owner of the soil. (33 L. J., C. P., 124 : 15 C. B. (N. S.), 600 : 9 L. T., 766.)

"Baths and Wash-houses Acts."

1861. [62]
Cowley v. *Sunderland, Mayor.* "Baths and Wash-houses Acts"—Steam Wringing Machine unfenced—Action for compensation maintainable. (30 L. J., Ex., 127 : 6 H. & N., 565 : 4 L. T., 120.)

1859. [63]
Mulholland v. *Belfast Corporation.* Baths and Wash-houses—Site—Sub-lease. [This is an Irish case, but cited because decided upon a section similar to 9 & 10 Vict., c. 74, § 27.] (9 Irish Chan. R., 204 and 292.)

Borough Fund.

1850. [64]
Reg. v. *Prest.* Municipal Corporation—Salaried Clerk also an Attorney—Irregular retainer for extra services—Fees for obtaining Counsel's opinion—Borough Rate held chargeable. (20 L. J., Q. B., 17 : 16 Q. B., 32 : 16 L. T. (O. S.), 210.)

1868. [65]
Reg. v. *Tamworth, Mayor.* "Municipal Corporations Act, 1835," § 92—Held, that the Costs of litigation for the defence of corporate rights incurred on reasonable grounds, might be charged to the Borough Fund. (19 L. T., 433 : 17 W. R., 231.)

Borrowing.

1850. [66]
Pallister v. *Gravesend, Mayor.* Municipal Corporation—Validity of a Bond. (19 L. J., C. P., 358 : 9 C. B., 774 : 15 L. T. (O. S.), 253.)

1872. [67]
Preston v. *Great Yarmouth, Mayor.* Local Act—Money borrowed on the security of Rates—Provision for repayment of the principal by ballot. (41 L. J., Ch., 760 : L. R., 7 Ch. App., 655 : 27 L. T., 87.)

1858. [68]
Reg. v. *Hurstbourne Tarrant Churchwardens.* Poor Rate—Charge thereon for money borrowed under 6 & 7 Will. IV., c. 96, § 3, for a Parish Survey—The charge is on the Rates generally, and is recoverable notwithstanding that five years have elapsed. (27 L. J., M. C., 214 : E. B. & E., 245 : 31 L. T. (O. S.), 115.)

1836. [69]
Rex v. *Dursley Churchwardens.* When money is borrowed on the security of Rates, there should be no delay in commencing the levy of Rates for the repayment. (5 L. J., M. C., 137 : 5 A. & E., 10 : 2 H. & W., 9 : 6 N. & M., 333.)

1870. [70]
Webb v. *Herne Bay Commissioners.* Assignment of Debentures of a Corporation—Corporation estopped from alleging that the Debentures had been illegally issued—*Mandamus.* (39 L. J., Q. B., 221 : L. R., 5 Q. B., 642 : 22 L. T., 745.)

Boundary.

1859. [71]
Reg. v. *Gee.* "Nuisances Removal Act, 1855," § 6—Where the seashore is the boundary of a Parish the part below high water mark is "extra-parochial" within this section. (28 L. J., Q. B., 298 : 1 E. & E., 1068 : 33 L. T. (O. S.), 183.)

1861. [72]
Todmorden, In re. "Local Government Act, 1858," § 16, &c.—*Certiorari* to quash the Secretary of State's Order as to boundaries refused as applied for too late—*Per* Cockburn, C. J.; It is "very doubtful" whether it is competent for a Secretary of State to enlarge the boundaries suggested in a petition. (30 L. J., Q. B., 305 : 4 L. T., 509 : [*Smith, Ex-parte*] 1 B. & S., 412.)

Building Line.

1867. [73]
Bauman v. *St. Pancras Vestry.* Building Line—Held that the Magistrate had jurisdiction to order demolition. (36 L. J., M. C., 127 : L. R., 2 Q. B., 528 : 8 B. & S., 446.) [*St. George's, Hanover Square, Vestry* v. *Sparrow*, questioned, but see *Wandsworth B. W.* v. *Hall.*—Willes J.]

1873. [74]
Bermondsey Vestry v. *Johnson.* Building Line—Limitation of time for complaint. (Metropolis.) (42 L. J., M. C., 67 : L. R., 8 C. P., 441 : 28 L. T., 665 : 37 J. P., 392.) [*Brutton* v. *St. George's, Hanover Square, Vestry* dissented from in part.]

1871. [75]
Brutton v. *St. George's, Hanover Square, Vestry.* Building Line—The owner or occupier ought to be summoned for an infringement of a Building Line if the work is completed—Time limited for penalties runs from the discovery of the offence and not from the completion. (41 L. J., Ch., 134 : L. R., 13 Eq., 339 : 25 L. T., 552.) [But see *Bermondsey Vestry* v. *Johnson.*]

1861. [76]
Ecclesiastical Commissioners v. *Clerkenwell Vestry.* A Local Authority may control the Ecclesiastical Commissioners in the erection of a Church. (30 L. J., Ch., 454 : 3 De G., F. & J., 688 : 4 L. T., 599.)

1872. [77]
Folkestone Corporation v. *Woodward.* Local Act—Building Line—Delay in prescribing the same—Injunction refused—"House" includes a Church—A Perpetual Curate in whom a site is vested is an "owner" within the meaning of the Local Act in question. (42 L. J., Ch., 782 : L. R., 15 Eq., 159 : 27 L. T., 574 : 37 J. P., 324.)

1866. [78]
Reg. v. *Nicholson.* 24 & 25 Vict., c. 61, § 28—Building Line—Erection of Porch—Verdict, not guilty, directed. (41 L. T. Newspaper, 657.)

1874. [79]
Reg. v. *Wolstenholme.* 24 & 25 Vict., c. 61, § 28—Building Line—Erection of Shop front in a forecourt—Houses facing the sea—Defendant fined 100*l.* (*Loc. Gov. Chro.*, Oct. 31, 1874, & Jan. 16, 1875.)

1871. [80]
Simpson v. *Smith.* Building Line—A Magistrate is not bound by the decision of the Architect of the Metropolitan Board of Works, but may exercise

his own judgment. (40 L. J., C. P., 89: L. R., 6 C. P., 87: 24 L. T., 100.)

1864. [81]

St. George's, Hanover Square, Vestry v. *Sparrow.* Building Line—Held that it is for the Magistrate to decide whether a structure complained of is within the Act—Held also that the Architect's certificate as to the line is not final. (Metropolis.) (33 L. J., M. C., 118: 16 C. B. (N. S.), 209: 10 L. T., 504.) [See *Bauman* v. *St. Pancras Vestry.*]

1858. [82]

Tear v. *Freebody.* A Building Line need not be a strict mathematical line, but a substantially regular line suffices—"Old Building" defined to be a building the walls of which were carried higher than the footings—Voting at Meetings. (Metropolis.) (4 C. B. (N. S.), 228: [*Sear* v. *&c.*] 31 L. T. (O. S.), 131.)

1868. [83]

Wandsworth B. W. v. *Hall.* A New Building must be erected within the existing Building Line if erected without consent, and this notwithstanding that the Building Line has not been prescribed—A Magistrate may order a Building thus improperly erected to be demolished. (Metropolis.) (38 L. J., M. C., 69: L. R., 4 C. P., 85: 19 L. T., 641.)

1874. [84]

Wilson v. *Cunliffe.* Local Act—Building Line—A greengrocer's tray when let down had for 30 years projected beyond the wall of the house—Held that the line of the tray, and not the line of the wall, must be taken as the Building Line, and that, therefore, there was no encroachment. (29 L. T., 913: 38 J. P., 231.)

"Buildings," Definition of.

1854. [85]

Arnell v. *Regents Canal Co.* Local Act—Repair of a Bridge over Canal—A parapet wall held not to be a "Building." (23 L. J., C. P., 155: 14 C. B., 564: 23 L. T. (O. S.), 95.)

1863. [86]

Ashby v. *Woodthorpe.* Two adjacent houses with an opening in a party wall held to be one "Building" for the purposes of the building regulations of the Metropolitan Building Act. (33 L. J., M. C., 68: 9 L. T., 409.)

1872. [87]

Auckland (Lord) v. *Westminster B. W.* Local Act—"Vacant Ground" does not include the site of buildings recently pulled down. (41 L. J., Ch. 732: L. R., 7 Ch. App. 598: 26 L. T., 961.)

1870. [88]

Bowes v. *Law.* Meaning of the word "Buildings" in a covenant not to erect "Buildings"—*Quære*, Is a wall a "Building?" (39 L. J., Ch. 483: L. R., 9 Eq., 636: 22 L. T., 267.)

1873. [89]

Hobbs v. *Dance.* By-Laws—Old Stable pulled down and re-built partly on a different site—Held to be a "new Building"—Question of fact. (43 L. J., M. C., 21: L. R., 9 C. P., 30: 29 L. T., 687: 38 J. P., 56.)

1858. [90]

Poplar B. W. v. *Knight.* A Marsh Wall held to be a "Sewer"—A house built on the surface of the ground without any excavation is, nevertheless, a "Building" as to which notice must be given. (Metropolis.) (28 L. J., M. C., 37: E. B. & E., 408: 31 L. T. (O. S.), 175.)

1859. [91]

Stevens v. *Gourley.* A large and substantial wooden structure, though erected without footings or masonry foundations, held to be a "Building." (29 L. J., C. P., 1: 7 C. B. (N. S.), 99: 1 F. & F., 498: 1 L. T., 33.)

Burials.

1867. [92]

Foster v. *Dodd.* A dead body is under the protection of the public—An indecent disinterment, even by an order of a Secretary of State, is indictable. (37 L. J., Q. B., 28: L. R., 3 Q. B., 67: 8 B. & S., 842: 17 L. T., 614.)

1873. [93]

Greenwood v. *Wadsworth.* 18 & 19 Vict., c. 128, § 9—The prohibition of Burial Grounds within 100 yards of a house applies to all such grounds, whether public or private. (43 L. J., Ch. 78: L. R., 16 Eq., 288: 29 L. T., 88: 38 J. P., 116.)

1840. [94]

Reg. v. *Stennett.* Held that the Overseers of a Parish are not responsible for the burial of a pauper dying in a hospital. (10 L.J., M. C., 40: [*Reg.* v. *Stewart*] 12 A. & E., 773: 4 P. & D., 349.)

By-Laws.

(1.) BUILDING.

1872. [95]

Adams v. *Bromley L. B.* "Local Government Act 1858," § 34—By-Law as to open space—Dwarf fence held to be an "Erection" infringing the By-Law. (37 J. P., 662.)

1863. [96]

Anderton v. *Birkenhead.* By-Laws—Breadth of open space in rear of a building to be everywhere at least the minimum specified. (32 L. J., M. C., 137: [*Anderton* v. *Rigby*] 13 C. B. (N. S.), 603.)

1862. [97]

Brown v. *Holyhead L. B.* "Local Government Act, 1858," § 34—Validity of a By-Law—Pulling down a wall alleged to have been erected in contravention of a By-Law—By-Law held invalid because *ultra vires.* (32 L. J., Ex., 25: 1 H. & C., 601: 7 L. T., 332.)

1864. [98]

Burgess v. *Peacock.* "Local Government Act, 1858," § 34—By-Law designed to apply to buildings erected before the constitution of the district, held invalid. (16 C. B. (N. S.), 624: 10 L. T., 617.)

1863. [99]

Cooper v. *Wandsworth B. W.* Statutory right to demolish on neglect by a Builder to give notice of intention to build—Builder to have an opportunity of being heard. (Metropolis.) (32 L. J., C. P., 185: 14 C. B. (N. S.), 180: 8 L. T., 278.)

1866. [100]

Hattersley v. *Burr.* (4 H. & C., 523.) [Effect of decision set aside by subsequent legislation.]

1873. [101]

Marshall v. *Smith.* "Local Government Act, 1858," § 34—By-Law—Held that a person is not guilty of a "continuing offence" because he suffers a party-wall to remain unaltered. (42 L. J., M. C., 108: L. R., 8 C. P., 416: 28 L. T., 538: 37 J. P., 471.)

1874. [102]

Middlesborough Town Council v. *Potts.* Building By-Laws—Non-compliance with deposited plans—Posts and beams made smaller than shown on plans—Defendant convicted. (*Local Gov. Chron.*, Oct. 31, 1874.)

1865. [103]

Pearson v. *Kingston-upon-Hull L. B. H.* "Local Government Act, 1858," § 34—Local Act—Building before plans were approved—Using a building without the consent of the Board—"Back-yard or other vacant ground or area." (35 L. J., M. C., 36: 3 H. & C., 921: 13 L. T., 180.)

1864. [104]

Reg. v. *Carruthers.* Rules as to the construction of Public Buildings—Church exempt. (Metropolis.) (33 L. J., Ex., 107: 4 B. & S., 804: 9 L. T., 825.)

1870. [105]
Reg. v. *London Commissioners of Sewers.* Local Act—Application for a license to erect a hoarding round a work abutting on 4 streets—Conditions that there must be 4 licenses: that their duration was to be limited to 2 months, and that no bills were to be posted—All held unreasonable—The duration of a license should be proportionate to the magnitude of the works. (22 L. T., 582.)

1856. [106]
Reg. v. *Tunstall Turnpike Road Trustees.* "Public Health Act, 1848," § 53—Turnpike Act—Erection of a Toll House—Held that the Trustees were subject to the provisions of the first named Act. (27 L. T. (o. s.), 184: [*Tunstall, &c.* v. *Lowndes*] 20 J. P., 374.)

1859. [107]
Robins v. *Merry.* Building unlawfully erected on a fore-court, held lawfully pulled down by a Board. (Metropolis.) (32 L. T. (o. s.), 256.)

1861. [108]
Shiel v. *Sunderland, Mayor.* "Local Government Act, 1858," § 34—By-Law—"New Buildings"—Rebuilding—Ventilation—Back Street. (30 L. J., M. C., 215: 6 H. & N., 796: 25 J. P., 647.)

1863. [109]
Slee v. *Bradford, Mayor, &c., of.* "Local Government Act, 1858," § 34—Building By-Laws—Setting back line of street—Approval of plans—Injunction granted under the circumstances to restrain the defendants from interfering with the plaintiff's building. (4 Giff., 462: 8 L. T., 491.)

1861. [110]
Tucker v. *Rees.* "Local Government Act, 1858," § 34—By-Law requiring an open space of a stated area to be left belonging to a building, held bad as regards old buildings—Conviction quashed. (7 Jur. (N. S.), 629.)

1867. [111]
Waite v. *Garston L. B. H.* "Local Government Act, 1858," § 34—By-Law that no house should be erected without a back roadway communicating with some adjoining public street, held unreasonable. (37 L. J., M. C., 19: L. R., 3 Q. B., 5: 17 L. T., 201.)

1874. [112]
Weston v. *Arnold.* Local Act—Party Wall—Ancient lights—Held that a wall might be a party wall near its base and an outer wall above, each portion having its own legal attributes independent of the other. (43 L. J., Ch. 123.)

1864. [113]
Young v. *Edwards.* "Local Government Act, 1858," § 34—Local Act—Building By-Laws—By-Law respecting non-compliance with the requirements of the Board, held *ultra vires*, and a conviction under it bad. (33 L. J., M. C., 227: 11 L. T., 424.)

(2.) MARKET.

1864. [114]
De Caux v. *Powley.* By-Law—Market Place—Leaving a Cart there for an unreasonable period—Conviction. (28 J. P., 806.)

1863. [115]
Savage v. *Brook.* "Markets and Fairs Clauses Acts, 1847," § 42—By-Laws restricting the deposit of articles, held good, notwithstanding a local usage. (33 L. J., M. C., 42: 15 C. B. (N. S.), 264: [*Savage* v. *Savage.*] 9 L. T., 334.)

(3.) VARIOUS.

1844. [116]
Ellwood v. *Bullock.* By-Law—Fair—A By-Law prohibiting the erection of a Booth without the license of the Mayor; and that any such license given, save in respect of Fair-time, might be revoked at the instigation of householders, is unreasonable and therefore bad, although the By-Law was duly published and not disallowed by the Secretary of State. (13 L. J., Q. B., 330: 6 Q. B., 383.)

1824. [117]
Harrison v. *Williams.* Corporate Town—A resident inhabitant has a right, even though he be not a member of the corporation, to inspect and have a copy of a By-Law for a breach of which an action against him is pending.—*Mandamus* granted. (4 D. & R., 820.)

1839 *and* 1841. [118]
Hopkins v. *Swansea, Mayor.* Municipal Corporation—Annual distribution of rents—By-Law. (8 L. J., Ex., 121: 4 M. & W., 621: Affirmed 8 M. & W., 901.)

1840. [119]
Poulters' Co. v. *Phillips.* An omission in a By-Law may be supplied by implication from the subject-matter of the By-Laws—A By-Law is to receive a reasonable construction. (9 L. J., C. P., 190: 6 Bing. (N. S.), 314: 4 Jur., 124.)

1862. [120]
Reg. v. *Lundie.* Local Act—Common—A By-Law, unreasonable in part, may be divisible and may be good as to that part which is not unreasonable. (31 L. J., M. C., 157: 5 L. T., 830.)

1855. [121]
Reg. v. *Rose.* (2.) Local Boards have no *general* powers to make By-Laws, but may only make such By-Laws as are authorised by Statute. (24 L. J., M. C., 130: [*Reg.* v. *Wood*] 5 E. & B., 49: 3 C. L. R., 1134: [*Reg.* v. *Staffordshire JJ.*] 25 L. T. (o. s.), 127.)

1810. [122]
Rex v. *Ashwell.* A municipal By-Law may be repealed by the Body which made it. (12 East., 22.)

1799. [123]
Rex v. *Faversham Fishermen.* A By-Law may be good in part and bad in part, if the two parts are entire and distinct. (8 T. R., 352 and 356.)

1867. [124]
Ryde Pier Co. v. *Porter.* Local Act—By-Laws to control persons using the pier held reasonable and of general application. (31 J. P., 355.)

1834. [125]
Shaw v. *Poynter.* Municipal By-Law—When a person is sued for breach of a By-Law to which there is a proviso making certain exemptions, it is unnecessary to aver that the case was not within the exceptions: such fact if it exist must be proved by the Defendant by way of excuse. (3 L. J., K. B., 110: 4 N. & M., 290: 2 A. & E., 312.)

1840. [126]
Sills v. *Brown.* Evidence of a practice in contravention of a By-Law is not admissible. (9 C. & P., 601.)

Casual Vacancy.

1857. [127]
Reg. v. *Griffiths.* (2.) Appointment of an Officer in a certain month fixed by Statute—Held that an appointment some months later was good. (26 L. J., Q. B., 313: 7 E. & B., 953: 29 L. T., (o. s.) 196.) [Glen relies on this case to show that a casual vacancy in a Local Board may ("Public Health Act 1848," §12) be filled up *after* a month has elapsed: *sed quære?*]

1874. [128]
Roberts, Ex-parte. "Local Government Act, 1858," § 24—Annual Election—Fewer Candidates than vacancies—A seat thus left unoccupied treated by the Board as a "casual vacancy," and filled up accordingly—Rule *nisi* granted for a *Quo Warranto* against the occupant. (*Times*, May 29, 1874.)

Cattle Driving.

1866. [129]
Triggs v. *Lester.* Local Act—Carrying cattle in a van is not "driving or conducting" cattle. (L. R., 1 Q. B., 259: 13 L. T., 701: 30 J. P., 228.)

Chairman.

1840. [130]
Reg. v. *St. Mary, Lambeth, Rector, &c.* "Vestries Act, 1818"—Poll—Functions of Chairman. (9 L. J., M. C., 113, and see p. 117: [*Reg.* v. *D'Oyley*] 12 A. & E., 139: 4 P. & D., 52.)

"Charges and Expenses."

1858. [131]
Reg. v. *Rotherham L. B. H.* "Public Health Act, 1848," § 89—"Charges and Expenses"—A judgment against a Local Board is a "Charge," to defray which a rate may be made—"Six months" runs from date when execution might first have issued, even in cases where execution has been stayed by consent—*Mandamus* granted. (27 L. J., Q. B., 156: 8 E. & B., 906: 30 L. T. (o. s.), 271.)

Clerk.

1869. [132]
Deeks v. *Bailey.* "Public Health Act, 1848," § 138: "Sanitary Act, 1866," § 46—A Clerk to a Local Board must answer a Bill in Chancery in his official capacity if made defendant. (21 L. T., 581.)

1853. [133]
Llanelly L. B. H. Ex-parte. (22 L. J., Ch., 419.) [Effect of decision set aside by subsequent legislation.]

1874. [134]
Reg. v. *Wilts and Berks Canal Co.* Application by a Shareholder for a *Mandamus* to allow inspection of Books—Objected, that the Shareholder was Clerk of a Local Board against which a suit had been instituted by the Company—*Mandamus* granted with costs. (*Times*, May 29, 1874.)

Coal Duty.

1873. [135]
Vaux v. *Chapman.* Local Act—Coal Duty—Drawback. (27 L. T., 758.)

1866. [136]
Wilson v. *Hull L. B. H.* Local Act—Coals—Evidence of "dealing with." (12 Jur. (N. S.), 706: 14 W. R., 638.)

Compensation.

*** See also "Lands' Clauses Act, 1845."

1873. [137]
Bigg v. *London Corporation.* New street constructed under Parliamentary powers—Held that compensation was payable for the direct injury to a cellar by an unauthorised interference therewith, but not for the indirect injury resulting from a diversion of the traffic. (L. R., 15 Eq., 376: 28 L. T., 336: 37 J. P., 564.)

1857. [138]
Bold v. *Williams.* "Public Health Act, 1848," § 68—Altering the level of a highway—Compensation for Private Injury held not payable. (21 J. P., 84.)

1824. [139]
Boulton v. *Crowther.* Powers under a Turnpike Act—Raising and lowering a road with the result that the access of the plaintiff to his property was interfered with—Held that the Turnpike Trustees were not liable. (2 L. J., K. B. (o. s), 139: 2 B. & C., 703: 4 D. & R., 195.)

1858. [140]
Bradford L. B. H. v. *Hopwood.* "Public Health Act, 1848," § 123—Compensation for damage done by works—§ 123 of the aforesaid Act cannot be distinguished from § 25 of the "Lands Clauses Act, 1845." (22 J. P., 561.)

1867. [141]
Hall v. *Bristol, Mayor.* "Public Health Act, 1848," § 144—Construction of Sewer—In order to be entitled to compensation a person must show actionable damage—"Damage" does not include inconvenience. (36 L. J., C. P., 110: L. R., 2 C. P., 322: 15 L. T., 572.)

1837. [142]
Lister v. *Lobley.* Compulsory purchase of premises—Compensation is payable to a lessee as well as to the freeholder. (6 L. J., K. B., 200: 7 A. & E., 124: 6 Nev. & M., 340: 2 Harr. & Woll., 12.)

1865. [143]
Pentney v. *Lynn Paving Commissioners.* "Towns Improvement Clauses Act, 1847," §§ 22 and 25—Proposed arching over of a Tidal Watercourse—Compensation. (12 L. T., 818.)

1865. [144]
Reg. v. *Darlington L. B. H.* "Public Health Act, 1848," §§ 45 and 144: "Local Government Act, 1858," § 73—Construction of Sewer—Injury by abstraction of water—Held that the remedy was by action at Law and not by proceedings for compensation under the first named Act. (35 L. J., Q. B., 45: 6 B. & S., 562: 29 J. P., 419.)

1869. [145]
Reg. v. *Wallasey L. B. H.* "Public Health Act, 1848," §§ 69 and 144—When a Local Board executes works on default of an owner and causes damage, compensation is payable in the usual way to that owner. (38 L. J., Q. B., 217: L. R., 4 Q. B., 351: 10 B. & S., 428: 21 L. T., 90.)

1857. [146]
Stainton v. *Woolrych.* Interference with Water—Works planned by public Boards may be executed, though they tend to inflict injury on property—Compensation payable—Injunction refused. (26 L. J., Ch., 300: 23 Bea., 225: 23 L. T. (o. s.), 333.)

Contract.

*** See also "Seal."

1858. [147]
Bateman v. *Ashton-under-Lyne, Mayor.* Water supply—Engineer's plans—Validity of a Contract entered into by a Corporation—Generally speaking, a corporation is as much bound by its contract as an individual where the seal is affixed in a binding manner. (27 L. J., Ex., 458: 3 H. & N., 323: 31 L. T. (o. s.), 299.)

1852. [148]
Clark v. *Cuckfield Union.* Erection of Water-closets—Contract not under seal—Action held to be maintainable. (21 L. J., Q. B., 349: 1 Bail Ct. Cas., 81: 19 L. T. (o. s.), 207.)

1860. [149]
Cobham v. *Holcombe.* "Public Health Act, 1848," § 138—Contract "on behalf of" a Local Board—Suit by Clerk for the enforcement of the Contract held maintainable. (8 C. B. (N. S.), 815.)

1833. [150]
Curling v. *Johnson.* Contract with a Board—Condition that the Contractor should pay the Law expenses thereof—Held that when the Contractor refused to pay unreasonable charges the Clerk suing *qua* Clerk could not recover, his remedy being personal against the Contractor. (10 Bing., 89: 3 Moo. & S., 496.)

1853. [151]
Davies v. *Swansea, Mayor.* "Public Health Act, 1848," § 139—Neglect to complete Works—Construction of a Contract. (22 L. J., Ex., 297: 8 Ex., 808: 21 L. T. (o. s.), 143.)

1865. [152]
Goodyear v. *Weymouth, Mayor.* Building Contract for a Market—Extras—Finality of Architect's certificate. (35 L. J., C. P., 12: Harr. & Ruth., 67.)

1874. [153]
Harrison v. *Enfield L. B. H.* Contract for 25 years to receive sewage—Sewage alleged to be worthless because too watery—Motion for a decree to keep back subsoil water, refused. (*Times*, March 27, 1874.)

1873. [154]
Kidderminster, Mayor v. *Hardwick.* Market Tolls let by auction—A Contract not under Seal nor signed by an Agent expressly appointed under Seal for the purpose, cannot be enforced—Payment of a month's rent is not such part performance as would support a Bill for specific performance. (43 L. J., Ex., 9: L. R., 9 Ex., 13: 29 L. T., 611.)

1854. [155]
Kingston-upon-Hull Guardians v. *Petch.* Tender for supplies—Held that an acceptance by Guardians of a Tender was not binding until a written agreement had been signed, there having been a stipulation that there was to be such an agreement. (24 L. J., Ex., 23: 10 Ex., 610.)

1848. [156]
Kirk v. *Bromley Union.* Erection of a Workhouse—Builder's Contract—Extras—Absence of written contract held fatal. (2 Phillips, 640: 11 L. T. (o. s)., 429.)

1849. [157]
Lamprell v. *Billericay Union.* Corporation—Parol Contract with a Builder—Held that the Architect had no authority to cause the erection of additional works. (18 L. J., Ex., 282: 3 Ex., 283: 12 L. T. (o. s.), 533.)

1874. [158]
Mountstephen v. *Lakeman.* Construction of Sewer by a Contractor—Verbal Contract with the Chairman of the Board—Judgment for the plaintiff (the contractor). (43 L. J., Q. B., 188: 30 L. T., 437: L. R., 7 H. L., 17: 38 J. P., 452.)

1866. [159]
Nicholson v. *Bradfield Union.* Purchase money of necessaries (*e. g.* coals) held recoverable, although there was no contract under seal. (35 L. J., Q. B., 176: L. R., 1 Q. B., 620: 7 B. & S., 774: 14 L. T., 830.)

1854. [160]
Nowell v. *Worcester, Mayor.* "Public Health Act, 1848," § 85—Contract—Condition precedent—A Contract duly entered into may be enforced, although no estimate or report from the Surveyor has been previously obtained. This omission, however, might affect the levy of a rate. (23 L. J., Ex., 139: 9 Ex., 457: 2 C. L. R., 981: 22 L. T. (o. s.), 244.)

1846. [161]
Paine v. *Strand Union.* Contract with a Surveyor under seal—Additional work not under seal—Payment for the latter item held not recoverable. (15 L. J., M. C., 89: 8 Q. B., 326.)

1855. [162]
Pauling v. *Dover, Mayor.* Construction of sewerage works—Defective work—A particular notice to contractor to cancel his contract held sufficiently specific. (24 L. J., Ex., 128: 10 Ex., 753.)

1870. [163]
Roberts v. *Bury Improvement Commissioners.* Contract for a Cemetery—Right to determine the same on an unfavourable certificate from Architect. (39 L. J., C. P., 129: L. R., 5 C. P., 310: 22 L. T., 132.)

1865. [164]
Russell v. *Trickett.* Contract with Local Board—Specification acted upon although unsigned—Contractor's Sureties held not released. (13 L. T., 280.)

1861. [165]
Rutledge v. *Farnham L. B. H.* Contract to employ an Engineer at a salary—Board held not liable for extra work not contracted for by deed. (2 F. & F., 406.)

1846. [166]
Sanders v. *St. Neot's Union.* Erection of necessary gates—Contract not under seal—Notwithstanding this, action held maintainable. (15 L. J., M. C., 104: 8 Q. B., 810.) [See however the remarks of Parke, B., in *Smart* v. *West Ham Union.*]

1858. [167]
Scott v. *Liverpool Corporation.* Construction of Waterworks—Contract—Engineer's certificate withheld—Contract determined. (28 L. J., Ch., 236: 3 De G. & J., 334: 32 L. T. (o. s.), 265.)

1862. [168]
Worthington v. *Sudlow.* "Public Health Act, 1848," § 69—Contract between a Local Board and a Paving Contractor—Conditions of payment—Held that under the circumstances the Contractor could recover from the Board. (31 L. J., Q. B., 131: 2 B. & S., 508: 6 L. T., 283.)

Contract, Disqualification from.

1853. [169]
Boyce v. *Higgins.* "Public Health Act, 1848," §§ 19 and 133—Member of a Local Board interested in a Contract—Consent of Att. Gen. not obtained—Defendant held not liable. (23 L. J., C. P., 5: 14 C. B., 1: 22 L. T. (o. s.), 103.)

1874. [170]
Davies v. *Harvey.* "Poor Law Amendment Act, 1834," § 77—Guardian held liable to a penalty for the supply of goods to a Relieving Officer by Guardian's partner. (43 L. J., M. C., 121: L. R., 9 Q. B., 433: 30 L. T., 629: 38 J.P., 661.)

1866. [171]
Dyer v. *Best.* Local Act—Commissioner interested in a Contract—Action for penalties—An Action by a common informer must be brought within one year. (35 L. J., Ex., 105: L. R., 1 Ex., 152: 4 H. & C., 189: 13 L. T., 753.)

1853. [172]
Foster v. *Oxford, Worcester & Wolverhampton Railway Co.* "Companies Clauses Consolidation Act, 1845," §§ 85--86—A Contract with a Director is not void because he is interested therein, but he vacates his office. (22 L. J., C. P., 99: 13 C. B., 200: 20 L. T. (o. s.), 224.)

1861. [173]
Greenhow v. *Parker.* 55 Geo. III., c. 137, § 6; "Poor Law Amendment Act, 1834," § 51. A Guardian supplying goods for a Workhouse is liable even although the Master gives the order in his own discretion without the authority of his Board. (31 L. J., Ex., 4: 6 H. & N., 882: [*Greenough* v. *&c.*] 4 L. T., 473.)

1854. [174]
Le Feuvre v. *Lankester.* A contract with a Town Council acting as a Sanitary Authority, operates as a disqualification under the "Municipal Corporations Act." But a Contractor may purchase of a member without by so doing causing that member to be disqualified. (23 L. J., Q. B., 254: 3 E. & B., 530: 2 C. L. R., 1426: 22 L. T. (o. s.), 87.)

1862. [175]
Nicholson v. *Fields.* "Commissioners Clauses Act, 1847," § 9—Bills receipted by the defendant held to be evidence of his being concerned in a Contract with a Board—Defendant further held to be disqualified thereby, and liable to a penalty. (31 L. J., Ex., 233: 7 H. & N., 810.)

1837. [176]
Rex v. *St. Margaret's, Westminster, Paving Commissioners.* Commissioners accepting a tender put in by one of themselves—Held that the Contract arising was

not of necessity void—*Mandamus* to advertise for new tenders refused. (1 Jur., 104.)

1826. [177]

Towsey v. *White*. "General Turnpike Act, 1822,"—A Turnpike Trustee who let a horse and cart to a Contractor, held liable to a penalty as a person interested—Notice of action. (4 L. J. (o. s.), Q. B., 61: 5 B. & C,. 125: 7 D. & R., 810.)

1822. [178]

West v. *Andrews*. 55 Geo. III., c. 137, § 6—Master of a Workhouse purchasing goods from a Guardian —Guardian held liable to the penalty. (2 D. & R., 184: 1 B. & C., 77: 5 B. & Ald., 128.)

1856. [179]

Woolley v. *Kay*. Local Act—Disqualification by reason of interest in a Contract—Defendant contracted to sell Land to a Board of which he afterwards became a member, before the completion of the purchase—Held that he was not disqualified, for the Contract was not of a continuing character. (25 L. J., Ex., 351: 1 H. & N., 307: 27 L. T. (o. s.), 205.)

Dangerous Structure.

1875. [180]

Cheetham v. *Manchester, Mayor*. Local Acts—Dangerous structures—Value of repairs executed at the instance of the Town Clerk recovered from the plaintiff—Action by plaintiff to recover back the amount, the building falling down in spite of the repairs—Judgment for the defendants, it being held that the Surveyor's certificate was conclusive. (*Times*, Jan. 20, 1875.)

1858. [180 *a*]

Labalmondiere v. *Addison*. Dangerous structure—Expenses chargeable on Owner—Time runs from the demand of re-payment and not from the completion of the works. (Metropolis.) (28 L. J., M. C., 25: 1 E. & E., 41.)

1859. [181]

Labalmondiere v. *Frost*. Dangerous structure—What an Order for Removal ought to show on its face —When proceedings are taken to recover expenses due under an Order, the Justices to whom the application is made may consider whether the Order is valid. (Metropolis.) (28 L. J., M. C., 155: 1 E. & E., 527.)

1861. [182]

Mourilyan v. *Labalmondiere*. "Owner"—"Lessee"—Expenses relating to a "dangerous structure" held to be recoverable from a lessee for 21 years. (Metropolis.) (30 L. J., M. C., 95: 1 E. & E., 533: [*Reg.* v. *Mourilyan*] 3 L. T., 668.)

Disqualification.

*** See also "Contract, Disqualification from."

1834. [183]

Charlesworth v. *Rudgard*. Local Act—Action for a penalty against a Commissioner alleged to be interested—Held that proof of the defendant speaking in favour of a footpath opposite his own house was evidence for a jury of *acting* as a Commissioner, although interested, and disqualified accordingly. (4 L. J., Ex., 89: 1 C. M. & R., 498: 4 Tyr., 824.)

1844. [184]

Dumelow v. *Lees*. Local Act—Pecuniary qualification of a Commissioner—The words "above all charges and incumbrances" do not mean beyond payment of debts, but only apply to specific charges—As regards the latter, the *onus probandi* lies upon the person impunging the candidate's qualification. (1 C. & K., 408.)

1853. [185]

Tupper v. *Newton*. Alleged disqualification of a member of a Board—Held that the defendant was not bound to prove that he had taken the oath, the oath not being part of the qualification. (14 C. B., 114: 22 L. T. (o. s.), 103.)

Distance, Measurement of.

1856. [186]

Jewel v. *Stead*. A distance of "three miles" named in a Turnpike Act, means three miles in a straight line. (25 L. J., Q. B., 294: 6 E. & B., 350: 27 L. T. (o. s.), 101.)

1855. [187]

Lake v. *Butler*. A distance of "20 miles," named in an Act of Parliament, means 20 miles measured in a straight line. (24 L. J., Q. B., 273: 5 E. & B., 92: 3 C. L. R., 1124: 25 L. T. (o. s.), 128.)

1872. [188]

Mouflet v. *Cole*. Trade covenant—"Half-a-mile" means half-a-mile in a straight line, measured from the point of nearest approach, in a straight line as on a map. (42 L. J., Ex., 8: L. R., 8 Ex., 32: 27 L. T., 678.)

1846. [189]

Reg. v. *Saffron Walden Inhabitants*. "Ten miles" in a Statute means ten miles measured in a straight line. (15 L. J., M. C., 115: 9 Q. B., 76: 2 New Sess., Cas., 360.)

1854. [190]

Stokes v. *Grissell*. A distance of "20 miles" named in an Act of Parliament, means 20 miles measured in a straight line. (23 L. J., C. P., 141: 14 C. B., 678: 2 C. L. R., 729: 23 L. T. (o. s.), 114.)

Ditch.

1864. [191]

Felkin v. *Herbert (Lord)*. Suit by a Local Board for filling up a ditch and obstructing an ancient easement—Bill dismissed, the proper remedy being under the "Public Health Act, 1848," § 63. (11 L. T., 173.) [A contempt by a newspaper arising out of this matter is reported 33 L. J., Ch., 294: 12 W. R., 241 and 332: 10 Jur. (N. S.), 62.]

1873. [192]

Tutill v. *West Ham L. B*. Ditch adjoining a highway —Dispute as to Board's right to fill up the same —Judgment for the plaintiff, presumption being that the ditch was his. (L. R., 8 C. P., 447: 28 L. T., 597: 37 J. P., 455.)

Division of District.

[193]

Farr v. *Boston*. "Public Health Act, 1848," § 89—Division of a District and Assessment on part thereof. (Glen, 447, 7th Ed.)

Drain Pipes.

1858. [194]

Austin v. *St. Mary's, Lambeth, Vestry*. Drain pipes—Right of a Vestry to prescribe a pattern—Injunction to restrain removal by Vestry of pipes not according to pattern, refused. (Metropolis.) (27 L. J., Ch., 388 and 677: 4 Jur. (N. S.), 274, and 1032: 30 L. T. (o. s.), 300.)

Drains, Rights as to.

1874. [195]

Bolingbroke (Lord) v. *Swindon L. B*. Sewage Farm—Trespass by Manager on plaintiff's land to pare away edges of a ditch between the two properties —Master and Servant—Verdict for the defendants held good, it not being within the scope of the manager's employment, and therefore there being no implied authority to him to commit a trespass. (43 L. J., C. P., 287: 30 L. T., 723.)

1856. [196]

Cawkwell v. *Russell*. Obstruction of a Drain—Plea, limited right of use only, whereas the plaintiff had sought to assert an absolute right. (26 L. J., Ex., 34.)

1844. [197]
Coulton v. *Ambler.* "Public or Parish Drain"—Navigable river or cut—Question of fact. (14 L. J., Ex., 10: 13 M. & W., 403: 3 Rail Cas., 724, n.)

1861. [198]
Ewart v. *Cochrane.* Drainage of adjacent properties held by one owner—Severance—Implied grant of easement as to Drain. (4 Macq. H. L. Cas. 117: 5 L. T., 1: 10 W. R., 3.)

1857. [199]
Pyer v. *Carter.* Rights of the owners of 2 adjacent houses to a Drain common to each—Easement. (26 L. J., Ex., 258: 1 H. & N., 916: 28 L. T. (o.s.), 371.) [Called in question in *Suffield* v. *Brown*, 33 L. J., Ch., 249.)

1842. [200]
Russell v. *Shenton.* Nuisance—The cleansing and repair of Drains is *prima facie* the duty of the occupier. (11 L. J., Q. B., 289: 3 Q. B., 449: 2 G. & D., 573.)

Election.

*** See also "Returning Officer" and "Voting."

1861. [201]
Easton v. *Alce.* Local Act—Qualification depending on being "rated by one or more Rate or Rates" to a specified minimum amount, held to refer to the annual rateable value and not to the money payable annually. (31 L. J., Ex., 115: 7 H. & N., 452: 5 L. T., 323.)

1856. [202]
Howitt v. *Manfull.* "Public Health Act, 1848"—Local Board—Three members were disqualified by non-attendance, and the Board decided that they should be the members to retire by rotation—Held that a Rate subsequently made by the Board re-constituted was good. (25 L. J., Q. B., 411: 6 E. & B., 736: 27 L. T. (o. s.), 183.)

1866. [203]
Reg. v. *Backhouse.* An Election of a Local Board conducted in the usual manner, save that the chairman was absent and no deputy was appointed, is void, and his certificate of the result a nullity. (36 L. J., Q. B., 7: L. R., 2 Q. B., 16: 7 B. & S., 911: 15 L. T., 240.)

1866. [204]
Reg. v. *Blizard.* Municipal Corporation—*Quo Warranto*—Where a successful Candidate is not qualified, he cannot by resigning his seat deprive of his rights an opponent who claims his seat. (36 L. J., Q. B., 18: L. R., 2 Q. B., 55: 7 B. & S., 922: 15 L. T., 242.) [See *Reg.* v. *Tewkesbury, Mayor.*]

1864. [205]
Reg. v. *Briggs.* Local Act—*Quo Warranto* against a Commissioner—Interest of Relator—An owner of rateable property held qualified to be a Relator—Promise by agent of candidate to pay the rates of ratepayers in arrear does not render their votes good if Act requires actual pre-payment. (11 L. T., 372: 29 J. P., 423.)

1872. [206]
Reg. v. *Cooper.* (2.) *Quo Warranto*—Parochial Election—Poll demanded but not taken because of alleged retirement of candidate who obtained a majority of votes on the show of hands—Held that as there was no poll granted a certificate that such candidate had been elected was invalid. (39 L. J., Q. B., 273: L. R., 5 Q. B., 457.)

1844. [207]
Reg. v. *Deighton.* "Municipal Corporations Act, 1835"—*Quo Warranto*—Election of Alderman—To describe a candidate as of a place where he daily transacts business, instead of giving his residence, is a misdescription sufficient to avoid his election. (13 L. J., Q. B., 241: D. & M., 682: 5 Q. B., 896.)

1858. [208]
Reg. v. *Eddows.* Local Act—Qualification by Rating—Candidate rateable but not rated, held ineligible. (28 L. J., Q. B., 84: 1 E. & E., 330.)

1868. [209]
Reg. v. *Ireland.* "Municipal Corporations Act, 1835," § 9 (1)—*Quo Warranto*—Parochial relief to a father is not relief to a son, so as to disqualify the latter. (37 L. J., Q. B., 73: L. R., 3 Q. B., 130: 9 B. & S., 19: 17 L. T., 466.)

1867. [210]
Reg. v. *Parkinson.* Municipal Corporation—Ward Election—A Nominator must be entitled to vote in the Ward for which he nominates, or a nomination by him will be invalid. (37 L. J., Q. B., 52: L. R., 3 Q. B., 11: 8 B. & S., 769: 17 L. T., 169.)

1874. [211]
Reg. v. *Portland L. B.* Election—Error in casting up the Votes—Discovery of this fact some time after the declaration of the Poll made by the returning officer—Rule *nisi* for a *Quo Warranto* against a candidate declared elected. (38 J. P., 758.)

1857. [212]
Reg. v. *St. Pancras Inspectors of Votes.* Parochial Election—A Returning Officer is not to return an unqualified Candidate even though he have a majority of votes. (7 E. & B., 954: [*Ross, Ex-parte*] 26 L. J., Q. B., 312: 29 L. T. (o. s.), 197.)

1874. [213]
Reg. v. *Tong Street L. B.* Neglect to hold the customary annual election—*Mandamus* granted to compel the Board to do so six months after the proper time. (38 J. P., 756.)

1855. [214]
Robinson, Ex-parte. "Public Health Act, 1848"—Alleged void Election—Rule *nisi* for *Quo Warranto.* (19 J. P., 724.) [Rule absolute: 26 L. T. (o. s.), 105, *nom., Reg.* v. *Robinson.*]

1872. [215]
Turner, Ex-parte. Local Board Election—Accidental neglect to add up votes on the proper day—Held that it might be done on a subsequent day. (36 J. P., 744.)

1854. [216]
Westbury on Severn Union, In re. Election of Guardians—Delivery of a Nomination Paper on a Sunday treated as a delivery on the day following. (4 E. and B., 314: 18 J. P., 758: [*Reg.* v. *Poor Law Commissioners.*] 1 Jur. (N. S.), 251: 24 L. T. (o.s.), 156.)

Estimate.

1857. [217]
Cunningham v. *Wolverhampton L. B. H.* "Public Health Act, 1848," §§ 85 and 69—Execution of Works—Estimate and Report from Surveyor are only requisite when a Local Board will have hereafter to maintain Works which it may execute. (26 L. J., M. C., 33: 7 E. & B., 107: as to costs, 28 L. T. (o. s.), 252.)

Fences.

1850. [218]
Barnes v. *Ward.* Occupier bound to fence an excavation near a public way; on default and an accident happening, Lord Campbell's Act is applicable. (19 L. J., C. P., 194: 2 C. & K., 661: 9 C. B., 392.)

1855. [219]
Cornwell v. *Metropolitan Commissioners of Sewers.* Where an ancient Tidal Sewer runs along a highway, the right to the highway is subject to the Sewer, and the Owner of the Sewer is not bound to fence. (10 Ex., 771: 3 C. L. R., 417: 19 J. P., 313.)

1859. [220]
Hardcastle v. *South Yorkshire Railway, &c., Co.* No obligation to fence an excavation is cast upon an

owner unless such excavation substantially adjoins a highway. (28 L. J., Ex., 139: 4 H. & N., 76: 32 L. T. (o. s.), 297.)

1842. [221]

Morgan v. *Leach.* "Highway Act, 1835," §§ 20 and 73—Held that no duty rests on a Surveyor to fence a dangerous pit—Conviction quashed. (12 L. J., M. C., 4: 10 M. & W., 558.)

1864. [222]

Ohrby v. *Ryde Commissioners.* "Towns Improvement Clauses Act, 1847," § 52—Neglect to fence a dangerous footpath—Defendants held liable. (33 L. J., Q. B., 296: 5 B. & S., 743.)

1868. [223]

Wilson v. *Halifax, Mayor.* "Towns Improvement Clauses Act, 1847," § 83: "Public Health Act, 1848," §§ 68 and 139—An ancient open Water-course alongside a public foot-path is not a "hole or other place near a street" which a Local Board is bound to fence—Duty as to erection of posts or rails—Notice of Action, when necessary. (37 L. J., Ex., 44: L. R., 3 Ex., 114: 17 L. T., 660.)

Fire Engine.

1873. [224]

Drighlington L. B. H. v. *Bower.* "Towns Police Clauses Act, 1847," § 32—Claim for use of Fire Engine within the District—Held that a Local Board could not recover more than the amount paid out of pocket for hire of men. (W. N., 1873, p. 220: 22 W. R., 165: 38 J. P., 73.)

Food, Unwholesome.

1862. [225]

Hartley, In re. "Public Health Act, 1848," § 63—Unwholesome Meat—The Court has no discretion to refuse a Rule to issue distress warrants if the proceedings are regular. (31 L. J., M. C., 232: [*Reg.* v. *Hartley, In re Over Darwen*] 26 J. P., 438.)

1862. [226]

Reg. v. *Crawley.* A person is not indictable for sending unwholesome meat to market if he does not intend it to be sold for human food, nor send it for that purpose. (3 F. & F., 109: see also same vol., pp. 106–8.)

Foot-path.

1871. [227]

Arnold v. *Blaker.* Highway—Foot-path across an arable field—Held on the evidence that the Surveyors were not entitled so to repair the foot-path that it could not be ploughed up. (40 L. J., Q. B., 185: L. R., 6 Q. B., 433.)

1873. [228]

Arnold v. *Holbrook.* Highway—Foot-path across an arable field—Held that when a foot-path was lawfully ploughed up and trespassing took place, to prevent which the occupier puts up hurdles, the public must neither go off the line nor pull down the hurdles. (42 L. J., Q. B., 80: L. R., 8 Q. B., 80: 28 L. T., 23: 37 J. P., 229.)

1869. [229]

Brackenborough v. *Thorsby.* "Highway Act, 1835," § 72—A footway across a field, if a "highway," is within this section, and a conviction will lie for injuring (in this case ploughing up) the same. (19 L. T., 692.)

1873. [230]

Hamilton v. *St. George's, Hanover Square, Vestry.* The owner of a cellar over which there exists a paved public foot-way is not bound to keep the foot-way in repair if the cellar existed before the foot-way was dedicated. (Metropolis.) (43 L. J., M. C., 41: L. R., 9 Q. B., 42: 29 L. T., 428: 38 J. P., 405.)

1869. [231]

Mercer v. *Woodgate.* Highway—Foot-path through a ploughed field—Whether or not it is lawful to plough up a Highway depends on the facts of the case. (39 L. J., M. C., 21: L. R., 5 Q. B., 26: 10 B. & S., 833: 21 L. T., 458.)

1871. [232]

St. Mary's, Newington, Vestry v. *Jacobs.* Right of access to premises across a foot-way. (Metropolis.) (41 L. J., M. C., 72: L. R., 7 Q. B., 47: 25 L. T., 800.)

Gas Company, Powers &c., of.

1868. [233]

A. G. v. *Cambridge Consumers' Gas Co.* Breaking up streets for Gas Pipes without authority—Injunction refused, under the circumstances. (38 L. J., Ch., 94: L. R., 4 Ch. App., 71: 19 L. T., 508.)

1853. [234]

A. G. v. *Sheffield Gas Consumers' Co.* Breaking up Streets—Proceedings to be at Common Law. (22 L. J., Ch., 811: 3 De G., M. & G., 304: 21 L. T. (o. s.), 49.)

1870. [235]

Burrows v. *March Gas & Coke Co.* Escape of gas from a defective meter pipe supplied by the defendants—Explosion caused by the act of a third party—Held that the defendants were liable for the consequential damage. (39 L. J., Ex., 33: L. R., 5 Ex., 67: 22 L. T., 24.)

1855. [236]

Dover Gas-light Co. v. *Dover, Mayor.* A permission to break up a Street for a specified purpose shall receive a wide construction. (7 De G. M. & G., 545: 1 Jur. (N. S.), 812: 25 L. T. (o. s.), 277.)

1874. [237]

Edgware Highway Board v. *Harrow Gas Co.* Agreement for permission to the defendants to open a road, they to make good the same or pay money—Action for breach—Defence that the agreement was invalid as authorising a nuisance—Judgment for the plaintiffs. (44 L. J., Q. B., 1: 31 L. T., 402.)

1853. [238]

Ellis v. *Sheffield Gas Consumers' Co.* Company without Parliamentary Powers—Contractor—Digging a trench in a street—Where a person is employed to do an unlawful act by which an injury is done to a third party, the employer is liable, although he himself is not the immediate author of the injury. (23 L. J., Q. B., 42: 2 E. & B., 767: 22 L. T. (o. s.), 84.)

1872. [239]

Hawkins v. *Robinson.* "Highway Act, 1835," § 72—Injury to a Highway by a Gas Company unlawfully opening the same to lay Gas Pipes—Held that the consent of the Local Board was no answer; such consent being *ultra vires.* (37 J. P., 662.)

1864. [240]

Mose v. *Hastings & St. Leonard's Gas Co.* Action for damages—A Gas Company is bound to keep up such a systematic inspection of its mains as shall enable it to detect a serious escape of gas likely to lead to an explosion—Verdict for the plaintiff. (4 F. & F., 324.)

1873. [241]

Pudsey Coal Gas Co. v. *Bradford, Mayor.* Rival Gas Companies—Demurrer for want of Equity, allowed. (42 L. J., Ch., 293: L. R., 15 Eq., 167: 28 L. T., 11: 37 J. P., 340.)

1860. [242]

Reg. v. *Longton Gas Co.* Obstruction to Highway—If a private Gas Company does not possess Parliamentary powers to break up streets, the authority of Commissioners who do possess such powers will not avail. (29 L. J., M. C., 118: 2 E. & E., 651: 8 Cox C. C., 317: 2 L. T., 14.)

1873. [243]
Worksop Gas Co., In re; Worksop L. B. H. Ex-parte. Local Gas Act—*Mandamus* to Gas Co. to erect lamps, &c., refused, as it would be necessary to lay 738 yards of otherwise unproductive main—Compulsion limited to 25 yards. (Q. B., Jan., 1873; MSS.)

Gas Lamp.

1862. [244]
Meek v. *Langdon.* A Local Board cannot fix a Gas-lamp to a private Tenement without leave. (37 L. T. Newspaper, 181.)

Gas, Quality of.

1872. [245]
Gas Light & Coke Co. v. *St. George's, Hanover Square, Vestry.* Local Acts—Quality of Gas. (42 L. J., Q. B., 51: 28 L. T., 281.)

Grieved Party.

1856. [246]
Harrop v. *Bayley.* Local Act—Right of appeal for "an aggrieved party"—A Commissioner present at a meeting and concurring in a resolution, is not an aggrieved party. (25 L. J., M. C., 107: 6 E. & B., 218.)

1858. [247]
Hollis v. *Marshall.* "Public Health Act, 1848," § 133—Local Act—A defeated candidate, being also a ratepayer, is not "a party grieved." (27 L. J., Ex., 236: 2 H. & N., 755: 30 L. T. (o. s.), 334.)

Guardians, Board of.

1873. [248]
Walker v. *Nottingham Guardians.* Guardians acting officially are entitled to Notice of Action in respect of official acts, unless it be shown that they have acted *mala fides.* (28 L. T., 308.)

Hackney Carriage.

1871. [249]
Allen v. *Tunbridge.* Unlicensed Hackney Carriage plying for hire in a Railway Station—Held that the Magistrate ought to have convicted. (Metropolis.) (40 L. J., M. C., 197: L. R., 6 C. P., 481: 24 L. T., 796: [*A.* v. *Trowbridge*] 35 J. P., 695.)

1874. [250]
Bateson v. *Oddy.* Local Act—Hackney Carriage—License duly revoked—A Carriage is a Hackney Carriage if it is offered for common use for any one who chooses to engage it, even though it actually stands in a private place—Held that there ought to have been a conviction. (43 L. J., M. C., 131: 30 L. T., 712: 38 J. P., 598.)

1859. [251]
Blackpool L. B. H. v. *Bennett.* "Public Health Act, 1848"—Local Act—A By-law need not specify the exact localities of Hackney Carriage Stands—The sea-shore between high and low water mark was held to be within the jurisdiction of the Board. (28 L. J., M. C., 203: 4 H. & N., 127: [*Reg.* v. *&c.*] 32 L. T. (o. s.), 299.)

1870. [252]
Bocking v. *Jones.* Hackney Carriages—Flag inscribed with Fares. (Metropolis.) (40 L. J., M. C., 19: L. R., 6 C. P., 29: 23 L. T., 739.)

1864. [253]
Buckle v. *Wrightson.* A Hackney Carriage license under "Towns Police Clauses Act," §§ 37 and 45, is necessary in a Local Board District, notwithstanding that a proprietor holds a Revenue license. (34 L. J., M. C., 43: 5 B. & S., 854: 11 L. T., 341: 29 J. P., 326.)

1869. [254]
Case v. *Storey.* Hackney Carriage—A Railway Station is not a "Public Street" or "Place." (Metropolis.) (38 L. J., M. C., 113: L. R., 4 Ex., 319: 20 L. T., 618: 33 J. P., 470.)

1871. [255]
Clarke v. *Stanford.* Unlicensed Hackney Carriage plying for hire in a Railway Station—Conviction affirmed. (Metropolis.) (40 L. J., M. C., 151: L. R., 6 Q. B., 357: 24 L. T., 389: 35 J. P., 662.)

1865. [256]
Cousins v. *Stockbridge.* "Towns Police Clauses Act, 1847," § 38—A Local Act provided that the Section of the above named General Act should apply also to Stage Coaches, &c., but it was held that that the proviso in the General Act defeated such application, there being no express exception. (30 J. P., 166.)

1872. [257]
Curtis v. *Embrey.* "Towns Police Clauses Act, 1847," §§ 45 and 3—Hackney Carriages—A Vehicle when on the premises of a Railway Company is not "plying for hire" in a "Street," a "Street" being a place over which the public have a right of passage—Conviction quashed. (42 L. J., M. C., 39: L. R., 7 Ex., 369.)

1872. [258]
Foulger v. *Steadman.* Hackney Carriage—Railway Station—Trespass—Claim of Right. (42 L. J., M. C., 3: L. R., 8 Q. B., 65: 26 L. T., 395: 37 J. P., 660.)

1856. [259]
Powles v. *Hider.* Hackney Carriage—Loss of Luggage—Liability of proprietor on the facts. (25 L. J., Q. B., 331: 6 E. & B., 207: 27 L. T. (o. s.), 77.)

1853. [260]
Rogers v. *Macnamara.* A Stage Carriage Proprietor has no right to depreciate the license of a Conductor in his employ by endorsing it with words injurious to the Conductor's character. (Metropolis.) (23 L. J., C. P., 1: 14 C. B., 27: 2 C. L. R., 569.)

1872. [261]
Skinner v. *Usher.* Hackney Carriage plying for hire on an open space which was private property—Conviction held bad. (Metropolis.) (41 L. J., M. C., 158: L. R., 7 Q. B., 423: 26 L. T., 430: 36 J. P., 693.)

Highway.

*** See also "Rates: Highway."

1874. [262]
Barton v. *Piggott.* Surveyor of Highways charging in his accounts for work done by his own horses—Held that such charges ought to have been disallowed by the Justices. (44 L. J., M. C., 5: 31 L. T., 404: 38 J. P., 742.)

1870. [263]
Brighton, &c., Turnpike Trustees v. *Preston Highway Surveyors.* Insufficiency of Funds—Contribution from Rates—Mode of Calculation to be according to the requirements of each parish and not by mileage. (39 L. J., M. C., 33: L. R., 5 Q. B., 146: 22 L. T., 92.)

1870. [264]
Bruton Turnpike Trustees v. *Wincanton Highway Board.* Insufficiency of Funds—Right to claim a Contribution from the Rates. (39 L. J., M. C., 155: L. R., 5 Q. B., 437: 22 L. T., 605.)

1862. [265]
Cooper v. *Walker.* Obstruction of Highway—Projecting Cellar-flap—If land with an obstruction on it is dedicated to the public, such dedication is subject to the risk arising from such obstruction. (31 L. J., Q. B., 212: 2 B. & S., 770: 6 L. T., 711.)

1845. [266]
Davis v. *Curling.* "Highway Act, 1835," § 109—Alleged wrongful act of Surveyor—Held that the defendant was entitled to notice of Action. (15 L. J., Q. B., 56: 8 Q. B., 286.)

1870. [267]
Greenwich B. W. v. *Maudsley.* Right of way along a Sea Wall—Dedication may be presumed so far as is not inconsistent with the purpose of the Wall. (39 L. J., Q. B., 205: L. R., 5 Q. B., 397: 23 L. T., 121: 35 J. P., 8.)

1855. [268]
Hanson v. *Epsom L. B. H.* (25 L. J., M. C., 27.) [Effect of decision set aside by subsequent legislation.]

1873. [269]
Market Harborough Turnpike Trustees v. *Kettering Highway Board.* "Highway Act, 1835"—Arrears of Interest to Mortgagees—Proposed Contribution—Held that the arrears ought not to be paid, and therefore that a contribution was not payable. (42 L. J., M. C., 137: L. R., 8 Q. B., 308: 28 L. T., 446: 37 J. P., 551.)

1873. [270]
Market Harborough Turnpike Trustees v. *Market Harborough Highway Board.* "Highway Act, 1835"—Tolls on condition of Repair—Held that a Contribution was not payable. (42 L. J., M. C., 139: L. R., 8 Q. B., 327: 28 L. T., 660: 37 J. P., 614.)

1872. [271]
North London Railway Co. v. *St. Mary's, Islington, Vestry.* Railway Bridge held to have been dedicated as a Highway, and Company liable to a Paving Rate. (Metropolis.) (27 L. T., 672: 37 J. P., 341: 21 W. R., 226.)

1867. [272]
Parsons v. *St. Matthew's, Bethnal Green, Vestry.* The Common Law liability being on the parish, an action for non-repair of a Highway will not lie against a Vestry under the "Metropolis Local Management Act, 1855." (37 L. J., C. P., 62: L. R., 3 C. P., 56: 17 L. T., 211.)

1844. [273]
Peters v. *Clarson.* "Highway Act, 1835"—Trespass does not lie against a Surveyor for entering lands and making a drain without tendering amends—Justices ascertain the damages payable. (13 L. J., M. C., 153: 7 M. & G., 548: 8 Scott., N. R., 384: 1 New Sess. Cas., 510.)

1853. [274]
Reg. v. *Aldborough.* "Public Highway" imports a road for Carriages, but it may mean simply a "Public Bridle-way." (17 J. P., 648.)

1867. [275]
Reg. v. *Burrell.* Trifling Encroachment on a Highway sanctioned verbally by the Officers of the Trustees, but not entered in the Minute Book—Held that the defendant was, under the circumstances, improperly convicted of an encroachment. (16 L. T., 572: 10 Cox C. C., 462.)

1863. [276]
Reg. v. *Dukinfield Township.* "Highway Act, 1835," § 23: "Public Health Act, 1848," §§ 69--70—Highway—Dedication—In places where a Local Board are Surveyors, the "Highway Act, 1835," is constructively superseded so far as regards the steps to be taken to secure the "adoption" of a highway. (32 L. J., M. C., 230: 4 B. & S., 158.)

1874. [277]
Reg. v. *Hervey.* "Highway Act, 1835," § 85—Certificate of Justices as to stopping up a Highway—Certificate held sufficient though not stating consent of inhabitants, the Vestry being Surveyors. (44 L. J., M. C., 1: L. R., 10 Q. B., 46: [*Harvey* v. *Bethnal Green Vestry*] 38 J. P., 743.)

1864. [278]
Reg. v. *Midgley L. B.* "Highway Act, 1835," §§ 84--9—Stopping up and diversion of a Highway—Certificate of Justices—Jurisdiction of Sessions—Justices have no power to stop up a Highway because at some future time a proposed road will be more commodious. (33 L. J., M. C., 189: 5 B. & S., 621.)

1855. [279]
Reg. v. *Petrie.* Highway—User by the public for some time is *prima facie* evidence of dedication: it is not necessary to shew by whom the dedication was made. (24 L. J., Q. B., 167: 4 E. & B., 737: 24 L. T. (o. s.), 271.)

1867. [280]
Reg. v. *Pratt.* "Highway Act, 1835," § 72—This prohibition as to riding on foot-ways applies only to such foot-ways as are by the side of a road. (37 L. J., M. C., 23: L. R., 3 Q. B., 64.)

1844. [281]
Reg. v. *Rose.* (1.) "Highway Act, 1835," § 27—"Usually rated" refers to a matter of fact as to the practice of rating in the particular parish. (13 L. J., M. C., 155: 6 Q. B., 153: 1 Dav. & M., 300: 1 New Sess. Cas., 272.)

1855. [282]
Reg. v. *Saunders.* "Highway Act, 1835," § 27—"Usually rated" applies not only to Mines actually rated previously, but also to Mines of the same description opened subsequently. (24 L. J., M. C., 57: 24 L. T. (o. s.), 235: [*Reg.* v. *Randall*] 4 E. & B., 564.)

1870. [283]
Reg. v. *Surrey JJ.* "Highway Act, 1835," § 85—Notices for stopping up a Highway—*Certiorari*—A person residing near a Highway to be affected, is to be regarded as a person aggrieved. (39 L. J., M. C., 145: L. R., 5 Q. B., 466.)

1854. [284]
Reg. v. *Worcestershire JJ.* "Highway Act, 1835," § 84—Diversion—Certificate—Appeal to Sessions. (23 L. J., M. C., 113: 3 E. & B., 477: 2 C. L. R., 1333: 22 L. T. (o. s.), 332.)

1854. [285]
Reg. v. *Worthing Roads Trustees.* Local Acts—Turnpike Road—Part of a parish formed into a Local Government District—Contribution. (23 L. J., M. C., 187: 3 E. & B., 989: 2 C. L. R., 1678: 23 L. T. (o. s.), 169.)

1863. [286]
Robbins v. *Jones.* Defective flagging and grating—Dedication to the public of a Highway with a feature which afterwards became dangerous—No action will thereafter lie against the dedicator for an injury caused thereby—The dedication must be treated as accepted by the public, subject to the inconvenience or risk, if any. (33 L. J., C. P., 1: 15 C. B. (N. S.), 221: 9 L. T., 523.)

1874. [287]
St. Mary, Islington, Vestry v. *Barrett.* Paving expenses—Insufficient evidence of dedication. (Metropolis.) (43 L. J., M. C., 85: L. R., 9 Q. B., 278: 30 L. T., 11: 38 J. P., 198.)

1857. [288]
Taff Vale Ry. Co. v. *Cardiff L. B.* Highways in Local Board Districts. (8 E. & B., 525: [*Reg.* v. *Taff, &c.*] 30 L. T. (o. s.), 133.) [But see *Digest of Statutes*, Title, "Rates."]

1860. [289]
Thomas v. *Williams.* Highway—User—Evidence of dedication. (24 J. P., 821.)

1854. [290]
Tryddyn Surveyors, In re; Harrison, Ex-parte. "Highway Act, 1835," §§ 95 and 103—Indictment for non-repair—Costs payable under § 95 are not recoverable by Distress against the Surveyor, but are to be paid out of a Rate—If needs be, a Rate must be levied. (23 L. J., M. C., 45: [*Reg.* v. *Eyton*] 3 E. & B., 390: [*Reg.* v. *Flintshire JJ.*] 22 L. T. (o. s.), 281.)

1862. [291]
Willes v. *Wallington.* "Public Health Act, 1848," § 61

—Local Acts—Question as to whether on the facts, a certain Street was or was not a "Highway." (32 L. J., C. P., 86: 13 C. B. (N. S.), 865: [*Wallington* v. *White*] 4 L. T., 290.)

"House," Definition of.

1845. [292]
Daniel v. *Coulsting*. "House"—2 Will. IV., c. 45, § 27—The word, "House," may include a building capable of being used as a dwelling house, though not so used. (14 L. J., C. P., 70: 7 M. & G., 122: 8 Scott N. R., 949.)

1867. [293]
Hole v. *Milton Commissioners*. Local Act—Rating of "House"—"House" includes curtilage, &c. (31 J. P., 804.)

1869. [294]
Marson v. *London, Chatham & Dover Railway Co.* "Lands Clauses Act, 1845," § 92—Curtilage—A strip of ground in front of a Public-House held part of the house. (37 L. J., Ch., 483: 38 L. J., Ch., 371: L. R., 6 Eq., 101, and 7 Eq., 546: 18 L. T., 317.)

1851. [295]
Reg. v. *Warwickshire JJ.* Local Act—Paving Expenses—Stables held part of a "house" and therefore chargeable. (17 L. T. (o. s.), 183: 15 J. P., 417.)

1845. [296]
Surman v. *Darley*. Local Act—"House" *prima facie* means "dwelling-house"—Theatre held not rateable. (14 L. J., M. C., 145: 14 M. & W., 181.)

Income Tax.

1871. [297]
A. G. v. *Black*. Coal dues levied under a Local Act by a Municipal Corporation held chargeable with Income Tax. (40 L. J., Ex., 89 and 194: L. R., 6 Ex., 78 and 308: 24 L. T., 370.)

Infectious Diseases.

1872. [298]
Best v. *Staff*. Liability for taking into a Lodging house a person suffering from an infectious disease whereby the plaintiff's children became diseased—Verdict for the plaintiff. (*Times*, Nov. 7, 1872.)

1815. [299]
Rex v. *Burnett*. Indictment for exposing in a Street a child suffering from Small Pox—Conviction. (4 Maule & S., 272.)

1815. [300]
Rex v. *Vantandillo*. Carrying a Child suffering from Small Pox along a Highway—Offender held indictable—Three months' imprisonment. (4 Maule & S., 73.)

Jurisdiction.

1844. [301]
Flight v. *Clarke*. Local Act—A Local Authority can only take cognizance of nuisances within its own District. (13 L. J., Ex., 309: 13 M. & W., 155.)

1858. [302]
Reg. v. *Warner*. (2.) "Nuisances Removal Act, 1855," § 22—A Local Authority has no power to assess property outside its jurisdiction, even although such property derives benefit from the sewer in respect of which a rate is contemplated. (27 L. J., M. C., 144: [*Reg.* v. *Tatham*] 8 E. & B., 915: [*Hornsey* v. *Middlesex JJ.*] 30 L. T. (o. s.), 272.)

Landlord and Tenant.

1868. [303]
Bird v. *Elwes*. Landlord and Tenant—Agreement by Landlord to pay "Rates" and "Charges"—Foul Mud in Pond—Expenses under "Nuisances Removal Act, 1855," § 19—Tenant held liable, such expenses not being a "Charge." (37 L. J., Ex., 91: L. R., 3 Ex., 225: 18 L. T., 727.)

1869. [304]
Ecclesiastical Commissioners v. *Merral*. A Tenant of corporate property holding under an agreement for a demise for years, to which the Common Seal had not been attached, is to be considered a yearly tenant. (38 L. J., Ex., 93: L. R., 4 Ex., 162: 20 L. T., 573.)

1858. [305]
Lee v. *Stevenson*. Landlord and Tenant—Right of the former to the exclusive use of a Sewer. (27 L. J., Q. B., 263: E. B. & E., 512.)

1834. [306]
Rex v. *Pedley*. Landlord and Tenant—Nuisance from Privies—Indictment—Landlord held liable. (3 L. J., M. C., 119: 1 A. & E., 822: 3 N. & M., 627.)

1868. [307]
Ryan v. *Thompson*. Distress by Landlord after notice to Tenant by a Vestry requiring the payment to them of rent due—Held that as the Tenant had not actually paid to the Vestry, he was not protected. (37 L. J., C. P., 134: L. R., 3 C. P., 144: 17 L. T., 506: 32 J. P., 135.)

1873. [308]
Sheffield Water Co. v. *Bennett*. Water Rate varying according to "Rent"—Rates paid by a landlord to be deducted in calculating the Water Rate. (42 L. J., Ex., 121: L. R., 8 Ex., 196: 28 L. T., 509.)

1854. [309]
Smith v. *Humble*. Illustrates the principle on which a tax chargeable on an owner is to be deducted from rent paid to him—Held that though the land was improved in value, no more than the Sewers Rate on the original rent was to be deducted. (15 C. B., 321: 18 J. P., 760.)

1857. [310]
St. Pancras Vestry v. *Batterbury*. Paving Expenses which are to be deducted from rent—Held that no action lies against an owner—Where a remedy is prescribed by a Statute, it alone must be resorted to. (Metropolis.) (26 L. J., C. P., 243: 2 C. B. (N. S.), 477: 29 L. T. (o. s.), 198.)

1857. [311]
Sweet v. *Seager*. Landlord and Tenant—Sewers Rates—Construction of a covenant to pay Rates—Tenant held liable. (Metropolis.) (2 C. B. (N. S.), 119: 29 L. T. (o. s.), 109: 3 Jur. (N. S.), 588.)

1868. [312]
Thompson v. *Lapworth*. Landlord and Tenant—Covenant by tenant to pay taxes, &c.—Tenant held entitled to recover from his landlord money paid to a Vestry for paving a street. (Metrop.) (37 L. J., C. P., 74: L. R., 3 C. P., 149: 17 L. T., 507.)

1867. [313]
Tidswell v. *Whitworth*. Local Act—Landlord and Tenant—Paving Expenses—Landlord held liable. (36 L. J., C. P., 103: L. R., 2 C. P., 326: 15 L. T., 574.)

"Lands Clauses Act, 1845."

*** See also "Arbitration" and "Compensation."

1863 [314]
Bourne v. *Liverpool Mayor*. "Lands Clauses Act, 1845"—Local Act—Street Improvement—Principle of assessing compensation for a Public-House owned by a Brewer and leased with a restrictive covenant—Special compensation held payable. (33 L. J., Q. B., 15: 8 L. T., 573.)

1870. [315]
Cranwell v. *London, Mayor*. "Lands Clauses Act, 1845," § 121—A Tenant from year to year is entitled to compensation. (Metropolis.) (39 L. J., Ex., 193: L. R., 5 Ex., 284: 22 L. T., 760.)

1867. [316]
Delany v. *Metropolitan Board of Works*. Sewerage Works—Claim for compensation—Award under the "Lands Clauses Act." (Metropolis.) (37 L. J., C. P., 59: L. R., 3 C. P., 111: 17 L. T., 262.)

1856. [317]
Ellison's Estate, In re. "Lands Clauses Act, 1845"—Costs of obtaining the payment of money out of Court. (25 L. J., Ch., 379: 8 De G., M. & G., 62: 26 L. T. (o. s.), 267.)

1869. [318]
Ferrar v. *Commissioners of Sewers of London.* Local Act—"Lands Clauses Act, 1845," § 68—Compensation—Construction of Local Act. (38 L. J., Ex., 102: L. R., 4 Ex., 227: 21 L. T., 295.)

1857. [319]
Grosvenor (Lord) v. *Hampstead Junction Railway Co.* "Lands Clauses Act, 1845," § 92—Alms-houses partly built—Compulsory purchase of whole of site—Land held to be part of a house. (26 L. J., Ch., 731: 1 De G. & J., 446: 29 L. T. (o. s.), 319.)

1874. [320]
Harvie v. *South Devon Railway Co.* "Lands Clauses Act, 1845," § 92—Held that a pair of semi-detached Villas could not be treated as one House, so as to involve purchase of both. (*Times*, Dec. 16, 1874.)

1865. [321]
Herring v. *Metropolitan Board of Works.* "Lands Clauses Act, 1845"—Damage caused by the erection of a temporary hoarding for a public purpose, *e. g.* during the construction of a sewer, is not such damage as will carry compensation. (Metropolis.) (34 L. J., M. C., 224: 19 C. B. (N.S.), 510.)

1864. [322]
Macey v. *Metropolitan Board of Works.* "Lands Clauses Act, 1845"—Compensation to Wharf-owner—Procedure. (33 L. J., Ch., 377: 10 L. T., 66.)

1874. [323]
M'Carthy v. *Metropolitan Board of Works.* "Lands Clauses Act, 1845," § 68—Private Dock injuriously affected by the formation of an embankment—Compensation held payable. (43 L. J., C. P., 385: 31 L. T., 183: 38 J. P., 820.)

1869. [324]
Metropolitan Board of Works v. *Metropolitan Railway Co.* "Lands Clauses Act, 1845"—Damage to Sewer—Right to lateral support of adjoining land—Action held not maintainable. (38 L. J., C. P., 172: L. R., 4 C. P., 192: 19 L. T., 744.)

1859. [325]
North London Railway Co. v. *Metropolitan Board of Works.* Construction of sewer through land not scheduled for purchase, held *intra vires.* (Metropolis.) (28 L. J., Ch., 909: 1 Johns., 405: 33 L. T. (o. s.), 383.)

1854. [326]
Pinchin v. *London & Blackwall Railway Co.* "Lands Clauses Act, 1845," § 92—*Quære*, Is an easement "land?" (24 L. J., Ch., 417: 5 De G. M. & G., 851: 24 L. T. (o. s.), 196.)

1874. [327]
Quinton v. *Bristol, Mayor.* "Lands Clauses Act, 1845"—Street Improvement—An Urban Sanitary Authority empowered to acquire lands, &c., compulsorily may take whatever it includes in its notice, whether required or not: the restrictions put upon a railway company do not apply. (43 L. J., Ch., 783: L. R., 17 Eq., 524: 30 L. T., 112: 38 J. P., 516.)

1848. [328]
Ramsden v. *Manchester, South Junction & Altrincham Railway Co.* "Lands Clauses Act, 1845"—Trespass—A public body must make compensation *before* entry, whether they purchase the land itself, or permanently occupy it. (1 Ex., 723: 5 Rail. Cas., 552: 10 L. T. (o. s.), 464.)

1862. [329]
Reddin v. *Metropolitan Board of Works.* "Lands Clauses Act, 1845," § 92—The sorting place of a Dust Contractor is not such "a part" of a "Manufactory" as to come within this section. (31 L. J., Ch., 660: 4 De G. F. & J., 532: 7 L. T., 6.)

1852. [330]
Reg. v. *Leeds & Bradford Railway Co.* "Lands Clauses Act, 1845," §§ 22 and 24—"Jervis's Act," § 11—Compensation under 50*l.*—Order of Justices—Limitation of time. (21 L. J., M. C., 193: 19 L. T. (o. s.), 86: [*Edmundson, In re*] 17 Q. B., 67.)

1869. [331]
Reg. v. *Metropolitan Board of Works.* (3.) "Lands Clauses Act, 1845," § 68—Premises injuriously affected—Injury to a landing place, and obstruction to the right of taking water—Held that neither injury was a case for compensation. (38 L. J., Q. B., 201: L. R., 4 Q. B., 358: 10 B. & S., 391.)

1872. [332]
Reg. v. *St. Luke's, Chelsea, Vestry.* (2.) Raising level of a Street—When a Local Act incorporates the whole of the "Lands Clauses Act, 1845," the right of compensation to parties whose lands are taken follows as a matter of course. (41 L. J., Q. B., 81: L. R., 7 Q. B., 148: 25 L. T., 914.)

1867. [333]
Rickett v. *Metropolitan Railway Co.* "Lands Clauses Act, 1845," § 68—Construction of Works—A temporary obstruction of Highway although involving loss of trade does not entitle to compensation—There must be an injury to land or to an interest in land. (36 L. J., Q. B., 205: L. R., 2 H. L., 175: 16 L. T., 542.)

1873. [334]
Souch v. *East-London Railway Co.* "Lands Clauses Act, 1845"—A *cul-de-sac* dedicated to the public is for this purpose a public street, and there need be neither notice nor compensation. (42 L. J., Ch., 477: L. R., 16 Eq., 108.)

1870. [335]
Stebbing v. *Metropolitan Board of Works.* "Lands Clauses Act, 1845"—Grave-yard—Compensation is payable on the actual value of land considered as depreciated by the purpose to which it is applied, and is not to be estimated at what would be the value of such land supposing it had been secularised. (Metropolis.) (40 L. J., Q. B., 1: L. R., 6 Q. B., 37: 23 L. T., 530.)

1858. [336]
Ware v. *Regents Canal Co.* "Lands Clauses Act, 1845"—Compensation—An occasional flooding of lands caused by the proper execution of Parliamentary powers is within § 68. (28 L. J., Ch., 153: 3 De G. & J., 212: 32 L. T. (o. s.), 136.)

1862. [337]
Wedmore v. *Bristol, Mayor.* Local Acts incorporating the "Lands Clauses Act, 1845"—Raising of Foot-way—Injunction refused, but the plaintiff to have damages awarded him. (1 New Rep., 120 and 187: 7 L. T., 459: 11 W. R., 136.)

Legal Proceedings.

(1.) GENERAL.

1874. [338]
Andrews v. *Ryde, Mayor.* "Local Government Act, 1858," § 24—Municipal Corporation acting as a Local Board—Action for work and labour as a professional witness—Held that as the action was against the Corporation *qua* Local Board, the Corporation was liable without being otherwise or more expressly described. (43 L. J., Ex., 174: L. R., 9 Ex., 302.)

1873. [339]
Bolingbroke (Lord) v. *Townsend.* If a plaintiff by inadvertence sues the Clerk of a Local Board instead of the Board, the writ may be amended. (42

L. J., C. P., 255: L. R., 8 C. P., 645: 29 L. T., 430: 38 J. P., 7.)

1862. [340]

Brine v. *Great Western Railway Co.* Negligent execution of works sanctioned by Parliament—Action held maintainable. (31 L. J., Q. B., 101: 2 B. & S., 402: 6 L. T., 50.)

1836. [341]

Cane v. *Chapman.* Annuity chargeable on Rates under a Local Act—Form of action on failure to make a quarterly payment that was due. (6 L. J., K. B., 49: 1 N. & P., 104: 5 A. & E., 647: 2 H. & W., 355.)

1862. [342]

Caswell v. *Cook.* "Markets and Fairs Clauses Act," § 13—Local Act—Construction—Costs not given against the appellant in an arguable case. (31 L. J., M. C., 185: 11 C. B. (N. S.), 637: [Costs] 12 C. B. (N. S.), 242.)

1862. [343]

Daw v. *Metropolitan Board of Works.* Right to alter numbers on houses—If two Acts contain inconsistent provisions the later is to prevail. (Metropolis.) (31 L. J., C. P., 223: 12 C. B. (N. S.), 161: 6 L. T., 353.)

1866. [344]

Derriman's Settlement, In re. Local Act—"Public Health Act, 1848"—A Local Board which has taken land compulsorily, must pay the costs of a petition for payment out of Court of the purchase money of such land where it is settled property. (W. N., 1866, p. 269.)

1852. [345]

Edwards v. *Lowndes.* Local Act—Special Trust—Statutory payment in arrear—Action by an Organist against a Local Board—Action held not maintainable, the remedy being in Equity. (22 L. J., Q. B., 104: 1 E. & B., 81: 25 L. T. (O. S.), 154.)

1853. [346]

Egginton, Ex-parte. "Municipal Corporations Act, 1835," § 60—Where an Officer refuses to account, his commitment is in the nature of a Civil process and his arrest on a Sunday illegal, but he may be detained at the instance of a third party under a *ca. sa.* subsequently issued. (23 L. J., M. C., 41: 2 E. & B., 717: 2 C. L. R., 385: 22 L. T. (O. S.), 118.)

1871. [347]

Gill v. *Bright.* Seizure of Liquors—A man's property must not be declared forfeited until he has had an opportunity of being heard. (41 L. J., M. C., 22: 25 L. T., 591.)

1865. [348]

Grindley v. *Booth.* Action for nuisance—Boiling offal—*Ex-parte* Injunction under the "Common Law Procedure Act, 1854," § 82, pending the trial. (34 L. J., Ex., 135: 3 H. & C., 669: 12 L. T., 469.)

1844. [349]

Hall v. *Swansea, Mayor.* An action lies against a Corporation aggregate to recover moneys wrongfully received by it in respect of fees payable to the holder of an office improperly abolished. (13 L. J., Q. B., 107: 5 Q. B., 526: D. & M., 475.)

1867. [350]

Harring v. *Stockton, Mayor.* Violation of a By-Law—Convicting Justices held not to be disqualified because members of the Board—Held also that the information did not require to be laid by a person appointed under seal, and by consent of the Attorney-General. (31 J. P., 420.)

1854. [351]

Harrison v. *Southampton, Mayor.* 8 & 9 Vict., c. 43, extended by 13 & 14 Vict., c. 65, [and further extended by 18 & 19 Vict., c. 70]—A Statute authorising a devise of land for a public purpose will be taken to include a bequest of money for the purchase of land—The Court will put a liberal construction on an Act which legalises the gift of property for laudable purposes. (23 L. J., Ch., 919: 2 Sm. & G., 387: 23 L. T. (O. S.), 330.)

1858. [352]

Itchen Bridge Co. v. *Southampton L. B. H.* The Common Law right of a Judge to change the venue in an action, is not taken away by the "Public Health Act, 1848," § 139. (27 L. J., Q. B., 128: 8 E. & B., 803 (n): 30 L. T. (O. S.), 151.) An action may be supported against a Local Board for a tort, notwithstanding the compensation clause of the above Act, § 144. (28 L. J., Q. B., 41: 8 E. & B., 801: 30 L. T. (O. S.), 256.)

1873. [353]

Jolliffe v. *Wallasey L. B.* Negligence—Management of a landing stage—The plaintiffs might have recovered damages if they had not omitted to give notice of action. (43 L. J., C. P., 41: L. R., 9 C. P., 62: 29 L. T., 582: 38 J. P., 40.)

1860. [354]

Mason v. *Birkenhead Improvement Commissioners.* Negligence of Servants—Commissioners held entitled to notice—An Attorney's letter not a sufficient notice. (29 L. J., Ex., 407: 6 H. & N., 72: 2 L. T., 632.)

1842. [355]

Maund v. *Monmouthshire Canal Co.* Trespass as well as trover lies against a Corporation aggregate for an act done by their agent within his authority. (11 L. J., C. P., 317: 4 M. & G., 452: 3 Rail. Cas., 159: 5 Scott N. R., 457.)

1866. [356]

Pryor v. *West Ham L. B. H.* Action for Illegal Distress—The venue in actions against Local Boards is local. (15 L. T., 250.) [But see the "Judicature Act, 1873."]

1857. [357]

Reg. v. *Fairie.* 16 & 17 Vict., c. 128, § 1—Nuisance—Smoke—Evidence of a prior summary conviction is not receivable on an indictment. (8 E. & B., 486: 8 Cox C. C., 66: 30 L. T. (O. S.), 131.)

1856. [358]

Reg. v. *Halifax L. B. H.* Damage to premises by drainage works—Compensation—A public body should be careful not to spend money recklessly. If two legal remedies are available the less expensive should be chosen. (20 J. P., 51.)

1849. [359]

Reg. v. *Sutcliff.* "Municipal Corporations Act, 1835," § 31—Local Act—Paving Rate—Non-payment is an offence cognisable by the Borough Justices if the Borough has its own Commission of the Peace. (13 Q. B., 833: [*R.* v. *Sutledge*], 13 L. T. (O. S.), 423.)

1864. [360]

Saunders v. *Slack.* Local Act—Action against the Clerk of Commissioners—Judgment and *fi. fa.*—Rule *nisi* to set aside the same discharged on the ground that the Commissioners might obtain redress otherwise. (11 L. T., 484.)

1761. [361]

Stevens v. *Evans.* When a new Statute prescribes a particular remedy no other remedy can be resorted to. (2 Burr., 1157: 1 W. Bl., 285.)

1851. [362]

Walsh v. *Southwell.* Poor Rate—Distress Warrant—A tender is bad unless it includes a sum for costs. (26 L. J., M. C., 165: [*Walsh* v. *Southworth*] 6 Ex., 150: 2 Lowndes M. & P., 91: 16 L. T. (O. S.), 391.)

1859. [363]

Ward v. *Lowndes.* "Public Health Act, 1848," § 89—Action by an Architect for work done, &c.—Claim of *Mandamus* to levy a rate—Limitation—Judgment for the plaintiff. (29 L. J., Q. B., 40: 1 E. & B., 940: 1 L. T., 268.)

1864. [364]
Wednesbury L. B. H. v. *Stephenson.* "Public Health Act, 1848," § 38: "Local Government Act, 1858," § 63—Appeal to Q. B.—Judgment for appellants—Held that though the respondent did not appear, yet he was liable to the costs of the appeal—Surveyor interested in a patent for bricks—Held that notwithstanding this, he was entitled to represent the Board which was suing for Paving expenses. (33 L. J., M. C., 111: [*Reg.* v. *Wednesbury*] 9 L. T., 731: 27 J. P., 741.)

(2.) "CERTIORARI."

1857. [365]
Reg. v. *Dickenson.* "Municipal Corporations Act, 1835," § 132—By-Law—Projection of a Shop Front—By consent of the parties, the Court may have cognizance of a special case, although *Certiorari* has been taken away. (26 L. J., M. C., 204: 7 E. & B., 831: 29 L. T. (o. s.), 180.)

1853. [366]
Reg. v. *Fielding.* "Public Health Act, 1848," §§ 135 and 137—Rate confirmed by Sessions—*Certiorari* held not allowable. (21 L. T. (o. s.), 60: 17 J. P., 343.)

1860. [367]
Reg. v. *Gosse.* "Nuisances Removal Act, 1855," §§ 7, 22, and 39—Orders are not to be made under § 7 for payment of expenses, until the means provided by § 22 are exhausted—If Justices have acted without jurisdiction, *Certiorari* may be had notwithstanding § 39. (30 L. J., M. C., 41: 3 E. & E., 277: 3 L. T., 404.)

1867. [368]
Reg. v. *Staffordshire JJ.* "Public Health Act, 1848," § 63—A conviction can only be removed by *Certiorari* where there is excess or refusal of jurisdiction—The "Railway Clauses Consolidation Act, 1845," is so incorporated with the "Towns Improvement Clauses Act, 1847," as to take away *Certiorari.* (16 L. T., 430.)

(3.) COUNTY COURT.

1849. [369]
Baddeley v. *Denton.* A Paving Rate under an Act of Parliament is, "like a Poor Rate," a mere money claim, and therefore may be recovered in a County Court. (19 L. J., Ex., 44: 4 Ex., 508: 14 L. T. (o. s.), 256.)

1853. [370]
Reg. v. *Harden.* "Nuisances Removal Act, 1848," § 3 [repealed]—Title to Land—Held that a County Court had jurisdiction notwithstanding 9 & 10 Vict., c. 95, § 58. (22 L. J., Q. B., 299: see also 23 L. J., Q. B., 127: 2 E. & B., 188: Bail Ct. Cas., 214: 21 L. T. (o. s.), 102.)

1855. [371]
Taylor v. *Crowland Gas & Coke Co.* A Corporation may be sued in a County Court, and "dwells" at the place where its business is carried on. (24 L. J., Ex., 233: 11 Ex., 1: 3 C. L. R., 865: 24 L. T. (o. s.), 118.)

(4.) "ELEGIT."

1866. [372]
Worral Water-works Co. v. *Lloyd.* Land conveyed to a Local Board for the purposes of the "Public Health Acts" held liable to be taken under an *elegit.* (L. R., 1 C. P., 719.)

(5.) EVIDENCE.

1845. [373]
Doe d. Hopley v. *Young.* Acting in an Official capacity may be proved by evidence of the person having exercised the office before or after. (15 L. J., Q. B., 9: 8 Q. B., 63.)

1836. [374]
Meeker v. *Van Kensselaer.* Parol evidence of the acts of a Board of Health in directing the abatement of Nuisances is not admissible: written minutes or orders should be produced. (15 Wendell, 397.) [American.]

1838. [375]
Merrick v. *Wakley.* "Poor Law Amendment Act, 1834," § 15—A register of attendances kept by a Medical Officer in obedience to an order of the Poor Law Commissioners is not admissible in evidence on behalf of the author as a public Official Book. (7 L. J., Q. B., 190: 8 A. & E., 170: 8 C. & P., 283.)

1846. [376]
Slater v. *Hodgson.* A Work-house is not an improper repository for documents belonging to a parish within the Union so as to make them inadmissible in evidence when produced from thence. (2 New Sess. Cas., 488: 9 Q. B., 727: 8 L. T. (o. s.), 160.)

(6.) INJUNCTION.

1866. [377]
A. G. v. *Staffordshire Copper Extracting Co.* Nuisance under the "Nuisances Removal Act, 1855"—Bill filed by a Local Board of Health—Question as to the frame of the suit. (W. N., 1866, p. 258.)

1865. [378]
Lingwood v. *Stowmarket Co.* The right to an Injunction is founded in the fact of injury, and this must, therefore, be averred. (L. R., 1 Eq., 77 13 L. T., 540.)

1834. [379]
Ripon (Earl of) v. *Hobart.* Fen Drainage—Anticipated damage to banks of river—Injunction refused on the ground that there was no antecedent certainty of a nuisance arising. (3 L. J., Ch., 145: 3 Myl. & K., 169.)

1864. [380]
Swaine v. *Great Northern Railway Co.* Nuisance—Railway Sidings used for Manure Trucks—An Injunction will not be granted against a temporary and occasional nuisance. (33 L. J., Ch., 399: 4 De G. J. & S., 211: 9 L. T., 571 and 745.)

1873. [381]
Thorpe v. *Brumfitt.* Street Obstruction—The Court will restrain a nuisance caused by several persons, though the mischief caused by any one of them would by itself be inappreciable. (L. R., 8 Ch. App., 650: 37 J. P., 742.)

(7.) JUSTICES.

1860. [382]
Embleton v. *Brown.* The Sea Shore between high and low water mark is within the jurisdiction of Justices of the adjoining County. (30 L. J., M. C., 1: 3 E. & E., 234.)

1863. [383]
Hargreaves v. *Taylor.* "Public Health Act, 1848," § 54—Nuisance—The nature and extent of the works to be done are in the discretion of a Local Board—At proceedings before Justices for the recovery of penalties, such Justices cannot review the determination of the Board. (32 L. J., M. C., 111: 3 B. & S., 613: 8 L. T., 149.)

1862. [384]
Leamington L. B. H., Ex-parte. Complaint to Justices on behalf of a Local Board by a Superintendent of Police—Justices not bound to adjudicate unless the Clerk appears either in person, or by Counsel or Attorney. (26 J. P., 84.)

1860. [385]
Luton L. B. H. v. *Davis.* "Public Health Act, 1848," §§ 86 and 107—Special District Rate—Objected on summons that it was to repay money borrowed for works not permanent—Held that the objection

was matter for appeal to the Sessions, and that the Justices were bound to issue a Distress Warrant. (29 L. J., M. C., 173: 2 E. & E., 678: 2 L. T., 172.)

1867. [386]

Mayer v. *Harding.* "Public Health Act, 1848," § 39—Non-delivery of a Rate Book is a civil and not a criminal offence, and therefore "Jervis's Act" (§ 11), does not apply. (17 L. T., 140: 32 J. P., 421.)

1860. [387]

Newman v. *Baker.* "Street"—There being no question of Law involved, the Magistrate's decision held not liable to be reviewed. (8 C. B. (N. S.), 200.)

1847. [388]

Paynter v. *The Queen.* Poor Rate—A Distress Warrant may issue against any one of a number of tenants in common. (16 L. J., M. C., 136: 10 Q. B., 908.)

1863. [389]

Reg. v. *Brodhurst.* "Public Health Act, 1848," §§ 2, 129, and 148—"Justices acting for the place" means, in the case of a County, acting and also sitting within the Petty Sessional Division in which the case arises—Justices not so acting or sitting have no jurisdiction. (32 L. J., M. C., 168: 11 W. R., 425.)

1858. [390]

Reg. v. *Cotton.* "Nuisances Removal Act," 1855," § 12—The summary jurisdiction of Justices is confined to cases where both cause and effect exist within their jurisdiction. (28 L. J., M. C., 22: 1 E. & E., 203: 32 L. T. (O. L.), 125.)

1862. [391]

Reg. v. *Jenkins.* "Nuisances Removal Act, 1855"—When a penalty is imposed under § 14 and remains unsatisfied, the Justices, before they can enforce it, must summon the defendant pursuant to § 20. (32 L. J., M. C., 1: 3 B. & S., 116: 7 L. T., 272.)

1860. [392]

Reg. v. *Newman (Gloucestershire JJ.)* Local Act—Sewers Rate—Where summary proceedings to enforce a rate are taken before Justices, and its validity is disputed, Justices cannot be called upon to state a case—Defendant should have appealed. (29 L. J., M. C., 117: 2 E. & E., 420: 1 L. T., 294.)

1866. [393]

Reg. v. *Rand.* A Justice pecuniarily interested is disqualified from acting judicially; but possibility of bias does not suffice. (35 L. J., M. C., 157: L. R., 1 Q. B., 230: 7 B. & S., 297.)

1860. [394]

Reg. v. *Tottenham L. B. H., Ex-parte Perry.* "Public Health Act, 1848," § 103—On application for a Distress Warrant the Justices are not required to draw up any formal order. (1 L. T., 413.)

1866. [395]

Reg. v. *Pollard.* (1.) A defendant charged with obstructing the works of a Local Board is not necessarily entitled to have the case dismissed by Justices because he justifies the obstruction by claim of private right—Justices required to state a case. (14 L. T., 599.)

1873. [396]

Reg. v. *Pollard.* (2.) "Nuisances Removal Act, 1855"—Proceedings for abatement of a nuisance—Complaint dismissed—Case to be stated by the Justices. (37 J. P., 309.)

1833. [397]

Rex v. *Cheshire JJ.* When Justices have signed and sealed an order they cannot afterwards amend it. (5 B. & Ad., 439: 2 N. & M., 827.)

1865. [398]

Wakefield L. B. H. v. *West Riding & Grimsby Railway Co.* Summary Conviction—If a Justice is interested, the parties may waive the objection; if this is done, the proceedings will not on that account be afterwards avoided by the Superior Court. (L. R., 1 Q. B., 84: 6 B. & S., 794: 10 Cox C. C., 162: 13 L. T., 590.)

1859. [399]

Walker v. *Great Western Railway Co.* Highway Rate—When Justices dismiss, on the ground of non-liability, a summons for non-payment, an appeal under "Jervis's Act" is not a proper proceeding. (29 L. J., M. C., 107: 2 E. & E., 325.)

(8.) "MANDAMUS."

1857. [400]

Ham L. B., In re; Bassett, Ex-parte. "Nuisances Removal Act, 1855," § 14—If a Sanitary Authority does not think fit to enforce an Order of Justices obtained by its own officer, it cannot be made to do so by *Mandamus.* (26 L. J., M. C., 64: 7 E. & B., 280: [*Reg.* v. *Ham*] 28 L. T. (O. S.), 267.)

1859. [401]

Reg. v. *Burleigh* [*Burley*] *L. B.* Payment made by a Board under the protection of a *Mandamus*, which was deemed necessary because of long delay—On a further delay in asking for Costs, Costs refused. (1 L. T., 92).

1848. [402]

Reg. v. *Byrom.* When a Rate is bad on the face of it, the Court will not grant a *Mandamus* to Justices to issue a summons against a defaulter. (17 L. J., M. C., 134: 12 Q. B., 321: [*Reg.* v. *Wilkinson*] 3 New Sess. Cas., 180.)

1842. [403]

Reg. v. *Ellis.* Poor Rate—One *Mandamus* may compel Justices to issue warrants for more than one Rate. (12 L. J., M. C. 20: 2 Dowl. (N.S.), 361.)

1862. [404]

Reg. v. *St. Luke's, Chelsea, Vestry.* (1.) *Mandamus* ordering the construction of a sewer held defective. It should have shewn some particular reason why one locality was to be singled out, and that the Metropolitan Board had given its consent. (Metropolis.) (31 L. J., Q. B. 50: 1 B. & S., 903: 5 L. T., 744.)

1837. [405]

Rex v. *Nottingham Old Water-works Co.* Interference with Water rights—A *Mandamus* will only be issued when there is a specified legal right and an absence of an effectual remedy; or if there is a doubt whether there be a remedy. (6 L. J., K. B. 89: 1 Nev. & P., 480: 6 A. & E., 355: W. W. & D., 166.)

1865. [406]

Worthington v. *Hulton.* Where a judgment has been obtained against a Local Board on a contract, a *Mandamus* may be issued within 6 months of the judgment, though the action was more than 6 months after the claim accrued, if the delay is explained. (35 L. J., Q. B., 61: L. R., 1 Q. B., 63: 6 B. & S., 943: 13 L. T., 463.)

(9.) SESSIONS.

1871. [407]

Liverpool United Gas Light Co. v. *Everton Overseers.* Poor Rate—Appeal—Next practicable Sessions—Prohibition. (40 L. J., M. C., 104: L. R., 6 C. P., 414: 23 L. T., 813.)

1869. [408]

Reg. v. *Biggleswade Union.* Poor Rate—Appeal to next Quarter Sessions. (21 L. T., 494: 33 J. P., 791.)

1860. [409]

Reg. v. *Bradshaw.* Poor Rate—Occupation is a question of fact to be dealt with by Justices, but the Quarter Sessions is to decide whether the occupation is beneficial. (29 L. J., M. C., 176: [*Reg.* v. *Warwickshire JJ.*] 2 E. & E., 836: 2 L. T., 233.)

1841. [410]
Reg. v. *Cheltenham Paving Commissioners.* Local Act —Justices who were Commissioners and Rate-payers taking part at Quarter Sessions in an appeal against a Rate—Held that the Sessions were improperly constituted, and that the superior court might interfere, notwithstanding *Certiorari* had been taken away. (10 L. J., M. C., 99: 1 Q. B. 467: 1 G. & D. 167.)

1871. [411]
Reg. v. *Derbyshire JJ.* Next practicable Sessions—Discretion of Justices. (25 L. T., 161: 19 W. R., 876.)

1862. [412]
Reg. v. *Hampshire JJ.* "Nuisances Removal Act, 1855," § 40—Where an order of Quarter Sessions is removed to the Q. B. and quashed generally, a Court of Quarter Sessions cannot afterwards order the costs to be taxed. (32 L. J., M. C. 46: [*Isle of Wight Ferry Co.* v. *Ryde Commissioners*] 7 L. T., 391: 25 J. P., 454.)

1866. [413]
Reg. v. *Twopeny.* Local Act—Paving Rate improperly made—Remedy, Sessions: not the non-issue of Distress Warrants. (17 L. T., 266.)

1857. [414]
Ricardo v. *Maidenhead L. B. H.* "Public Health Act, 1848," §§ 103 and 135—Right of appeal to Quarter Sessions against an order of Justices for payment of a Rate—A prohibition will not be granted after judgment unless there has been a clear excess of jurisdiction. (27 L. J., M. C., 73: 2 H. & N., 257: 29 L. T., (o.s.) 165.)

(10.) "QUO WARRANTO."

1871. [415]
Bradley v. *Sylvester.* In the case of any Office held at the pleasure of a Board, application should be made to the Board itself to remedy an impropriety in Election, before applying for a *Quo warranto.* (25 L. T., 459.)

1846. [416]
Darley v. *The Queen.* *Quo Warranto* will lie for usurping any Office of a public nature. (12 C. & F., 520.)

1851. [417]
Haydock, Ex-parte. "Public Health Act, 1848"—Election—Allegation that votes had been improperly admitted and rejected—*Quo Warranto.* (15 J. P., 384.)

1854. [418]
Reg. v. *Coaks.* "Municipal Corporations Act, 1835" § 51—Election of Councillor—*Quo Warranto.* (23 L. J., Q. B., 133: 3 E. & B., 249: 2 C. L. R., 947: 22 L. T. (o. s.), 239.

1873. [419]
Reg. v. *Cousins.* *Quo Warranto*—Annual Office—Application delayed for 8 months—Application refused. (42 L. J., Q. B., 124: L. R. 8 Q. B., 216: 28 L. T., 116: 37 J. P., 470.)

1869. [420]
Reg. v. *Diplock.* Election of Coroner—A declaration by Returning Officer of the name of the successful candidate cannot be disturbed by *Quo Warranto.* (38 L. J., Q. B. 297: L. R., 4 Q. B., 549: 10 B. & S., 613: 21 L. T., 24.)

1865. [421]
Reg. v. *Hampton.* "Municipal Corporations Act, 1835"—*Quo Warranto* is applicable to the office of Guardian. (6 B. & S., 923: 13 L. T., 431.)

1873. [422]
Reg. v. *Jones.* (2.) Chairman of a Vestry declaring himself elected a member of a Burial Board—*Quo Warranto* is not applicable where a person has neither acted in an office nor claimed to do so. (28 L. T., 270: 37 J. P., 453.)

1867. [423]
Reg. v. *Staples.* Adoption of the "Local Government Act, 1858"—Application by an individual for a *Quo Warranto* against all the members of a newly formed Board, refused—The Att. Gen. should have intervened. (9 B. & S., 928, n.)

1851. [424]
Reg. v. *St. Martin's-in-the-Fields Guardians.* *Quo Warranto* lies in respect of the office of Clerk of Guardians — *Mandamus* not appropriate. (20 L. J., Q. B., 423: 17 Q. B., 149: 15 J. P., 371.)

(11.) TAXATION OF COSTS.

1849. [425]
Lumb v. *Simpson.* Action for injury to a watercourse —Costs of scientific experiments disallowed on Taxation. (18 L. J., Ex. 377: 4 Ex. 85: 13 L. T. (o. s.), 260.)

Liability for Accidents, &c.

*** See also "Gas Company," and "Water Company."

1845. [426]
Allen v. *Hayward.* Navigation commissioners—Failure of an earth-work—Contractor and not the commissioners held under the circumstances liable for damage caused by negligent construction. (15 L. J., Q. B. 99: 7 Q. B. 960: 4 Rail. Cas. 104.)

1854. [427]
Alston v. *Grant.* Landlord and Tenant—Bursting of a Sewer improperly constructed—Damage to goods—Verdict for the Lessee. (23 L. J., Q. B., 163: 3 E. & B., 128: 2 C. L. R., 933: 22 L. T. (o. s.), 221.)

1857. [428]
Arthy v. *Coleman.* "Public Health Act, 1848," § 140 —A contractor employed by a Local Board on a highway held liable to a third party for his negligence. (30 L. T. (o. s.), 101: 6 W. R. 34.)

1863. [429]
Blake v. *Thirst.*—Construction of sewer—Absence of fence and lights—Accident—Defendant, the contractor, held liable though a sub-contractor was the party in default. (32 L. J., Ex. 188: 2 H. & C. 20: 8 L. T. 251.)

1792. [430]
British Cast Plate Manufacturers v. *Meredith.* Paving Commissioners acting *intra vires* held not liable for consequential damage. (4 T. R., 794.)

1858. [431]
Brown v. *Sargent.* Bursting of a sewer negligently constructed whereby a Bake-house was damaged —Verdict for plaintiff. (1 F. & F., 112.)

1862. [432]
Clothier v. *Webster.* Construction of a sewer—Negligence of a Contractor—Statutory provision as to compensation. (Metropolis.) (31 L. J., C. P., 316: 12 C. B., (N. S.) 790: 6 L. T., 461.)

1866. [433]
Coe v. *Wise.* Drainage Commissioners—Negligence —Bursting of a Sluice—Commissioners liable for the default of their servants. (37 L. J., Q. B., 262: L. R., 1 Q. B., 711: 7 B. & S., 831: 14 L. T., 891.)

1869. [434]
Cracknell v. *Thetford, Mayor.* Local Navigation Act—Duty to dredge—Liability for injury from the overflowing of a River—Corporation not being the owners of the soil of the River, held not liable. (38 L. J., C. P., 353: L. R., 4 C. P., 629.)

1871. [435]
Foreman v. *Canterbury, Mayor.* "Public Health Act, 1848," § 117—Highway—Obstruction by stones—A Local Board is liable for an injury caused by its servants negligently leaving a heap

of stones on a highway. (40 L. J., Q. B., 138: L. R., 6 Q. B., 214: 24 L. T., 385.)

1870. [436]

Gibson v. *Preston, Mayor.* "Public Health Act, 1848," § 68—A Local Board is not liable to an action for injuries received owing to the non-repair of a highway. (39 L. J., Q. B., 131: L. R., 5 Q. B., 218: 10 B. & S., 942: 22 L. T., 293.)

1865. [437]

Gordon v. *St. James's, Westminster, Vestry.* Leakage of water from a drain into a cellar—Conflicting evidence of negligence—Judgment for the defendants. (13 L. T., 511.)

1864. [438]

Gray v. *Pullen.* Construction of Drain—A person is liable for an injury arising through negligent performance of a Statutory obligation, whether performed by himself or by a contractor employed by him. (Metropolis.) (34 L. J., Q. B., 265: 5 B. & S., 970: 11 L. T., 560.)

1824. [439]

Hall v. *Smith.* Local Act—Commissioners acting gratuitously held not individually liable for injury caused by the negligence of their workmen. (2 L. J., C. P. (o. s.), 113: 9 Moo. 226: 2 Bing. 156.)

1874. [440]

Hammond v. *St. Pancras Vestry.* Overflow of a sewer vested in defendants—Damage to property—Held that a public body is not liable for omissions to fulfil its duty unless negligence can be shewn. When a statute imposes a duty on a public body in terms by no means clear, such duty is not absolute, but reasonable care is implied. (43 L. J., C. P., 157: L. R., 9 C. P., 316: 30 L. T., 296.)

1863. [441]

Hartnell v. *Ryde Commissioners.* "Towns Improvement Clauses Act," §§ 47 and 49—Non-repair of a Highway—Commissioners held liable to an action at the suit of a person who had suffered damage. (33 L. J., Q. B., 39: 4 B. & S., 361: 8 L. T., 574.)

1861. [442]

Holliday v. *St. Leonard's, Shoreditch, Vestry.* A public body acting gratuitously is not liable for the negligence of its workmen. (30 L. J., C. P., 361: 11 C. B. (N. S.), 192: 4 L. T., 406.) [Overruled by *Mersey Docks* v. *Gibbs*—Per Blackburn, J., in *Foreman* v. *Canterbury, Mayor*].

1868. [443]

Hyams v. *Webster.* Construction of Sewer—Subsidence of soil of road—Injury to a horse—Contractor held not liable. (38 L. J., Q. B., 21: L. R., 4 Q. B., 138: 9 B. & S., 1016: [In Court below, affirmed on appeal] 16 L. T., 118: 31 J. P., 439.)

1874. [444]

Letts v. *Oldbury L. B. H.* Alleged obstruction of Highway with Heaps of Road Material—Accident to a Vehicle—Man killed—Verdict for the defendants. (38 J. P., 203.)

1860. [445]

Meek v. *Whitechapel B. W.* A Board held liable for a Sewer becoming choked, whereby it overflowed into the premises of the plaintiff. (2 F. & F., 144.) [See the observations of Brett, J., in *Hammond* v. *St. Pancras.*]

1866. [446]

Mersey Docks and Harbour Board v. *Gibbs.* A Corporation created by a Statute for certain purposes is liable for the negligent acts of its servants, though deriving no benefit from the execution of its powers. (35 L. J., Ex., 225: L. R., 1 H. L., 93: 14 L. T., 677.)

1855. [447]

Newton v. *Ellis.* "Public Health Act, 1848" § 139—Digging a Well—Injury—Negligence—A Contractor to a Local Board held entitled to notice of action. (24 L. J., Q. B., 337: 5 E. & B., 115: 25 L. T. (o. s.), 140.)

1856. [448]

Oyilvy v. *Caledonian Railway Co.* Indirect damage to property by public works—Damage common to all the Queen's subjects is not a matter for which any individual legal remedy exists. (2 Macq., H.L.C., 229.)

1852. [449]

Overton v. *Freeman.* Contract for Paving—Stones left in street by a sub-contractor—Accident—Held that the action was not rightly brought against the defendant (the head contractor). (21 L. J., C. P. 52: 11 C. B., 867: 18 L. T. (o. s.), 224.)

1867. [450]

Poulsum v. *Thirst.* Construction of Sewer—Injury to House—Contractor when sued held entitled to notice of action. (Metropolis.) (36 L. J., C. P., 225: L. R., 2 C. P., 449: 16 L. T., 324.)

1860. [451]

Rowell v. *Hartlepool B. H.* Accident at a Sewer—Man killed—*Mandamus* granted to levy a rate to provide compensation to widow. (34 L. T. Newspaper, 232.)

1858. [452]

Ruck v. *Williams.* Negligent construction of a Sewer—Damage to property—Commissioners held liable. (27 L. J., Ex., 357: 3 H. & N., 308: 31 L. T., (o. s.) 167.)

1857. [453]

Scott v. *Manchester, Mayor.* Laying of Gas Pipes—Accident—Compensation held payable, a corporation being liable for the negligence of its workmen. (26 L. J., Ex., 132 and 406: 2 H. & N., 204: 29 L. T. (o. s.), 233.)

1834. [454]

Smith v. *Birmingham & Staffordshire Gas-light Co.* A Corporation is liable for the tortious act of its agent, though not appointed by seal, if such act be an ordinary service. If the corporation adopt the act, a Jury may infer agency. (1 A. & E. 526: 3 N. & M., 771.)

1815. [455]

Sutton v. *Clarke.* Persons who execute public functions without pay, and act to the best of their judgment, and without malice, are not liable for consequential damage. (6 Taunt. 29: 1 Marsh., 429.)

1874. [456]

Taylor v. *Greenhalgh.* Highway—Negligence by a contractor in carrying out repairs—Held that no action lay against the Surveyor. (43 L. J., Q. B., 168: L. R., 9 Q. B., 487: 31 L. T., 184: 38 J. P., 599.)

1857. [457]

Ward v. *Lee.* Metropolitan Commissioners of Sewers—Contractors held not personally liable for damage done by them in executing works. (26 L. J., Q. B., 142: 7 E. & B., 426: 28 L. T. (o. s.), 355.)

1864. [458]

West Riding & Grimsby Railway Co. v. *Wakefield L. B. H.* "Railway Clauses Consolidation Act, 1845," § 58 Damage to Road by the carts of a Railway Contractor—Held that the Justices had power to make an order on the Company which employed the Contractor. (33 L. J., M. C., 174: 5 B. & S. 478.)

1874. [459]

White v. *Hindley L. B.* Street grating out of repair—Accident to a horse—Verdict for the plaintiff. (57 L. T. Newspaper, 414.)

1857. [460]

Whitehouse v. *Birmingham Canal Co.* An action for injury arising out of the ordinary user of works

constructed under an Act of Parliament must be founded on negligence. (27 L. J., Ex., 25: 30 L. T. (o. s.), 156.)

1861. [461]

Whitehouse v. *Fellows.* "General Turnpike Act, 1822," § 147—Negligent formation of a drain—Trustees held liable for consequential damage. (30 L. J., C. P., 305: 10 C. B. (N. S.), 765: 4 L. T., 177.)

1863. [462]

Young v. *Davis.* "Highway Act, 1835"—No action lies against a Surveyor for damage resulting from neglect to repair a highway. (2 H. & C., 197: 9 L. T., 145.)

Libel.

1862. [463]

Popham v. *Pickburn.* Action for Libel—A newspaper in giving an account of a Vestry Meeting at which there is read a Medical Officer's Report containing libellous matter, is not justified in reprinting such Report. (31 L. J., Ex., 133: 7 H. & N., 891: 5 L. T., 846.)

Licenses.

1872. [464]

Antony v. *Brecon Markets Co.* "Towns Improvement Clauses Act," §§ 125 and 129—Slaughter House —Local Act—Consent of Corporation—License. (Original decision reversed on appeal, 41 L. J., Ex. 201: L. R., 7 Ex., 399: 26 L. T., 979.)

1867. [465]

Brighton L. B. H. v. *Stenning.* Extent of a Slaughter House License—Alteration of Premises. (15 L. T., 567.)

1862. [466]

Howarth v. *Manchester, Mayor.* Local Act—Slaughter House License—A resolution of a committee communicated to an applicant operated as a license. (6 L. T., 683.)

1866. [467]

Reg. v. *Heyworth.* "Towns Improvement Clauses Act, 1847," § 126—A Slaughter House License applies to a place; not to a person—A person who pays the owner for leave to use an unlicensed place, cannot himself be convicted. (14 L. T., 600: 30 J. P., 423.)

Lighting.

1849. [468]

Eynsham Ratepayers, In re. "Lighting Act, 1833," § 7—Where a statute requires a definite proportion of those present to render valid an Act, there must be the specified proportion of those present voting: those who, being present, refuse to take any part cannot in such a case as this be deemed absent. (18 L. J., Q. B., 210: 12 Q. B., 398 (n.): 3 New Sess. Cas. 507.)

1860. [469]

London Gas Light Co. v. *Chelsea Vestry.*—Contract for Street Lights—Alleged breaches—Judgment for the plaintiffs. (8 C. B. (N. S.), 215: 2 L. T., 217.)

1854. [470]

Reg. v. *Deverell.* "Lighting Act, 1833," § 15—Notice of the adoption of the Act need not be affixed to the doors of Dissenting Meeting Houses, they not being "Chapels"—"Forthwith" means in a reasonable time. (23 L. J., M. C., 121: 3 E. & B., 372: [*Reg.* v. *Warblington*], 22 L. J. (o. s.), 304.)

1854. [471]

Reg. v. *Kingswinford Overseers.* "Lighting Act, 1833"—Adoption by a District Chapelry—Nullity of proceedings—Distress. (23 L. J., Q. B., 337: 3 E. & B. 689: 23 L. T. (o. s.), 91.)

1862. [472]

Reg. v. *Lambeth Vestry.* Private Bridge Act—Bridge transferred to a public Board—Lighting. (31 L. J., Q. B., 252: 3 B. & S., 1: 6 L. T., 644.)

1853. [473]

Reg. v. *Middlesex JJ.* (1.) "Lighting Act, 1833"—Neither adoption nor a Rate is invalid because made at a Vestry presided over by a Chairman who is not a ratepayer—A Lighting Rate is a "Parochial Rate," the non-payment of which disqualifies a person from voting at a meeting under the Act. (22 L. J., M. C., 106: 1 Bail Ct. Cas., 156: 21 L. T. (o. s.), 131.)

1843. [474]

Reg. v. *Whipp.* "Lighting Act, 1833," § 33—Publication of a Rate on one Church in a parish containing 3 Churches, held insufficient. (12 L. J., M. C., 64: 3 G. & D., 372: 4 Q. B., 141.)

Local Government Board, &c.

1856. [475]

Arnold v. *Gravesend, Mayor.* Consent of a Government Department—How to be expressed to be valid. (25 L. J., Ch., 776: 2 K. & J., 574: 27 L. T. (o. s.), 97.)

1867. [476]

A. G. v. *Manchester, Bishop of.* Remarks by Stuart, V. C., on the Acts of a Public Department [such as L. G. B.] (L. R., 3 Eq., 436, 455: 15 L. T., 646, 650.)

1870. [477]

Darlington Town Council v. *Secretary of State for the Home Department.* "Sanitary Act, 1866," § 49. Failure to provide sewerage—Order on default—Order quashed. (Glen 132, 7th Ed.)

1838. [478]

Frewin v. *Lewis.* Remarks by Cottenham, C., on the jurisdiction of the Courts to review the acts of a Public Department, in this case the Poor Law Board. (4 Myl. & C., 249.)

1871. [479]

Reg. v. *Cockerell.* "Sanitary Act, 1866," § 49—Default of Sewer Authority—Order of Secretary of State held valid. (40 L. J., M. C., 153: L. R., 6 Q. B., 252.)

1873. [480]

Reg. v. *Local Government Board.* Local Act—Salaried Solicitor—Right to compensation on abolition of office. (43 L. J., Q. B., 49: L. R. 9 Q. B., 148: 29 L. T., 769: 38 J. P., 165.)

1837. [481]

Reg. v. *Poor Law Commissioners.* Powers of the Commissioners [now L. G. B.]—An Order held invalid. (6 A. & E., 1: 6 L. J., K. B., 41.)

1851. [482]

Reg. v. *Robinson.* An order of the Poor Law Commissioners [now L. G. B.] may be quashed in part on *Certiorari* if the parts are sufficiently divisible. (17 Q. B., 466.)

1864. [483]

Wallington v. *Willes.* "Public Health Act, 1848," §§ 69 and 129: "Local Government Act, 1858," §§ 62, 65, and 81—Paving expenses—Appeal to the Secretary of State—The adjudication of the Secretary of State may cover both claim and interest. [*Wallingford* v. *&c.*] (33 L. J., M. C., 233: 16 C. B. (N. S.), 797: 10 L. T., 784.)

"Locomotives Act, 1861."

1873. [485]

Reg. v. *Kitchener.* "Locomotives Act, 1861"—Engine breaking down a Bridge—Neglect of owner of Engine to repair—Held that § 7 does not apply to a county bridge; owner therefore not liable. (43 L. J., M. C. 9: L. R., 2 C. C. R., 88: 29 L. T., 697.)

Market.

1869. [486]

Ashworth v. *Heyworth.* "Markets and Fairs Clauses Act, 1847," § 13—"Dwelling Place or Shop"—

Infringement of Market—Question of fact. (38 L. J., M. C., 91: L. R., 4 Q. B., 316: 10 B. & S., 309: 20 L. T., 439.)

1873. [487]

A. G. v. *Cambridge, Mayor.* Local Act—Held that under powers to "enlarge and improve" a market it might be extended to streets not actually forming parts of its original sides. (L. R., 6 H. L., 303.)

1869. [488]

Black v. *Sackett.* Local Act—Tolls duly paid by wholesale dealer—Re-sale in a street held to be an infringement of Market. (10 B. & S., 639: 33 J. P., 420.)

1858. [489]

Bourne v. *Lowndes.* "Markets and Fairs Clauses Act, 1847," § 13—Infringement of Market—Sale outside Market limits of an article chargeable, but delivery within—Conviction quashed. (31 L. T. (o. s.), 114: 22 J. P., 354.)

1862. [490]

Brecon, Mayor v. *Edwards.* Evidence of the sale by sample in a Shop near a Corn Market of Corn on a Market Day is not *per se* evidence of an infringement of the Market. (31 L. J., Ex., 368: 1 H. & C., 51: 6 L. T., 293.)

1870. [491]

Carter v. *Parkhouse.* Local Act—Market Tolls—Selling goods without paying the toll is an offence which cannot be condoned by a subsequent payment, and Justices should have convicted. (22 L. T., 788: 34 J. P., 438.)

1869. [492]

Dorchester, Mayor v. *Ensor.* Disturbance of Market—A Corporation does not forfeit its ancient right of Market merely by moving the Market to a new site in the new part of the Borough when an extension of the municipal boundaries takes place. (39 L. J., Ex., 11: L. R., 4 Ex., 335: 21 L. T., 145.)

1861. [493]

Draper v. *Sperring.* "Nuisances Removal Act, 1855," § 12—Owner of a Market held liable for a Nuisance arising from Sheep droppings. (30 L. J., M. C., 225: 10 C. B. (N. S.), 113: 4 L. T., 365.)

1858. [494]

Elias v. *Nightingale.* "Markets and Fairs Clauses Act," § 19—Local Act—Held that to slaughter cattle on private premises, unless for *sale* as human food, is no offence within the Act. (27 L. J., M. C., 151: 8 E. & B., 698: 30 L. T. (o. s.), 285.)

1861. [495]

Ellis v. *Bridgenorth Corporation.* A Corporation which owns a Market may at Common Law move the same, but if it sets up a new Market under the "Local Government Act, 1858," § 50, it must abide by the restrictions of that Act—A right of Stallage must be decided at Law before an Injunction will be granted to restrain an interference therewith, the right not being admitted. (2 Johns. & H., 67: 4 L. T., 112.)

1863. [496]

Ellis v. *Bridgenorth, Mayor.* Disturbance of Market—Removal held to be illegal having regard to the proviso in the "Local Government Act, 1858," § 50—Judgment for the plaintiff. (32 L. J., C. P., 273: 15 C. B. (N. S.), 52: 8 L. T., 668.)

1872. [497]

Fearon v. *Mitchell.* "Markets and Fairs Clauses Act, 1847," § 13—"Own dwelling-place or shop" within the limits of a Market—Setting up a business with the sanction of a Local Board confers no "right, power, or privilege," within the "Local Government Act, 1858," § 50. (41 L. J., M. C., 170: L. R., 7 Q. B., 690: 27 L. T., 33.)

1858. [498]

Fox v. *Palmer.* Local Act—"Towns Police Clauses Act, 1847," § 21—Market—Obstruction caused by exposing horses for sale in a street. (22 J. P., 449.)

1860. [499]

Llandaff & Canton District Market Co. v. *Lyndon.* Local Act—Infringement of Market—A horse is an "article." (30 L. J., M. C., 105: 8 C. B. (N. S.), 515: 2 L. T., 771.)

1873. [500]

Perkins v. *Arber.* Local Market Act—Infringement of Market by selling pigs in the yard of an Inn not belonging to the Vendor—Conviction affirmed. (37 J. P., 406.)

1865. [501]

Pope v. *Whalley.* "Markets and Fairs Clauses Act, 1847," § 13—Points to be taken into consideration in order to determine whether a place is a person's "own shop." (34 L. J., M. C., 76: 6 B. & S. 303: 11 L. T., 769.)

1861. [502]

Wiltshire v. *Baker.* "Markets and Fairs Clauses Act, 1847"—Local Act—Exemption in favour of a "Dwelling-house, or Shop attached to *any* Dwelling-house"—Held that a Vessel in a canal, moored to a wharf, was not a "Shop." (31 L. J., M. C., 10 (n.): 11 C. B. (N. S.), 237: 5 L. T., 355.)

1861. [503]

Wiltshire v. *Willett.* "Markets and Fairs Clauses Act, 1847"—Local Act—Exemption in favour of a "Dwelling-house or Shop attached to *any* Dwelling-house"—Held that a sale (even by auction) in a Shop was lawful, although the Dwelling-house to which the Shop was attached did not belong to the seller. (31 L. J., M. C., 8: 11 C. B. (N. S.), 240: 5 L. T., 355.)

1869. [504]

Wortley v. *Nottingham L. B.* Removal of part of a Market to another locality held legal—By-Law unduly restrictive held invalid. (21 L. T., 582: 33 J. P., 806.)

1862. [505]

Yarmouth, Mayor, v. *Groom.* Market—Stallage held payable on a wicker basket, which, having a lid was convertible into a sort of table—Any erection designed to facilitate the sale of goods is a "stall;" whether it be fixed or not is immaterial. (32 L. J., Ex., 74: 1 H. & C., 102: 7 L. T., 161.)

Meeting.

1860. [506]

Kerr v. *Wilkie.* Bridge Trust—Held that a notice of a meeting extended to an adjournment thereof, so that no fresh notice was necessary. (1 L. T., 501: 8 W. R., 286.)

1874. [507]

Mill v. *Hawker.* "Highway Act, 1862" § 9 (6) and § 16—Obstruction—Liability of members of a Board for Acts that are *ultra vires*—Officer obeying orders of that character—Certain members of a Highway Board, together with the Surveyor, held personally liable for a trespass. (43 L. J., Ex., 129: L. R., 9 Ex., 309: 30 L. T., 894.)

1857. [508]

Reg. v. *Christchurch Overseers.* When a statute requires an Act to be done by the "major part" of a meeting, the proceedings will not be valid unless those who abstain from voting be reckoned as present. Members who refuse to vote are not in such a case to be deemed absent. (26 L. J., M. C., 68: 7 E. & B., 409: 29 L. T., (o. s.), 328.)

1862. [509]

White v. *Steele.* The only legitimate way in which a parish can express its desire to do an act is by convening a Vestry, and duly conducting the

proceedings therein to their legal termination; viz: by show of hands, or by a poll if demanded. (31 L. J., C. P., 265: 12 C. B. (N.S.), 383: 6 L. T., 686.)

Minute Book.

1871. [510]
A. G. v. *Whitwood L. B.* A Minute Book ordered to be produced for the inspection of the Agent of a plaintiff. (40 L. J., Ch. 592: 19 W. R., 1107.)

Mortgage.

1858. [511]
De Winton v. *Brecon, Mayor.* Local Act—Power to mortgage land does not extend to surplus land when surplus land has been directed by Statute to be sold—Power to borrow on debentures—Default in payment of interest—Appointment of Receiver. (28 L. J., Ch., 598: 26 Bea., 533: 33 L. T. (o. s.), 296.)

1858. [512]
Payne v. *Brecon, Mayor.* Though a mortgage to secure money advanced to a Municipal Corporation may be void, yet a covenant therein to pay is good. (27 L. J., Ex., 495: 3 H. & N., 572: 31 L. T. (o. s.), 328.)

Notices.

1868. [513]
Amys v. *Creed.* Nuisance—Notices under "Nuisances Removal Act, 1855," § 12, and "Sanitary Act, 1866," § 21. (38 L. J., M. C., 22: L. R., 4 Q. B., 122: 33 J. P., 163.) [See *Digest of Statutes:* Title, "Nuisances."]

1864. [514]
Bayley v. *Wilkinson.* "Public Health Act, 1848," § 69—Notice for the paving of a street—Held that a notice which, though vague in itself, yet stated where particulars of the work to be done could be ascertained, was good and sufficient. (33 L. J., M. C., 161: 16 C. B. (N. S.), 161: 10 L. T., 543.)

1874. [515]
Caballero v. *Lewis.* "Public Health Act, 1848," § 76—Local Government Act, 1858," § 51—Non-compliance with an order to lay on water—An informality in the delivery of a notice held cured by an admission that the notice had reached the defendant. (38 J. P., 614.)

1869. [516]
Cocker v. *Cardwell.* "Nuisances Removal Act, 1860," § 13—There is no necessity for a notice to be given by an Inhabitant before he lays a complaint. (39 L. J., M. C., 28: L. R., 5 Q. B., 15: 10 B. & S., 797: 21 L. T., 457.)

1869. (517)
Hall v. *Potter.* "Public Health Act, 1848," § 69—A notice to an owner to pave, &c., a street which is not a highway, if valid as regards part of a property specified therein and invalid as regards the rest, may be enforced *pro tanto.* (39 L. J., M. C., 1: 21 L. T., 454.)

1843. [518]
Jones v. *Williams.* Nuisance—Trespass—An entry without notice on land to abate a nuisance is lawful, if the owner of the land is the original wrongdoer. (12 L. J., Ex., 249: 11 M. & W., 176.)

1857. [519]
Liverpool, Mayor, Ex-parte. "Nuisances Removal Act, 1855," §§ 12 and 16—Nuisance—An order to execute such works as are needed to abate a Nuisance is not of necessity an order for structural works, and therefore there is no appeal to Sessions. (27 L. J., M. C., 89: 8 E. & B., 537: 30 L. T. (o. s.), 133.)

1867. [520]
Liverpool New Cattle Market Co. v. *Hodson.* "Public Health Act, 1848," § 64—"Newly establishing" the business of Slaughtering Cattle—Conviction affirmed. (36 L. J., M. C., 30: L. R., 2 Q. B., 131: 8 B. & S., 184: 15 L. T., 534.)

1864. [521]
Mason v. *Bibby.* "Public Health Act, 1848," §§ 69 and 150—Service of a notice at the owner's place of business by reading it and delivering it to his Clerk, held good—"Place of abode" for this Statute includes "Place of business," and a Clerk is an "inmate." (33 L. J., M. C., 105: 2 H. & C., 881: 9 L. T., 692.)

1858. [522]
Parkinson v. *Blackburn, Mayor.* Local Act—A notice to repair or pave a Street must specify the required works. (33 L. T. (o. s.), 119.) [And see 1 E. & E., 71.]

1846. [523]
Rawlins v. *West Derby Overseers.* Where a certain day of the month is fixed as the latest day for the delivery of a notice, and that day happens to be a Sunday, a notice served on that day is good. (15 L. J., C. P., 70: 2 C. B., 72.)

1852. [524]
Reg. v. *Slawstone Inhabitants.* Notices served by post are to be considered as in time if they would have been in time but for default on the part of the postal authorities. (21 L. J., M. C., 145: 18 Q. B., 388: 19 L. T. (o. s.), 105.)

1848. [525]
Watson v. *Pitt.* 6 Vict., c. 18, § 17. Service of a notice by thrusting it into a house between 9h. and 10h. p.m., without any personal interview with an inmate held insufficient, the mode and time being unreasonable. (17 L. J., C. P., 143: 5 C. B., 77: 10 L. T. (o. s.), 418.)

Nuisances.

(1.) ANIMALS.

1858. [526]
Digby v. *West-Ham.* "Public Health Act, 1848," § 59—Keeping of Pigs so as to be a Nuisance—Conviction held good, the evidence shewing a nuisance. (22 J. P., 304.)

1861. [527]
Everett v. *Grapes.* A Municipal By-Law imposing a Fine for keeping Pigs within a Borough held bad. (3 L. T., 669: 25 J. P., 644.) [Virtually overruled by *Wanstead L. B.* v. *Wooster.*]

1874. [528]
Tong Street L. B. v. *Seed.* By-Law—Dung—Default as to removal—Held that the Justices ought to have convicted. (38 J. P., 757.)

1873. [529]
Wanstead L. B. v. *Wooster.* "Local Government Act, 1858," § 24—By-Laws prohibiting the keeping of pigs within 150 feet of a house, and requiring special provision to be made for the removal of dung and refuse, held reasonable. (38 J. P., 21.)

(2.) BRICK-BURNING.

1862. [530]
Bamford v. *Turnley.* Nuisance—Burning of Bricks—If nuisance be sufficiently great, an Action will lie, although carefulness be shown. (31 L. J., Q. B., 286: 3 B. & S., 62: 6 L. T., 721.)

1870. [531]
Bareham v. *Hall.* Nuisance—Burning of Bricks—Injunction granted. (22 L. T., 116.)

1862. [532]
Beardmore v. *Tredwell.* Nuisance—Burning of bricks in such a place as unnecessarily to injure the plaintiff's trees—Injunction granted. (31 L. J., Ch. 892: 3 Giff., 683: 7 L. T., 207.)

1863. [533]
Cavey v. *Lidbetter.* Nuisance—Burning of Bricks—

Allegation of convenient place no answer to an Action. (32 L. J., C. P., 104: 13 C. B. (N. S.), 470: 3 F. & F., 14.)

1861. [534]
Cleeve v. *Mahany.* Nuisance—Burning of Bricks—Whether a nuisance or not, depends on circumstances—No general rule as to distance can be laid down. (25 J. P., 819.)

1867. [535]
Evans v. *Smith.* Nuisance—Burning of Bricks—It is clearly settled that the fumes of a brick kiln are, if they reach dwelling-houses, a nuisance. (Glen, 379, 7th Ed.)

1858. [536]
Hole v. *Barlow.* (27 L. J., C. P., 207.) [Over-ruled by *Bamford* v. *Turnley.*]

1867. [537]
Luscombe v. *Steer.* Nuisance—Burning of Bricks—The nuisance must be a material injury, either to property or to personal comfort—Injunction refused. (17 L. T., 229: 15 W. R., 1191.)

1868. [538]
Roberts v. *Clarke.* Nuisance—Burning of Bricks at a distance of 240 yards—Injunction granted. (18 L. T., 49.)

1851. [539]
Walter v. *Selfe.* Nuisance—Burning of Bricks—Injunction granted. (20 L. J., Ch., 433: 4 De G. & Sm., 315: 17 L. T. (O. S.), 103.)

1863. [540]
Wanstead L. B. v. *Hill.* "Public Health Act, 1848," § 64—Brick Making is not necessarily within this section. (32 L. J., M. C., 135: 13 C. B. (N. S.), 479: 7 L. T., 744.)

(3.) NOXIOUS TRADES.

1874. [541]
A. G. v. *Francis.* Nuisance—Smoke and Vapour from Lime and Cement Works—Held that it was sufficient if substantial discomfort were proved to arise—Injunction granted. (Lords JJ., Nov. 9.)

1860. [542]
Bankart v. *Houghton.* Nuisance—Copper Smoke—A person who acquiesces in the erection of works where a noxious trade is to be carried on, does not forfeit his right to prevent such subsequent extension as will cause serious injury. (28 L. J., Ch., 473: 27 Bea., 425.)

1860. [543]
Houghton v. *Bankart.* Nuisance—Copper Smoke—Damage to farm—Principle of valuation. (3 L. T., 266 and 666: 8 W. R., 689.)

1869. [544]
Knight v. *Gardner.* Nuisance — Manufacture of Manure from night-soil — Injunction granted. (19 L. T., 673.)

1861. [545]
Pinckney v. *Evens.* Action for Nuisance—Fellmonger's trade—Verdict for the plaintiff. (4 L. T., 741.)

1851. [546]
Reg. v. *Garland.* Nuisance—Arsenic Works—Evidence of death of cattle held admissible in support of an indictment charging noisome smells. (5 Cox. C. C., 165: 15 J. P., 260.)

1805. [547]
Rex v. *Davey.* Nuisance—Coke ovens—An offensive trade to be indictable as a nuisance must be destructive to health or render dwelling-houses uncomfortable or untenantable—Defendant acquitted. (5 Espinasse, 217.)

1826. [548]
Rex v. *Cross.* Nuisance—Slaughter-house—If a person sets up a noxious trade remote from habitations and roads, and afterwards houses are built and roads made, he may continue his trade though it be a nuisance. (2 C. & P., 483.)

1826. [549]
Rex v. *Neil.* Nuisance—Varnish Factory—To support an indictment for a nuisance it is not necessary that the smells should be injurious to health: it suffices that they are offensive to the senses. (2 C. & P., 485.)

1791. [550]
Rex v. *B. Neville.* Nuisance—Grease Melting—A man setting up a noxious business in a neighbourhood where such business has long been carried on is not indictable unless the nuisance is much increased.—Defendant acquitted—(Peake 91.)

1791. [551]
Rex v. *S. Neville.* Nuisance—Grease Melting—As the noxious trade had been carried on for "near 50 years," Kenyon, C. J., directed an acquittal. (Peake 93.) [In *Weld* v. *Hornby* (7 East., 199), Lord Ellenborough laid it down that though an acquiescence of 20 years may determine private rights, "yet the public have an interest in the suppression of public nuisances though of longer standing."]

1827. [552]
Rex v. *Watts.* Nuisance—Horse Boiling—A man carrying on a long established noxious business is nevertheless indictable if the mischief is increased by alterations in the manner in which the business is carried on; but an increase of mischief due simply to an increase of business will not justify a conviction — Defendant convicted. (Moody & M., 281.)

1874. [552 *a*]
Salvin v. *North Brancepeth Coal Co.* Nuisance—Coke ovens—Nature and extent of damage necessary to sustain suit—Injunction refused. (44 L. J., Ch., 149.)

(4.) SMOKE.

1872. [553]
Barnes v. *Akroyd.* "Nuisances Removal Acts"—Black smoke from chimney—Master liable although his servant is in default. (41 L. J., M. C., 110: L. R., 7 Q. B., 474: 26 L. T., 692: 37 J. P., 116.)

1867. [554]
Cooper v. *Woolley.* "Towns Improvement Clauses Act, 1847," § 108—Local Act—To consume "as far as possible all" Smoke, means "consistently with carrying on the trade in which the furnace is employed." (36 L. J., M. C., 27: L. R., 2 Ex., 88: 15 L. T., 539.)

1867. [555]
Crump v. *Lambert.* Nuisance—Smoke without noise or noxious vapour; noise alone; and offensive odours alone, though not injurious to health, may severally constitute a Nuisance. The material question is whether the annoyance materially interferes with the ordinary comfort of human existence.—Injunction granted. (L. R., 3 Eq., 409: Affirmed on Appeal, 17 L. T., 133.)

1874. [556]
Gaskell v. *Bayley.* "Sanitary Act, 1866," § 19—Nuisance—Smoke—If the quantity of dense black smoke evolved is great, a conviction may be had—It is not necessary to prove direct injury to health. (30 L. T., 516: 38 J. P., 293.)

1870. [557]
Higgins v. *Northwich Union.* "Nuisances Removal Act, 1855," §§ 13--14: "Sanitary Act, 1866," § 19—Nuisance—Black smoke from Salt-works—Order for abatement—Disobedience thereto—Conviction affirmed. (22 L. T., 752: 34 J. P., 806.)

1874. [558]
Hutton v. *Lancashire & Yorkshire Railway Co.* Nuisance—Smoke from Locomotive Engine—31 & 32 Vict., c. 119, § 19—Prosecution by a passenger—Defendants convicted. (38 J. P., 731.)

1872. [559]
Norris v. *Barnes.* "Sanitary Act, 1866," §§ 14 and 19—Black Smoke—Manufacture of Bi-chrome—Proviso in the "Nuisances Removal Act, 1855," § 44—Held that Justices had no jurisdiction to order abatement. (41 L. J., M. C., 124: L. R., 7 Q. B., 537: 26 L. T., 622: 37 J. P., 246.)

1872. [560]
Reg. v. *Waterhouse.* "Sanitary Act, 1866," § 19, (3)—Black Smoke—19 Summonses on the same person—Held that the convictions were right. (41 L. J., M. C., 115: L. R., 7 Q. B., 545: 26 L. T., 761: 36 J. P., 471.)

1757. [561]
Rex v. *White.* Nuisance—Sulphur Works—An Indictment lies for impregnating the air near a highway with noisome and offensive stinks: it is not necessary that they should be unwholesome. (1 Burr., 333.)

1872. [562]
Savile v. *Kilner.* Nuisance—Smoke and vapour from Glass-works—Injunction granted. (26 L. T., 277.)

1865. [563]
St. Helen's Smelting Co. v. *Tipping.* Nuisance—Copper Smoke—A distinction is to be drawn between mere personal discomfort and material injury to property—Verdict for plaintiff (deft. in error). (11 H. L. C., 642: 12 L. T., 779.) [An Injunction was afterwards granted by the Court of Chancery, *Nom. Tipping* v. *St. Helen's, &c.* L. R., 1 Ch. App., 66.]

(5.) VARIOUS.

1866. [564]
A. G. v. *Bradford Canal Proprietors.* Nuisance—Appeal at law pending—Injunction granted. (35 L. J., Ch. 619: L. R., 2 Eq., 71: 14 L. T., 248: 15 L. T., 9. For the proceedings at Law see 34 L. J., Q. B., 191: 6 B. & S., 631.)

1752. [565]
Baines v. *Baker.* Proposed construction of a Small-pox Hospital near inhabited houses—A nuisance must be a nuisance at law and not a mere fear—Injunction refused. (Amb., 159: Atk., 750.)

1867. [566]
Bazendale v. *Mc. Murray.* Nuisance—Discharge into a Stream of Refuse from a Paper Mill—The onus lies on the plaintiff of proving an increase in the amount of the pollution. (L. R., 2 Ch. App., 790: 16 W. R., 32.)

1868. [567]
Brown v. *Bussell.* "Nuisances Removal Act, 1855," § 12—Nuisance caused by one person but visibly arising on the premises of another person—Order for abatement rightly made on the former. (37 L. J., M. C., 65: L. R., 3 Q. B., 251: 18 L. T., 19: 32 J. P., 196.)

1872. [568]
Great Western Railway Co. v. *Bishop.* "Nuisances Removal Act, 1855," § 8—Rain-water dripping through a Bridge—A nuisance under one of the "Sanitary Acts," means a nuisance injurious to health. (41 L. J., M. C., 120: L. R., 7 Q. B., 550: 26 L. T., 905: 37 J. P., 5.)

1868. [569]
Hendon Guardians v. *Bowles.* "Nuisances Removal Act, 1855," § 12—Joint and several liability for nuisance—Person "by whose act, default, or sufferance"—Held that an order might be made upon each party whose sewage assisted in causing the nuisance. (17 L. T., 597: 16 W. R., 510: 20 L. T., 609.)

1855. [570]
Hertford Union v. *Kimpton.* (25 L. J., M. C., 41.) [Effect of decision altered by legislation.]

1863. [571]
Smith v. *Waghorn.* Local Act—Nuisance from Stable Dung—Conviction. (27 J. P., 744.)

1865. [572]
Tomlins v. *Great Stanmore Nuisances Removal Committee.* "Nuisances Removal Act, 1855," §§ 13 and 14—An owner who does not comply with an order to abate a nuisance may be fined, although the order was directed not only to him, but also to the Nuisances Committee. (12 L. T., 118: 29 J. P., 117.)

"Occupier," definition of.

1870. [573]
Roads v. *Trumpington Churchwardens.* Poor Rate—Exclusive occupation—Land let from year to year under reservation of right of entry for inspection—Minerals—Tenant to be deemed "Occupier." (40 L. J., M. C., 35: L. R., 6 Q. B., 56: 23 L. T., 821.)

Officer.

1840. [574]
Queen (The) v. *Burrell.* Municipal Corporation—Omission of Overseer's Signature from Burgess List—Penalty for omission, although the neglect was neither wilful or corrupt. (9 L. J., Q. B., 337: [*King* v. *Burrell*] 12 A. & E., 460.)

"Owner," definition of.

*** See also Paving Expenses.

1863. [575]
Blything Union v. *Warton.* "Nuisances Removal Act, 1855," §§ 2 and 19—Order of Justices—Meaning of "Owner"—Execution of Works—Issue subsequent to the execution of the works, of a power of attorney to receive rents—Attorney not liable—No personal liability attaches to one who becomes owner after the making of the order. (32 L. J., M. C., 132: 3 B. & S., 352: 7 L. T., 672.)

1871. [576]
Bowditch v. *Wakefield L. B. H.* "Public Health Act, 1848," §§ 2 and 69—"Owner"—Paving a Street—Trustees of a School-house and Buildings held liable. (40 L. J., M. C., 214: L. R., 6 Q. B., 567: 25 L. T., 88.)

1871. [577]
Canwell v. *Hanson.* "Owner"—Fees payable to Surveyor. (Metropolis.) (41 L. J., M. C., 8: [*Caudwell, &c.*] 25 L. T., 595: L. R., 7 Q. B., 55.)

1872. [578]
Cook v. *Montague.* "Nuisances Removal Act, 1855," § 2—A Leaseholder for 21 years who sub-let, and not the Freeholder held to be "Owner," where the sub-tenant was author of the nuisance. (41 L. J., M. C., 149: L. R., 7 Q. B., 418: 26 L. T., 471: 37 J. P., 53.)

1863. [579]
Cowen v. *Phillips.* A tenant, having only an equitable interest under an agreement for a lease, held to be "adjoining owner" and privileged accordingly. (Metropolis.) (33 Bea. 18: 8 L. T., 622.)

1858. [580]
Evelyn v. *Whichcord.* Surveyor's Fees—Held that a lessee for 81 years was the "owner" liable, and not the freeholder. (27 L. J., M. C., 211: E. B. & E., 126: 31 L. T. (o. s.), 96.)

1867. [581]
Holland (Lady) v. *Kensington Vestry.* Paving new street—"Owner"—Construction. (Metropolis.) (36 L. J., M. C., 105: L. R., 2 C. P., 565: 17 L. T., 73.)

1865. [582]
Hunt v. *Harris.* Expense of repairing a dangerous party wall—Premises sub-let—Lessee for 99 years held to be an "Owner." (Metropolis.) (34 L. J., C. P., 249: 19 C. B. (N. S.), 13: 12 L. T., 421.)

1863. [583]
Peek v. *Waterloo & Seaforth L. B. H.* "Public Health Act, 1848," § 69: "Local Government Act, 1858," § 62—Service of a notice on a person who *de facto* receives the rent is service on the "owner." (33 L. J., M. C., 11: 2 H. & C., 709: 9 L. T., 338.)

1870. [584]
Tubb v. *Good.* Surveyor's Fees—By whom payable—"Owner." (Metropolis.) (39 L. J., M. C., 135: L. R., 5 Q. B., 443: 22 L. T., 885.)

Parliamentary Expenses.

1850. [585]
A. G. v. *Andrews.* Improvement Commissioners—Application of Rates to defray the expenses of a Bill in Parliament—Injunction granted. (20 L. J., Ch. 467: 2 Mac. & G., 225: 2 Hall & T., 431: 15 L. T. (o. s.), 322.)

1851. [586]
A. G. v. *Norwich, Mayor.* Payment of expenses of application to Parliament for a Bill out of Borough Fund—Injunction granted. (21 L. J., Ch. 139: 16 Simons, 225: 18 L. T. (o.s.), 58.)

1849. [587]
A. G. v. *Southampton Guardians.* Proposed payment out of the Poor Rate of the expenses of a rejected Bill in Parliament—Injunction granted. (18 L. J., Ch. 393: 17 Simons, 6: 13 L. T. (o. s.), 503.)

1872. [588]
A. G. v. *Tottenham L. B. H.* Costs of promoting a Bill in Parliament—Certain members held personally liable. (27 L. T., 440: W. N., 1872, 205.)

1870. [589]
A. G. v. *West Hartlepool Improvement Commissioners.* Local Act—Proposed payment out of the Rates, of the expenses of a Bill in Parliament to extend the district and powers of Commissioners—Injunction granted. (39 L. J., Ch. 624: L. R., 10 Eq., 152: 22 L. T., 510.)

1854. [590]
A. G. v. *Wigan, Mayor.* Payment of expenses of a partially successful opposition to a Bill in Parliament out of surplus of Borough Fund—Held not a proceeding to be restrained by an interlocutory injunction. (23 L. J., Ch. 429: Kay, 268: 5 De G. M. & G., 52: 23 L. T. (o. s.), 43.)

1858. [591]
Bailey v. *Cuckson.* Action against four members of a Local Board for services in opposing, on behalf of the Board, a Gas Bill in a case where a Rate out of which plaintiff would have been paid had been declared void—Held that the plaintiff could not recover against individual members. (32 L. T. (o. s.), 124: 7 W. R., 16.)

1847. [592]
Brighton v. *North.* Application of Trust Funds held by commissioners for maintenance of river banks towards opposing a Bill in Parliament which threatened to injure the property of the Trust. (16 L. J., Ch. 255: [*Bright* v. *North*] 2 Phillips, 216: 8 L. T. (o. s.), 154, in the Court below.)

1875. [592 *a*]
Graves, Ex-parte; Peterborough, Mayor, In re. "Borough Funds Act, 1872"—Town Meeting—Motion to oppose a Local Water Bill declared carried—Rule *nisi* granted for a *Mandamus* to Mayor to hold a Poll. (39 J. P., 70.)

1850. [593]
Reg. v. *Norfolk Commissioners of Sewers.* Cost of opposing a Bill in Parliament likely to injure the property of a Board held payable out of the Board's funds. (15 Q. B., 549: 15 L. T. (o. s.), 391.)

1871. [594]
Reg. v. *Sheffield Corporation.* "Municipal Corporations Act, 1835," § 92—Expenses incurred in Parliamentary proceedings held not chargeable to the Borough Fund. (40 L. J., Q. B., 247: L. R. 6 Q. B., 652: [*Roberts* v. *Sheffield, &c.*] 24 L. T., 659.) [But see now 35 & 36 Vict., c. 91.)

Paving Expenses.

1868. [595]
Angell v. *Paddington Vestry.* Paving new street—Church and land appurtenant not rateable. (Metropolis.) (37 L. J., M. C., 171: L. R., 3 Q. B., 714: 9 B. & S., 496.)

1871. [596]
Bermondsey Vestry v. *Ramsay.* Local Act—An unsatisfied judgment against a former owner is no bar to an action for Paving expenses against a tenant under a succeeding owner. (Metropolis.) (40 L. J., C. P., 206: L. R., 6 C. P., 247: 24 L. T., 429.)

1858. [597]
Blackburn, Mayor v. *Parkinson.* "Towns Improvement Clauses Act," §§ 149 and 210—Local Act—Paving a Street—Recovery of "damages"—Action not maintainable, but proceedings to be before Justices. (28 L. J., M. C., 7: 1 E. & E., 71: 32 L. T., 91.)

1870. [598]
Chelsea Vestry v. *Evans.* Paving expenses—Held that if the necessary formalities had been complied with, the magistrate could not consider the expediency or excessive cost of the work. (Metropolis.) (35 J. P., 23.)

1871. [599]
Cook v. *Ipswich L. B. H.* "Public Health Act, 1848," § 69: "Local Government Act, 1858," § 64—Apportionment of Paving expenses—If a Surveyor's apportionment is found to be bad, he has a right to make another one—Neither arbitrators nor Justices are entitled to enquire whether an amount alleged to have been expended by a Surveyor has actually been so expended—The remedy would be by a memorial to H. M. B. (40 L. J., M. C., 169: L. R., 6 Q. B., 45: 24 L. T., 579.)

1869. [600]
Dodd v. *St. Pancras Vestry.* Liability of Owner—Back Alley held to be a New Street. (Metropolis.) (34 J. P., 517.)

1873. [601]
Hesketh v. *Atherton L. B.* "Public Health Act, 1848," § 69—Paving expenses—In a dispute as to an apportionment the question of liability remains open, even though notice has not been given within 3 months, under the "Local Government Act, 1858," § 63, but the apportionment is conclusive as to amount. (43 L. J., M. C., 37: L. R., 9 Q. B. 4: 29 L. T., 530: 38 J. P., 149.)

1872. [602]
Higgins v. *Harding.* Paving Expenses—Strips of land abutting on a street and used only to facilitate the repair of Railway Arches, held chargeable. (Metropolis.) (42 L. J., M. C., 31: L. R., 8 Q. B., 7: 27 L. T., 483: 37 J. P., 677.)

1870. [603]
Hirst v. *Halifax L. B. H.* "Public Health Act, 1848," § 69—Local Acts—Paving expenses—Construction. (40 L. J., M. C., 169: L. R., 6 Q. B., 181.)

1859. [604]
Illingworth v. *Montgomery.* "Public Health Act, 1848," § 69—Street dedicated to the public—Long user—Owners held not liable for paving expenses. (2 L. T., 726: 24 J. P., 101.)

1870. [605]
Jarrow L. B. v. *Kennedy.* "Public Health Act, 1848," § 69—"Local Government Act, 1858," § 63—A Local Board cannot recover apportioned Paving expenses unless it can prove the service of the preliminary notice required by § 69 of the first-named Act. (L. R., 6 Q. B., 128: 19 W. R., 275.)

1868. [606]
London and North Western Railway Co. v. ***St. Pancras Vestry.*** Local Act—Paving Expenses—Owners of a Railway in a cutting contiguous to a street held liable. (17 L. T., 654.)

1868. [607]
Manchester, Mayor v. ***Chapman.*** Local Act—Owner of ground at the end of a street which was a *cul-de-sac*, held liable for Paving expenses. (37 L. J., M. C., 173: 18 L. T., 640: 32 J. P., 582.)

1854. [608]
Mills v. ***Rydon.*** Local Act—Paving Rate—District Church liable though the Wardens have no funds. (23 L. J., Ex., 305: 10 Ex., 67: 2 C. L. R., 1045: 23 L. T. (o. s.), 221.)

1875. [608 *a*]
Plumstead B. W. v. ***British Land Co.*** Paving expenses—Land set out for roads—Ownership. (W. N., 1875, p. 19.)

1873. [609]
Plumstead B. W. v. ***Ingoldby.*** Paving expenses—Apportionment—Expenses held chargeable on the land and therefore recoverable against present or future owners, as the case may be. (Metropolis.) (42 L. J., Ex., 50 and 136: L. R., 8 Ex., 174: 29 L. T., 375: 37 J. P., 759: [*Plumstead B. W.* v. *Planet Building Society*] 27 L. T., 656.)

1874. [610]
Poplar B. W. v. ***Love.*** Paving Expenses—Under this head a Board may include such incidental matters as the cost of serving notices and the cost of advertisements—"Owner." (Metropolis.) (29 L. T., 915: 38 J. P., 246.)

1871. [611]
Pound v. ***Plumstead B. W.*** Paving expenses—New street. (Metropolis.) (41 L. J., M. C., 51: L. R., 7 Q. B., 183: 25 L. T., 461: 36 J. P., 468.)

1870. [612]
Reg. v. ***Livesey.*** "Public Health Act, 1848," § 69—Held that an owner on whom a Notice to pave was served, and who had not given notice of objection, was estopped from showing that the Street was a highway repairable by the public. (22 L. T., 470: 34 J. P., 645.)

1863. [613]
Reg. v. ***Newport L. B. H.*** "Public Health Act, 1848," § 69—Railway alongside of Road—Expenses are to be apportioned according to frontage, even when there is no direct access from the road to the land charged. (32 L. J., M. C., 97: 3 B. & S., 341.)

1864. [614]
Reg. v. ***Strand B. W.*** Paving expenses borne by two parishes. (Metropolis.) (33 L. J., Q. B., 299: 4 B. & S., 551: 11 L. T., 183.)

1873. [615]
Rolls v. ***St. Mary's, Newington, Vestry.*** Notice to pave private forecourts in front of houses voluntarily set back by owner—Injunction granted on the ground that there had been no dedication to the public. (W. N., 1873, p. 168.)

1860. [616]
Stockport, Mayor v. ***Cheetham.*** Local Act—Action for Paving Expenses—Plea that the street was a common highway held, under the circumstances, bad. (1 L. T., 541: 24 J. P., 196.)

1853. [617]
Sunderland, Mayor v. ***Herring.*** "Public Health Act, 1848," §§ 68 and 69: 15 & 16 Vict., c. 42, § 13—Paving expenses—Highway repairable by the public at large—Judgment for the plaintiff. (22 L. T. (o. s.), 98: 17 J. P., 741.)

1866. [618]
Whitchurch v. ***Fulham B. W.*** Paving Expenses—Street divided into sections—Apportionment of each section on the owners thereof—Apportionment held invalid: the street should have been dealt with as a whole. (Metropolis.) 35 L. J., M. C., 145: L. R., 1 Q. B., 233: 7 B. & S., 212: 13 L. T., 631: 30 J. P., 229.)

1871. [619]
Wilson v. ***Bolton, Mayor.*** "Public Health Act, 1848," § 69—Paving Expenses—Where a Local Board apportions expenses and treats the amount as a debt, it cannot turn round and proceed as for a private improvement expense—Limitation of time. (41 L. J., M. C., 4: 25 L. T., 597: 36 J. P., 405.)

Petroleum.

1871. [620]
Beck v. ***Stringer.*** "Petroleum Act, 1868"—Sufficiency of test. (40 L. J., M. C., 174: L. R., 6 Q. B., 497: 25 L. T., 122.)

1873. [621]
Burslem L. B. v. ***Shropshire Union Railway Co.*** Storage of petroleum in illegal places and quantities. (37 J. P., 154.)

1871. [622]
Jones v. ***Cook.*** "Petroleum Act, 1868"—Keeping without a license—Conviction affirmed—All Petroleum proper is within the Act. (40 L. J., M. C., 179: L. R., 6 Q. B., 505: 24 L. T., 806.)

"Pharmacy Act, 1868."

1870. [623]
Berry v. ***Henderson.*** "Pharmacy Act, 1868," § 17—Sale of Poison to a person unknown—Conviction quashed. (39 L. J., M. C., 77: L. R., 5 Q. B., 296: 22 L. T., 331.)

Pound.

1860. [624]
Bignell v. ***Clarke.*** Distrainer bound to provide a proper pound. (5 H. & N., 485: 2 L. T., 189.)

Provisional Order.

1856. [625]
Clayton v. ***Fenwick.*** "Public Health Act, 1848"—Provisional Order—Local Act—Powers of Local Boards as to Turnpike Gates. (25 L. J., Q. B., 226: 6 E. & B., 114: 27 L. T. (o. s.), 119.)

1854. [626]
Elmer v. ***Norwich L. B. H.*** "Public Health Act, 1848"—Local Acts—Several parishes united to form a Local Government District—Effect of Provisional Order—Repair of Streets—District Rates. (23 L. J., Q. B., 203: 3 E. & B., 517: 2 C. L. R., 886.)

1865. [627]
Frewen v. ***Hastings L. B.*** "Public Health Act, 1848," § 73—"Local Government Act, 1858," § 75—A Provisional Order has no validity till confirmed by Parliament, and cannot be removed by *Certiorari* with a view to its being quashed. (34 L. J., Q. B., 159: [*Reg.* v. *&c.*] 6 B. & S., 401: 12 L. T., 346: 29 J. P., 711.)

1867. [628]
Frewen v. ***Hastings L. B. H.*** Extent of the authority conferred by a Provisional Order for the acquisition of land. (16 L. T., 553.)

1868. [629]
North Eastern Railway Co. v. ***Tynemouth, Mayor.*** "Public Health Act, 1848," § 10—A Provisional Order applying the "Public Health Act, 1848," but excepting so much of § 88 as provides that Railways, &c., shall only be assessed at one-fourth, &c., is void. (37 L. J., M. C. 183: L. R., 3 Q. B., 723: 9 B. & S., 616: 32 J. P., 822.)

Rates.

*** See also "Legal Proceedings."

(1.) APPEAL AGAINST.

1865. [630]
Austin v. *Milton-next-Sittingbourne.* Application for a *Mandamus* against Commissioners to pay the costs of a successful appeal against a Rate—Application refused, as being made too soon—The order of sessions should first have been removed into the Q.B. (29 J. P., 760. [*Austin Ex-parte*], 13 L. T., 443.)

1862. [631]
Burland v. *Kingston-upon-Hull L. B. H.* Rate erroneously made and paid—Unless redress be sought within six months none can be had. (32 L. J., Q. B., 17: 3 B. & S., 271: 7 L. T., 316.)

1857. [632]
Howell v. *London Dock Co.* Paving Rate—Docks—A Rate may be amended on Appeal if it be shown that there is an inequality of benefit of which the Rating body was not cognisant. (Metropolis.) (27 L. J., M. C., 177: 8 E. & B., 212: 29 L. T. (o. s.), 260.)

1874. [633]
Reg. v. *Great Western Railway.* Appeal against a rate—Amendment—Definition of "current rate"—The expression is to be construed literally. (38 J. P., 375.)

1854. [634]
Reg. v. *Huntley.* Poor Rate—Appeal—12 & 13 Vict., c. 45, § 18—Costs. (23 L. J., M. C., 106: 3 E. & B., 172: 2 C. L. R., 246: 22 L. T. (o. s.), 273.)

1874. [635]
Reg. v. *Lancashire JJ.* (2.) Poor Rate—Bill Posting Station—Before a party can appeal to the Sessions against a Rate, he must give notice of objection to the Rating Authority and fail to obtain relief; and this although the point be one with which the Rating Authority has no legal power to deal. (43 L. J., M. C., 116: [*Salford Overseers* v. *Salford JJ.*] 38 J. P., 361.)

1850. [636]
Reg. v. *Liverpool, Recorder of.* Local Sanitary Act—Appeal against an assessment—*Mandamus* refused, the Poor Rate being held conclusive as to the value of property. (20 L. J., M. C., 35: 15 Q. B., 1070: 16 L. T. (o. s.), 198.)

(2.) APPLICABILITY.

1853. [637]
Tait v. *Carlisle L. B. H.* "Public Health Act, 1848," § 88—The proviso as to exemptions applies only to property exempted by a Local Act in respect of its kind and not in respect of its locality. (2 E. & B., 492: 18 Jur., 374.)

1857. [638]
Worksop L. B. v. *Marris.* "Public Health Act, 1848"—General District Rate to defray costs of a Chancery suit, of resisting a *Quo Warranto*, and of opposing a Gas Bill—Held that the Rate was only applicable to the first-named purpose and was therefore bad. (28 L. T. (o. s.), 266: 21 J. P., 581.) [See now 35 & 36 Vict., c. 91.)

(3.) COMPOSITIONS, ALLOWANCES, AND EXEMPTIONS.

1873. [639]
Bell v. *Crane.* Poor Rate—32 & 33 Vict., c. 40—A Rating Authority is not bound to exempt a Sunday or Ragged School. (42 L. J., M. C., 122: L. R., 8 Q. B., 481: 29 L. T., 207: 37 J. P., 711.)

1856. [640]
Coates v. *Kingston-upon-Hull L. B. H.* Local Acts—Exemptions from Rates—Formation of a Local Government District. (2 Jur. (N. S.), 1086: 20 J. P., 457.)

1858. [641]
Luscombe v. *Plymouth L. B. H.* Local Act—The exemption in the "Public Health Act, 1848," § 88, [repealed] applies only where the local exemption is in respect of kind of property, and not where it is only in respect of locality. (27 L. J., M. C., 299: E. B. & E., 691: 31 L. T. (o. s.), 314.)

1848. [642]
Mashiter v. *Dunn.* Remission of a Rate on account of poverty is not equivalent to the receipt of parochial relief. (18 L. J., C. P., 13: 6 C. B., 30: 12 L. T. (o. s.), 197: [*Mashiter* v. *Lancaster Town Clerk*] 2 Lutw. Reg. Cas., 112.)

1865. [643]
Reg. v. *Bilston Overseers* (1). Poor Rate—Rateable value—Deductions in respect of sum payable for Water held improper, such not being a Tenant's Rate or a payment necessary to command rent. (35 L. J., M. C., 73: L. R., 1 Q. B., 18: 6 B. & S., 908: 13 L. T., 327: 30 J. P., 166.)

1865. [644]
Reg. v. *Bilston Overseers* (2). Poor Rate—Small tenements—A landlord who compounds is entitled to deduction as if he were the tenant. (35 L. J., M. C., 97: [*Reg.* v. *Dodd.*] L. R., 1 Q. B., 16: 6 B. & S., 203: [*Dodd* v. *Bilston.*] 13 L. T., 589.)

1856. [645]
Reg. v. *Warner.* (1.) "Nuisances Removal Act, 1855," § 22—Composition for Rate—Distress Warrant ordered to issue. (6 E. & B., 395: [*Reg.* v. *Middlesex JJ.*] 27 L. T. (o. s.), 152.)

1859. [646]
Rook v. *Liverpool, Mayor.* Local Water Act—Composition for Rates—"Annual Value"—Deductions claimed but not allowed. (7 C. B. (N. S.), 240.)

(4.) DEFICIENCY.

1867. [647]
London, Mayor v. *St. Andrews, Holborn, Churchwardens.* "Lands Clauses Act, 1845," § 133—The promoters of an undertaking, though they are to make good a deficiency in the Poor Rates until their Works are completed, are not to be rated. (36 L. J., C. P., 292: L. R., 2 C. P., 574: 16 L. T., 665.)

1871. [648]
Reg. v. *Metropolitan District Railway Co.* (40 L. J., M. C., 113.) [Over-ruled by *Whitechurch* v. *East London Railway Co.*]

1874. [649]
Stratton v. *Metropolitan Board of Works.* Local Act—Street improvements—"Lands Clauses Act, 1845," § 133—Deficiency of Rates—Held that the Board stood in the place of the owners of demolished houses, and, till the completion of their works, must pay what the Parish lost by the demolition of the houses—Liability not extinguished by delay of Parish Authorities in demanding the money. (L. R., 10 C. P., 76: 31 L. T., 689.)

1869. [650]
Wheeler v. *Metropolitan Board of Works.* "Lands Clauses Act, 1845," § 133—A Public Board are "promoters," and as such are liable to make up a deficiency in a Poor Rate, pending the completion of their works. (38 L. J., Ex., 165: L. R., 4 Ex., 303: 20 L. T., 984.)

1874. [651]
Whitechurch v. *East London Railway Co.* Poor Rate—A Statutory liability to make good a deficiency in the rates ceases when a railway is finished so far as regards a particular parish, and does not continue so long as any one of the railways mentioned in the Special Act remains unfinished. (43 L. J., M. C., 159: L. R., 7 H. L., 81: 30 L. T., 412: 38 J. P., 484.)

(5.) FORMALITIES IN LEVYING.

1862. [652]
Bavin v. *Hutchinson.* A Poor Rate is payable as entered in the Rate Book, even if erroneous—A remedy should have been sought by appeal. (31 L. J., M. C., 229: 6 L. T., 504.)

1867. [653]
Bowling v. *Bailey.* "Public Health Act, 1848," § 29—Local Act—General District Rate—Alleged informalities. (31 J. P., 358.)

1859. [654]
Burnley v. *Methley Overseers.* A Poor Rate is sufficiently published if the notice is affixed to a Church door before the commencement of evening service. (28 L. J., M. C., 152: 1 E. & E., 789: 33 L. T. (o. s.), 132.)

1855. [655]
Dorling v. *Epsom L. B. H.* "Public Health Act, 1848," § 89—Division of District for Rating discretionary—All persons liable whether their property receives benefit or not. (24 L. J., M. C., 152: 5 E. & B., 471: [*Reg.* v. *Dorling*] 3 C. L. R., 945.)

1856. [656]
Eastern Counties Railway and Moulton Overseers, In re. Poor rate—Want of heading—A Rate is void if it does not show upon its face its purpose and its authority. (25 L. J., M. C., 49: [*Reg.* v. *Eastern Counties Railway Co.*] 5 E. & B., 974.)

1695. [657]
East India Co. v. *Skinner.* Poor Rate—Money may be distrained as well as Goods. (1 Bott. P. L., 285, 6th Ed.)

1861. [658]
Great Western Railway Co. v. *Denchworth Highway Surveyors.* Highway Rate—Property omitted from assessment through long neglect—Held that the exemption ought not to be continued. (25 J. P., 342.)

1871. [659]
Judge v. *Selmes.* "Highway Act, 1835," § 109—Recovery of money paid in respect of a bad Rate—Action held not maintainable without notice. (40 L. J., Q. B., 287: L. R., 6 Q. B., 724: 24 L. T., 905.)

1858. [660]
Kingston-upon-Thames Overseers, Ex-parte. Any person who has paid a Rate which is afterwards quashed, may claim credit for the amount off a subsequent Rate, even though it be not the very next one. (22 Jur., 760: [*Reg.* v. *Kingston JJ.*] 22 J. P., 36.)

1857. [661]
Le Feuvre v. *Miller.* "Public Health Act, 1848," § 103—Rates are not void by reason of their not having been published. (26 L. J., M. C., 175: 8 E. & B., 321: 29 L. T. (o. s.), 344.)

1862. [662]
Liverpool Corporation In re; Brown Ex-parte. Local Library Act—Rate limited in amount—Distress Warrant against the Overseers refused—Held that the Justices were right—A "penny" rate means a penny rate on the nominal rateable property, although part of it is unproductive—A deficiency thus arising cannot be supplied out of the productive part. (31 L. J., M. C., 108: [*Reg.* v. *Liverpool JJ.*] 6 L. T., 241.]

1869. [663]
Malden Overseers v. *The Queen.* Poor Rate—Houses newly erected though not yet occupied ought to be inserted in a Valuation List. (38 L. J., M. C., 125: L. R., 4 Q. B., 326: [*Reg.* v. *Malden Overseers*] 10 B. & S., 323.)

1860. [664]
Morton v. *Brammer.* Poor Rate—Where a Rate works out to a fraction of a farthing, a Ratepayer is not bound to pay more than to the nearest coin below the amount. (29 L. J., M. C., 218: 8 C. B. (N. S.), 791: 2 L. T., 600.)

1868. [665]
North-Eastern Railway Co. v. *Scarborough L. B.* "Local Government Act, 1858," § 56—This section, permitting a special valuation where the Poor Rate is deemed an unfit criterion, is not affected by § 103 of the "Union Assessment Act, 1862." (38 L. J., M. C., 65: L. R., 4 Q. B., 163: 9 B. & S., 1009.)

1847. [666]
Ormerod v. *Chadwick.* Poor Rate—Publication under 1 Vict., c. 45—Ancient Chapel—Substituted Church—Distress—Misrecital as to date, immaterial. (16 L. J., M. C., 143: 16 M. & W., 367: 2 New Sess. Cas., 697: 8 L. T. (o. s.), 343.)

1847. [667]
Reg. v. *Best.* Concurrent Rates are invalid if made for identical periods, but a second rate may be made although a prior rate has not yet been wholly collected. (16 L. J., M. C., 102: 5 Dowl. & L., 40: 2 New Sess. Cas., 655.)

1839. [668]
Reg. v. *Fordham Inhabitants.* Poor Rate—A rate made for the same period as a former subsisting Rate is invalid. (11 A. & E., 73: 3 P. & D., 95.)

1869. [669]
Reg. v. *Great Western Railway Co.* (2.) Poor Rate—Valuation List—Appeals against successive rates must be preceded by notice of objection in the case of each separate rate, though the same Valuation List is used. (38 L. J., M. C., 89: L. R., 4 Q. B., 323: 6 B. & S., 418: 20 L. T., 481.)

1858. [670]
Reg. v. *Kingston-upon-Thames JJ.* Poor Rate—A Rate not appealed against must be enforced—Justices cannot enquire into its validity. (27 L. J., M. C., 199: E. B. & E., 256: 31 L. T. (o. s.), 162.)

1869. [671]
Reg. v. *Rhymney Railway Co.* Poor Rate—Rateable value—Joint beneficial interest of two parties—Party in actual occupation rateable to full extent. (38 L. J., M. C., 75: L. R., 4 Q. B., 276: 10 B. & S., 198.)

1865. [672]
Reg. v. *Worksop L. B.* (2.) "Public Health Act, 1848," § 149—Held that a Rate that was not sealed was void—A Rate is not necessarily void because it contains retrospective as well as prospective items; but they should be sufficiently distinguished in the estimate. (34 L. J., M. C., 220: 5 B. & S., 951: 28 J. P., 596: 29 J. P., 759.) [The report in 10 L. T., 297, is incomplete and incorrect.]

1853. [673]
Staffordshire JJ., In re. Highway rate—Two Justices having inadvertently signed a Rate Book in the middle thereof instead of at the end, held that there was no allowance of the latter part of the Rate, and that assessments in such part could not be enforced. (23 L. J., M. C., 17: [*Shelton Surveyors, Ex-parte*] 22 L. T. (o. s.), 136.)

1875. [673 *a*]
Walton Commissioners v. *Walford.* "Public Health Act, 1872," § 43. "Limit" of Rating—Held that the section did not apply to lands altogether exempt under Local Acts. (W. N., 1875, p. 12.)

(6.) HIGHWAY.

1865. [674]
Broughton L. B. H., In re. Highway Rate levied in part of a district when no public works of paving, &c., had been established ("Local Government Act, 1858," § 37, sub. 3) in the whole district—Rate quashed. (12 L. T., 310: 29 J. P., 324.)

1842. [675]
Higgins v. *Green.* Highway Rate—Local Act—Construction. (12 L. J., M. C., 27: 10 M. & W., 703.)

1856. [676]
Moseley v. *Ely L. B. H.* "Public Health Act, 1848," § 87.—District containing several parishes—Highway Rate for each ancient division held illegal—Highway expenses should have been charged to the General District Rate. (26 L. J., M. C., 23: 6 E. & B., 518: 27 L. T. (o. s.), 182.)

1866. [677]
Reg. v. *Heath.* "Highway Act, 1862"—Prior exemptions from Highway Rates continue in force. (35 L. J., M. C., 113: L. R., 1 Q. B., 218: 7 B. & S., 285: 13 L. T., 669.)

1871. [678]
Reg. v. *Nield.* "Local Government Act, 1858," § 37—Highway Rate for District and excluded part of the Township—Rate held good. (W. N., 1871, p. 121.)

1849. [679]
Reg. v. *Oxfordshire JJ.* A Highway Rate if not appealed against is payable notwithstanding that the land is in fact not liable to be rated. (18 L. J., M. C., 222: [*Blechingdon Surveyors* v. *Dand*] 3 New Sess. Cas., 640; 6 Dowl. & L. 288.)

1852. [680]
Reg. v. *Slater.* Highway Rate—Construction of a Private Act and 10 & 11 Vict., c. 34. (21 L. J., M. C., 185: [*Slater* v. *Ashton-under-Lyne*] 18 Q.B., 398.)

1847. [681]
Richardson v. *Tubbs.* Local Act—Part of a Parish exempt from a Paving Rate—Highway Rate levied over the whole Parish—Construction of Statute. (16 L. J., C. P., 171: 4 C. B., 304: 9 L. T. (o. s.), 102.)

(7.) LEGAL POINTS.

1845. [682]
Charinton v. *Johnson.* Highway Rate—Refusal to exhibit authority to demand balance of Distress—Demand held insufficient. (14 L. J., Ex. 299: 13 M. & W., 856.)

1758. [683]
Hutchins v. *Chambers.* Poor Rate—Beasts of the plough held distrainable. (1 Burr., 579.)

1834. [684]
Rex v. *Trecothick.* Local Act—Refusal to pay a Rate—No appeal by Ratepayer—*Per* Denman, C. J.: "If the magistrates were to abstain from issuing their warrant on the ground that they considered the assessment improper, they would become a court of appeal from the Quarter Sessions"—*Mandamus* granted. (2 A. & E., 408.)

(8.) VARIOUS MATTERS.

1856. [685]
Crumpsall L. B., Ex-parte. "Public Health Act, 1848," § 86—Special District Rate—How payable. (20 J. P., 771 : *Nom. Grumpsall.)*

1865. [686]
Pew v. *Metropolitan Board of Works.* Sewers Rate—Group of Parishes—Principle of Assessment, (Metropolis.) (34 L. J., M. C., 97: 6 B. & S., 235: 12 L. T., 140.)

1868. [687]
Turner v. *Halifax, Mayor.* "Public Health Act, 1848," § 10—Several Local Acts—Rating Powers. (9 B. & S., 623, n.)

Rating of Property.

*** Most of the following cases, unless otherwise specified, relate to Poor Rates, but they are cited here because the principles laid down are generally applicable to Rates under the "Sanitary Acts."

(1.) ASYLUMS.

1864. [688]
Congreve v. *Upton Overseers.* "Lunatic Asylums Act, 1853," § 35—Resident Chaplain held rateable at the full amount, because voluntarily resident; Medical Superintendent at reduced amount, because compulsorily resident. (33 L. J., M. C., 83: 4 B. & S., 857: 9 L. T., 684.)

1865. [689]
Reg. v. *Fulbourn Overseers.* "Lunatic Asylums Act, 1853," § 35—Asylum held rateable on the lower scale though not exclusively occupied by local pauper lunatics. (34 L. J., M. C., 106: 6 B. & S., 451: [*Cambridge Asyl.* v. *Fulbourn*] 12 L. T., 344.)

(2.) CANALS.

1868. [690]
Birmingham Canal Co. v. *Birmingham Overseers.* Canal with wharves, &c.—Principle of Assessment. (19 L. T., 311: 33 J. P., 180.)

1870. [691]
Grand Junction Canal Co. v. *Hemel Hempstead Churchwardens.* Canal—Principle of Assessment of land. (40 L. J., M. C., 25: L. R., 6 Q. B., 173: 24 L. T., 228.)

1860. [692]
Reg. v. *Glamorganshire Canal Co.* Principle of Rating a Canal. (29 L. J., M. C., 238: 3 E. & E., 186: 2 L. T., 604.)

1868. [693]
Reg. v. *Lapley Overseers.* Canal leased to a Railway Company on a guarantee of payments to make up deficiencies in the earnings—Held that such payments were not to be included in estimating the rateable value. (9 B. & S., 568.)

1871. [694]
Reg. v. *Neath Canal Co.* "Lighting Act, 1833," § 33—Canal, Towing Path, and Dry Dock held to be "land," and therefore rateable at the lower amount. (40 L. J., M. C., 193: L. R. 6 Q. B., 707: [*Neath Canal* v. *Neath*] 24 L. T., 871.)

1872. [695]
Warwick and Birmingham Canal Co. v. *Birmingham Union.* Principle of Assessment. (27 L. T., 487: 37 J. P., 150.)

(3.) CEMETERIES.

1873. [696]
Reg. v. *Abney Park Cemetery Co.* Plots of land sold—Purchase money treated as part of the annual value—Held (1) that the Company was rightly rated for the whole Cemetery; and (2) that the purchase money was rightly dealt with. (42 L. J., M. C., 124: L. R., 8 Q. B., 515: 29 L. T., 174: 37 J. P., 822.)

1840. [697]
Reg. v. *Kensington Inhabitants.* Cemetery Company held rateable for the whole of a Cemetery though portions had been sold—Purchase money to be included in the rateable value. (10 L. J., M. C., 25: 12 A. & E., 824: 4 P. & D., 327.)

(4.) DOCKS AND MARINE PROPERTY.

1874. [698]
Allan v. *Liverpool Overseers.* Dock Sheds, &c.—Held that the tenant had not such exclusive possession as to justify his being rated. (43 L. J., M. C., 69: L. R., 9 Q. B., 180: 30 L. T., 93: 38 J. P., 260.)

1872. [699]
Cory v. *Greenwich Churchwardens.* A floating Derrick at anchor held exempt. (41 L. J., M. C., 142: L. R., 7 C. P., 499: 27 L. T., 150.)

1858. [699 *a*]
Forrest v. *Greenwich Churchwardens.* Floating Pier, made fast by anchors, &c., held rateable, there being both a permanent and a profitable occupation of land. (8 E. & B., 890: [*Reg.* v. *Forrest*] 30 L. T. (o. s.), 284: 22 J. P., 130.)

1868. [700]
Grant v. *Oxford L. B.* General District Rate—Boat Club Barge moored to posts—Barge and posts held exempt. (38 L. J., M. C., 39: L. R., 4 Q. B., 9: 19 L. T., 378.)

1859. [701]
McCannon v. *Sinclair.* Inferences as the extent of a Parish—Pier on Piles held rateable. (28 L. J., M. C., 247: 2 E. & E., 53: 33 L. T. (o. s.), 221.)

1872. [702]
Mersey Docks and Harbour Board v. *Liverpool Overseers.* (1.) Docks in different parishes—Parochial principle of Rating approved by the Court. (41 L. J., M. C., 161: L. R., 7 Q. B., 643: 26 L. T., 868: 37 J. P., 165.)

1873. [703]
Mersey Docks and Harbour Board v. *Liverpool Overseers.* (2.) Tenant's profits—Purchased dues—Deterioration—Expenses of collection—What allowances proper. (43 L. J., M. C., 33: 9 L. R., Q. B., 84: 29 L. T., 454: 38 J. P., 21.)

1870. [704]
New Shoreham Harbour Commissioners v. *Lancing Churchwardens.* A right of passage and certain Harbour Piers held exempt. (39 L. J., M. C., 121: L. R., 5 Q. B., 489: 22 L. T., 434.)

1859. [705]
Peto v. *West Ham Parish.* "Lighting Act, 1833," § 33—Wet Dock held rateable at the higher amount as being *ejusdem generis* with houses and buildings. (28 L. J., M. C., 240: 2 E. & E., 144.)

1852. [706]
Reg. v. *Leith.* Local Act, similar to 43 Eliz.—Floating Pier—Platform made fast to a building on dry ground—Held that the building was rateable and that the value of the Pier was also to be taken into account. (21 L. J., M. C., 119: 1 E. & B., 121: 18 L. T. (o. s.), 221.)

1852. [707]
Reg. v. *Morrison.* A floating Dock may have no necessary connection with a ship-building yard so as to enhance the rateable value of the latter. (22 L. J., M. C., 15: 1 E. & B., 150: 20 L. T. (o. s.), 90.)

1862 [708]
Reg. v. *Newport Dock Co.* "Local Government Act, 1858," § 55—A Wet Dock being land covered with water is rateable at one-fourth; so also Railways in connection therewith, if available for the public—But Warehouses are rateable at their full value. (31 L. J., M. C., 266: 6 L. T., 456. [*Newport Dock Co.* v. *Newport*] 2 B. & S., 708.)

1862. [709]
Tyne Improvement Commissioners v. *Chirton Churchwardens.* Docks—Principle of Assessment—Deduction allowable. (32 L. J., M. C., 192: 1 E. & E., 516: [*Reg.* v. *Tyne*] 6 L. T., 489.)

1868. [710]
Watkins v. *Milton-next-Gravesend Union.* Moorings—Coal Hulk—Appellant held exempt, he not being a lessee. (37 L. J., M. C., 73: L. R., 3 Q. B., 350: 18 L. T., 601.)

(5.) FACTORIES AND MILLS, ETC.

1874. [711]
Chidley v. *West Ham Churchwardens.* Distillery—Rating of trade fixtures—Chattels slightly affixed to the Freehold held not rateable. (38 J. P., 772.)

1865. [712]
Harter v. *Salford Overseers.* An unused Mill is rateable as a warehouse in which machinery is stored. (34 L. J., M. C., 206: 6 B. & S., 591.)

1873. [713]
Mersey Docks and Harbour Board v. *Birkenhead Overseers.* Warehouses capable of separate occupation—Judgment for the respondents. (42 L. J., M. C., 141: L. R., 8 Q. B., 445: 38 J. P., 5.)

1871. [714]
Reg. v. *Brinjes.* Fixed apparatus for refining charcoal held rateable. (35 J. P., 456.)

1867. [715]
Reg. v. *Halstead Overseers.* Silk Machines slightly affixed to the floor held not rateable. (32 J. P., 118.)

1851. [716]
Reg. v. *Haslam.* Sulphuric Acid chambers not affixed to the Freehold held rateable. (17 Q. B., 220: 15 J. P., 642.)

1864. [717]
Staley v. *Castleton Overseers.* A Mill not in use is rateable only at its value as a warehouse for storing machinery. (33 L. J., M. C., 178: 5 B. & S., 505: 10 L. T., 606.)

(6.) GAS WORKS.

1872. [718]
Limerick, Mayor v. *Commissioners of Valuation.* Gas works managed at a profit by a Corporation—Though the profits were applied to reduce the Town Rate, held that the works were not occupied for a "public purpose," and therefore were not exempt from being rated. (Ir. R., 6 C. L., 420.)

1838. [719]
Reg. v. *Cambridge Gas-light Co.* Principle of assessment where more than one parish is concerned—Company not rateable in proportion to its income from each parish, but for the land occupied therein. (7 L. J., M. C., 50: 8 A. & E., 73: 3 N. & P., 262.)

1863. [720]
Reg. v. *Head and Metropolitan Board of Works.* Sewers Rate—Rating of Gas Mains—Principle of assessment—A Gas Company is not entitled to deduction in the rating of its mains, compared with house property, on the ground of want of benefit. (32 L. J., M. C., 115: 3 B. & S., 419: 7 L. T., 708.)

1866. [721]
Reg. v. *Lee Inhabitants.* Gas works—Principle of assessment—Necessary plant and mains to be included in fixing the rateable value. (35 L. J., M. C., 105: L. R., 1 Q. B., 241: 7 B. & S., 188: 13 L. T., 704: 30 J. P., 68.)

1863. [722]
Reg. v. *Sheffield United Gas-light Co.* Buildings, &c., of a Gas Company are to be valued as fixed property deriving additional value from the use to which they are applied as part of the works. (32 L. J., M. C., 169: [*Sheffield Gas Co.* v. *Sheffield*] 4 B. & S., 135: 8 L. T., 692: 27 J. P., 439.)

1865. [723]
Reg. v. *Stevens.* Gas-works erected on Crown land under special conditions, at Aldershot, held rateable. (12 L. T., 491: 29 J. P., 597.)

1823. [724]
Rex. v. *Birmingham Gas-light and Coke Co.* Held that the Company's premises were rateable at the amount for which they would let to other persons willing to carry on the same business. (1 B. & C., 506.)

1826. [725]
Rex v. *Brighton Gas-light & Coke Co.* The occupation of land with Gas pipes is a rateable occupation—Laying Gas pipes in land enhances the value of the land, which is therefore to be rated at an increased value because of the convenience it affords. (4 L. J. (o. s.), K. B., 213: 8 D. & R., 308: 5 B. & C., 466.)

1832. [726]
Rex v. *Shrewsbury Paving Trustees.* Local Act—Gas Company held rateable in respect of ground occupied by Mains and apparatus. (3 B. & Ad., 216.)

(7.) HOUSES AND LANDS.

1854. [727]
Allison v. *Monkwearmouth Churchwardens.* Rateable value—Brewery—Goodwill. (23 L. J., M. C., 177: 4 E. & B., 13: [*Reg.* v. *Allison*] 2 C. L. R., 1544.)

1855. [728]
Electric Telegraph Co. v. *Salford Overseers.* Telegraph Posts held rateable. (24 L. J., M. C., 146: 11 Ex., 181: 25 L. T. (o. s.), 166.)

1867. [729]
Fitzhardinge (Lord) v. *Pritchett.* Beech trees may be rateable as "saleable underwood"—The test is not whether a tree is "timber," but whether it is managed so as to produce a renewable profit. (36 L. J., M. C., 49: L. R., 2 Q. B., 135: 8 B. & S., 216: 15 L. T., 502.)

1866. [730]
Hilton and Walkerfield Overseers v. *Bowes Overseers.* (35 L. J., M. C., 137.) [Effect of decision altered by subsequent legislation.]

1867. [731]
Lincoln Corporation v. *Holmes Common Overseers.* Commonable pasture. (36 L. J., M. C., 73: L. R., 2 Q. B., 482: 8 B. & S., 344: 16 L. T., 739.)

1866. [732]
Reg. v. *Battle Union.* (36 L. J., M. C., 1.) [Effect of decision altered by subsequent legislation.]

1856. [733]
Reg. v. *Briscoe.* General District Rate—Race Booth at Epsom held rateable. (20 J. P., 52.)

1871. [734]
Reg. v. *Gainsborough Union.* A Statutory charge for Drainage is to be allowed for in arriving at the rateable value of a property. (41 L. J., M. C., 1: L. R., 7 Q. B., 64: 25 L. T., 589.)

1864. [735]
Reg. v. *Hall-Dare.* Deductions to be made in respect of Sewer Rates—Principle of Assessment. (34 L. J., M. C., 17: 5 B. & S., 785: 11 L. T., 301.)

1863. [736]
Reg. v. *Morrish.* Refreshment Rooms at the Great Exhibition, 1862—Tenant held exempt as he had no exclusive occupation. (32 L. J., M. C., 245: [*Morrish* v. *Hall*] 8 L. T., 697.)

1872. [737]
Reg. v. *North Aylesford Union.* Chalk Pits—Enhanced value of land by reason of its situation—Trade profits. (26 L. T., 618: 37 J. P., 148.)

1867. [738]
Reg. v. *Wells.* Rateable value—No deductions allowable where repairs are done by tenant—Renewal of buildings—Principle of Assessment. (36 L. J., M. C., 109: L. R., 2 Q. B., 542: 8 B. & S., 607: 16 L. T., 790.)

1794. [739]
Rex v. *Field.* A man servant is not rateable as an occupier unless he inhabits as a principal. (5 T. R., 587.)

1865. [740]
Sunderland Overseers v. *Sunderland Guardians.* Public Houses obliged to take beer from a particular Brewery held not to be, on that account, entitled to be rated at a lower value than usual. (34 L. J., M. C., 121: 18 C. B. (N. S.), 531: 13 L. T., 239.) [*Allison* v. *Monkwearmouth* reviewed.]

(8.) MINES.

1872. [741]
Guest v. *East Dean Overseers.* Surface land used in connection with an Iron Mine held rateable—Mode of ascertaining rateable value. (41 L. J., M. C., 129: L. R., 7 Q. B., 334: 26 L. T., 422.)

1874. [742]
Kittow v. *Liskeard Union.* Poor Rate—Metalliferous Mine—Sheds and Buildings occupied therewith held rateable. (44 L. J., M. C., 23: L. R., 10 Q. B., 7: 31 L. T., 601: 38 J. P., 741.)

1871. [743]
Morgan v. *Crawshay.* (40 L. J., M. C., 202.) [Effect of decision set aside by subsequent legislation.]

1835. [744]
Reg. v. *Foleshill Inhabitants.* A Coal Mine in several parishes is rateable in each, though the shaft, &c., are in one only. (4 L. J., M. C., 63: 2 A. & E., 593: 4 N. & M., 360.)

1868. [745]
Talargoch Mining Co. v. *St. Asaph Union.* Artificial Water-course connected with a mine, held rateable. (37 L. J., M. C., 149: L. R., 3 Q. B., 478: 9 B. & S., 210: 18 L. T., 711.)

(9.) PUBLIC BUILDINGS AND PROPERTY.

1852. [746]
Chelmsford Union v. *Chelmsford L. B.* General District Rate—Workhouse held rateable. (2 E. & B., 500, n.)

1832. [747]
Downing College v. *Purchas.* Local Act—Rating of a College founded after the passing of such Act. (3 B. & Ad., 162.)

1854. [748]
Gambier v. *Lydford Overseers.* Rateability of a Prison, of Residences of Officers, and of a Farm cultivated by Convicts. (23 L. J., M. C., 69: 3 E. & B., 346: [*Reg.* v. *Gambier*] 2 C. L. R., 951.)

1871. [749]
Hammersmith Bridge Co. v. *Hammersmith Overseers.* Sewers Rate—Bridge held rateable. (Metropolis.) (40 L. J., M. C., 79: L. R., 6 Q. B., 230: 24 L. T., 267.)

1857. [750]
Hodgson v. *Carlisle L. B. H.* General District Rate—County Sessions House—Real Property cannot be assessed to a General District Rate unless there be an occupier who is liable to a Poor Rate. (8 E. & B., 116: 4 Jur., 160: [*Reg.* v. *Hodgson*] 29 L. T. (o. s.), 246.)

1873. [751]
Holborn Union v. *St. Leonard's, Shoreditch, Vestry.* Limitation of rateability of a Workhouse "used for a particular parish." (28 L. T., 106: 21 W. R., 541: 37 J. P., 534.)

1865. [752]
Jones v. *Mersey Docks and Harbour Board.* Property yielding, or capable of yielding, a nett annual value over and above the annual expenses, is rateable, although in the hands of Trustees who derive no benefit from it. (35 L. J., M. C., 1: 11 H. L. C., 443: 12 L. T., 643: 29 J. P., 483.)

1864. [753]
Keighley L. B. H. v. *Keighley Churchwardens.* Local Gas Act limited to a district less extensive than the district of the Local Board which carried on the Gas Works—Held that as the Works only benefited a portion of the ratepayers, the Local Board was rateable to the Poor Rate of the whole parish in respect of them. (29 J. P., 71.)

1867. [754]
Lancashire JJ. v. *Cheetham Overseers.* County Assize Courts—Sub-letting at a Rent—Justices held rateable for the part let off. (37 L. J., M. C., 12: L. R., 3 Q. B., 14: 8 B. & S., 548.)

1865. [755]
Laughlin v. *Saffron Hill Overseers.* National Schools held rateable. (12 L. T., 542: 13 W. R., 678.)

1870. [756]
Metropolitan Board of Works v. *West Ham Churchwardens.* Land occupied by a Sewer held exempt—Land occupied by a Pumping Station held rateable at the value for which the same would

let to a hypothetical tenant. (40 L. J., M. C., 30: L. R., 6 Q. B., 197: 23 L. T., 490.)

1872. [757]

Mildmay v. *Wimbledon Churchwardens.* Rifle Butts held exempt—Store Shed rateable. (41 L. J., M. C., 133: 27 L. T., 265: 37 J. P., 247.)

1869. [758]

Reg. v. *Bridgehouse.* Cottage occupied by a police constable held rateable in a case where he paid a weekly rent which was deducted from his wages by the chief constable who acted as superior landlord. (20 L. T., 658.)

1854. [759]

Reg. v. *Cooper.* (1.) Premises occupied by a Local Board for highway stores held rateable to a Poor Rate. (23 L. J., M. C., 183: [*Reg.* v. *Hull JJ.*] 4 E. & B., 29: 23 L. T. (o. s.), 231.)

1850. [760]

Reg. v. *Harrogate Commisioners.* Local Act authorising a public Pump Room, to which an admission fee was charged—Pump Room held rateable as not being used for an exclusively public purpose. (20 L. J., M. C., 25: 15 Q. B., 1012: 4 New Sess. Cas., 319: 16 L. T. (o. s.), 190.)

1860. [761]

Reg. v. *Kent JJ.* Local Act—Rating of a Gaol. (29 L. J., M. C., 191: 2 E. & E., 911: [*Kent JJ.* v. *Maidstone*] 2 L. T., 353.)

1858. [762]

Reg. v. *Lancashire JJ.* (1.) County Police Station inhabited by constables held exempt. (27 L. J., M. C., 209: 31 L. T. (o. s.), 116: [*Lancashire JJ.* v. *Stretford Overseers*] E. B. & E., 225.)

1861. [763]

Reg. v. *Licensed Victuallers' Society.* Charitable School with large room for meetings held rateable. (1 B. & S., 71: 4 L. T., 241.)

1854. [764]

Reg. v. *Manchester Overseers.* (2.) A building used exclusively as a County Court is not rateable. (23 L. J., M. C., 48: 3 E. & B., 336: 2 C. L. R., 974: 22 L. T. (o. s.), 241.)

1868. [765]

Reg. v. *McCann.* Bridge belonging to the Commissioners of Woods and Forests, as servants of the Crown, held exempt. (37 L. J., M. C., 123: L. R., 3 Q. B., 677: 9 B. & S., 33: 19 L. T., 115.)

1868. [766]

Reg. v. *Metropolitan Board of Works.* (2.) Land occupied by a Sewer is exempt, but this exemption does not extend to land, &c., occupied as accessory to a sewer. (38 L. J., M. C., 24: L. R., 4 Q. B., 15: 9 B. & S., 937: 19 L. T., 348.)

1868. [767]

Reg. v. *Oldham, Mayor.* Local Act—Parish wholly within Borough—Corporation property exempt. (37 L. J., M. C., 169: L. R., 3 Q. B., 474: 9 B. & S., 202: 18 L. T., 240.)

1873. [768]

Reg. v. *Postmaster-General.* "Telegraph Acts, 1868 and 1869"—*Mandamus* to pay a Poor Rate held not an available remedy, there being no duty cast on the Postmaster-General to pay rates fixed by an Assessment Committee—The Treasury will decide what is to be paid. (28 L. T., 337: 21 W. R., 459: 37 J. P., 196.)

1841. [769]

Reg. v. *Shepherd.* County Prison, garden, Corn-mill, Workrooms, and Warehouses held exempt. (10 L. J., M. C., 44: 1 Q. B., 170: 4 P. & D., 534.)

1857. [770]

Reg. v. *Smith.* (1.) Buildings used exclusively as Post-offices are exempt. (26 L. J., M. C., 105: [*Smith* v. *Birmingham*] 7 E. & B., 483: 29 L. T. (o. s.), 76.)

1860. [771]

Reg. v. *Smith.* (2.) Inland Revenue Offices held rateable. (30 L. J., M. C., 74: 3 L. T., 687.)

1867. [772]

Reg. v. *St. Martin's, Leicester.* Constabulary Buildings and old Castle used for Assizes held exempt as being occupied for Crown purposes. (36 L. J., M. C., 99: L. R., 2 Q. B., 493: 8 B. & S., 536: 16 L. T., 625: 31 J. P., 613.)

1863. [773]

Reg. v. *Stapleton Inhabitants.* Endowed School—Master held rateable for his residence, and the Trustees for the school itself. (33 L. J., M. C., 17: 4 B. & S., 629: 9 L. T., 322.)

1857. [774]

Reg. v. *Stewart.* A public officer occupying Crown buildings is rateable in respect of the excess of the accommodation possessed by him beyond what is necessary for the due discharge of his duties. (27 L. J., M. C., 81: 8 E. & B., 360: 30 L. T. (o. s.), 114.)

1861. [775]

Reg. v. *Toxteth Park L. B. H.* General District Rate—Workhouse held rateable. (30 L. J., M. C., 154: 1 B. & S., 167: 4 L. T., 283.)

1839. [776]

Reg. v. *Wallingford Union.* Workhouse held rateable in the parish in which it was situate. (8 L. J., M. C., 89: 10 A. & E., 259: 2 P. & D., 226.)

1760. [777]

Rex v. *St. Luke's Hospital.* Rateability of Hospitals—General principles—Servants not rateable unless they occupy distinct apartments which may be considered dwelling-houses. (2 Burr., 1053.)

1864. [778]

Sheppard v. *Bradford Churchwardens.* A Reformatory under 17 & 18 Vict., c. 86, held exempt. (33 L. J., M. C., 182: 16 C. B. (N. S.), 369: 10 L. T., 421.)

(10.) RAILWAYS.

1872. [779]

Great Eastern Railway Co. v. *Harwich Commissoners.* Local Act—Rating of Railway—Held that the permanent way could not be said to be attached to the Station so as to be rateable therewith. (27 L. T., 543: 37 J. P., 678.)

1866. [780]

Great Eastern Railway Co. v. *Haughley Churchwardens.* Principle of rating—Actual parochial earnings—Deductions for depreciation of rolling stock. (35 L. J., M. C., 229: L. R., 1 Q. B., 666: 14 L. T., 548.)

1867. [781]

Great Western Railway Co. v. *Badgworth Overseers.* Assessment of Railway where running powers exist—Such powers affect the rateable value. (36 L. J., M. C., 33: L. R., 2 Q. B., 251.)

1869. [782]

Great Western Railway Co. v. *Pontypridd Union.* Branch line must be rated at its own value, and not at a supposed contributive value. (38 L. J., M. C., 93: [*Reg.* v. *Llantrissant*] L. R., 4 Q. B., 354: 10 B. & S., 328: 20 L. T., 364.)

1874. [782 *a*]

London & North Western Railway Co. v. *Buckmaster.* Occupation of stable within the premises of a Railway Company—Sub-letting—Held that notwithstanding the agreement for sub-letting, the company was rateable. (44 L. J., M. C., 29: L. R., 10 Q. B., 70: 31 L. T., 835.)

1863. [783]

London & North Western Railway Co. v. *Cannock Churchwardens.* Non-paying Branch Line of Railway treated as a valuable feeder and assessed accordingly. (9 L. T., 325.) [But see *G. W. R.* v. *Pontypridd.*]

1874. [784]
Manchester, Sheffield, & Lincolnshire Railway Co. v. *Caistor and Glandford Brigg Unions.* Principle of Assessment of Railway and of Docks owned by Railway Company. (Railway Commissioners, Dec. 22, 1874.)

1864. [785]
Midland Railway Co. v. *Badgworth Overseers.* A Railway which only possesses running powers only possesses an easement and is not rateable. (34 L. J., M. C., 25: [*Reg.* v. *Midland Railway*] 11 L. T., 303.)

1865. [786]
Midland Railway Co. v. *Birmingham Council.* Local Act—Railway Sidings and Turn-tables held rateable at one-fourth. (13 L. T., 404: 30 J. P., 197.)

1854. [787]
Newmarket Railway Co. v. *St. Andrew the Less, Cambridge, Overseers.* A Railway Company must be rated on its own earnings, not taking into account a subsidy payable by another Company to make up a definite dividend. (23 L. J., M. C., 76: 3 E. & B., 94: 2 C. L. R., 61: 7 Rail. Cas., 858.)

1870. [788]
North Eastern Railway Co. v. *Leadgate L. B.* General District Rate—A Railway constructed not under Parliamentary Authority is not rateable at one-fourth but upon its full annual value. (39 L. J., M. C., 65: L. R., 5 Q. B., 157: 22 L. T., 62.)

1854. [789]
Reg. v. *Eastern Counties Railway Co.* (1.) A Rate based solely on rent payable for a branch line quashed —Rent is not the sole criterion of rateable value. (7 Rail. Cas., 900, n.: 18 Jur., 679, n.)

1863. [790]
Reg. v. *Eastern Counties Railway Co.* (2.) Principle of Assessment—Terminal charges to be included, notwithstanding that they accrue outside the parish. (32 L. J., M. C., 174: 4 B. & S., 58: [*E. C. R.* v. *Great Amwell*] 8 L. T., 419.)

1861. [791]
Reg. v. *Fletton Churchwardens.* Railway Station let at a rent beyond its value—Principle of Assessment. (30 L. J., M. C., 89: 3 E. & E., 45: 3 L. T., 689.) [Again before the Court as *Reg.* v. *Sherard*; 33 L. J., M. C., 5.]

1874. [792]
Reg. v. *London & North Western Railway Co.* Branch line communicating with several main lines—Special through fares—Principle of Assessment. (L. R., 9 Q. B., 134: 29 L. T., 910: 38 J. P., 245: [The same assessment was under the consideration of the Court in *Reg.* v. *Bedford Union*; 43 L. J., M. C., 81.]

1860. [793]
Reg. v. *North Staffordshire Railway Co.* Principle of Assessment—Fixtures. (30 L. J., M. C., 68: 3 E. & E., 392: 3 L. T., 554.)

1863. [794]
Reg. v. *St. Pancras.* Rating of Railway—Principle of Assessment—Tolls to be deducted. (32 L. J., M. C., 146: 8 B. & S., 810: 8 L. T., 273.)

1857. [795]
Reg. v. *Taff Vale Railway Co.* Land owned by a Railway Company but not used for Railway purposes held rateable at the full amount. (30 L. T. (o.s.), 133: 22 J. P., 21.)

1854. [796]
South Eastern Railway Co. v. *Dorking Churchwardens.* Line leased at a fixed rental which the local earnings did not suffice to pay—Held that the rent was not a conclusive criterion of rateable value, but that the line must be treated as of some extra value as a feeder to the main line. (23 L. J., M. C., 84: 3 E. & B., 491: 2 C. L. R., 633: 7 Rail. Cas., 877: [*Reg.* v. *S. E. R.*] 22 L. T. (o. s.), 330.) [But see as to the second point *G. E. R.* v. *Haughley* and *G. W. R.* v. *Pontypridd.*]

1854. [797]
South Wales Railway Co. v. *Swansea L. B. H.* General District Rate—Held that Stations, Offices, and Warehouses are to be assessed at their full nett annual value. (24 L. J., M. C., 30: 4 E. & B., 189: [*Reg.* v. *S. W. R.*] 24 L. T. (o. s.), 90.)

(11.) SOCIETIES CLAIMING EXEMPTION UNDER 6 & 7 VICT., C. 36.

1849. [798]
Birmingham New Library, In re; Birmingham Overseers, Ex parte. Literary Society held exempt—The remedy for an improper assessment is by appeal: if there is no appeal, the rate must be levied. (18 L. J., M. C., 89: [*Reg.* v. *Birmingham JJ.*] 3 New Sess. Cas., 445: [*Birmingham Overseers* v. *Shaw*] 10 Q. B., 868.)

1851. [799]
Clarendon (Earl of) v. *St. James's, Westminster, Rector, &c.* Held that the "London Library," complied with all the requisites to obtain exemption save that it sub-let a portion of its premises, and therefore its occupation failed to be "exclusive." (20 L. J., M. C., 213: 10 C. B., 806: 17 L. T. (o. s.), 75.)

1854. [800]
Linnean Society of London v. *St. Anne, Westminster, Churchwardens.* Under-letting—Society held exempt. (23 L. J., M. C., 148: 3 E. & B., 793: [*Reg.* v. *Linnæan Society*] 2 C. L. R., 761: 23 L. T. (o. s.), 186.)

1860. [801]
Liverpool Library v. *Liverpool, Mayor.* Scientific Institution held exempt. (29 L. J., M. C., 221: 5 H. & N., 526: 2 L. T., 325.)

1849. [802]
Purvis v. *Traill.* Scientific society holding rooms which were occasionally let for general public meetings held rateable as not being a society "exclusively" scientific, &c. (18 L. J., M. C., 57: 3 Ex., 344: 3 New Sess. Cas. 459.)

1845. [803]
Purchas v. *Holy Sepulchre, Cambridge, Churchwardens.* "Cambridge Philosophical Society" held not exempt. (24 L. J., M. C., 9: 4 E. & B., 156.)

1858. [804]
Reg. v. *Bradford Library and Literary Society.* Society for Literary purposes held exempt, though its privileges were confined to subscribers. (28 L. J., M. C., 73: 32 L. T. (o. s.), 105: [*Bradford Library* v. *Bradford Overseers*], 1 E. & E., 88.)

1851. [805]
Reg. v. *Brandt.* "Manchester Concert Hall Society" held to be a mere music club formed for the gratification of its members, and therefore not exempt. (20 L. J., M. C., 119: 16 Q. B., 462: 16 L. T. (o. s.), 437.)

1851. [806]
Reg. v. *Gaskill.* Library and News-room held not exempt as not being "exclusively" devoted, &c., but rather carried on for the private benefit of the subscribers. (21 L. J., M. C., 29: 16 Q. B., 472: 18 L. T. (o. s.), 72.)

1846. [807]
Reg. v. *Jones.* (1.) "Religious Tract Society" held not exempt—A society is not exempt unless it has amongst its laws an express prohibition of dividend, &c.—It is not sufficient that there never has been a dividend, and that the making of such would be hostile to the spirit of the society. (15 L. J., M. C., 129: 8 Q. B., 719: 2 New Sess. Cas. 382.)

1851. [808]
Reg. v. *Manchester Overseers.* (1.) "Royal Manchester

Institution" held exempt, although occasionally admission fees were charged at the doors, and although parts of the premises were sub-let to tenants who were themselves rated—Dividend, &c., expressly prohibited. (20 L. J., M. C., 113: 16 Q. B., 449: 16 L. T. (o. s.), 435.)

1848. [809]
Reg. v. *Phillips.* News Rooms owned by proprietors and let to a Society—Society held not exempt—A certificate of exemption is not conclusive proof of the right thereto. (17 L. J., M. C., 83: 8 Q. B., 745: 3 New Sess. Cas., 134: 10 L. T. (o.s.), 520.)

1846. [810]
Reg. v. *Pocock.* Premises of the "British and Foreign School Society" held not exempt. (15 L. J., M. C., 132: 8 Q. B., 729.)

1852. [811]
Reg. v. *St. Martin's-in-the-Fields, Churchwardens.* "United Service Institution" held not exempt. (21 L. J., M. C., 531: [*Reg.* v. *Cockburn*] 16 Q. B., 480: 18 L. T. (o. s.), 302.)

1854. [812]
Reg. v. *Zoological Society of London.*—Scientific purposes—Society's property held not exempt under the circumstances. (23 L. J., M. C., 139: 3 E. & B., 807: 2 C. L. R., 766: 23 L. T. (o. s.), 171.)

1854. [813]
Russell Institution, Governors of v. *St. Giles's-in-the-Fields, &c., Vestry.* Institution held not exempt under the circumstances. (23 L. J., M. C., 65: 3 E. & B., 416: 2 C. L. R., 755: [*Reg.* v. *Russell I.*] 22 L. T. (o. s.), 237.)

1855. [814]
Scott v. *St. Martin's-in-the-Fields Churchwardens.* Held that the "Working Men's Educational Union" was not exempt, for some of its objects were different from those of science, literature, or the fine arts. (25 L. J., M. C., 42: 5 E. & B., 558: [*Reg.* v. *St. Martin's*] 26 L. T. (o. s.), 121.)

(12.) TITHES.

1864. [815]
Hackett v. *Long Bennington Churchwardens.* Rating of Corn Rent Charge—Inclosure. (33 L. J., M. C., 137: 16 C. B. (N. S.), 38: 9 L. T., 769.)

1826. [816]
King v. *Lacey.* Highway Rate—Tithe Rent-Charge held liable. (5 B. & C., 702: 8 D. & R., 457.)

1862. [817]
Lawrence v. *Tolleshunt Knights Overseers.* A Rector who has charged his Tithe Rent-Charge with a perpetual payment to a District Incumbency, is not entitled to have an equivalent allowance off his own rateable value. (31 L. J., M. C., 148: 2 B. & S., 533.)

1779. [818]
Lowndes v. *Horne.* Money payable in lieu of Tithes held rateable. (2 W. Blackstone, 1252.)

1858. [819]
Reg. v. *Goodchild.* (27 L. J., M. C., 233.) [Overruled by *Reg.* v. *Sherford.*]

1867. [820]
Reg. v. *Sherford Inhabitants.* Rating of Tithe Rent Charge—Curate indispensable—His stipend not to be allowed for in the assessment. (36 L. J., M. C., 113: L. R., 2 Q. B., 503: 8 B. & S., 596: 16 L. T., 663.) [This case, on the authority of *Jones* v. *Mersey Docks*, departs from previous decisions as to deductions in the Rating of Tithes allowable in respect of curates.]

1868. [821]
Reg. v. *Watson.* Titheable lands in one parish assessable to the Poor Rate of another parish. (37 L. J., M. C., 153: L. R., 3 Q. B., 762: 9 B. & S., 219: 18 L. T., 556.)

1823. [822]
Rex v. *Buckinghamshire JJ.* Highway Rate—Rating of Tithes. (1 B. & C., 485: 2 D. & R., 689.)

1863. [823]
Scriven-cum-Tentergate Overseers v. *Fawcett.* (32 L. J., M. C., 161.) [See *Reg.* v. *Sherford.*]

1861. [824]
Wheeler v. *Burmington Overseers.* (31 L. J., M. C., 57.) [See *Reg.* v. *Sherford.*]

1861. [825]
Williams v. *Llangeinwen Overseers.* (31 L. J., M. C., 54.) [See *Reg.* v. *Sherford.*]

(13.) TOLLS.

1872. [826]
Caswell v. *Wolverhampton Overseers.* Poor Rate—Local Act—Market Tolls payable on cattle by the head are not Tolls so connected with the soil as to enhance the rateability of the soil. (41 L. J., M. C., 108: [*Reg.* v. *Caswell*] L. R., 7 Q. B., 328: 26 L. T., 574.)

1868. [827]
Reg. v. *Dowlais Iron Co.* Held that certain Wharfage dues in addition to the rent were to be taken into account in fixing the rateable value of Wharves. (10 B. & S., 208, n.)

1859. [828]
Reg. v. *Durham (Earl of).* "Anchorage and Beaconage Tolls" held rateable as connected with the use of the soil. (28 L. J., M. C., 232: 2 E. & E., 230: 1 L. T., 30.)

1852. [829]
Reg v. *North and South Shields Ferry Co.* Principle of Assessment—Ferry Tolls held not rateable. (22 L. J., M. C., 9: 1 E. & B., 140: 7 Rail. Cas., 849: 20 L. T. (o. s.), 89.)

1863. [830]
Reg. v. *Stockton and Darlington Railway Co.* Where a Toll may lawfully be levied, but as a matter of fact is not levied, it cannot be included in an assessment. (8 L. T., 422.)

1823. [831]
Rex v. *Mosley.* Local Act—Market rights held not rateable. (2 B. & C., 226: 3 D. & R., 385.)

1853. [832]
Roberts v. *Aylesbury Overseers.* Stallage held rateable; Market Tolls not rateable. (22 L. J., M. C., 34: 1 E. & B., 423: 20 L. T. (o. s.), 219.)

(14.) TRAMWAYS.

1874. [833]
London Tramways Co. v. *Lambeth.* Tramway in several parishes—Principle of Assessment—What deductions allowable. (31 L. T., 319.)

1873. [834]
Pimlico, &c., Tramway Co. v. *Greenwich Union.* Tramway held rateable. (43 L. J., M. C., 29; L. R., 9 Q. B., 9: 29 L. T., 605: 38 J. P., 117.)

(15.) WATERWORKS.

1860. [835]
Chelsea Waterworks Co. v. *Putney Overseers.* Waterworks property in several parishes—Held not a correct principle of rating to obtain a value for one parish by lumping all the value for all the parishes, and apportioning for each parish merely according to the quantity of land occupied in such parish. (29 L. J., M. C., 236: 2 L. T., 663: [*Reg.* v. *Putney*] 3 E. & E., 108.)

1827. [836]
Cortis v. *Kent Water-works Co.* Poor and Paving Rate—Liability of a Corporation. (7 B. & C., 314.)

1871. [837]
East London Water-works Co. v. *Leyton Sewer A.* "Sewage Utilisation Act, 1867," § 17—Sewer

Rate—Canals and Filter-beds of Water-works rateable at one-fourth, but land appurtenant thereto rateable at its full value. (40 L. J., M. C., 190: L. R., 6 Q. B., 669.)

1863. [838]
Greenock Police Trustees v. *Shaw's Water-works Co.* Local Water Act—Company authorised to let sites for Mills contiguous to water-falls—Held that the rents payable for these sites were rightly included in the annual rateable value of the works as being part of the value. (28 J. P., 70.)

1875. [838 *a*]
Liverpool, Mayor v. *Wavertree Overseers.* Corporation supplying Water and prohibited from making a profit—Principle of Assessment—Held that the Corporation was not to be rated as a trading company. (39 J. P., 101.)

1861. [839]
Reg. v. *Birmingham Water-works Co.* Improvement Rate—Reservoir held rateable at one-fourth——Pipes and Mains at full value. (1 B. & S., 84: 4 L. T., 242.)

1851. [840]
Reg. v. *East London Waterworks Co.* Local Act—"Tenements or hereditaments" must be construed with reference to antecedent expressions in the same clause, and can only include things *ejusdem generis.* (21 L. J., M. C., 49: 18 L. T. (o. s.), 73: [*East London, &c.* v. *Mile End*] 17 Q. B., 512.)

1863. [841]
Reg. v. *Holme Reservoirs Directors.* Reservoir and Waterworks—Principle of assessment—Held that the Company were not entitled to deductions in respect of interest on moneys borrowed nor of water rents arising without the parish. (28 J. P., 165.)

1847. [842]
Reg. v. *Mile-End Churchwardens.* Water Company—Principle of assessment where the property lies in more than one parish. (16 L. J., M. C., 184: 10 Q. B., 208: 3 New Sess. Cas., 13: 9 L. T. (o. s.), 312.)

1859. [843]
Reg. v. *West Middlesex Water-works Co.* Rating of Buildings and Mains—Principle of Assessment—Mains held rateable. (28 L. J., M. C., 135: 1 E. & E., 716: 32 L. T. (o. s.), 388: 23 J. P., 164.)

1811. [844]
Rex v. *Bath, Mayor.* Rating of springs, reservoirs, aqueducts, &c., lying in different parishes—Principle of assessment. (14 East, 609.)

1833. [845]
Rex v. *Chelsea Water-works Co.* Ornamental Reservoir in St. James's Park held rateable though no rent was paid for it—Held also that the Company was rateable as occupying land by pipes placed below the surface, notwithstanding that another person was rated for the herbage. This distinction based on the fact that there was an exclusive occupation of a portion of soil, though only for a limited purpose. (2 L. J., M. C., 98: 5 B. & Ad., 156: 2 N. & M., 767.)

1823. [846]
Rex v. *Manchester and Salford Water-works Co.* Local Act—Water Mains held not rateable, the word "Tenement" not including such Mains. (1 B. & C., 630: 3 D. & R., 20.)

1813. [847]
Rex v. *New River Co.* Land, the annual value of which is improved because there happens to be a spring therein, is to be rated at an increased value, though the occupiers receive none of the profits derived therefrom. (1 Maule & S., 503.)

1813. [848]
Rex v. *Rochdale Water-works Co.* A Water Company is rateable in respect of its occupation of soil by Water Mains. (1 Maule & S., 634.)

Recreation Ground.

1859. [849]
A. G. v. *Southampton Corporation.* Ground devoted to Recreation purposes not to be used for a Cattle Fair—Injunction granted. (29 L. J., Ch. 282: 1 Giff., 363: 1 L. T., 155.)

1872. [850]
Forbes v. *Ecclesiastical Commissioners.* Manorial Rights—"Village Green"—Grant thereof set aside. (42 L. J., Ch. 97: L. R., 15 Eq., 51: 27 L. T., 511.)

1868. [851]
Richmond Union v. *St. Paul's, Dean and Chapter of.* "Nuisances Removal Act, 1855," § 12—Pond on a Common managed by Conservators—Respondents held not liable. (18 L. T., 522: 32 J. P., 374.)

1872. [852]
Telford v. *Metropolitan Board of Works.* "Metropolitan Commons Act, 1866." (41 L. J., Ch. 589: L. R., 13 Eq., 574: 26 L. T., 150.)

1868. [853]
Tulk v. *Metropolitan Board of Works.* "Gardens in Towns Protection Act, 1863"—Intention of Act—Act only applies where land has been vested in Trustees or irrevocably dedicated. (37 L. J., Q. B., 272: L. R., 3 Q. B., 682: 8 B. & S., 777: 19 L. T., 18.)

Returning Officer.

*** See also "Election."

1856. [854]
Metcalfe, Ex-parte. "Public Health Act, 1848," § 30—A Local Board has an absolute discretion as to the remuneration to be paid to a Returning Officer. (6 E. & B., 287: 27 L. T. (o.s.), 78.)

1866. [855]
Reg. v. *Blanshard.* "Public Health Act, 1848," §§ 28 and 133—Local Board Election—Prosecution of a Returning Officer by a member of a Board, but without the consent of the A. G. or Local Board—Held that the Justices had no jurisdiction to convict. (30 J. P., 280.)

1852. [856]
Reg. v. *Cross.* "Public Health Act, 1848"—A Returning Officer exercises judicial functions; his certificate is, therefore, conclusive and cannot be questioned under a *Quo Warranto*—The defendant may be a witness on his own behalf. (19 L. T. (o.s.), 35: 16 J. P., 215.)

1859. [857]
Reg. v. *Owens.* "Municipal Corporations Act, 1835," § 25, &c.—A Mayor, if a Returning Officer, cannot be a Candidate. (28 L. J., Q. B., 316: 2 E. & E., 86: 33 L. T. (o.s.), 257.)

1873. [858]
Reg. v. *Ward.* "Public Health Act, 1848," § 21—Local Board Election—When the Chairman is a candidate, he ought to take no part in the conduct of an election even during the preliminary stages—But a *Quo Warranto* refused under the particular circumstances. (42 L. J., Q. B., 126: L. R. 8 Q. B., 210: 28 L. T., 118: 37 J. P., 453.)

1867. [859]
Reg. v. *White.* "Municipal Corporations Act, 1835," § 36—*Quo Warranto*—Delegation by Mayor of his duties as Returning Officer when he is a candidate, valid. (36 L. J., Q. B., 267: L. R., 2 Q. B., 557: 8 B. & S., 587: 16 L. T., 828.)

1857. [860]
Tozer v. *Child.* An action does not lie against a Returning Officer for rejecting a vote unless it be proved that the vote was maliciously rejected.

(26 L. J., Q. B., 151: 7 E. & B., 377: 28 L. T. (o.s.), 309.)

Salary, &c.

1852. [861]
Addison v. *Preston, Mayor.* A Salary chargeable on the Borough Fund cannot be recovered by action of debt, but possibly a *Mandamus* might lie to make a rate for the purpose. (21 L. J., C. P., 146: 12 C. B., 108: 19 L. T. (o.s.), 184.)

1851. [862]
Bogg v. *Pearse.* Commissioners under a Local Act——Appointment of Officer not a contract—Salary to be paid out of Rates—Refusal to pay Salary—Remedy not by *Indebitatus* action, but by *Mandamus*, or Action on the case. (20 L. J., C. P., 99: 10 C. B., 534: 16 L. T. (o.s.), 462.)

1862. [863]
Bush v. *Beavan.* Salary of Clerk in arrear—A claim for a *Mandamus* under the "Common Law Procedure Act, 1854," § 68, is not sustainable if any other equally effectual remedy is available. (32 L. J., Ex. 54: 1 H. & C., 500: 7 L. T., 106.)

1863. [864]
Bush v. *Martin.* Salary of a Clerk in arrear—A report by a Committee is not such an acknowledgment as would take a case out of the Statute of Limitations. (33 L. J., Ex., 17: 2 H. & C., 311: 8 L. T., 509.)

1868. [865]
Hall v. *Taylor.* Local Act—Action by a Clerk against Commissioners for his salary to be paid out of the Rates held maintainable—Held also that an Attorney might be employed. (27 L. J., Q. B., 311: E. B. & E., 107: 31 L. T. (o.s.), 151: 23 J. P., 20.)

1863. [866]
Mellish, Ex-parte. Local Act—A gratuity paid out of the Rates to a Clerk held illegal. (8 L. T., 47.) [But, as regards Poor Law Officers, otherwise; if the sanction of **L. G. B.** be had. (C. O. 1847, art 172.)]

1859. [867]
Reg. v. *Gloucester, Mayor.* "Public Health Act, 1848," § 137: "Local Government Act, 1858," § 60—*Certiorari*—Gratuity to Surveyor for special services held legal. (33 L. T. (o.s.), 145: 23 J. P., 709.)

Scavenging.

1837. [868]
Filby v. *Combe.* Scavenging—Refuse—A Scavenger cannot claim dust, ashes, &c., which the owner does not desire to get rid of. (Metropolis.) (2 M. & W., 677: 1 Jur., 721.)

1848. [869]
Law v. *Dodd.* Ashes from a brass-founder's furnace are not claimable by a Scavenger. (Metropolis.) (17 L. J., M. C., 65: 1 Ex., 845: 10 L. T. (o.s.), 286, 309).

1857. [870]
Lyndon v. *Standbridge.* "Towns Improvement Clauses Act, 1847," § 87—Commissioners held not bound to remove ashes and rubbish produced at a manufactory. (26 L. J., Ex., 386: 2 H. & N., 45: 29 L. T. (o.s.), 111.)

1869. [871]
Margate Pier Co. v. *Margate L.B.H.* "Nuisances Removal Act, 1855," § 12—Nuisance—Seaweed—Held that the Company was an "occupier" and bound to remove drifted seaweed. (20 L. T., 564: 33 J. P., 437.)

1858. [872]
Sinnott v. *Whitechapel B.W.* Scavenging contract—Transfer of powers of Commissioners—Judgment for the plaintiff. (Metropolis.) (27 L. J., C. P., 177: 3 C. B. (N.S.), 674: 31 L. T. (o.s.), 84.)

Seal.

*** See also "Accountant," "Appointment of Officers," and "Contracts."

1867. [873]
Barnsley L. B. v. *Sedgwick.* Appointment of Committees by a Local Board—Neither the recommendations of a Committee, if acted upon by the Board, nor the Acts of the Board generally, need to be sealed and signed by five Members. (36 L. J., M. C., 65: L. R., 2 Q. B., 185: 8 B. & S., 202: 15 L. T., 569: 31 J. P., 165.)

1858. [874]
Frend v. *Dennet.* "Public Health Act, 1848," § 85—A contract by a Local Board is void if not under seal—All contracts under a Statute must be made in the mode prescribed by the Statute—Powers to be strictly construed. (27 L. J., C. P., 314: 4 C. B. (N.S.), 576: 5 L. T., 73.)

1830. [875]
Ludlow, Mayor, v. *Charlton.* A contract by a Municipal Corporation to pay money out of the Corporate Funds for Improvements must be under seal. (6 M. & W., 815: 9 C. & P., 242: 10 L. J., Ex. 75.)

1870. [876]
Smith v. *Hirst.* "Public Health Act, 1848," § 149—The seal of a Local Board is only needed to acts which sanction the acts of others—Appointments of officers need not be under seal. (23 L. T., 665: 35 J. P., 247.)

1864. [877]
Sutton v. *Spectacle-Makers Co.* A retainer of an Attorney by a Corporation to conduct an opposition to a Bill in Parliament must be under the common seal. (10 L. T., 411: 12 W. R., 742.)

Sea-Shore.

1866. [878]
Bridgewater Trustees v. *Bootle-cum-Linacre Surveyors of Highways.* Assessment of Docks—In the absence of evidence it is not to be presumed that land between the high and low water mark of a Tidal River belongs to the adjoining parish. (36 L. J., Q. B., 41: L. R., 2 Q. B., 4: 15 L. T., 351.) [But the Act 31 & 32 Vict., c. 122, § 27, passed since this case was decided, provides that the soil as far as low water mark inclusive, shall be deemed to belong to the adjacent parish.]

1871. [879]
Pitts v. *Kingsbridge Highway Board.* "Highway Act, 1835," §§ 51--2—A Highway Board must not take shingle from a beach below high water mark so as to cause an increased risk of encroachment by the sea. (25 L. T., 195: 19 W. R., 884.)

1858. [880]
Reg. v. *Musson.* Sea-shore between high and low water mark. (8 E. & B., 900: 30 L. T. (o. s.), 272.) [See also *Blackpool L. B. H.* v. *Bennett, ante.*]

Sewer.

1863. [881]
Biddulph v. *St. George's, Hanover Square, Vestry.* Erection of a urinal—Injunction refused. (33 L. J., Ch., 411: 8 L. T., 558: 2 N. R., 212.)

1866. [882]
Chambers v. *Reid.* Erection of a Urinal—Action for trespass—Defendant held entitled to notice of Action. (Metropolis.) (13 L. T., 703: 14 W. R., 370.)

1859. [883]
Clarke v. *Paddington Vestry.* Construction of a Sewer along a New Street by a landowner under a misapprehension of his liability—No obligation to extend the length of such Sewer when he extends the length of the Street. (Metropolis.) (32 L. T. (o. s.), 238: 5 Jur. (N. S.), 138.)

1866. [884]
Cleckheaton Industrial S. H. Society v. *Jackson.* "Public

Health Act, 1848," § 45—Construction of Sewer —What notice is "reasonable"—Map not necessary. (14 W. R., 950.)

1874. [885]

Clegg v. *Castleford L. B. H.* Bricking up of a Sewer to stop passage of Refuse from Malt Kilns—Injunction to remove obstruction granted. (W. N., 1874, p. 229.)

1869. [886]

Derby (Earl of) v. *Bury Improvement Commissioners.* "Nuisances Removal Act, 1855," § 22—A Local Authority in laying down a new Sewer is not bound to follow the line of an old water-course. (38 L. J., Ex., 100: L. R., 4 Ex., 121: 20 L. T., 927.)

1859. [887]

Hayward v. *Lowndes.* A Local Board has no power under the "Public Health Act, 1848," or the "Local Government Act, 1858," to go out of its District to make Sewers. (28 L. J., Ch., 400: 4 Drew. 454: 32 L. T. (o. s.), 366.) [Such a power is, however, for purposes of outfall or distribution, now given by recent legislation.]

1870. [888]

Holt v. *Rochdale, Mayor.* Local Act—New Sewer—A Corporation prohibited from making a new sewer into a river is not permitted to enlarge an old one—Injunction granted. (39 L. J., Ch., 761: L. R., 10 Eq., 354: 23 L. T., 43: 35 J. P., 6.)

1855. [889]

Maidenhead L. B. H., In re. Application for *Mandamus* to make sewers refused, as there had been no formal demand upon or refusal by the Roard. (26 L. T. (o. s.), 104.)

1858. [890]

Parsons, Ex-parte. Alleged necessity that a sewer ought to be constructed—*Mandamus* to a Local Board refused—Applicant to make a simple demand that a duty be discharged. (22 J. P., 68.)

1866. [891]

Reg. v. *Godmanchester L. B. H.* Natural Water-course receiving a little Sewage held not to be a Sewer within the "Public Health Act, 1848," § 43—*Mandamus* under § 58 held not enforceable, as it did not show that the person causing the nuisance had failed to comply with a notice to abate it. (35 L. J., Q. B., 125: L. R., 1 Q. B., 328: 5 B. & S., 936: 14 L. T., 104.)

1835. [892]

Soady v. *Wilson.* Sewers Rate—Properties may be liable even though the benefit may not be immediate. (3 A. & E., 248: 4 N. & M., 777: 1 H. & W., 256.)

1869. [893]

St. Giles's, Camberwell, Vestry v. *Weller.* Sewering a "New Street" where Sewer Rates have already been levied. (20 L. T., 756: 17 W. R., 973.)

1865. [894]

St. Marylebone Vestry v. *Viret.* Unnecessary New Sewer and connections—Board and not owner held liable for the expenses. (34 L. J., M. C., 214: 19 C. B. (N. S.), 424: 12 L. T., 673.)

1867. [895]

Thornton v. *Nutter.* A Sewer is merely an easement, and to make it, proceedings under the "Lands Clauses Act, 1845," to acquire land are not requisite. (31 J. P., 419.)

Statutes, Interpretation of.

1859. [896]

A. G. v. *Birmingham Council.* (1.) Public Works ordered by Statute must not be executed so as to interfere with private rights—Injunction granted. (4 K. & J., 528: 22 J. P., 561.)

1854. [897]

Baker v. *Marsh.* Municipal Corporation—Interpretation of "rated at ..... 15*l.*" as meaning "rateable value," *not* "gross estimated rental." (24 L. J., Q. B., 1: 4 E. & B., 144: 24 L. T. (o. s.), 72.)

1871. [898]

Bath, Mayor v. *Commissioners of Inland Revenue.* "Public Health Act, 1848," § 151—Exemptions from Stamp Duty—Construction of Local Act. (40 L. J., Ex., 181: 25 L. T., 28.)

1859. [899]

Cardiff, Mayor v. *Cardiff Water-works Co.* Construction of the word "Port" used in a Local Act—Held to be not necessarily identical with a "Port" as defined for Customs purposes, but limited by the general context of the Act. (33 L. T. (o. s.), 104: 5 Jur. (N. S.), 953.)

1829. [900]

Chanter v. *Glubb.* Highway Rate—"Occupation" of Tithes—Construction of Statute. (7 L. J., M. C. (o.s.), 114: 9 B. & C., 479: 4 M. & R., 334.)

1862. [901]

Clarke v. *Higgins.* "Towns Police Clauses Act, 1847," § 28—"Wilful and wanton" disturbance by ringing a Door Bell—"Wanton" means "without reasonable cause." (11 C. B. (N. S.), 545.)

1863. [902]

Felkin v. *Berridge.* "Public Health Act, 1848," § 72: "Local Government Act, 1858," § 9—Construction of the words "begun or made." (15 C. B. (N.S.), 257: 9 L. T., 333.)

1861. [903]

Fitzgerald v. *Champneys.* A Local Act is not in the absence of expressed intention on the part of the legislature repealed or superseded by a Public General Act. (30 L. J., Ch. 777: 2 Johns. & H., 31: 5 L. T., 233.)

1860. [904]

Gough v. *Hardman.* Local Act—Unqualified person acting as a Commissioner—Two Local Acts to be read together when the one amends the other. (1 L. T., 375: 5 H. & N., 112.)

1866. [905]

Hereford, Mayor v. *Morton.* Damage to Gas Lamp—A corporation held to be within the designation of "person or persons" used in a Local Gas Act. (15 L. T., 187: 15 W. R., 110.)

1856. [906]

London & Blackwall Railway Co. v. *Limehouse B. W.* Powers conferred for an object of public benefit by a Special Act are not affected by a subsequent Act giving for another public purpose general powers inconsistent with them. (26 L. J., Ch., 164: 3 K. & J., 123: 28 L. T. (o. s.), 140.)

1860. [907]

Reg. v. *Bodkin.* "Nuisances Removal Act, 1855," § 22—Sewerage—Division into Districts—Reassessment on an extension of the Sewerage—Defendant held chargeable as an occupier of a house "using" the sewer. (30 L. J., M. C., 38: 3 E. & E., 271.)

1863. [908]

Reg. v. *Epsom Union.* "Nuisances Removal Act, 1855," § 22—"Repair" does not mean reconstruction *de novo* of a work defectively made originally —Return to a *Mandamus.* (8 L. T., 383: 11 W. R., 593.)

1873. [909]

Reg. v. *Hackney B. W.* Barrier erected by owners in a New Street—When a Board compels owners to form a New Street, the Board is bound to repair notwithstanding the barrier—*Mandamus* granted. (Metropolis.) (42 L. J., M. C., 151: L. R., 8 Q. B., 528.)

1872. [910]

Reg. v. *Middlesex JJ.* (2.) Poor Rate under a Local Act—Appeal—Effect of subsequent general Act. (L. R., 7 Q. B., 653: 26 L. T., 902.)

1866. [911]
Smith v. *Redding.* Meaning of the word "place"—Held that a Hamlet within a Parish was not a "place" so as to govern a qualification depending on number of population. (35 L. J., M. C., 202: L. R., 1 Q. B., 489: 6 B. & S., 617 and 621: 14 L. T., 358.)

1866. [912]
Swinford v. *Keble.* "Municipal Corporations Act, 1835, § 142—A Local Board under the "Public Health Act, 1848," are not Paving, &c., Trustees within the meaning of the "Municipal Corporations Act." (35 L. J., Q. B., 185: L. R., 1 Q. B., 549: 7 B. & S., 573: 14 L. T., 770.)

1870. [913]
Thorpe v. *Adams.* A General Act is not to be construed as repealing a previous Local Act, unless there are express words; or unless there is a necessary inconsistency in the two Acts standing together. (40 L. J., M.C., 45: L. R., 6 C. P., 125: 23 L. T., 810.)

1868. [914]
Young v. *Gattridge.* Seizure of diseased meat—Meaning of the word "place." (38 L. J., M. C., 67: L. R., 4 Q. B., 166.)

Street.

*** See also "Building Line," and "Lands Clauses Act."

1847. [915]
Baddeley v. *Gingell.* Local Act—A Yard having a frontage on a Street, and the sole access thereto being from such Street, is "within the Street" for rating purposes. (1 Ex., 319: 10 L. T. (o. s.), 114.)

1857. [916]
Beaver v. *Manchester, Mayor.* Construction of a bridge—Plea of justification under a statute—A "bridge" may be a street within the meaning of a statute. (26 L. J., Q. B., 311: 8 E. B., 44: 29 L. T. (o. s.), 226.)

1830. [917]
Bouverie v. *Miles.* Powers of a Board over projections. (8 L. J. (o. s.), K. B., 338: 1 B. & Ad., 31.)

1851. [918]
Brown v. *Clegg.* Lowering the level of a new street under a provision in a Local Act similar to "Towns Police Clauses Act," § 51—Proceedings of commissioners held *ultra vires.* (16 Q. B., 681: 17 L. T. (o. s.), 122.)

1864. [919]
Cary v. *Kingston-upon-Hull.* "Public Health Act, 1848," § 69—The power of a Local Board to compel the levelling, &c., of a Street is limited to work needed in a particular Street looked at as an isolated one, and does not extend to work needed to bring that Street to a level with other adjoining Streets. (34 L. J., M. C., 7: [*Caley* v. *&c.*], 5 B. & S., 815: 11 L. T., 339: 29 J. P., 116.)

1866. [920]
Galloway v. *Commonalty of London; Metropolitan Railway Co. and London* v. *Galloway.* The powers entrusted to Public Bodies for purposes of Public Improvements are not subject to a strict and restrictive construction — The word "street" means not a mere roadway, but "a thoroughfare with houses on both sides." (35 L. J., Ch., 492: L. R., 1 H. L., 34: 14 L. T., 865.)

1874. [921]
Hoare v. *Metropolitan Board of Works.* "Metropolitan Commons Act, 1871"—Long existent right to maintain a Sign-post in front of a Public-house—Held that such a Post was renewable from time to time, and that no offence had been committed by replacing a dilapidated Post by a new one. (43 L. J., M. C., 65: L. R., 9 Q. B., 296: 29 L. T., 804: 38 J. P., 535.)

1856. [922]
Kingston-upon-Hull L. B. H. v. *Jones.* (26 L. J., Ex., 33.) [Effect of decision set aside by subsequent legislation.]

1858. [923]
Le Neve v. *Mile End Old Town Vestry.* Open space between houses and pavement used for the deposit of goods by a shopkeeper—Held that such space was not part of a "street," so as to render the shopkeeper guilty of an obstruction. (Metropolis.) (27 L. J., Q. B., 208: 8 E. & B., 1054: 31 L. T. (o. s.), 81.)

1868. [924]
London, Chatham & Dover Railway Co. v. *London, Mayor.* Local Acts—The strict meaning of the word "street" is confined to the road-way and foot-ways. (19 L. T., 250.)

1868. [925]
Metropolitan Board of Works v. *Clever.* Laying out road for building—Width of Street—Setting back fences. (Metropolis.) (37 L. J., M. C., 126: L. R., 3 C. P., 531: 18 L. T., 723.)

1865. [926]
Metropolitan Board of Works v. *Cox.* An enactment that a roadway shall not be laid out for building, unless at least 40 feet wide, held not to apply where the buildings abutted *in the rear* on an old lane of less than the width in question. (Metropolis.) (19 C. B. (N. S.), 445.)

1873. [927]
Milward v. *Redditch L. B.* "Public Health Act, 1848," § 68—Alteration of Street level—Accumulation of storm water—Damage to premises—Mandatory Injunction granted. (21 W. R., 429.)

1864. [928]
Reg. v. *Fullford.* 24 and 25 Vict., c. 61, § 28—Misdemeanour—Indictment for bringing forward a House in a Street without the consent of a Local Board—Meaning of the word "Street"—Street seems only to apply to a row of houses in some degree continuous, but this is a question of fact for a Jury. (33 L. J., M. C., 122: 10 L. T., 346: 9 Cox C. C., 453: 28 J. P., 357.)

1859. [929]
Reg. v. *Great Western Railway Co.* (1.) "Towns Improvement Clauses Act, 1847," § 53—Paving of Street—The word "theretofore" refers to any time before the passing of the Special Act—A street which was a public highway at the passing of the Special Act, and had been but was not then sufficiently paved, was not within the section. (28 L. J., M. C., 246: [*G. W. Railway Co.* v. *West Bromwich Commissioners*] 1 E. & E., 806.)

1852. [930]
Reg. v. *Ingham.* Projection in Street—*Mandamus*—Costs. (Metropolis.) (21 L. J., M. C., 125: 17 Q. B., 884: 18 L. T. (o. s.), 303.)

1859. [931]
Reg. v. *Sidebotham.* Local Act—Width of Street—A prescribed minimum distance between houses held not to apply to houses not in a street. (28 L. J., M. C., 189: Bell, C. C., 171: 33 L. T. (o.s.), 187.)

1858. [932]
Reg. v. *St. Mary's, Islington, Vestry.* A certain unfinished road held not to be a "Street" which the Vestry were bound to light. (E. B. & E., 743: 22 J. P., 383.)

1867. [933]
Taylor v. *Metropolitan Board of Works.* Road laid out for building—Width of Street—Construction of terms. (Metropolis.) (36 L. J., M. C., 53: L. R., 2 Q. B., 213: 31 J. P., 581.)

1866. [934]
Thomas v. *Daw.* Improvement of Street—Local Act—Commissioners held entitled to take only so

1860. [979]
Bayley v. *Wolverhampton Water-works Co.* Non-repair of a fire-plug—Horse lamed—Plugs belonging to a Board, but kept in order by the Water Company—Held that the Company was liable. (30 L. J., Ex. 57; 6 H. & N., 241.)

1856. [980]
Blyth v. *Birmingham Water-works Co.* Bursting of a fire-plug during an extraordinary frost—Damage to cellar—Company held not liable. (25 L. J., Ex., 212: 11 Ex., 781: 26 L. T. (o. s.), 261.)

1858. [981]
Busby v. *Chesterfield Water-works and Gas-light Co.* Supply of water—The use of water for a horse and carriage in the stable of a Private Dwelling House is a "domestic use." (27 L. J., M. C., 174: E. B. & E., 176: 31 L. T. (o. s.), 98.)

1872. [982]
Campbell v. *East London Water-works Co.* Statutory duty to supply Water—Failure—Fire. (26 L. T., 475.)

1861. [983]
Gwatkin v. *Chepstow Water-works Co.* Private Act—Tariff of Charges—Construction of terms. (25 J. P., 180.)

1860. [984]
Hildreth v. *Adamson.* "Water-works Clauses Act, 1847," § 59—Local Act—Special charge for persons keeping horses—Held that a person who, to evade this charge, habitually took horses to a Public Drinking Fountain, kept up for a limited purpose, ought to have been convicted by Justices. (30 L. J., M. C., 204: 8 C. B. (N. S.), 587: 2 L. T., 359.)

1868. [985]
Hill v. *New River Co.* Nuisance by a Water Company allowing water to spout up in a highway and frighten horses which fell into an excavation negligently left unfenced by a sewer Contractor—Held that the Company and not the Contractor was liable. (9 B. & S., 303: 18 L. T., 355.)

1861. [986]
Purnell v. *Wolverhampton Water-works Co.* Local Act antecedent to the "Water-works Clauses Act, 1847"—Second Local Act—Water at high-pressure not obligatory. (10 C. B. (N. S.), 576: 4 L. T., 513.)

Water, Pollution of.

(1.) BY GAS.

1860. [987]
Hipkins v. *Birmingham & Staffordshire Gas-light Co.* Local Act—"Suffer to flow"—Pollution of Well by percolation of Gas washings—Company held liable, though such percolation was due to the working of a mine by strangers. (1 L. T., 303: affirmed on appeal; 30 L. J., Ex., 60: 6 H. & N., 250.)

1874. [988]
Millington v. *Griffiths.* Pollution of a well by a Gas Company—Judgment for the plaintiff. (30 L. T., 65.)

1863. [989]
Parry v. *Croydon Commercial Gas & Coke Co.* "Gas-works Clauses Act, 1847," § 21—Local Act—Pollution of Stream by Gas-washings—Held that the Penalty Clause in the Local Act must be taken to be repealed by the General Act. (15 C. B. (N. S.), 568: 9 L. T., 694.)

1834. [990]
Rex v. *Medley.* Pollution of River by Gas-washings—Indictment against the chairman and officers of a Company—Verdict of guilty against several of the defendants. (6 C. & P., 292.)

(2.) BY SEWAGE.

1872. [991]
Askew v. *Ulverstone L. B.* Pollution of Stream by Sewage—Injunction refused, without costs. (W. N., 1872, p. 81.)

1873. [992]
A. G. v. *Aylesbury L. B. H.* Pollution of Stream by Sewage—Injunction granted and temporarily suspended. (*Times*, Dec. 18, 1873.)

[993]
A. G. v. *Barnsley, Mayor.* Pollution of Stream by Sewage—Injunction granted. (W. N., 1874, p. 37.)

1871. [994]
A. G. v. *Birmingham Council.* (2.) Nuisance—Sewage—Injunction granted—Remedial expedients. (24 L. T., 224: 19 W. R., 561.)

1872. [995]
A. G. v. *Castleford L. B.* Suit to restrain pollution of River—Proof of plaintiff's title—Practice—Affidavits as to documents. (27 L. T., 644: 21 W. R., 117.)

1874. [996]
A. G. v. *Cockermouth L. B.* Information by the Attorney-General and bill by one Local Board against another—Pollution of river by sewage—Bill dismissed, the evidence of nuisance being insufficient, but injunction granted on the information, on ground of infringement of 24 & 25 Vict., c. 61. (44 L. J., Ch. 118: L. R., 18 Eq., 172: 30 L. T., 590: 38 J. P., 660.)

1868. [997]
A. G. v. *Colney Hatch Lunatic Asylum.* Nuisance from overflow of sewage—Principles on which the Court will proceed when applied to for an Injunction. (38 L. J., Ch. 265: L. R., 4 Ch. App., 146: 19 L. T., 708.)

1870. [998]
A. G. v. *Gee.* Nuisance—Pollution of Stream by Sewage—Injury trifling—Injunction refused—Consideration of circumstances under which the Court will interfere. (L. R., 10 Eq., 131: 23 L. T., 299: 34 J. P., 596.)

1869. [999]
A. G. v. *Halifax Corporation.* Nuisance—Pollution of Stream—Injunction granted. (39 L. J., Ch. 129: 21 L. T., 52: [Costs] L. R., 12 Eq., 262.)

1865. [1000]
A. G. v. *Kingston-on-Thames, Mayor.* Nuisance by discharge of Sewage into a river—Information dismissed without prejudice to a future application. (34 L. J., Ch. 481 *(bis)*: 12 L. T., 665: 29 J. P., 515.)

1870. [1001]
A. G. v. *Leeds, Mayor.* Local Act—Pollution of river by sewage—If a nuisance is proved the relators must be protected whatever may be the consequences—Injunction granted. (39 L. J., Ch., 254: L. R., 5 Ch. App., 583: 22 L. T., 330.)

1856. [1002]
A. G. v. *Luton L. B. H.* Pollution of River—Increase of population no answer—Injunction granted. (27 L. T. (o. s.), 212: 20 J. P., 163.)

1863. [1003]
A. G. v. *Metropolitan B. W.* Pollution of River—Statutory powers—Modified injunction granted. (1 H. & M., 298: 9 L. T., 139.)

1866. [1004]
A. G. v. *Richmond.* "Nuisances Removal Acts"—Highway Board the Local Authority—Pollution of a brook—Injunction granted—"Local Authority" when not corporate not to be sued in the name of their Clerk. (35 L. J., Ch. 597: L. R. 2 Eq., 306: 14 L. T., 398: 30 J. P., 708.)

[1005]
A. G. v. *Sawyer.* Pollution of Stream—Notwithstand-

ing a proposal for arbitration, injunction granted. (Glen, 147, 7th Ed.)

1862. [1006]

Bidder v. *Croydon L. B.* Pollution of a river by sewage—Injunction granted. (6 L. T., 778.)

1871. [1007]

Birt v. *Monmouthshire Sewers Commissioners.* Pollution of stream by refuse—Claim of user for 60 years—Conviction quashed, it not being clear that there was a public nuisance. (35 J. P., 372.)

1873. [1008]

Broughton v. *Crewe L. B.* Pollution of Stream—Injunction granted, but time allowed and then extended. (*Times*, Nov. 26, 1873.)

1864. [1009]

Cator v. *Lewisham B. W.* Pollution of Stream by new system of Sewers—Action for Nuisance held maintainable—No remedy by compensation. (34 L. J., Q. B., 74: 5 B. & S., 115: 13 L. T., 212.)

1867. [1010]

Crossley v. *Lightowler.* Nuisance—Prescriptive right to pollute a Stream—Rights of Riparian Proprietors generally—Injunction granted—A nuisance cannot be justified by the existence of other nuisances of a similar character. (36 L. J., Ch., 584: L. R., 2 Ch. App., 478: 16 L. T., 438).

1866. [1011]

Feilden v. *Blackburn Corporation.* Pollution of river by sewage—Injunction granted. (W. N., 1866, p. 256.)

1866. [1012]

Goldsmid v. *Tunbridge Wells Improvement Commissioners.* Nuisance—Sewage—A prospective nuisance is not in itself a ground for interference, but if some present nuisance exists the Court will consider its probable increase; a prescriptive right to pollute a stream can only be acquired by the continuance of a perceptible amount of injury for 20 years. (35 L. J., Ch., 382: L. R., 1 Ch. App., 349: 14 L. T., 154: 30 J. P., 419.)

1858. [1013]

Higgs v. *Godwin.* Patent for Utilization of Sewage—Where a Local Board uses a patent process not for commercial profit, but merely for the purification of sewage water, it is not necessarily guilty of an infringement of the patent. (27 L. J., Q. B., 421: E. B. & F., 529: 31 L. T. (o. s.), 196.)

1873. [1014]

Isle of Wight Oyster Fishery Co. v. *Newport, Mayor.* Sewage Outfall—Alleged injury to oyster beds—Injunction refused. (*Times*, Nov. 21, 1873.)

1867. [1015]

Lillywhite v. *Trimmer.* Nuisance—Pollution of Stream by Sewage—Injunction refused, the plaintiff not having sustained material injury—Consideration of the circumstances under which the Court will interfere. (36 L. J., Ch., 525: 16 L. T., 318.)

1857. [1016]

Manchester, Sheffield, & Lincolnshire Railway Co. v. *Worksop B. H.* Pollution of Canal by sewage—Injunction granted—Claim under Statute to exclusive rights of water. (26 L. J., Ch., 345: 23 Bea., 198: 29 L. T. (o. s.), 6.)

1870. [1017]

North Staffordshire Railway Co. v. *Tunstall L. B. H.* Pollution of River by sewage—Injunction. (39 L. J., Ch., 131.)

1855. [1018]

Oldaker v. *Hunt.* "Public Health Act, 1848," §§ 45 and 46—Pollution of River by Sewage—Interference with watering-place for cattle—Right of fishery—Injunction granted. (19 Bea., 485: affirmed on appeal; 6 De G. M. & G., 376: 1 Jur. (N. S.), 785.)

1865. [1019]

Spokes v. *Banbury L. B.* Pollution of River by Sewage—Injunction—Breach—Sequestration issued. (35 L. J., Ch., 105: L. R., 1 Eq., 42: 13 L. T., 428 and 453.)

1867. [1020]

Womersley v. *Church.* Nuisance—Pollution of Well by Cesspool—Injunction granted. (17 L. T., 190.)

1874. [1021]

Wood v. *Harrogate Commissioners.* Pollution of Stream by Sewage—Agreement for compromise of a former suit—Breach thereof—Injunction granted. (W. N.: 1874, p. 225.)

(3.) VARIOUS.

1872. [1022]

Clowes v. *Staffordshire Potteries Water-works Co.* Fouling a river by mud—Water unfit for Silk Dyeing—Injunction granted. (42 L. J., Ch., 107: L. R., 8 Ch., 125: 27 L. T., 521.)

1863. [1023]

Hodgkinson v. *Ennor.* Pollution of water flowing along an underground channel—Judgment for the plaintiff. (32 L. J., Q. B., 231: 4 B. & S., 229: 8 L. T., 451.)

1865. [1024]

Reg. v. *Bradford Navigation.* Canal in a foul state—Owners held indictable. (34 L. J., Q. B., 191: 6 B. & S., 631.) [See also *A. G.* v. *Bradford Canal.*]

1866. [1025]

Reg. v. *Stephens.* Obstruction of a river by deposit of refuse—Master held liable for the acts of his servants. (35 L. J., M. C., 251: L. R., 1 Q. B., 702: 7 B. & S., 710: 14 L. T., 593.)

1861. [1026]

Stockport Water-works Co. v. *Potter.* (1.) Fouling of water—Calico Works—A lawful trade carried on in an unreasonable manner. (31 L. J., Ex., 9: 7 H. & N., 160.)

1858. [1027]

Whaley v. *Laing.* Water rights—Fouling of water used permissively not of right. (27 L. J., Ex., 422: 2 H. & N., 476: 3 H. & N., 675 and 901: 31 L. T. (o. s.), 368.)

Water, Rights as to.

1843. [1028]

Acton v. *Blundell.* Interference with water by subterranean works. (13 L. J., Ex., 289: 12 M. & W., 324.)

1808. [1029]

Balston v. *Benstead.* Uninterrupted enjoyment for 20 years of a Spring confers an absolute right; and adjoining owner cannot lawfully cut a drain whereby the water is diminished. (1 Camp., 463.)

1856. [1030]

Broadbent v. *Ramsbotham.* Absolute right of the Owners of the Soil to Water before it reaches a definite natural water-course. (25 L. J., Ex. 115: 11 Ex., 602.)

1859. [1031]

Chasemore v. *Richards.* Underground Water—The owner of an ancient Mill has no right of Action against a Local Board which by digging a Well deprives the Mill of Water. (29 L. J., Ex. 81: 7 H. L. C., 349: 33 L. T. (o. s.), 350.)

1852. [1032]

Dickinson v. *Grand Junction Canal Co.* Local Act—Subterraneous Water—Abstraction of Water which both had formed part of a Stream, and which would have done so but for the defendant's Well-sinking operations—Action maintainable. (21 L. J., Ex., 241: 7 Ex., 282: 18 L. T. (o. s.), 258.)

1868. [1033]

Edleston v. *Crossley.* Running Stream—Obstruction to the flow thereof—Mode of procedure by person aggrieved. (18 L. T., 15.)

1851. [1034]
Embrey v. *Owen.* Water-course—Right of adjacent proprietors to flowing water—An action will lie for the unreasonable and unauthorised use of water—Right as to water analogous to right in respect of air and light. (20 L. J., Ex., 212: 6 Ex., 353: 17 L. T. (o. s.), 79.)

1865. [1035]
Gaved v. *Martyn.* Water-course—Prescriptive right. (34 L. J., C. P., 353: 19 C. B. (N. S.), 732: 13 L. T., 74.)

1871. [1036]
Grand Junction Canal Co. v. *Shugar.* Surface and Subterraneous Water—A Local Board will be restrained from interfering with a water-course in a way not authorised by Parliament—The aggrieved person will not be left to his remedy under the compensation clauses of the "Public Health Act, 1848." (L. R., 6 Ch., App., 483: 24 L. T., 402.)

1874. [1037]
Halifax Corporation v. *Soothill, Upper, L. B.* A Local Board entitled by special Act to buy Water of a Corporation held justified in re-selling its surplus, inasmuch as it was compelled to pay for a minimum quantity which was in excess of its own requirements. (31 L. T., 6.)

1868. [1038]
Harrop v. *Hirst.* Diversion of Water—Custom—Action held maintainable. (38 L. J., Ex., 1: L. R., 4 Ex., 43: 19 L. T., 426.)

1873. [1039]
Hooker v. *Porritt.* Diversion of Stream—Riparian Rights. (42 L. J., Ex., 85: [*Holker* v. *Poritt*] L. R., 8 Ex., 107: affirmed, W. N., 1875, p. 33.)

1833. [1040]
Mason v. *Hill.* Diversion of Water-course—Water rights of Riparian proprietors—Mill-dam. (5 B. & Ad., 1: 2 N. & M., 747.)

1861. [1041]
Medway Navigation Co. v. *Romney (Earl of).* Company held entitled to sue persons, who, not being Riparian proprietors, abstracted water which the special Act vested in the Company. (30 L. J., C. P., 236: 9 C. B. (N. S.), 575: 4 L. T., 87.)

1858. [1042]
Minor v. *Gilmore.* A Riparian owner has a right to use the water, provided he does not interfere with the rights of other proprietors; but he must not interrupt the regular flow. (12 Moo., P. C. C., 131 and 156.) [See the observations on this case in *Norbury (Earl of)* v. *Kitchen*, 7 L. T., 685.]

1860. [1043]
New River Co. v. *Johnson.* "Water-works Clauses Act, 1847," § 12—Abstraction of water—Compensation cannot be recovered under this Statute for an injury for which no action would have been, but for the Statute, maintainable. (29 L. J., M. C., 93: 2 E. & E., 435: 1 L. T., 295: 24 J. P., 244.)

1862. [1044]
Norbury (Earl of) v. *Kitchin.* (1.) Diversion of Water—Verdict for the plaintiff—Nominal Damages. (3 F. & F., 292.)

1863. [1045]
Norbury (Earl of) v. *Kitchin.* (2.) Diversion of Water—A Riparian proprietor may abstract a reasonable quantity of water with reference to the rights of other proprietors. (7 L. T., 685: 9 Jur. (N. S.), 132.)

1867. [1046]
Norbury (Earl of) v. *Kitchin.* (3.) An obstruction to a Stream will be enjoined against at the suit of a Riparian owner irrespective of actual damage. (15 L. T., 501.)

1866. [1047]
Nuttall v. *Bracewell.* Watercourse—Abstraction of Water—Action held maintainable. (36 L. J., Ex., 1: L. R., 2 Ex., 2: 4 H. & C., 714: 15 L. T., 313: 31 J. P., 8.)

1874. [1048]
Owen v. *Davies.* Water Rights—Diversion of Stream by a Local Board in order to obtain a supply of Water—Injunction against the Board granted—"The Board had only the ordinary rights of a Riparian owner." (W. N., 1874, p. 175.)

1855. [1049]
Rawstron v. *Taylor.* Right to Surface Water—Diversion—A landowner has an unqualified right to drain his own land, even to the detriment of a neighbour who otherwise would have derived benefit from the water finding its own course. (25 L. J., Ex., 33: 11 Ex., 369.)

1863. [1050]
Reg. v. *Metropolitan Board of Works.* (1.) Abstraction of underground water—Right to compensation. (32 L. J., Q. B., 105: 3 B. & S., 710: 8 L. T., 238.)

1865. [1051]
Roberts v. *Rose.* Obstruction of Water-course—Damage to innocent person—Pleading. (35 L. J., Ex., 62: L. R., 1 Ex., 82: 13 L. T., 471: 4 H. & C., 103.)

1862. [1052]
Stockport Water-works Co. v. *Manchester, Mayor.* Rival Water Companies—A suit by one rival Company against another alleging proceedings *ultra vires* will not be entertained if the plaintiffs show no private injury. (7 L. T., 545: 9 Jur. (N. S.), 266.)

1864. [1053]
Stockport Water-works Co. v. *Potter.* (2.) Fouling of Water—Grant of a portion of a Riparian Proprietor's back land—Water rights of the Grantee. (3 H. & C., 300: 10 L. T., 748.)

1863. [1054]
Sutcliffe v. *Booth.* Water Rights—An artificial water-course may possess or acquire the qualities of a natural stream. (32 L. J., Q. B., 136: 9 Jur. (N. S.), 1037.)

1861. [1055]
Waller v. *Manchester, Mayor.* Water Rights—Diversion of Water—Mill. (30 L. J., Ex., 293: 6 H. & N., 667.)

1860. [1056]
Wardle v. *Brocklehurst.* Subterraneous Water—Water Rights—Conveyance. (29 L. J., Q. B., 145: 1 E. & E., 1065: 1 L. T., 519.)

1859. [1057]
William v. *Heath.* Water Rights—Abstraction of water from a water-course—Injunction refused—Action at law to be brought. (1 L. T., 267.)

1874. [1058]
Wilts and Berks Canal Co. v. *Swindon Water-works Co.* Local Acts—Use of a stream by a Riparian proprietor as a source of water supply for a neighbouring town held unlawful. (38 J. P., 580.)

Works.

1862. [1059]
St. Luke's, Middlesex, Vestry v. *Lewis.* Requisition to substitute a Water-closet for a privy. (Metropolis.) (31 L. J., M. C., 73: 1 B. & S., 865: 5 L. T., 608.)

1858. [1060]
Sutton v. *Norwich, Mayor.* "Public Health Act, 1848," §§ 43-46 and 145—A Local Board has no power to enter upon land in order to make a sewage tank without the consent of the owner—Injunction granted. (27 L. J., Ch., 739: 31 L. T. (o. s.), 389.)

1858. [1061]
Tinkler v. *Wandsworth B. W.* "Nuisances Removal Act, 1855," § 11—Erection of Water-closets—Not until the Justices have made an Order which has not been obeyed can a Board enter and execute structural works—A Board must determine every case as to alterations on its own merits, and not lay down a general rule. (27 L. J., Ch., 342: 2 De G. & J., 261: 30 L. T. (o. s.), 146: 22 J. P., 223.)

ADDITIONAL CASES.

*** These cases are not indexed.

BY-LAWS, BUILDING.

1875. [1062]
Hall v. *Nixon.* "Local Government Act, 1858," § 34—Building By-Law to enforce deposit of plans held good—Justices ought to have convicted. (W. N., 1875, p. 13: 39 J. P., 69.)

1875. [1063]
Rolshaw v. *Leeds, Mayor.* Local Act—By-Laws—Back to back houses—Insufficient open space—Conviction affirmed. (*Times*, Jan. 21, 1875.)

LANDLORD AND TENANT.

1874. [1064]
Crosse v. *Raw.* "Sanitary Act, 1866," § 10—Landlord and Tenant—Covenant that the tenant should pay all "out-goings" held to include the expense of making a drain for which the "owner" might have been made liable. (43 L. J., Ex. 144: L. R. 9 Ex., 209.)

LANDS' CLAUSES ACT.

1873. [1065]
Falkner v. *Somerset & Dorset Railway.* "Lands' Clauses Act, 1845," § 92-3—Market Garden with Cottage—Severance by tunnel—Extent of liability to purchase—Premises held not to be within a "town" although within the Municipal Boundary. (42 L. J., Ch., 851: 16 Eq., 458.)

1874. [1066]
Reg. v. *Hannay.* "Lands' Clauses Act, 1845"—An adjudication of two Justices under § 22 is not an order to pay money within § 11 of "Jervis's Act," and a summons to determine compensation is not out of time if issued after six months from notice to treat being given. (44 L. J., M. C., 27.)

PAVING EXPENSES.

1875. [1067]
Healey v. *Batley Corporation.* "Public Health Act, 1848," § 69—Piece of land alleged to be a street which the Corporation was entitled to have paved—Injunction granted against the Corporation doing any paving. (W. N., 1875, p. 29.)

RATES, FORMALITIES IN LEVYING.

1874. [1068]
Williams v. *Bedminster Union.* Poor Rate—A person aggrieved must first appeal to the Assessment Committee and give notice of all grounds of objection even though one be that his premises are not rateable: otherwise he cannot appeal to the Quarter Sessions. (39 J. P., 117.)

RATING, FACTORIES AND MILLS.

1838. [1069]
Reg. v. *Guest.* Iron Works—Principle of Assessment—Real property must be rated at its actual value as combined with machinery attached, irrespective of whether the machinery be real or personal property. (7 L. J., M. C., 38: 7 A. & E., 951.)

1787. [1070]
Rex v. *Hogg.* Held that in assessing an Engine-house the engine, though personal property, was to be taken into account. (1 T. R., 721.)

RATING, GAS WORKS.

1837. [1071]
Rex v. *Birmingham & Staffordshire Gas-light Co.* Gas Works, Mains and Engine-houses—Principle of Assessment. (6 L. J., M. C., 92: 6 A. & E., 634.)

STREET.

1875. [1072]
Challenger v. *Bristol.* "Tramways Act, 1870," § 9: "Public Health Act, 1848," § 68—Alleged evasion of former enactment—Injunction to restrain the widening of a roadway at the expense of the adjacent footway, refused. (*Times*, Feb. 10, 1875.)

VOTING.

1872. [1073]
Davies v. *Stone.* Election of Guardians—Filling up a Marksman's paper otherwise than according to his wishes—Conviction for "Fabrication" held good. (36 J. P., 390.)

Index of Names of Cases.

*** In order to save space, the names of the Cases are, in this Index, generally abbreviated, but not so much as to cause any obscurity.

A

Aberdare *v.* Hammett 958
Acton *v.* Blundell 1028
Adams *v.* Bromley... 95
Addison *v.* Preston 861
Allan *v.* Liverpool 698
Allen *v.* Hayward 426
Allen *v.* Tunbridge 249
Allison *v.* Monkwearmouth ... 727
Alston *v.* Grant 427
Amys *v.* Creed 513
Anderton *v.* Birkenhead ... 96
Andrews *v.* Ryde 338
Angell *v.* Paddington 595
Antony *v.* Brecon 464
Arnell *v.* Regent's Canal ... 85
Arnold *v.* Blaker 227
Arnold *v.* Gravesend 475
Arnold *v.* Holbrook 228
Arthy *v.* Coleman 428
Ashby *v.* Woodthorpe 86
Ashworth *v.* Heyworth 486
Askew *v.* Ulverstone 991
Atkinson *v.* Newcastle W. Co. 978
A. G. *v.* Andrews 585
A. G. *v.* Aylesbury... 992
A. G. *v.* Barnsley 993
A. G. *v.* Birmingham (1) ... 896
A. G. *v.* Birmingham (2) ... 994
A. G. *v.* Black... 297
A. G. *v.* Bradford Canal ... 564
A. G. *v.* Cambridge Gas Co.... 233
A. G. *v.* Cambridge 487
A. G. *v.* Castleford... 995
A. G. *v.* Cockermouth 996
A. G. *v* Colney Hatch 997
A. G. *v.* Francis 541
A. G. *v.* Gee 998
A. G. *v.* Halifax 999
A. G. *v.* Kingston-on-Thames 1000
A. G. *v.* Leeds 1001
A. G. *v.* Luton 1002
A. G. *v.* Manchester, Bishop 476
A. G. *v.* Metropolitan B. W. 1003
A. G. *v.* Norwich 586
A. G. *v.* Richmond... 1004
A. G. *v.* Sawyer 1005
A. G. *v.* Sheffield Gas Co. ... 234
A. G. *v.* Southampton Corp. 849
A. G. *v.* Southampton Guard. 587
A. G. *v.* Staffordshire Cop. Co. 377
A. G. *v.* Tottenham 588
A. G. *v.* West Hartlepool ... 589
A. G. *v.* Whitwood... 510
A. G. *v.* Wigan 590
Auckland *v.* Westmins. B. W. 87
Austin *v.* Milton-n.-Sittingb. 630
Austin *v.* St. Mary's, Lambeth 194
Austin *v.* St. Mat., Bethnal G. 15

B

Baddeley *v.* Denton 369
Baddeley *v.* Gingell 915
Bailey *v.* Cuckson 591
Baines *v.* Baker 565
Baker *v.* Billericay 942
Baker *v.* Marsh 897
Balston *v.* Benstead 1029
Bamford *v.* Turnley 530
Bankart *v.* Houghton 542
Barber *v.* Jessopp 3
Bareham *v.* Hall 531
Barnes *v.* Akroyd 553
Barnes *v.* Ward 218
Barnett *v.* G. E. R. 28
Barnsley *v.* Sedgwick 873
Barton *v.* Piggott 262
Bateson *v.* Oddy 250
Bath *v.* Inland Revenue Com. 898
Bauman *v.* St. Pancras... ... 73
Bavin *v.* Hutchinson 652
Baxendale *v.* McMurray ... 566
Bayley *v.* Wilkinson 514
Bayley *v.* Wolverhamp. W. Co. 979
Beardmore *v.* Treadwell ... 532
Beaver *v.* Manchester 916
Beck *v.* Stringer 620
Beenlen *v.* Hockin... 943
Bell *v.* Crane 639
Bermondsey *v.* Johnson ... 74
Bermondsey *v.* Ramsay ... 596
Berry *v.* Henderson 623
Best *v.* Staff 298
Bidder *v.* Croydon... 1006
Biddulph *v.* St. Geo., Han. Sq. 881
Bigg *v.* London 137
Bignell *v.* Clarke 624
Bird *v.* Elwes 303
Bird, *Ex-parte* 4
Birmingham Canal *v.* Birm. 690
Birmingham Library, *In re*... 798
Birt *v.* Monmouthshire... ... 1007
Black *v.* Sackett 488
Blackburn *v.* Parkinson ... 597
Blackpool *v.* Bennett 251
Black *v.* Ottoman Bank ... 935
Blagrave *v.* Bristol Water Co. 29
Blake *v.* Thirst 429
Blundell *v.* Catterall 60
Blyth *v.* Birmingham W. Co. 980
Blything *v.* Warton 575
Bocking *v.* Jones 252
Bogg *v.* Pearse 862
Bold *v.* Williams 138
Bolingbroke *v.* Swindon ... 195
Bolingbroke *v.* Townsend ... 339
Boulton *v.* Crowther 139
Bourne *v.* Liverpool 314
Bourne *v.* Lowndes 489
Bouverie *v.* Miles 917
Bowditch *v.* Wakefield... ... 576
Bowes *v.* Law... 88
Bowling *v.* Bailey 653
Boyce *v.* Higgins 169
Brackenborough *v.* Thorsby 229
Bradby *v.* Southampton ... 30
Bradford *v.* Hopwood 140
Bradley *v.* Sylvester 415
Brecon *v.* Edwards 490
Bridgewater *v.* Bootle 878
Brighton *v.* North 592
Brighton *v.* Stenning 465
Brighton Turnpike *v.* Preston 263
Brine *v.* G. W. R. 340
Brit. Pl. Manufac. *v.* Meredith 430
Broadbent *v.* Ramsbotham ... 1030
Broughton *v.* Crewe 1008
Broughton, *In re* 674
Brown *v.* Bussell 567
Brown *v.* Clegg 918
Brown *v.* Holyhead 97
Brown *v.* Sargent 431
Bruton *v.* Wincanton 264
Brutton *v.* St. Geo., Han. Sq. 75
Buccleuch *v.* Metrop. B. W. 31
Buckle *v.* Wrightson 253
Burgess *v.* Peacock 98
Burland *v.* Kingston-on-Hull 631
Burnley *v.* Methley 654
Burrows *v.* March Gas Co. ... 235
Burslem *v.* Shropsh. Union R. 621
Busby *v.* Chesterfield W. Co. 981
Bush *v.* Beavan 863
Bush *v.* Martin 864

C

Caballero *v.* Lewis... 515
Campbell *v.* E. London W. Co. 982
Cane *v.* Chapman 341
Canwell *v.* Hanson... 577
Cardiff *v.* Cardiff Water Co.... 899
Carter *v.* Parkhouse 491
Cary *v.* Kingston-upon-Hull 919
Case *v.* Storey... 254
Caswell *v.* Cook 342
Caswell *v.* Wolverhampton ... 826
Cator *v.* Lewisham 1009
Cavey *v.* Lidbetter 533
Cawkwell *v.* Russell 196
Chambers *v.* Reid 882
Chanter *v.* Glubb 900
Charinton *v.* Johnson 682
Charlesworth *v.* Rudgard ... 183
Chasemore *v.* Richards... ... 1031
Cheetham *v.* Manchester ... 180
Chelmsford U. *v.* Chelmsford 746
Chelsea Vestry *v.* Evans ... 598
Chelsea Water Co. *v.* Putney 835

Chidley v. West Ham 711
Clarendon v. St. Jas., Westm. 799
Clark v. Cuckfield 148
Clarke v. Higgins 901
Clarke v. Paddington 883
Clarke v. Stanford... 255
Clayton v. Fenwick 625
Cleckheaton v. Jackson... ... 884
Cleeve v. Mahany 534
Clegg v. Castleford 885
Clothier v. Webster 432
Clowes v. Staffordshire W. Co. 1022
Coates v. Kingston-upon-Hull 640
Cobham v. Holcombe 149
Cocker v. Cardwell... 516
Coe v. Wise 433
Congreve v. Upton 688
Cook v. Ipswich 599
Cook v. Montague 578
Cooper v. Walker 265
Cooper v. Wandsworth... ... 99
Cooper v. Woolley 554
Cornwell v. Metrop. Sewers... 219
Cortis v. Kent Water Co. ... 836
Cory v. Greenwich 699
Coulton v. Ambler... 197
Cousins v Stockbridge... ... 256
Cowen v. Phillips 579
Cowley v. Sunderland 62
Cracknell v. Thetford 434
Cranwell v. London 315
Cross v. Alsop... ... ... 958a
Crossley v. Lightowler 1010
Crump v. Lambert... 555
Crumpsall, *Ex-parte* 685
Cunningham v. Wolverhampton 217
Curling v. Johnson 150
Curtis v. Embrey 257
Curtis v. Marsh 944

D

Daniel v. Coulsting 292
Darley v. The Queen 416
Darlington v. Home Secretary 477
Davies v. Harvey 170
Davies v. Swansea... 151
Davis v. Curling 266
Daw v. Metropolitan B. W.... 343
De Caux v. Powley 114
Deeks v. Bailey 132
Delany v. Metropolitan B. W. 316
Derby v. Bury 886
Derriman's Settlement, *In re* 344
De Winton v. Brecon 511
Dickinson v. Grand J. Canal 1032
Digby v. West-Ham 526
Dodd v. St. Pancras 600
Doe d. Hopley v. Young ... 373
Dorchester v. Ensor 492
Dorling v. Epsom 655
Dover Gas Co. v. Dover ... 236
Downing College v. Purchas 747
Draper v. Sperring 493
Drighlington v. Bower... ... 224
Driver v. Kingston 5
Dumelow v. Lees 184
Dyer v. Best 171
Dyte v. St. Pancras 16

E

Eales v. Cumberland Lead Co. 17
E.C.R. and Moulton O's, *In re* 656
East India Co. v. Skinner ... 657
East London v. Metrop. Rail. 32
East London W. Co. v. Leyton 837
Easton v. Alce 201
Ecclesiastical C. v. Clerkenwell 76
Ecclesiastical C. v. Merral ... 304
Eddleston v. Crossley 1033
Eddleston v. Francis 945
Edgware v. Harrow Gas Co. 237
Edwards v. Lowndes 345
Edwards v. Rusholme 24
Eggington, *Ex-parte* 346
Electric Teleg. Co. v. Salford 728
Elias v. Nightingale 494
Ellis v. Bridgenorth Corp. ... 495
Ellis v. Bridgenorth, Mayor 496
Ellis v. Sheffield Gas. Co. ... 238
Ellison's Estate, *In re* 317
Ellwood v. Bullock 116
Elmer v. Norwich 626
Embleton v. Brown 382
Embrey v. Owen 1034
Evans v. Smith 535
Evelyn v. Whichcord 580
Everett v. Grapes 527
Ewart v. Cochrane 198
Eynsham, *In re* 468

F

Farr v. Boston 193
Fearon v. Mitchell... 497
Feilden v. Blackburn 1011
Felkin v. Berridge... 902
Felkin v. Herbert 191
Ferrar v. London Sewers ... 318
Filby v. Combe 868
Fitzgerald v. Champneys ... 903
Fitzhardinge v. Pritchett ... 729
Fitzpatrick v. Kelly 12
Flight v. Clarke 301
Flight v. St. Geo., Southwark 40
Folkestone v. Woodward ... 77
Forbes v. Ecclesiastical Com. 850
Foreman v. Canterbury ... 435
Forrest v. Greenwich 699a
Foster v. Dodd 92
Foster v. Oxford, &c., Railway 172
Foulger v. Steadman 258
Fox v. Palmer... 498
Frend v. Dennet 874
Frewen v. Hastings L. B. ... 627
Frewen v. Hastings L. B. H. 628
Frewin v. Lewis 478

G

Galloway v. London 920
Gaskell v. Bayley 556
Gas & C. Co. v. St. Geo., Han. Sq. 245
Gambier v. Lydford 748
Gaved v. Martyn 1035
Gibson v. Preston 436
Gill v. Bright 347
Goldsmid v. Tunbridge Wells 1012
Goodyear v. Weymouth ... 152
Gordon v. St. Jas., Westmins. 437
Gough v. Hardman 904
Grand J. Canal v. Hemel H. 691
Grand J. Canal v. Shugar ... 1036
Grant v. Oxford 700
Graves, *Ex-parte* 592a
Gray v. Pullen 438
G. E. R. v. Harwich 779
G. E. R. v. Haughley 780
G. W. R. v. Badgworth ... 781
G. W. R. v. Bishop 568
G. W. R. v. Denchworth ... 658
G. W. R. v. Pontypridd ... 782
Greenhow v. Parker 173
Greenock v. Shaw's Waterw. 838
Greenwich v. Maudsley ... 267
Greenwood v. Wadsworth ... 93
Grindley v. Booth 348
Grosvenor v. Hempstead Rail. 319
Guest v. East Dean 741
Gwatkin v. Chepstow W. Co. 983

H

Hackett v. Long Bennington 815
Haigh v. North Bierley ... 1
Halifax v. Soothill... 1037
Hall v. Bristol 141
Hall v. Potter... 517
Hall v. Smith... 439
Hall v. Swansea 349
Hall v. Taylor... 865
Ham, *In re*, Bassett, *Ex-parte* 400
Hamilton v. St. Geo., Hn. Sq. 230
Hammersmith Bridge v. Ham. 749
Hammond v. St. Pancras ... 440
Hanson v. Epsom 268
Hardcastle v. South York. R. 220
Hardwicke v. Brown 58
Hargreaves v. Taylor 383
Harring v. Stockton 350
Harrison v. Enfield 153
Harrison v. Southampton ... 351
Harrison v. Williams 117
Harrop v. Bayley 246
Harrop v. Hirst 1038
Harter v. Salford 712
Hartley, *In re* 225
Hartnell v. Ryde 441
Harvie v. South Devon Rail. 320
Hattersley v. Burr 100
Hawkins v. Robinson 239
Haydock, *Ex-parte* 417
Hayward v. Lowndes 887
Hendon v. Bowles 569
Hereford v. Morton 905
Herring v. Metrop. B. W. ... 321
Hertford v. Kimpton 570
Hesketh v. Atherton 601
Higgins v. Green 675
Higgins v. Harding 602
Higgins v. Northwich 557
Higgs v. Godwin 1013
Hildreth v. Adamson 984
Hill v. New River Co. 985
Hilton v. Bowes 730
Hipkins v. Birming. Gas Co. 987
Hirst v. Halifax 603
Hoare v. Metropolitan B. W. 921
Hobbs v. Dance 89
Hodgkinson v. Ennor 1023
Hodgson v. Carlisle 750
Holborn v. St. Leon., Shored. 751
Holdsworth v. Wilson 33
Hole v. Barlow 536
Hole v. Milton 293
Holland v. Kensington... ... 581
Holliday v. St. Leon., Shored. 442
Hollis v. Marshall 247
Holt v. Rochdale 888
Hooker v. Porritt 1039
Hopkins v. Swansea 118
Houghton v. Bankart 543
Howarth v. Manchester ... 466
Howell v. London Dock Co.... 632
Howitt v. Manfull 202
Hunt v. Harris 582
Hutchins v. Chambers 683

Hutton *v.* Lanc. & York. Rail. 558
Hyams *v.* Webster 443

I

Illingworth *v.* Montgomery... 604
I. of W. Oyster Co. *v.* Newport 1014
Itchen Brg. Co. *v.* Southamp. 352

J

Jacomb *v.* Dodgson 25
Jacomb *v.* Huddersfield ... 34
Jarrow *v.* Kennedy 605
Jewel *v.* Stead 186
Jolliffe *v.* Wallasey 353
Jones *v.* Cook 622
Jones *v.* Mersey Docks 752
Jones *v.* Williams 518
Judge *v.* Selmes 659

K

Keighley *v.* Keighley 753
Kellet *v.* Tranmere 35
Kerr *v.* Wilkie 506
Kidderminster *v.* Hardwick 154
King *v.* Lacey... 816
Kingston-upon-Hull *v.* Jones 922
Kingston-upon-Hull *v.* Petch 155
Kingston-upon-Th., *Ex-parte* 660
Kirk *v.* Bromley 156
Kittow *v.* Liskeard 742
Knight *v.* Gardner 544

L

Labalmondiere *v.* Addison ... 180*a*
Labalmondiere *v.* Frost ... 181
Lake *v.* Butler 187
Lamprell *v.* Billericay 157
Lancashire JJ. *v.* Cheetham 754
Laughlin *v.* Saffron Hill ... 755
Law *v.* Dodd 869
Lawrence *v.* Tolleshunt Knts. 817
Leamington, *Ex-parte* 384
Lee *v.* Stevenson 305
Le Feuvre *v.* Lankester ... 174
Le Feuvre *v.* Miller 661
Le Neve *v.* Mile End 923
Letts *v.* Oldbury 444
Lillywhite *v.* Trimmer 1015
Limerick *v.* Com. of Valuation 718
Lincoln *v.* Holmes Common 731
Lingwood *v.* Stowmarket Co. 378
Linnean Soc. *v.* St. Anne, W. 800
Lister *v.* Lobley 142
Littleborough, *Ex-parte* ... 6
Liverpool, *In re*, Brown *Ex-p.* 662
Liverpool Library *v.* Liverp. 801
Liverpool, *Ex-parte* 519
Liverpool Mayor *v.* Wavertree 838*a*
Liverpool Mrkt. Co. *v.* Hodson 520
Liverpool Gas Co. *v.* Everton 407
Llandaff Mark. Co. *v.* Lyndon 499
Llanelly, *Ex-parte* 133
L. & B'kwall R. *v.* Limehouse 906
L. C. & D. R. *v.* London ... 924
London Gas Co. *v.* Chelsea ... 469
London *v.* St. Andrew's, Hol. 647
London Tram. Co. *v.* Lambeth 833
L. & N. W. R. *v.* Buckmaster 782*a*
L. & N. W. R. *v.* Cannock ... 783
L. & N. W. R. *v.* St. Pancras 606
L. & S. W. R. *v.* Blackmore 952
Lowndes *v.* Horne 818
Ludlow *v.* Charlton 875
Lumb *v.* Simpson 425
Luscombe *v.* Plymouth... ... 641
Luscombe *v.* Steer... 537
Luton *v.* Davis 385
Lyndon *v.* Standbridge... ... 870

M

Mace *v.* Philcox 61
Macey *v.* Metropolitan B. W. 322
Maidenhead, *In re*... 889
Malden *v.* The Queen 663
Manchester *v.* Chapman ... 607
Manch. S. & L. R. *v.* Caistor, &c. 784
Manch. S. & L. R. *v.* Worksop 1016
Margate Pier Co. *v.* Margate 871
Mkt. Har. Tpke. *v.* Kettering 269
Mkt. Har. Tpke. *v.* Mkt. Har. 270
Marshall *v.* Smith 101
Marson *v.* L. C. & D. R. ... 294
Mashiter *v.* Dunn 642
Mason *v.* Bibby 521
Mason *v.* Birkenhead 354
Mason *v.* Hill 1040
Matlock Bath Dist., *Ex-parte* 7
Maund *v.* Monmouth. Canal 355
Mayer *v.* Harding 386
McCannon *v.* Sinclair 701
M'Carthy *v.* Metrop. B. W.... 323
Medway Naviga. *v.* Romney 1041
Meek *v.* Langdon 244
Meek *v.* Whitechapel B. W. 445
Meeker *v.* Van Kensselaer ... 374
Mellish, *Ex-parte* 866
Mercer *v.* Woodgate 231
Merrick *v.* Wakley... 375
Mersey Docks *v.* Birkenhead 713
Mersey Docks *v.* Gibbs... ... 446
Mersey Docks *v.* Liverpool (1.) 702
Mersey Docks *v.* Liverpool (2.) 703
Metcalfe, *Ex-parte* 854
Metropolitan B. W. *v.* Clever 925
Metrop. B. W. *v.* Cox 926
Metrop. B. W. *v.* Flight ... 939
Metrop. B. W. *v.* Metrop. R. 324
Metrop. B. W. *v.* West Ham 756
Midland Rail. *v.* Badgworth 785
Middlesborough *v.* Potts ... 102
Midland Rail. *v.* Birmingham 786
Mildmay *v.* Wimbledon ... 757
Mill *v.* Hawker 507
Millington *v.* Griffiths 988
Mills *v.* Rydon 608
Milton *v.* Faversham 953
Milward *v.* Redditch 927
Minor *v.* Gillmore 1042
Morgan *v.* Crawshay 743
Morgan *v.* Leach 221
Morton *v.* Brammer 664
Mose *v.* Hastings Gas Co. ... 240
Moseley *v.* Ely 676
Moufiet *v.* Cole 188
Mountstephen *v.* Lakeman ... 158
Mourilyan *v.* Labalmondiere 182
Mulholland *v.* Belfast 63

N

Newman *v.* Baker 387
Newmrkt. R. *v.* St. And., Cam. 787
New River Co. *v.* Johnson ... 1043
New Shoreham *v.* Lancing ... 704
Newton *v.* Ellis 447
Nicholson *v.* Bradfield 159
Nicholson *v.* Fields 175
Norbury *v.* Kitchen (1) ... 1044
Norbury *v.* Kitchen (2) ... 1045
Norbury *v.* Kitchen (3) ... 1046
Norris *v.* Barnes 559
North Eastern R. *v.* Leadgate 788
North Eastern R. *v.* Scarbro' 665
North East. R. *v.* Tynemouth 629
North London R. *v.* Met. B.W. 325
North London R. *v.* Islington 271
North Stafford. R. *v.* Tunstall 1017
Nowell *v.* Worcester 160
Nuttall *v.* Bracewell 1047

O

Ogilvy *v.* Caledonian Railway 448
Ohrby *v.* Ryde 222
Oldaker *v.* Hunt 1018
Ormerod *v.* Chadwick 666
Overton *v.* Freeman 449
Owen *v.* Davies 1048

P

Paine *v.* Strand Union 161
Pallister *v.* Gravesend 66
Parkinson *v.* Blackburn ... 522
Parry *v.* Croydon Gas Co. ... 989
Parsons, *Ex-parte* 890
Parsons *v.* Bethnal Green ... 272
Pauling *v.* Dover 162
Payne *v.* Brecon 512
Paynter *v.* The Queen 388
Pearson *v.* Kingston-on-Hull 103
Pedder *v.* Preston 57
Peek *v.* Waterloo 583
Pentney *v.* Lynn 143
Perkins *v.* Arber 500
Peters *v.* Clarson 273
Peto *v.* West Ham... 705
Pew *v.* Metropolitan B. W.... 686
Phillips *v.* Foxall 936
Pimlico Tram. Co. *v.* Greenwich 834
Pinchin *v.* L. & Blackwall R. 326
Pinckney *v.* Ewens 545
Pitts *v.* Kingsbridge 879
Plumstead *v.* British Land Co. 608*a*
Plumstead *v.* Ingoldby... ... 609
Pope *v.* Tearle 14
Pope *v.* Whalley 501
Popham *v.* Pickburn 463
Poplar *v.* Knight 90
Poplar *v.* Love 610
Poulsom *v.* Thirst 450
Poulters' Co. *v.* Phillips ... 119
Pound *v.* Plumstead 611
Power *v.* Wigmore... 940
Powles *v.* Hider 259
Prest, *Ex-parte* 41
Preston *v.* Great Yarmouth 67
Pryor *v.* West Ham 356
Pudsey Gas Co. *v.* Bradford 241
Purchas *v.* Holy Sepul., Cam. 803
Purnell *v.* Wolverhamp. W. Co. 986
Purvis *v.* Traill 802
Pyer *v.* Carter 199

Q

Queen (The) *v.* Burrell... ... 574
Quinton *v.* Bristol... 327

R

Ramsden *v.* Manches., &c., R. 328
Rawlins *v.* West Derby ... 523

Rawstron v. Taylor 1049
Reddin v. Metropolitan B. W. 329
Reg. v. Abney Park Cemetery 696
Reg. v. Aldborough 274
Reg. v. Avery... 959
Reg. v. Backhouse... 203
Reg. v. Battle... 732
Reg. v. Beckwith 960
Reg. v. Best 667
Reg. v. Biggleswade 408
Reg. v. Bilston (1) 643
Reg. v. Bilston (2) 644
Reg. v. Bird 8
Reg. v. Birmingham W. Co. 839
Reg. v. Blanshard... 855
Reg. v. Blizard 204
Reg. v. Bodkin 907
Reg. v. Bradford Library ... 804
Reg. v. Bradford Navigation 1024
Reg. v. Bradley 961
Reg. v. Bradshaw 409
Reg. v. Brandt 805
Reg. v. Brecknock JJ. 42
Reg. v. Bridgehouse 758
Reg. v. Briggs 205
Reg. v. Brinjes 714
Reg. v. Briscoe 733
Reg. v. Brodhurst... 389
Reg. v. Burleigh [Burley] ... 401
Reg. v. Burrell 275
Reg. v. Burslem 36
Reg. v. Byrom 402
Reg. v. Cambridge Gas Co.... 719
Reg. v. Carruthers... 104
Reg. v. Cheltenham 410
Reg. v. Christchurch 508
Reg. v. Coaks 418
Reg. v. Cockerell 479
Reg. v. Cooper (1.) 759
Reg. v. Cooper (2.) 206
Reg. v. Cottle... 954
Reg. v. Cotton 390
Reg. v. Cousins 419
Reg. v. Crawley 226
Reg. v. Cross 856
Reg. v. Darlington 144
Reg. v. Deighton 207
Reg. v. Denbighshire JJ. ... 43
Reg. v. Derbyshire JJ.... ... 411
Reg. v. Deverell 470
Reg. v. Dickenson 365
Reg. v. Diplock 420
Reg. v. Dowlais 827
Reg. v. Dolgelly 18
Reg. v. Dukinfield... 276
Reg. v. Durham 828
Reg. v. Eastern Counties R. (1.) 789
Reg. v. Eastern Counties R. (2.) 790
Reg. v. East London W. Co. 840
Reg. v. Eddows 208
Reg. v. Ellis 403
Reg. v. Epsom 908
Reg. v. Ewell 44
Reg. v. Fairie... 357
Reg. v. Fielding 366
Reg. v. Finnis 45
Reg. v. Fletton 791
Reg. v. Foleshill 744
Reg. v. Fordham (Hereford. JJ.) 46
Reg. v. Fordham Inhabitants 668
Reg. v. Fulbourn 689
Reg. v. Fullford 928
Reg. v. Gainsborough 734
Reg. v. Garland 546
Reg. v. Gaskill 806
Reg. v. Gee 71
Reg. v. Glamorganshire Canal 692
Reg. v. Gloucester... 867
Reg. v. Godmanchester ... 891
Reg. v. Goodchild 819
Reg. v. Gosse 367
Reg. v. Grasmere 9
Reg. v. G. W. R. (1.) 929
Reg. v. G. W. R. (2.) 669
Reg. v. G. W. R. (3.) 47
Reg. v. Griffiths (1.) 19
Reg. v. Griffiths (2.) 127
Reg. v. Grimshaw 20
Reg. v. Hackney 909
Reg. v. Hague 962
Reg. v. Halifax 358
Reg. v. Hall-Dare 735
Reg. v. Halstead 715
Reg. v. Hammond... 963
Reg. v. Hampshire JJ. 412
Reg. v. Hampton 421
Reg. v. Harden 370
Reg. v. Hardy 10
Reg. v. Harrald 964
Reg. v. Harrogate 760
Reg. v. Hartshorn 965
Reg. v. Haslam 716
Reg. v. Head 720
Reg. v. Heath... 677
Reg. v. Hervey 277
Reg. v. Heyworth 467
Reg. v. Holme Reservoirs ... 841
Reg. v. Huntley 634
Reg. v. Hurstbourne Tarrant 68
Reg. v. Ingham 930
Reg. v. Ireland 209
Reg. v. Jenkins 391
Reg. v. Jones (1.) 807
Reg. v. Jones (2.) 422
Reg. v. Kensington 697
Reg. v. Kent JJ. 761
Reg. v. Kershew 966
Reg. v. Kingston-on-Thames JJ. 670
Reg. v. Kingswinford 471
Reg. v. Kirby 967
Reg. v. Kitchener 485
Reg. v. Knott 48
Reg. v. Lambeth 472
Reg. v. Lancashire JJ. (1.) ... 762
Reg. v. Lancashire JJ. (2.) ... 635
Reg. v. Lapley 693
Reg. v. Lee 721
Reg. v. Leeds & Bradford R. 330
Reg. v. Leith 706
Reg. v. Licensed Victual. Soc. 763
Reg. v. Linford 49
Reg. v. Liverpool, Recorder of 636
Reg. v. Livesey 612
Reg. v. Local Gov. Board ... 480
Reg. v. Lofthouse 968
Reg. v. London & N. W. R.... 792
Reg. v. London Sewers... ... 105
Reg. v. Longton Gas. Co. ... 242
Reg. v. Lundie 120
Reg. v. Manchester (1.) ... 808
Reg. v. Manchester (2.) ... 764
Reg. v. Master 50
Reg. v. M'Cann 765
Reg. v. Metrop. B. W. (1.) ... 1050
Reg. v. Metrop. B. W. (2.) ... 766
Reg. v. Metrop. B. W. (3.) ... 331
Reg. v. Metropolitan Sewers 37
Reg. v. Metrop. District Rail. 648
Reg. v. Middlesex JJ. (1.) ... 473
Reg. v. Middlesex JJ. (2.) ... 910
Reg. v. Middleton 946
Reg. v. Midgley 278
Reg. v. Mile-End 842
Reg. v. Morgan 969
Reg. v. Morrish 736
Reg. v. Morrison 707
Reg. v. Musson 880
Reg. v. Napton 51
Reg. v. Neath Canal 694
Reg. v. Newman 392
Reg. v. Newport Dock Co. ... 708
Reg. v. Newport L. B. H. ... 613
Reg. v. Nicholson 78
Reg. v. Nield 678
Reg. v. Norfolk Sewers... ... 593
Reg. v. North Aylesford ... 737
Reg. v. Northowram 11
Reg. v. North ShieldsFerryCo. 829
Reg. v. North Stafford. Rail. 793
Reg. v. Oldham 767
Reg. v. Owens... 857
Reg. v. Oxfordshire JJ. ... 679
Reg. v. Parkinson 210
Reg. v. Petrie 279
Reg. v. Phillips 809
Reg. v. Plenty 970
Reg. v. Pocock 810
Reg. v. Pollard (1.) 395
Reg. v. Pollard (2.) 396
Reg. v. Poor Law Commission 481
Reg. v. Portland 211
Reg. v. Postmaster-General... 768
Reg. v. Pratt 280
Reg. v. Prest 64
Reg. v. Rand 393
Reg. v. Rhymney Railway ... 671
Reg. v. Robinson 482
Reg. v. Rose (1.) 281
Reg. v. Rose (2.) 121
Reg. v. Rotherham 131
Reg. v. Saffron Walden... ... 189
Reg. v. Saunders 282
Reg. v. Sheffield 594
Reg. v. Sheffield Gas Co. ... 722
Reg. v. Shepherd 769
Reg. v. Sherford 820
Reg. v. Shropshire JJ. 947
Reg. v. Sidebotham 931
Reg. v. Slater 680
Reg. v. Slawstone 524
Reg. v. Smith (1.) 770
Reg. v. Smith (2.) 771
Reg. v. St. Luke's, Chelsea (1.) 404
Reg. v. St. Luke's, Chelsea (2.) 332
Reg. v. St. Martin's-in-F. Guar. 424
Reg. v. St. Martin's-in-F. Ch. 811
Reg. v. St. Martin's, Leicester 772
Reg. v. St. Mary, Islington ... 932
Reg. v. St Mary, Lambeth ... 130
Reg. v. St. Pancras 794
Reg. v. St. Pancras Inspectors 212
Reg. v. Staffordshire JJ. ... 368
Reg. v. Staples 423
Reg. v. Stapleton 773
Reg. v. Stennett 94
Reg. v. Stephens 1025
Reg. v. Stevens 723
Reg. v. Stewart 774
Reg. v. Stockton & Darling. R. 830
Reg. v. Strachan 971
Reg. v. Strand 614
Reg. v. Street 52
Reg. v. Surrey JJ.... 283
Reg. v. Sutcliff 359
Reg. v. Taff Vale Railway ... 795
Reg. v. Tamworth 65
Reg. v. Tart 972
Reg. v. Tewkesbury 973

Reg. v. Tong Street 213
Reg. v. Tottenham, *Ex-p.* Perry 394
Reg. v. Toxteth Park 775
Reg. v. Tugwell 974
Reg. v. Tunstall 106
Reg. v. Twopeny 413
Reg. v. Tyrwhitt 53
Reg. v. Wallasey 145
Reg. v. Wallingford 776
Reg. v. Ward 858
Reg. v. Warner (1.) 645
Reg. v. Warner (2.) 302
Reg. v. Warwickshire JJ. ... 295
Reg. v. Waterhouse 560
Reg. v. Watson 821
Reg. v. Welch... 21
Reg. v. Wells 738
Reg. v. West Bromwich ... 54
Reg. v. W. Middlesex W. Co. 843
Reg. v. Whipp 474
Reg. v. White... 859
Reg. v. Wilts Canal Co. ... 134
Reg. v. Wolstenholme 79
Reg. v. Worcestershire JJ. ... 284
Reg. v. Worksop (1.) 2
Reg. v. Worksop (2.) 672
Reg. v. Worthing Roads ... 285
Reg. v. Zoological Society ... 812
Rex v. Ashwell 122
Rex v. Bath 844
Rex v. Bedford Level 22
Rex v. Brighton Gas Co. ... 725
Rex v. Buckinghamshire JJ. 822
Rex v. Burnett 299
Rex v. Chelsea Water Co. ... 845
Rex v. Cheshire JJ. 397
Rex v. Cross 548
Rex v. Dursley 69
Rex v. Faversham 123
Rex v. Field 739
Rex v. Great Faringdon ... 55
Rex v. Manchester Water Co. 846
Rex v. Medley... 990
Rex v. Mosley... 831
Rex v. Neil 549
Rex v. B. Neville 550
Rex v. S. Neville 551
Rex v. New River Co. 847
Rex v. Nottingham Old W. Co. 405
Rex v. Pattison 955
Rex v. Pedley 306
Rex v. Rochdale Water Co. ... 848
Rex v. Shrewsbury Trustees 726
Rex v. St. Luke's Hospital ... 777
Rex v. St. Marg., Westminster 176
Rex v. Trecothick 684
Rex v. Vantandillo 300
Rex v. Watts 552
Rex v. White 561
Rex v. Yorkshire (W.R.) JJ. 948
Ricardo v. Maidenhead... ... 414
Richardson v. Tubbs 681
Richmond v. St. Paul's Chap. 851
Rickett v. Metropolitan Rail. 333
Ringland v. Lowndes 38
Ripon v. Hobart 379
Roads v. Trumpington 573
Robbins v. Jones 286
Roberts, *Ex-parte* 128
Roberts v. Aylesbury 832
Roberts v. Bury 163
Roberts v. Clarke 538
Roberts v. Egerton 13
Roberts v. Rose 1051
Robins v. Merry 107
Robinson, *Ex-parte*... 214
Rogers v. Macnamara 260
Rolls v. St. Mary's, Newington 615
Rook v. Liverpool 646
Rowell v. Hartlepool 451
Ruck v. Williams 452
Russell Inst. v. St. Giles-in-F. 813
Russell v. Shenton... 200
Russell v. Trickett... 164
Rutledge v. Farnham 165
Ryan v. Thompson... 307
Ryde Pier Co. v. Porter ... 124

S

Saberton, *In re* 59
Salvin & N. Brancepeth C. Co. 552*a*
Sanders v. St. Neot's 166
Sansom v. St. Leo., Shoreditch 26
Saunders v. Slack 360
Savage v. Brook 115
Savile v. Kilner 562
Sawyer v. Paddington 27
Scott v. Liverpool 167
Scott v. Manchester 453
Scott v. St. Martin's-in-Fields 814
Scriven-cum-Tent. v. Fawcett 823
Shaw v. Poynter 125
Sheffield Water Co. v. Bennett 308
Sheppard v. Bradford 778
Shiel v. Sunderland 108
Sills v. Brown... 126
Simpkin, *Ex-parte* 949
Simpson v. Smith 80
Sims v. Matlock Bath 956
Sinnott v. Whitechapel... ... 872
Skillett v. Fletcher 937
Skinner v. Usher 261
Slater v. Hodgson 376
Slee v. Bradford 109
Smart v. West Ham 23
Smith v. Birmingham Gas Co. 454
Smith v. Hirst 876
Smith v. Humble 309
Smith v. Redding 911
Smith v. Waghorn... 571
Soady v. Wilson 892
Souch v. East London Railway 334
South Eastern R. v. Dorking 796
South Wales Rail. v. Swansea 797
Spokes v. Banbury 1019
St. Geo., Han. Sq., v. Sparrow 81
St. Giles', Camberwell v. Weller 893
St. Hel.'s Smelt. Co. v. Tipping 563
St. Luke's, Middlesex v. Lewis 1059
St. Marylebone v. Viret... ... 894
St. Mary's, Islington, v. Barrett 287
St. Mary's, Newington v. Jacobs 232
St. Pancras v. Batterbury ... 310
Staffordshire JJ., *In re*... ... 673
Stainton v. Woolrych 146
Staley v. Castleton 717
Stebbing v. Metropolitan B. W. 335
Stevens v. Evans 361
Stevens v. Gourley 91
Stiff v. East-Bourne 938
Stockport v. Cheetham... ... 616
Stockport W. Co. v. Manchester 1052
Stockport W. Co. v. Potter (1.) 1026
Stockport W. Co. v. Potter (2.) 1053
Stokes v. Grissell 190
Stratton v. Metrop. B. W. ... 649
Summerhill v. Coley 975
Sunderland v. Herring 617
Sunderland Overseers v. Sund. 740
Surman v. Darley 296
Sutcliff v. Booth 1054
Sutton v. Clarke 455
Sutton v. Norwich 1060
Sutton v. Spectacle Makers Co. 877
Swaine v. G. N. R.... 380
Sweet v. Seager 311
Swinburne v. Robinson... ... 957
Swinford v. Keble 912
Swire v. Burley 950

T

Taff Vale Railway v. Cardiff 288
Tait v. Carlisle 637
Talargoch M. Co. v. St. Asaph 745
Taylor v. Crowland 371
Taylor v. Greenhalgh 456
Taylor v. Metropolitan B. W. 933
Tear v. Freebody 82
Telford v. Metropolitan B. W. 852
Thomas v. Daw 934
Thomas v. Williams 289
Thompson v. Lapworth... ... 312
Thornton v. Nutter 895
Thorpe v. Adams 913
Thorpe v. Brumfitt 381
Tidswell v. Whitworth 313
Tinkler v. Wandsworth ... 1061
Todmorden, *In re* 72
Tomlins v. Great Stanmore ... 572
Tong Street v. Seed 528
Towsey v. White 177
Tozer v. Child... 860
Triggs v. Lester 129
Tryddyn, Surveyors, *In re* ... 290
Tubb v. Good 584
Tucker v. Rees 110
Tulk v. Metropolitan B. W.... 853
Tupper v. Newton 185
Turner, *Ex-parte* 215
Turner v. Halifax 687
Tutill v. West Ham 192
Tyne Commissioners v. Chirton 709
Tyson v. London 951

U

Usher v. Woodman 56
Uttley v. Todmorden L. B. ... 39

V

Vaux v. Chapman 135

W

Waite v. Garston 111
Wakefield v. W. Riding, &c., R. 398
Walker v. G. W. R. 399
Walker v. Nottingham 248
Waller v. Manchester 1055
Wallington v. Willes 483
Walsh v. Southwell 362
Walter v. Selfe 539
Wandsworth v. Hall 83
Wanstead v. Hill 540
Wanstead v. Wooster 529
Ward v. Lee 457
Ward v. Lowndes 363
Wardle v. Brocklehurst ... 1056
Ware v. Regent's Canal ... 336
Warwick Canal v. Birmingham 695
Watkins v. Milton-n.-Gravesend 710
Watson v. Pitt 525
Webb v. Herne Bay 70
Wedmore v. Bristol 337

Wednesbury *v.* Stephenson ... 364
West *v.* Andrews 178
Westbury-on-Severn, *In re* ... 216
Weston *v.* Arnold 112
W. Riding, &c., R. *v.* Wakefield 458
Westwick, *Ex-parte*; Nottingham Corporation, *In re* ... 941
Whaley *v.* Laing 1027
Wheeler *v.* Burmington ... 824
Wheeler *v.* Metropolitan B. W. 650
Whitchurch *v.* Fulham... ... 618
White *v.* Hindley 459
White *v.* Steele 509
Whitechurch *v.* E. London R. 651
Whitehouse *v.* Birmingham C. 460
Whitehouse *v.* Fellowes ... 461
Whiteley *v.* Chappell 976
Whitley *v.* M'Cleane 977
Willes *v.* Wallington 291
William *v.* Heath 1057
Williams *v.* Llangeinwen ... 825
Wilson *v.* Bolton 619
Wilson *v.* Cunliffe 84
Wilson *v.* Halifax 223
Wilson *v.* Hull 136
Wilts & Berks C. *v.* Swindon 1058
Wiltshire *v.* Baker... 502
Wiltshire *v.* Willett 503
Womersley *v.* Church 1020
Wood *v.* Harrogate 1021
Woolley *v.* Kay 179
Worksop *v.* Marris... 638
Worksop Gas Co., *In re*; Worksop, *Ex-parte* ... 243
Worral Water Co. *v.* Lloyd ... 372
Worthington *v.* Hulton... ... 406
Worthington *v.* Sudlow... ... 168
Wortley *v.* Nottingham ... 504

Y

Yarmouth *v.* Groom 505
Young *v.* Davis 462
Young *v.* Edwards... 113
Young *v.* Gattridge 914

Index of Subjects of Cases.

*** The titles under which the Cases are classified in the Text of the *Digest* are, in the following Index, for the sake of distinctness, set in small capitals.

ACCOUNTANT ... ... 1—2
ADOPTION OF ACTS ... ... 3—11; see also 957
ADULTERATION OF FOOD ... ... 12—14
Agent of Candidate... 205
Allowance of Rate 673
Animals, Nuisances from (see "Nuisances")
Appeal against Rates (see "Rates, appeal against")
APPOINTMENT OF OFFICER ... 15—23, 415, 876, 955
APPORTIONMENT 24—7; see also 599, 601, 605, 613, 618, 619
ARBITRATION ... ... 28—39; see also 599, 1005
"ARTIZANS' & LABOURERS' DWELLINGS ACT, 1868" 40
Asylums, Rating of... ... ... 688—9
Attorney 865, 877
Attorney General 169, 350, 423, 855, 996
AUDIT... ... ... 41—56
Auditor's Fees 56

BANKING ACCOUNT 57
BANKRUPTCY ... ... 58—9; see also 50
Barge, Rating of 700
Barrier 909
BATHING ... ... 60—1
"BATHS AND WASH-HOUSES ACTS" ... ... 62—3
Bell-ringing 901
Bond 66
BOROUGH FUND ... ...64—5
BORROWING ... ... 66—70
BOUNDARY ... ... 71—2; see also 7, 9, 11
Brewery, Rating of... ... ... 711, 727, 740
Brick-burning ... ... 530—40
Bridge 472, 916
——— Rating of 749, 763
——— Repair of 85, 485
BUILDING LINE ... 73—84; see also 109, 925, 928
"BUILDINGS," DEFINITION OF 85—91; see also 95
BURIALS ... ... 92—4
BY-LAWS, Building ... ... 95—113; see also 89
——— Hackney Carriages 251
——— Market ... ... 114—5; see also 504
——— Various ...116—126; see also 527, 528, 529

Canal, Rating of 690
Candidates ... 204, 208, 212, 247, 857, 858, 859, 963
CASUAL VACANCY ... ... 127—8
CATTLE DRIVING 129
Cellar Flap 265
Cemetery, Rating of ... ... 696—7
Certiorari 365—8; see also 51, 72, 283, 410, 482, 627, 867, 941
CHAIRMAN 130; see also 6, 158, 203, 473, 858, 990
"CHARGES AND EXPENSES" 131
Church 76, 77, 104, 595, 608
CLERK 132—4; see also 64, 149, 150, 339, 384, 424, 863, 864, 865, 866, 1004
COAL DUTY ... ... 135—6; see also 297
Collector 23, 937
Committees 864, 873
Commons & Greens (see the cases under "Recreation Ground.")
"Companies' Clauses Consolidation Act" ... 172
COMPENSATION 137—46; see also 62, 358, 480, 951, 1009, 1036, 1043, 1050; refer also to cases under "Lands' Clauses Act"
——— under Lord Campbell's Act 218
Compositions for Rates (see "Rates, Compositions for")
Continuing Offence 101, 179
CONTRACT ... ... 147—68; see also 469, 874, 875
CONTRACT, DISQUALIFICATION FROM... ... 169—79
Contractor 150, 162, 168, 938, 950 (and see the cases under "Contract" and "Liability for Accidents")
Costs 217, 342, 344, 362, 364, 401, 425, 930, 969
County Court ... ... 369—71
Cul-de-sac 334, 607

DANGEROUS STRUCTURE ... ... 180—2, 939
Debenture 70, 511
Default of Sanitary Authority 477, 479
Deficiency in Rates (see "Rates, Deficiency in")
Derrick, Rating of 699
DISQUALIFICATION ... ... 183—5; see also 58
DISTANCE, MEASUREMENT OF ... ... 186—90
Distress Warrant 41, 42, 43, 45, 46, 49, 362, 388, 394, 403, 413, 682, 683, 684
DITCH ... ... 191—2
DIVISION OF DISTRICT... 193
Docks, Rating of 698—710; see also 632, 694, 784, 878
Drainage, Fen 379
DRAIN PIPES 194
DRAINS, RIGHTS AS TO ... ... 195—200
"Dwell," Definition of... 371

Easement 191, 198, 199, 326, 895
ELECTION ... ... 201—16; see also 128
Elegit 372
Empty House, Rating of 24, 663
ESTIMATE ... ... 217; see also 160, 672
Evidence... ... ... 373—6; see also 31, 490, 546
Excavation, Unfenced 218, 220, 221, 223; see also 265, 286
Executor 967
Exemptions from Rates (see "Rates, Compositions for")

Factories, Rating of ... ... 711—7
Fair 116
Fees 349, 939, 940
FENCES ... ... 218—23
Ferry Tolls, Rating of 829
FIRE ENGINE 224
Fire Plug 979, 980
FOOD, UNWHOLESOME ... ... 225—6
FOOT-PATH ... ... 227—32
Fore-shore 61
Forgery 960, 965
Frost, Accidents owing to 980

GAS COMPANY, POWERS, &C., OF 233—43; see also 905

GAS LAMP 244
GAS, QUALITY OF 245
Gas Washings 987, 989, 990
Gas Works, Rating of ... ... 718—26; see also 753
Gratuity 866, 867
GRIEVED PARTY ... ... 246—7
GUARDIANS, BOARD OF 248; see also 18, 19, 421

HACKNEY CARRIAGE ... ... 249—61
HIGHWAY ... ... 262—91; see also 5, 229
——— Rates (see "Rates, Highway")
Horse 498, 499, 979, 984, 985
Hospital 565
——— Rating of 777
"HOUSE," DEFINITION OF ... 292—96; see also 77, 86
——— Rating of New 663

INCOME TAX 297
Indictment 357, 1024
INFECTIOUS DISEASES ... ... 298—300, 565
Injunction 377—81; see also 348, 590, 997, 998, 1001, 1015
Inland Revenue Office, Rating of 771

Joint Rating 958*a*
JURISDICTION 301—2; see also 367, 368, 389, 390, 559, 855
Justices ... ... 382—99; see also 597, 598, 599, 941

LANDLORD AND TENANT 303—13; see also 427, 578, 580, 582, 782*a*
"LANDS' CLAUSES ACT, 1845" 314—37; see also 28, 31, 32, 647, 649, 650, 651
LEGAL PROCEEDINGS 338—425; see also 64, 65, 171, 491
LIABILITY FOR ACCIDENTS 426—62; see also 286, 353, 978, 979, 980, 982, 985
——— Of Members and Officers of Boards 507, 588, 591, 990
LIBEL 463
Library, Rating of 798, 799, 806, 809
LICENSES... ... ... 464—7; see also 61, 105, 116
LIGHTING ... ... 468—74, 932
Limit of Assessment 673*a*
Literary, &c., Institution, Rating of... ... 798—814
LOCAL GOVERNMENT BOARD, &c. 475—83; see also 4, 7, 9, 43, 47, 599, 866, 942
"LOCOMOTIVES ACT, 1861" 483

Mandamus 400—6; see also 4, 7, 8, 18, 22, 28, 36, 43, 70, 117, 134, 176, 213, 243, 363, 451, 592*a*, 630, 636, 684, 862, 863, 889, 890, 891, 908, 909, 930, 950
MARKET ... ... 486—505; see also 114, 115
——— Disturbance of 492, 495, 496
——— Infringement of 486, 489, 499
——— Rights, Rating of 831
——— Tolls 488, 491, 826, 831, 832
Meat, Unwholesome 225, 226, 914
Medical Officer 16, 463
MEETING ... ... 506—9; see also 8, 468
Mills, Rating of (see "Factories, Rating of")
Mines, Rating of ... ... 741—5
MINUTE BOOK ... ... 510; see also 20
MORTGAGE ... ... 511—2

Negligence (see "Liability for Accidents")
Nomination of Candidates 207, 210, 962, 969
Notice of Action 223, 266, 353, 354, 447, 450, 659, 882
NOTICES ... ... 513—25; see also 34, 891
——— Service of 515, 521, 524, 525, 605
Noxious Trades ... ... 541—52
NUISANCES 526—72; refer also to the cases under "Water, Pollution of, by Sewage"
——— Animals ... ... 526—9; see also 493
——— Brick-burning ... ... 530—52
——— Manure 528
NUISANCES, NOXIOUS TRADES... ... ... 541—52
——— Smoke 553—63; refer also to cases under "Noxious Trades"
——— Various ... ... 564—72
Numbering Houses 343

Obstruction of Highways 498
——— by Refuse 885
——— of Water Course 1051
OCCUPIER, DEFINITION OF 573, 871
Office (exercising)... 373
OFFICER 574
Open Space 88, 95, 96, 103, 110, 849, 850, 852, 853
Order of a Board 572
——— of Justices... ... 397, 400, 458, 569, 575, 1061
——— Provisional (see Provisional Order)
"OWNER," DEFINITION OF 575—84; see also 182, 610, 945
Oyster Beds 1014

PARLIAMENTARY EXPENSES 585—94; see also 638, 877
Patent Sewage Process 1013
PAVING EXPENSES 595—619; see also 272, 287, 310, 313, 483, 514, 517, 522, 576, 929
Personation 962, 976
PETROLEUM ... ... 620—2
"PHARMACY ACT, 1868" 623
Piers, By-Laws as to 124
——— Rating of 699*a*, 701, 704, 706
Pigs 526, 527, 529
"Place," Definition of 254, 911, 914
Poll 4, 6, 8, 130, 206, 509
Pollution of Water (see Water, Pollution of)
"Port," Definition of 899
Post Office, not rateable 770
POUND 624
Prison, Rating of 748, 762, 769, 772
Private Improvement Expenses 619
Prohibition 414
Projections in Streets 365, 917, 930
PROVISIONAL ORDER ... ... 625—9
Publication of Rate 474, 654, 661, 666
Public Buildings, Rating of 746

Qualification 201, 202, 204, 208
Quo Warranto 415—24; see also 128, 204, 205, 206, 207, 209, 211, 214, 638, 856, 858, 859, 955, 963, 964, 970, 974

Railways, Rating of ... ... 779—97
Rateable Value 643, 897
RATES
——— Appeal against 630—6; see also 385, 392, 670, 798, 910
——— Applicability ... ... 637—8
——— Compositions, &c., for 639—46; see also 677
——— Deficiency in ... ... 647—51
——— Formalities in Levying 652—73; see also 69, 302, 473, 643, 644, 645, 646
——— General District 653
——— Highway 674—81; see also 3, 268, 822
——— Legal Points 682—4; see also 359, 362
——— Library 662
——— Sewer... ... ... 309, 686, 735, 893
——— Special District 193, 655, 685
——— Void 659, 660
RATING OF PROPERTY
——— Asylums ... ... 688—9
——— Canals ... ... 690—5; see also 837
——— Cemeteries ... ... 696—7
——— Docks and Marine Property ... ... 698—710; see also 784
——— Factories and Mills, &c ... ... 711—7
——— Gas Works ... ... 718—26; see also 753
——— Houses and Lands ... ... 727—40

RATING of Mines ... ... 741—5
——— Public Buildings and Property ... 746—78
——— Railways ... ... 779—97
——— Societies under 6 & 7 Vict., c. 36 ... 798—814
——— Tithes... ... ... 815—25
——— Tolls ... ... 826—32
——— Tramways... ... ... 833—4
——— Waterworks ... ... 835—48
"Railway Clauses Consolidation Act, 1845" ... 368
Rain Water 927
Receiver 945
RECREATION GROUND ... ... 849—53; see also 120
Reformatory, Rating of 778
Relief, Parochial 209
Remission of Rates 642
Retirement of Members 202
RETURNING OFFICER ... ... 854—60
Revenue Office, Rating of 771
Rifle Butts, Rating of 757
Right of Way 232

SALARY, &c. ... ... 861—7; see also 341
SCAVENGING ... ... 868—72
School, &c., Rating of 755, 763, 773; see also 576, 810
Scientific Society, Rating of 800, 801, 802, 803, 808, 811, 812, 813, 814
SEAL 873—7; see also 1, 15, 16, 23, 147, 148, 154, 159, 161, 166, 454, 672
SEA-SHORE 878—80; see also 60, 61, 71, 251, 382
Seaweed, Nuisance from 871
Security 955
Sequestration... 1019
Sessions, Quarter 407—14; see also 278, 284, 366, 519
Sewage 153
SEWER ... ... 881—95; see also 907
——— Bursting of ... 427, 431, 437, 440, 445, 452
——— Construction of (refer to the cases under "Compensation")
——— Definition of 90
——— Not rateable 757, 766
——— Obstruction of 29, 445, 885
——— Tidal 143, 197, 219
Shooting, Rating of 730, 732
Shop 486, 497, 501, 502, 503
Signature 574, 972, 975
Sign-post 921
Slaughter-house ... 464, 465, 466, 467, 494, 520, 548
Smoke, Nuisance from 553—63; refer also to the cases under "Noxious Trades"
Stamps 21, 898, 971
STATUTES, INTERPRETATION OF 896—914; see also 141, 281, 282, 343, 361, 470, 473, 486, 497, 501, 502, 503, 505, 521, 554, 569, 633, 681, 874, 920, 929, 981, 986
STREET ... ... 915—34
STREET, Breaking up of 233, 234, 236, 237, 238, 239, 242
——— Definition of 257, 275, 291, 387, 915, 920, 923 924, 928, 932, 953
——— Improvement of; refer to the cases under "Compensation"; see also 314, 322, 323, 327, 934
——— Level of 337, 918, 919, 927
——— New 600, 883
Sunday 216, 346, 949
Surcharge (refer to the cases under "Audit")
SURETY ... ... 935—8
SURVEYOR 939—41; see also 183, 364, 456, 462, 507, 599, 867

Taxation of Costs ... ...425; see also 33, 51
Telegraphs, Rating of 728, 768
Tender 155, 176
"Tenement," Definition of 846
TIME, COMPUTATION OF 942—51; see also 26, 74, 75, 131, 180a, 216, 406, 523, 525
Tithes, Rating of ... ... 815—25
Tolls, Anchorage, Rating of 828
——— Market, Rating of 826, 831, 832
Transfer of Powers 872
"TOWN," DEFINITION OF ... ... 952—4; see also 3
Tramway, Rating of ... ... 833—4
Treasury 768
TREASURER 955
Trustees 912
Trespass 518
TURNPIKE ... ... 956—7; see also 106, 139

Urinal 881, 882

Valuation List 663, 665, 669
Venue 352, 356
"Vestries Act, 1818" 130, 967
VOTING ... ... 958—77; see also 860

"Wanton," Definition of 901
Warehouses, Rating of ... 707, 712, 713, 717, 797
Water Closets 1059, 1061
WATER COMPANIES, POWERS, &C., OF 978—86; see also 308, 1037, 1052
Water Pipes (Pressure) 978, 986
WATER, POLLUTION OF... ... 987—1027; see also 566
——— by Gas ... ... 987—90
——— by Sewage ... ... 991—1021
——— Various ... ... 1022—7
WATER, RIGHTS AS TO 1028—58; see also 144, 405, 1027
Water Works, Rating of ... ... 835—48
Width of Street 925, 926, 931, 933
Woodlands, Rating of 729
Workhouse, Rating of 746, 751, 775, 776
WORKS ... ... 1059—61; see also 519

PART III.

Official Documents.

Instructions as to setting out New Boundaries, and Division into Wards.

(LOCAL GOVERNMENT ACT OFFICE, August 1864.)

THE "Local Government Act 1858" provides (§ 16) that New Boundaries may be defined and set out for the purposes of the Act. § 24 provides for the Division of Districts into Wards. [Subsequent Legislation recognises these enactments.]

SETTING OUT NEW BOUNDARIES.

In devising New Boundaries care should be taken to enclose an area as compact as practicable.

Natural Divisions, such as rivers, brooks and smaller streams, constitute useful and readily defined Boundaries.

Roads, foot-walks, and known and defined Township Parish, or County Boundaries are also readily recognised, and may be adopted, if suitable.

New Boundary-lines should be commenced at some well-known place, and from such place should be defined from point to point. The several angles should be marked by letters or figures.

A full and clearly-written description of the proposed Boundary should accompany the Plan. The description should commence at (A), some easily recognisable place on the South of the proposed District, then describe Westward to (B), and so on to the completion of the Boundary. If a field-fence is taken, state the number of such field on the Tithe Map, or the Tenant or owner's name. The description should be clear, unmistakable, and as short as is consistent with accuracy of description. The name of the proposed District should be distinctly printed on the Map, with the area in acres.

DIVISION INTO WARDS.

Division into Wards is for purposes of Election of Members to serve on the Local Board.

A Map of the entire District, with name of District clearly printed thereon, must be provided, on which the Main Boundary is shewn.

The proposed division into Wards must be by lines, clearly defined on the Map of the District; brooks, roads, foot-walks, streets, fences, or other easily recognisable lines of division may be adopted.

Define such lines on the Map by a margin of colour.

Describe the proposed Boundary-line in writing, fixing and defining the several points by letters (A, B) or by figures (1, 2), and so on.

Print on the Map the name or number of each Ward.

Give the relative areas, population and rateable value of each Ward.

State the number of Members proposed to be elected for each Ward. The number must be divisible by 3, as one-third of the Members must retire each year, but may be re-elected.

A duplicate Map or Tracing must be provided by the Applicants in each case of setting out New Boundaries or division into Wards, such Map or Tracing to remain with this Office for future reference.

166

General Order of the Local Government Board as to the Appointment by Urban Sanitary Authorities of Medical Officers of Health.

(11th November, 1872.)

To the several Urban[a] Sanitary Authorities

In England and Wales, constituted by the Public Health Act, 1872;—
And to all others whom it may concern.

WHEREAS by Section 10 of "The Public Health Act, 1872," it is enacted that it shall be the duty of every Urban Sanitary Authority to appoint from time to time a Medical Officer of Health, being a legally qualified medical practitioner, and that the Local Government Board shall have the same powers as they have in the case of a District Medical Officer of a Union, with regard to the qualification, appointment, duties, salary, and tenure of office of a Medical Officer of Health, any portion of whose salary is paid out of moneys voted by Parliament;

And whereas it is thereby further enacted, that the same person may, with the sanction of the Local Government Board, be appointed the Medical Officer of Health for two or more Sanitary Districts, by the joint or several appointment of the Sanitary Authorities of such Districts:

Now We, the Local Government Board, deeming it expedient that Regulations should be made with respect to the qualification, appointment, duties, salary, and tenure of office of Medical Officers of Health, to be appointed by Urban Sanitary Authorities, in all those cases where any portion of the salary of any such Officer is paid out of moneys voted by Parliament, do hereby Order and Direct as follows:

SECTION I.—*Qualification.*

Art. 1.—No person shall be qualified to be appointed to the office of Medical Officer of Health under this Order, unless he shall be registered under "The Medical Act of 1858," and shall be qualified by law to practise both medicine and surgery in England and Wales, such qualification being established by the production to the Sanitary Authority of a diploma, certificate of a degree, licence, or other instrument granted or issued by competent legal authority in Great Britain or Ireland, testifying to the medical or surgical, or medical and surgical, qualification or qualifications of the candidate for such Office.

Provided that the Local Government Board may, upon the application of the Sanitary Authority, dispense with so much of this regulation as requires that the Medical Officer of Health shall be qualified to practise both medicine and surgery, if he is duly registered under the said Act to practise either medicine or surgery.

SECTION II.—*Appointment.*

Art. 1.—A statement shall be submitted to the Local Government Board, showing the population and extent of the District for which the Sanitary Authority propose to appoint the Medical Officer of Health, and the salary or remuneration intended to be assigned to him; and where the circumstances render desirable the appointment of one Medical Officer of Health for two or more Sanitary Districts, statements shall, in like manner, be submitted to the LocalGovernment Board, shewing the names of the Districts to be combined for that purpose, the population and extent of each District, the mode in which it is intended that the appointment shall be made, whether jointly or severally by the Sanitary Authorities of those Districts, and the amount of salary or remuneration proposed to be assigned to the officer appointed.

Art. 2.—When the approval of the Local Government Board has been given to the proposals submitted to them, the Sanitary Authority or Authorities shall proceed to the appointment of a Medical Officer of Health accordingly.

Art. 3.—No appointment of a Medical Officer of Health shall be made hereafter,[b] unless an advertisement giving notice of the day when such appointment will be made shall have appeared in some public newspaper circulating in the District or Districts, at least seven days before the day on which such appointment is made: Provided that no such advertisement shall be necessary for the appointment of a temporary substitute.

Art. 4.—Every such appointment hereafter made shall within seven days after it is made, be reported to the Local Government Board by the Clerk to the Sanitary Authority, or, in the case of a joint appointment, by the Clerk to one of the Sanitary Authorities by whom the appointment is made.

Art 5.—Upon the occurrence of a vacancy in such office, the Sanitary Authority or Authorities shall proceed to make a fresh appointment, which shall be reported to the Local Government Board as required by Sect. II. Art. 4 of this Order; but if the Sanitary Authority or Authorities desire to make any fresh arrangement with respect to the District or the terms of the appointment, they shall, before filling up the vacancy, supply the particulars of the arrangement to the Local Government Board in the manner prescribed by Sect. II. Art. 1, in regard to the first appointment, and if the approval of the Local Government Board be given, absolutely or with modifications, the Sanitary Authority or Authorities shall then proceed to fill up the vacancy according to the terms of the approval so given.

Art. 6.—If any Officer appointed under this Order be at any time prevented by sickness or accident, or other sufficient reason, from performing his duties, the Sanitary Authority or Authorities, as the case may be, may appoint

[a] The Order addressed to Rural Sanitary Authorities is almost identical with this one.

[b] In the Rural Order this article begins thus;—"No appointment of a Medical Officer of Health shall be made, unless notice has been given at one of the two ordinary meetings next preceding the meeting or meetings at which the appointment is to be made by the Sanitary Authority or Authorities, as the case may be, such notice being duly entered on the minutes, or unless * * *

a person qualified as aforesaid to act as his temporary substitute, and may pay him a reasonable compensation for his services; and every such appointment shall be reported to the Local Government Board as soon as the same shall have been made.

SECTION III.—*Tenure of Office.*

Art. 1.—Every Officer appointed under this Order shall continue to hold office for such period as the Sanitary Authority or Authorities appointing him may, with the approval of the Local Government Board, determine, or until he die, or resign, or be removed by such Authority or Authorities with the assent of the Local Government Board, or by the Local Government Board.

Provided that the appointments first made under this Order shall not be for a period exceeding *five* years.

Art. 2.—Where any such Officer *shall have been appointed after the passing of the Public Health Act*, 1872,[a] for one or more Sanitary Districts, and any change in the extent of the District or Districts, or in the duties, salary, or remuneration, may be deemed necessary, and he shall decline to acquiesce therein, the Sanitary Authority or Authorities by whom he was so appointed may, with the consent of the Local Government Board, but not otherwise, and after *six* months' notice in writing, signed by their Clerk or Clerks, given to such Officer, determine his office.

Art. 3.—No person shall be appointed who does not agree to give one month's notice previous to resigning the office, or to forfeit such sum as may be agreed upon as liquidated damages.

SECTION IV.—*Duties*

The following shall be the duties of the Medical Officer of Health in respect of the District for which he is appointed; or if he shall be appointed for more than one District, then in respect of each of such Districts:—

(1.) He shall inform himself as far as practicable respecting all influences affecting or threatening to affect injuriously the public health within the District.

(2.) He shall inquire into and ascertain by such means as are at his disposal the causes, origin, and distribution of diseases within the District, and ascertain to what extent the same have depended on conditions capable of removal or mitigation.

(3.) He shall by inspection of the District, both systematically at certain periods, and at intervals as occasion may require, keep himself informed of the conditions injurious to health existing therein.

(4.) He shall be prepared to advise the Sanitary Authority on all matters affecting the health of the District, and on all sanitary points involved in the action of the Sanitary Authority or Authorities; and in cases requiring it, he shall certify, for the guidance of the Sanitary Authority or of the Justices, as to any matter in respect of which the Certificate of a Medical Officer of Health or a Medical Practitioner is required as the basis or in aid of sanitary action.

(5.) He shall advise the Sanitary Authority on any question relating to health involved in the framing and subsequent working of such byelaws and regulations as they may have power to make.

(6.) On receiving information of the outbreak of any contagious, infectious, or epidemic disease of a dangerous character within the District, he shall visit the spot without delay and inquire into the causes and circumstances of such outbreak, and advise the persons competent to act as to the measures which may appear to him to be required to prevent the extension of the disease, and, so far as he may be lawfully authorized, assist in the execution of the same.

(7.) On receiving information from the Inspector of Nuisances that his intervention is required in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house, he shall, as early as practicable, take such steps authorized by the Statutes in that behalf as the circumstances of the case may justify and require.

(8.) In any case in which it may appear to him to be necessary or advisable, or in which he shall be so directed by the Sanitary Authority, he shall himself inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour, exposed for sale, or deposited for the purpose of sale or of preparation for sale, and intended for the food of man, which is deemed to be diseased, or unsound, or unwholesome, or unfit for the food of man; and if he finds that such animal or article is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall give such directions as may be necessary for causing the same to be seized, taken, and carried away, in order to be dealt with by a Justice according to the provisions of the Statutes applicable to the case.

(9.) He shall perform all the duties imposed upon him by any byelaws and regulations of the Sanitary Authority, duly confirmed, in respect of any matter affecting the public health, and touching which they are authorised to frame byelaws and regulations.

(10.) He shall inquire into any offensive process of trade carried on within the District, and report on the appropriate means for the prevention of any nuisance or injury to health therefrom.

(11.) He shall attend at the office of the Sanitary Authority or at some other appointed place, at such stated times as they may direct.

(12.) He shall from time to time report, in writing, to the Sanitary Authority, his proceedings, and the measures which may require to be adopted for the improvement or protection of the public health in the District. He shall in like manner report with respect to the sickness and mortality within the District, so far as he has been enabled to ascertain the same.

(13.) He shall keep a book or books, to be provided by the Sanitary Authority, in which he shall make an entry of his visits, and notes of his observations and instructions thereon, and also the date and nature of applications made to him, the date and result of the action taken thereon and of any action taken on previous reports, and shall produce such book or books, whenever required, to the Sanitary Authority.

(14.) He shall also prepare an annual report, to be made at the end of December in each year, comprising tabular statements of the sickness and mortality within the District, classified according to diseases, ages, and localities, and a summary of the action taken during the year for preventing the spread of disease. The report shall also contain an account of the proceedings in which he has taken part or advised under the Sanitary Acts, so far as such proceedings relate to conditions dangerous or injurious to health, and also an account of the supervision exercised by him, or on his advice, for sanitary purposes over places and houses that the Sanitary Authority has power to regulate, with the nature and results of any proceedings which may have been so required and taken in respect of the same during the year. It shall also record the action taken by him, or on his advice, during the year, in regard to offensive trades, bakehouses, and workshops.

(15.) He shall give immediate information to the Local Government Board of any outbreak of dangerous epidemic disease within the District, and shall transmit to the Board, on forms to be provided by them, a Quarterly Return of the sickness and deaths within the District, and also a copy of each annual and of any special report.

[a] In the Rural Order the words in italics are replaced by the following: "*shall be appointed.*"

(16.) In matters not specifically provided for in this Order, he shall observe and execute the instructions of the Local Government Board on the duties of Medical Officers of Health, and all the lawful orders and directions of the Sanitary Authority applicable to his office.

(17.) Whenever the Diseases Prevention Act of 1855 is in force within the District, he shall observe the directions and regulations issued under that Act by the Local Government Board, so far as the same relate to or concern his office.[a]

SECTION V.—*Remuneration.*

Art. 1.—The Sanitary Authority or Authorities, as the case may be, shall pay to any officer appointed under this Order such salary or remuneration as may be approved by the Local Government Board; and where such officer is appointed for two or more Districts, the salary shall be apportioned amongst the Districts in such manner as the said Board shall approve.

Provided that the Sanitary Authority or Authorities, with the approval of the Local Government Board, may pay to any such officer a reasonable compensation on account of extraordinary services, or other unforeseen circumstances connected with his duties or the necessities of the District or Districts for which he is appointed.

Art. 2.—The salary or remuneration of every such officer shall be payable up to the day on which he ceases to hold the office, and no longer, subject to any deduction which the Sanitary Authority or Authorities may be entitled to make in respect of Sect. III., Art. 3; and in case he shall die whilst holding such office, the proportion of salary (if any) remaining unpaid at his death shall be paid to his personal representatives.

Art. 3.—The salary or remuneration assigned to such officer shall be payable quarterly, according to the usual Feast Days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day; but the Sanitary Authority or Authorities may pay to him at the expiration of every calendar month such proportion as they may think fit on account of the salary or remuneration to which he may become entitled at the termination of the quarter.

Given under our Seal of Office, this Eleventh day of November, in the year One thousand eight hundred and seventy-two.

JAMES STANSFELD,
President.

JOHN LAMBERT,
Secretary.

[a] In the Rural Order there is another paragraph here:—"(18) Where more than one Medical Officer of Health shall be appointed by a Sanitary Authority such authority, with the approval of the Local Government Board, may either assign to each of the officers a portion of the district, or may distribute the duties of Medical Officer of Health amongst such Officers."

General Order of the Local Government Board as to the Appointment by Urban Sanitary Authorities of Inspectors of Nuisances.

(11th November, 1872.)

To the several Urban[a] Sanitary Authorities

In England and Wales, constituted by the Public Health Act, 1872;— And to all others whom it may concern.

WHEREAS by Section 7 of "The Public Health Act, 1872," it is enacted that, subject to the provisions of that Act, the duties imposed by previous "Sanitary Acts," including that of appointing Inspectors of Nuisances for the purposes of those Acts, shall be transferred to Urban Sanitary authorities constituted under the above-mentioned Act;

And whereas it is enacted by Section 10 of the said Act that the Local Government Board shall have the same powers as they have in the case of a District Medical Officer of a Union, with regard to the qualification, appointment, duties, salary, and tenure of office of Officers of Sanitary Authorities, any portion of whose salary is paid out of moneys voted by Parliament;

And whereas it is further enacted by the last-mentioned section that the same person may, with the sanction of the Local Government Board, be appointed the inspector of Nuisances for two or more Sanitary Districts, by the joint or several appointment of the Sanitary Authorities of such districts:

Now We, the Local Government Board, deeming it expedient that Regulations should be made with respect to the appointment, duties, salary, and tenure of office of Inspectors of Nuisances appointed by Urban Sanitary Authorities, in all those cases where any portion of the salary of any such officer is paid out of moneys voted by Parliament, do hereby Order and Direct as follows:

SECTION I.—*Appointment.*[b]

SECTION II.—*Tenure of Office.*[c]

SECTION III.—*Duties.*

The following shall be the duties of the Inspector of Nuisances in respect of the District for which he is appointed, or if he shall be appointed for more than one District, then in respect of each of such Districts:—

(1.) He shall perform, either under the special directions of the Sanitary Authority, or (so far as autho-

[a] The Order addressed to Rural Sanitary Authorities is almost identical with this one.

[b] With a trifling verbal alteration in Art. 6, this section is identical *(mutatis mutandis)* with section II. of the Order relating to Medical Officers *(ante.)*

[c] This section is identical *(mutatis mutandis)* with Sect. III. of the order relating to Medical Officers, *(ante.)*

rized by the Sanitary Authority) under the directions of the Medical Officer of Health, or in cases where no such directions are required, without such directions, all the duties specially imposed upon an Inspector of Nuisances by the Sanitary Acts,[a] or by the Orders of the Local Government Board.

(2.) He shall attend all meetings of the Sanitary Authority when so required.

(3.) He shall by inspection of the District, both systematically at certain periods, and at intervals as occasion may require, keep himself informed in respect of the nuisances existing therein that require abatement under the Sanitary Acts.

(4.) On receiving notice of the existence of any nuisance within the District, or of the breach of any byelaws or regulations made by the Sanitary Authority for the suppression of nuisances, he shall, as early as practicable, visit the spot, and inquire into such alleged nuisance or breach of byelaws or regulations.

(5.) He shall report to the Sanitary Authority any noxious or offensive businesses, trades, or manufactories established within the District, and the breach or non-observance of any byelaws or regulations made in respect of the same.

(6.) He shall report to the Sanitary Authority any damage done to any works of water supply, or other works belonging to them, and also any case of wilful or negligent waste of water supplied by them, or any fouling by gas, filth, or otherwise, of water used for domestic purposes.

(7.) He shall from to time, and forthwith upon complaint, visit and inspect the shops and places kept or used for the sale of butchers' meat, poultry, fish, fruit, vegetables, corn, bread, or flour, or as a slaughter-house, and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour which may be therein; and in case any such article appear to him to be intended for the food of man, and to be unfit for such food, he shall cause the same to be seized, and take such other proceedings as may be necessary in order to have the same dealt with by a Justice: Provided that in any case of doubt arising under this clause, he shall report the matter to the Medical Officer of Health, with the view of obtaining his advice thereon.

(8.) He shall, when and as directed by the Sanitary Authority, procure and submit samples of food or drink, and drugs suspected to be adulterated, to be analyzed by the analyst appointed under the Adulteration of Food Act, 1872, and upon receiving a certificate stating that the articles of food or drink, or drugs, are adulterated, cause a complaint to be made, and take the other proceedings prescribed by that Act.

(9.) He shall give immediate notice to the Medical Officer of Health of the occurrence within his district of any contagious, infectious, or epidemic disease of a dangerous character; and whenever it appears to him that the intervention of such Officer is necessary in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house, he shall forthwith inform the Medical Officer thereof.

(10.) He shall, subject in all respects to the directions of the Sanitary Authority, attend to the instructions of the Medical Officer of Health with respect to any measures which can be lawfully taken by him under the Sanitary Acts for preventing the spread of any contagious, infectious, or epidemic disease of a dangerous character.

(11.) He shall enter from day to day, in a book to be provided by the Sanitary Authority, particulars of his inspections and of the action taken by him in the execution of his duties. He shall also keep a book or books, to be provided by the Sanitary Authority, so arranged as to form, as far as possible, a continuous record of the sanitary condition of each of the premises in respect of which any action has been taken under the Sanitary Acts, and shall keep any other systematic records that the Sanitary Authority may require.

(12.) He shall at all reasonable times, when applied to by the Medical Officer of Health, produce to him his books, or any of them, and render to him such information as he may be able to furnish with respect to any matter to which the duties of Inspector of Nuisances relate.

(13.) He shall, if directed by the Sanitary Authority to do so, superintend and see to the due execution of all works which may be undertaken under their direction for the suppression or removal of nuisances within the District.

(14.) In matters not specifically provided for in this Order, he shall observe and execute all the lawful orders and directions of the Sanitary Authority, and the Orders of the Local Government Board which may be hereafter issued, applicable to his office.[b]

SECTION IV.—*Remuneration.*

Art. 1.—The Sanitary Authority or Authorities, as the case may be, shall pay to any Officer appointed under this Order such salary or remuneration as may be approved by the Local Government Board; and where such Officer is appointed for two or more Districts, the salary shall be apportioned amongst the Districts in such manner as the said Board shall approve.

Provided that the Sanitary Authority or Authorities, with the approval of the Local Government Board, may pay to any such Officer a reasonable compensation on account of extraordinary services, or other unforeseen circumstances connected with his duties or the necessities of the District or Districts for which he is appointed.

Art. 2.—The salary or remuneration of every such Officer shall be payable up to the day on which he ceases to hold the office, and no longer, subject to any deduction which the Sanitary Authority or Authorities may be entitled to make in respect of Sect. II. Art. 3; and in case he shall die whilst holding such office, the proportion of salary (if any) remaining unpaid at his death shall be paid to his personal representatives.

Art. 3.—The salary or remuneration assigned to such Officer shall be payable quarterly, according to the usual Feast Days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day; but the Sanitary Authority or Authorities may pay to him at the expiration of every calendar month such proportion as they may think fit, on account of the salary or remuneration to which he may become entitled at the termination of the quarter.

Given under our Seal of Office, this Eleventh day of November, in the year One thousand eight hundred and seventy-two.

JAMES STANSFELD,
President.

JOHN LAMBERT,
Secretary.

[a] In the Rural Order the following words are inserted here—"so far as the same are in force in the district."

[b] In the Rural Order there is another paragraph here:—"(13.) where more than one Inspector of Nuisances shall be appointed by a Sanitary Authority, such authority, with the approval of the Local Government Board, may either assign to each of the inspectors a portion of the district, or may distribute the duties of Inspector of Nuisances amongst such inspectors."

"Municipal Corporations (Borough Funds) Act, 1872"

35 & 36 VICT., c. 91.

[This act requires, as one of the conditions on which the funds of Municipal Corporations, Local Boards, or other governing bodies may be charged with the expenses of promoting or opposing bills in Parliament, that the promotion or opposition should have been consented to by the Local Government Board, so far as it relates to matters within the jurisdiction of that Board. The following memorandum has been issued by the Local Government Board for the guidance of those making applications for the consent of the Board under the act referred to.]

Every application under the above-mentioned act, for the approval of the Local Government Board to a resolution of the town council of a borough in favour of promoting or opposing a bill in Parliament at the expense of the borough or other local rate, should be accompanied by—

1. A copy of the bill which is to be promoted or opposed, and a statement of the grounds of such promotion or opposition.

2. A statutory declaration by the mayor, town clerk, or other officer of the corporation, in the form set forth below, showing that the requirements of the above-mentioned act have been complied with, and having annexed to it the several documents therein referred to.

Form of Statutory Declaration.

"I, A.B., do solemnly and sincerely declare as follows:—

"(1.) On day of a notice was advertised in the (being a local newspaper published and circulating in the borough of) of a meeting to be held of the council of the borough and of the purpose of such meeting.

"A copy of the newspaper containing an advertisement of the said notice is annexed hereto, marked A.

"(2.) Such notice was in addition to the ordinary notice required for the summoning of a meeting of the council.

"(3.) In pursuance of such notice a meeting of the council was held on the day of , and a resolution was passed by an absolute majority of the whole number of the council, of which resolution a copy is annexed hereto, marked B.

"(4.) The said resolution was twice published in the , being a newspaper circulating in the district; viz., the first time on the day of , and the second time on the day of .

"Copies of the newspapers containing the publication of such resolution are annexed hereto, marked respectively C and D.

"(5.) A requisition was made in writing by ratepayers or owners for the summoning of a meeting of owners and ratepayers of the borough for the purpose of giving their consent to the promotion of (or opposition to) the said bill, and a copy of the said requisition is annexed hereto, marked E.

"(6.) On such requisition the mayor fixed the time and place for holding a meeting of owners and ratepayers, and gave public notice thereof.

"Such notice was advertised in the , being a newspaper circulating in the said borough, on the day of , and was affixed on the principal doors of every church and chapel within the borough.

"Copies of the notice and of the newspaper containing the advertisement of such notice are annexed hereto, marked respectively F and G.

"(7.) On the day of a meeting of the owners and ratepayers of the borough was held accordingly, and a resolution passed, of which a copy is hereto annexed, marked H. (If a poll was demanded and taken, here state the fact.)

"I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled 'An act to repeal an act of the present session of Parliament,' intituled 'An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits,' and to make other provisions for the abolition of unnecessary oaths.'"

Exhibits to be annexed to the above Declaration.

A. Copy of newspaper containing advertisement of notice of meeting of council, and of purposes of such meeting.

B. Copy of resolution passed at meeting of council.

C. Copy of newspaper containing the first publication of resolution of council.

D. Copy of newspaper containing the second publication of resolution of council.

E. Copy of requisition for a meeting of owners and ratepayers.

F. Copy of the notice of meeting of owners and ratepayers.

G. Copy of newspaper containing advertisement of notice of meeting of owners and ratepayers.

H. Copy of resolution passed at meeting of owners and ratepayers.

[Similar memoranda applicable to bills promoted or opposed by Improvement Commissioners and Local Boards have been issued by the Local Government Board.]

PART IV.

Precedents of By-Laws and Regulations.[a]

1.

Regulations with respect to the Meetings and Business Arrangements of Local Boards.[b]

(1.) The ordinary meetings of the Board shall be held at the offices of the Board, in ———— street, *fortnightly*, on *alternate* ——*days*, or at such other times as the Board may determine. Ordinary Meetings.

(2.) Newspaper reporters shall be at liberty to attend every ordinary meeting of the Board under such restrictions as the Board may from time to time prescribe. When the Board sits as a Committee the reporters shall retire, if required by the Board to do so. Reporters.

(3.) At the *last general meeting* of the Board held previously to the 1st day of March, in each year, the final arrangements shall be made for the election of new members in the place of those retiring by rotation because they have served 3 years, and to occupy seats that may happen to be vacant. End of Year.

(4.) The Election arrangements shall every year be carried out in the following order:—The notices shall be issued on the 1st day of March; the nomination papers received between the 1st day of March and the 26th day of March; the voting papers delivered on the 10th day of April; and the voting papers collected on the 13th day of April. If any of the above-named days should be a Sunday, Christmas Day, Good Friday, or a day appointed for any Bank Holiday, or Public Fast or Thanksgiving, the work allotted thereto shall, subject to the provisions of the "Public Health Act, 1875," and the discretion of the Returning Officer, be performed on the day following. Election Arrangements.

(5.) New members will be expected to sign the usual declaration at the first meeting after their election. New Members.

(6.) The Chairman or any (*c*) ———— members of the Board may, by a written requisition, authorise the Clerk to summon a special meeting of the Board at 24 *hours'* notice to the members (if so short a notice be unavoidable); such requisition shall set forth the business for which the meeting is to be summoned, and no business other than that specified in the requisition shall be transacted at such special meeting. Special Meetings.

(7.) The members of the Board present at any ordinary meeting when there is no quorum, or the majority of them, or, if only one such member be present, then such one member may, at the expiration of 30 *minutes* after the time fixed for the meeting adjourn such meeting to the next usual day of meeting; if no member be present, then such meeting shall be so adjourned by the Clerk, and an entry of such adjournment shall be made in the Minute Book. In default of a Adjournment of Meetings.

(*a*) Throughout this Part the word "Board" is employed, but in reprinting the matter for Corporate Boroughs the word "Council" must be substituted. Words in italics or within brackets, as the case may be, are to be understood as discretionary, that is to say, as open to alteration, if needs be, to suit particular local circumstances. Of course other alterations may also be introduced, and such will especially be requisite in reference to the duties of Officers, these By-Laws being primarily framed for a large-sized Local Government District with a fuller staff of Officers than will usually be appointed. When a code of By-Laws on any subject is promulgated which is to supersede an existing code, it is desirable that a note of this fact should be prefixed to the new code.

(*b*) These Regulations should be preceded by a Reprint of the enactments in the "Public Health Act, 1875," relating to meetings of Boards and Committees.

(*c*) This may conveniently be the number fixed for the quorum.

proper adjournment in manner aforesaid, the Board shall and may meet on any other day upon notice given as hereinafter provided, and such meeting shall be deemed an ordinary general meeting.

Notice of Meetings. (8.) *Three clear days'* notice of every ordinary meeting shall be given by the Clerk, by a circular delivered or sent by Post to each member of the Board, to his usual or last known place of abode, and such notice shall contain a summary of the business to be transacted at such meeting. It shall not be necessary in any case to prove that such circular has been duly delivered or sent in pursuance of these Regulations, but the same shall be deemed and taken to have been duly delivered or sent unless the contrary be shown. A copy shall also be publicly exhibited outside the office of the Board.

Quorum. (9.) The Quorum shall be ——— members.

Order of Business. (10.) The business of the ordinary meetings of the Board shall be conducted in the following order :—

(i.) The Minutes of the last ordinary meeting and of any special meeting that may have since been held shall be read, and they shall be signed by the Chairman who is presiding over the meeting at which they are read; save that in case no member who was present on the previous occasion shall be in attendance when the Minutes are read, they shall also be signed by the Clerk. An entry of such Minutes having been so read and signed shall in all cases be made in the Minutes of the day.

(ii.) The business arising out of the Minutes of such meeting or meetings shall then be disposed of.

(iii.) The Registrar's Returns of Births and Deaths shall be laid on the table.

(iv.) The Board shall then examine the Treasurer's, Clerk's, and Collector's accounts, and receive any report or Minutes which a Committee may have prepared for presentation. Every Report and all Minutes of a Committee shall be in writing, and shall be approved, amended, or rejected either wholly or in part, or the consideration thereof may be adjourned, wholly or in part, as occasion shall require.

(v.) All correspondence, &c., with the Board since its last meeting, and all applications made to it, whether in writing or otherwise, and any reports from officers of the Board, shall then be read, and considered, and such orders given thereon as may be necessary,

(vi.) The Board shall then consider any motions, of which due notice shall have been given.

Minute Book. (11.) The Minute Book shall, on application to the Clerk, be open during office hours to the inspection of the members of the Board, free of any charge, and also to all persons rated to the General District Rate, on payment to the Clerk of 1*s.* for each *quarter of an hour* during which such inspection lasts. Every such member or person may have copies of extracts supplied from such Minute Book within a reasonable time after demand in writing, at the rate of 3*d.* for every 100 words or figures of such copies or extracts, which fee is to be paid to the Clerk.

Alteration of Resolutions. (12.) No resolution of the Board shall be altered or rescinded at any meeting unless a *fortnight's* notice be given by the Clerk to each member of the Board, setting forth the proposed alteration, nor unless there be at least *two-thirds* of the members present at such meeting; provided always that this regulation shall not extend to any resolution which immediately concerns the abatement of a nuisance, nor to any question which, by a vote of the Board, may be decided to be one of emergency.

Motions. (13.) Every motion made at a meeting shall be committed to writing and handed to the Chairman, if so required by him.

(14.) No important motion shall be discussed at any meeting, unless notice of the same in writing shall have been delivered to the Clerk at least 5 clear days before such meeting; provided always that the Chairman shall not be at liberty to refuse to receive a motion unless in his judgment it shall be one which must in strictness be looked upon as "important," and therefore needing adequate notice.

(15.) All motions shall be made in the order of the notice thereof, unless the Board shall unanimously decide otherwise.

(16.) A negatived motion shall not be again entertained until after the expiration of 3 *calendar months.*

(17.) Every member shall stand when speaking and shall address the Chairman, and if two or more members shall rise to speak at the same time, the Chairman shall decide to whom the priority shall be given.

(18.) The Chairman shall have power to prevent any member, except the mover, from speaking more than once on any one motion or question, unless in explanation. The mover shall in all cases be entitled to speak once in making his motion and once by way of reply; provided always that it shall be lawful for the Board to resolve itself into a committee for the purpose of taking into consideration any subject which may require more full and free discussion.

Committees. (19.) So far as applicable, these Regulations shall apply to the proceedings of all Committees. Of every Committee 3 members shall form a quorum, unless the Board shall otherwise direct. The Chairman of the Board shall be *ex-officio* a member of every Committee.

(20.) The following shall be the ordinary Committees of the Board :—

1. FINANCE AND ASSESSMENT.
2. BUILDINGS.
3. SANITARY.
4. HIGHWAYS, LIGHTING, WATERING.
5. LAW.
6. GAS-WORKS.
7. WATER-WORKS.
8. BATHS AND WASH-HOUSES.

Payment of Accounts. (21.) All bills and accounts shall be paid by cheques drawn on the Treasurer, and signed at a meeting of the Board by 3 members, and countersigned by the Clerk.

(22.) All bills, for the payment of which cheques have been duly signed, shall be forthwith paid, and produced with their respective vouchers, at the next meeting of the Finance Committee.

Custody of Books, &c. (23.) Except when otherwise appointed by the Board, the seal of the Board, together with the books, papers, plans, and other documents belonging to the Board (save such as shall be under the immediate consideration of any Committee), shall be kept by the Clerk, and shall, during office hours, be open to the inspection of the members; but the Clerk shall not part with the same except for the temporary use of any of the officers of the Board, and all documents, &c., so taken, shall be returned as soon as they are done with, or forthwith, on the order of the Board or the Clerk.

Seal. (24.) The seal of the Board shall only be attached to any document on a vote to that effect being duly passed.

(25.) The offices of the Board shall be open on such days and at such times as shall from time to time be fixed by the Board. At present the office hours are *as follows:*———— Office Hours.

———o———

Approved at a Meeting of the Board, held the———day of———18—— in testimony whereof the Common Seal of the said Board was affixed, together with the Signatures of Five Members thereof.

———*Chairman.*

* * * *

2.

Regulations with respect to the Duties and Conduct of Officers of Local Boards.

———o———

(1.) All Officers appointed by the Board shall (subject to any Regulations prescribed by Statute, or by the Local Government Board, or by these Regulations, or by the Board) hold their respective offices during the pleasure of the Board; and they may resign or be dismissed after *one month's* notice on either side. All Officers who may be entrusted with money shall give security. Tenure of Office.

(2). The following shall be the respective duties and obligations of the several Officers named,(*a*) so far as this statement of them is not inconsistent with any special contract now existing between them and the Board, and subject also to any new special contract which may hereafter be made respecting any of such duties. No officer shall be beneficially interested as shareholder or otherwise in any company (not being a Railway or Canal Company) which has contracts and dealings with the Board. General Conditions.

THE CLERK.

(3.) The Clerk shall prepare and cause to be delivered all notices convening meetings of the Board and of Committees; he shall himself attend all such meetings and read everything requiring to be read thereat; and he shall record the proceedings in the appropriate Minute Books. Each Minute Book is to contain in respect of every meeting a statement of the names of the members present, and a full summary of the business done. The General Minute Book of the Board is further to contain a statement of the Books and Accounts of the other Officers examined by the Clerk since the previous Meeting; particulars of money paid to, and cheques drawn on, the Treasurer; also Minutes specifying the allocation or division of charges according to previous orders of the Board; and there is to be affixed to every Minute relating to any pecuniary transaction a marginal note of reference to the respective folios of the Ledger in which the items will be found set out. To attend Meetings.

(4.) He shall, upon the receipt of a written requisition signed by (i.) the Chairman, or (ii.) any ———(*b*) Members of the Board, summon a Special Meeting thereof. Special Meetings.

(5.) He shall be responsible for the safe keeping of all Books and Papers which are in his custody as Clerk, and shall produce the same for the inspection of the Board, or any member thereof, when required to do so. To keep Books and Papers.

(6.) He shall ascertain before every Ordinary, and, if required, before any Special Meeting of the Board, the state of the Treasurer's account, and report the same at the meeting. Treasurer's Account.

(7.) He shall prepare under the direction of the Board, or the Finance Committee, all cheques for the payment of money due from the Board, and shall countersign and deliver the said cheques, and file the vouchers relating thereto. Cheques and Vouchers.

(8.) He shall keep a proper account (according to the particulars supplied to him by the Surveyor, or the Inspector of Nuisances, or otherwise) of all penalties, proceeds on sale of refuse, &c., and other moneys payable to the Board, and shall *once a month* furnish the Collector with such particulars as are necessary to enable him to collect the same. Miscellaneous Moneys.

(9.) He shall examine and check the accounts of the Collector at least *once a month* for the purpose of seeing that all moneys received by that Officer have been duly accounted for to the Treasurer; and, generally, he shall be responsible for the regular and sufficient examination of all accounts whatsoever, and of all papers relating to the business of the Board as they come to hand; and at every meeting he shall in his discretion report to the Board concerning the same. To Examine Accounts and Papers.

(10.) He shall keep a Ledger and punctually enter therein all the financial transactions of the Board as authorised by the Board, and recorded in the Minute Book, and otherwise. The said financial transactions shall be exhibited under the following heads (*c*) (or under such of them, or such additional heads, as may be necessary):— To keep a Ledger.

(*a*) The duties of certain Officers will be more conveniently defined in connection with the By-Laws for the execution of which they are responsible. This applies, for instance, to such functionaries as the Inspector of Hackney Carriages, the Inspector of Boats, the Inspector of Markets, the Public Librarian, &c., &c.

(*b*) See note (*c*) on the previous page but one.

(*c*) The enumeration here given is derived, with trifling alterations of detail, from the well-known Home Office *Instructional Minute* of 1863. I have not felt at liberty to make extensive alterations in its form, though that form is far from satisfactory.

SUBORDINATE ACCOUNTS OF PUBLIC WORKS.

Heads of Accounts.

(1.) PUBLIC WORKS OF DRAINAGE: (including)
Expenses of outfall and distribution of sewage.
Sale of sewage.
Purchase or lease of lands for sewage utilisation.
Covering open ditches.
Construction of sewers, drains, and public conveniences (and other like items).
(2.) PUBLIC WORKS OF WATER SUPPLY: (including)
Road Watering.
Public Water Supply, pumps, fountains, &c.
Purchase or erection of water-works, fire-engine establishment, fire-plugs.
(3.) PUBLIC STREET IMPROVEMENTS.
(4.) PUBLIC WORKS OF PAVING.
(5.) REPAIR OF HIGHWAYS, SCAVENGING: (including)
(i.) General repairs.
(ii.) Repairs under a Highway Rate.
(iii.) Expenses of maintaining turnpike-roads.
(iv.) Removal of house refuse, &c.
(v.) Expenses of alterations of bridges, canals, &c., (and other like items).
(6.) PUBLIC LIGHTING.
(7.) BATHS AND WASH-HOUSES.
(8.) BURIAL GROUNDS.
(9.) MARKETS.
(10.) SLAUGHTER-HOUSES.
(11.) COMMON LODGING-HOUSES.
(12.) PLEASURE GROUNDS.
(13.) MISCELLANEOUS WORKS.
(14.) ESTABLISHMENT CHARGES (OTHER THAN SALARIES) AND OTHER EXPENSES: (including)
(i.) Expenses of adopting the Act.
(ii.) Establishment expenses.
(iii.) Election expenses.
(iv.) Surveys and plans.
(v.) Legal expenses.
(vi.) Penalties and the application thereof.
(vii.) Compensation account.
(viii.) Collector's account—separate for each class of Rate or Fund collected by him.
(ix.) Surveyor's account.
(x.) Inspector's account.
(xi.) Treasurer's account.
(xii.) Tradesmen's accounts [or, if the Board so directs, a separate Ledger to be called the "Tradesmen's Ledger."]
(xiii.) Loan accounts with persons advancing money.
(xiv.) Sinking fund account.

SUBORDINATE ACCOUNTS OF PRIVATE WORKS.

(15.) PRIVATE WORKS OF SEWERAGE AND DRAINAGE.
(16.) PRIVATE WORKS OF WATER SUPPLY.
(17.) PRIVATE STREET IMPROVEMENTS.
(18.) PRIVATE WORKS OF PAVING, &c.
(i.) Expenses under the "Public Health Act, 1875."
(ii.) Private Improvement Rent-charges.
(iii.) Private Scavenging; cleansing privies, drains, &c.

And at the end of every financial year, or oftener, if so directed by the Board, he shall allocate the expenditure entered under the foregoing heads among the following chief accounts, according to the nature of the expenditure or of the works executed:—

(1.) General District Rate Account.
(2.) Private Improvement Rate Account
(3.) District Fund Account.
(4.) Highway Rate Account.
(5.) Water Supply Account.
(6.) Loan Account.
(7.) "Special" District Rate Account (where existing).

stating the respective dates and making references to the folios of the Minute Book in which the entries relating to such transactions are contained, and to the folios of the corresponding debits and credits respectively.

Audit.

(11.) Immediately after March 25 in every year he shall prepare a Summary of the gross Receipts and Expenditure under each head (see No. 10, *ante*), and shall submit such Summary first to the Board and then to the Auditor: he shall prepare the accounts for Audit, and shall produce them with all necessary books, documents, and vouchers to the Auditor at his Audit; and give the notices thereof required by Law.

To conduct Correspondence.

(12.) He shall conduct the correspondence of the Board according to its directions, and carefully preserve all letters and papers received, and copies of all letters written; and shall make all necessary transcripts thereof.

To advise the Board.

(13.) He shall advise the Board on all matters connected with the "Public Health Act, 1875," and kindred acts in respect of which the Board or any members thereof desire his advice.

To communicate Orders.

(14.) He shall communicate to the other Officers all orders of the Board, and shall report any neglect or failure therein which may come to his knowledge.

To prepare Notices.

(15.) He shall prepare all notices to be given by the Board, and see that the same are duly served (save such as are required by these Regulations, or by any By-Law of the Board, or by Statute, to be prepared or served by any other Officer).

Duties as to Rates

(16.) He shall, under the direction of the Board and with the co-operation of the other Officers, make out all estimates for Rates, including notices appertaining thereto; he shall see that such notices are duly published and generally that all the formalities prescribed by Statute are duly complied with.

(17.) Save as is herein provided, he shall prepare, or peruse and approve, on behalf of the Board all deeds, contracts, agreements, or other instruments to be executed by or to the Board, and shall see that the same are duly executed, but, except under a special order of the Board, he shall not concern himself with the preparation, perusal, or approval of conveyances to or from the Board, or with investigations of the title of any land or premises in respect of which the Board may be carrying on negociations. Deeds, Contracts, &c.

(18.) He shall conduct without charge, save for actual disbursements, all applications which the Board may deem necessary to Justices at Petty or Special Sessions, or out of Sessions, and (if he be an Attorney or Solicitor) all legal proceedings on behalf of the Board, except proceedings at the Assizes, or at Quarter or General Sessions, and except actions, suits, and other proceedings in any Court of Law or Equity, Arbitrations, and Parliamentary Business. Legal Proceedings.

(19.) He shall require the Surveyor and the Inspectors of Nuisances, Hackney Carriages, Boats, and Common Lodging Houses (if there be such Officers appointed) to deliver to him once a month statements respecting their work in a form prescribed; he shall examine the same and lay them before the Board. Returns from other Officers.

(20.) He shall prepare and transmit all Reports and Returns (Parliamentary or otherwise) having reference to the administration of the "Public Health Act" within the district. To prepare Returns.

(21.) He shall assist in the conduct of Elections: he shall, without special instructions, perform all the duties specifically imposed by the "Public Health Acts" and these Regulations, or by any By-Law of the Board, on the Clerk of an Urban Sanitary Authority; and he shall comply with all lawful directions of the Board, or of a Committee, applicable to his office. General Duties.

THE TREASURER.

(22.) The Treasurer shall receive all moneys tendered to him on account of the Board, and shall credit the Board therewith. To receive Money

(23.) He shall pay, out of the money belonging to the Board which may be in his hands, all cheques presented to him which are signed by *three* Members of the Board and are countersigned by the Clerk, provided the same shall be presented at his usual place of business in business hours. To pay Cheques.

(24.) He shall keep in a Pass-Book, approved by the Board, a proper account of his receipts and payments, and shall submit the same (duly made up to the previous day) for inspection at every ordinary meeting of the Board; annually to the Auditor; and at such other times as the Board may direct. Pass-Book.

(25.) He shall sign the Collector's statement which will be presented to him every *Friday*, and such signature shall be deemed an acknowledgment of the receipt of the money therein stated to have been paid to him. In event of the Collector not tendering any money on the usual day, and not informing the Treasurer that he has no money in hand, the Treasurer shall notify the Collector's default to the Clerk by post or otherwise the same evening. The Treasurer shall also give receipts to all persons paying money to him on account of the Board. Dealings with Collector.

(26.) He shall assist the Clerk in the preparation of any of the accounts of the Board for the Audit, and shall also assist the Auditor, if and when he may by them, or by either of them, be required to do so. To assist in the Audit.

(27.) He shall comply with all lawful directions of the Board applicable to his office, and shall give, and from time to time renew, such security as the Board may require, for the faithful execution of his office; on the death, insolvency, or bankruptcy of any surety of his, he shall immediately notify the fact to the Board. General Duties: Security.

MEDICAL OFFICER OF HEALTH.

(28.) The duties of the Medical Officer of Health, whether his salary is partly payable out of moneys voted by Parliament or not, shall be those prescribed in Sect. IV. of the General Order relating to Medical Officers of Health issued by the Local Government Board on November 11, 1872, with the following addition:—He shall at the first Ordinary Meeting of the Board held after January 1, April 1, July 1, and October 1, present to the Board a comprehensive report on the general health and sanitary condition of the district. Duties.

THE SURVEYOR.

(29.) The Surveyor shall devote his whole time to the duties of his office and shall not undertake any private practice; he shall advise the Board on all questions connected with the discharge of the duties imposed on the Board by the "Public Health Act," where such questions involve surveys, repairs, engineering or building works of any kind whatsoever. He shall keep a book to be called the "Surveyor's Report Book," and at every ordinary meeting of the Board he shall report upon the state of all works under his charge and offer any suggestion which he thinks fit, making also in this book entries respecting any matter which he is by the By-Laws required to report, and conveniently can so enter. General Duties.

(30.) He shall have charge of all carts, tools, instruments and stores which are the property of the Board and are officially under his control, and he shall be responsible for the same not being wantonly destroyed or damaged, and shall see that such of them as are ordinarily used by other persons besides himself are duly marked with the name or initials of the Board. To take charge of Property.

(31.) He shall procure under the direction of the Board all supplies of stone, materials, tools, and other articles necessary for the maintenance of the Highways, or for carrying out the general work of the Board, and shall see that the same are properly stored and applied. To procure Materials.

(32.) He shall not, without the sanction of the Board, or some committee thereof, expend any greater sum than 2*l.* except in case of emergency. Expenditure limited.

(33.) Before the Board enters into any contract for works, he shall furnish an estimate in writing of the probable expense of constructing and annually maintaining the proposed works, and he shall report on the most advantageous mode of contracting, that is to say, whether for construction only or for construction and maintenance during a term of years or otherwise. And generally when the Board shall so require, he shall furnish reports, estimates, or specifications relative to any matter which concerns his department, including, at the instance of the Clerk, estimates required in connection with new rates. To furnish Estimates and Reports.

To overlook Contractors, Tradesmen, &c.

(34.) He shall see that all contracts entered into with the Board in reference to any work connected with his department are duly carried out, certifying from time to time to this effect, or to the contrary, as the case may be. He shall overlook all Tradesmen and Labourers employed by the Board in connection with the work of his department; and shall certify to the correctness or otherwise, of all claims on the Board made by such persons, before the said claims are submitted to the Finance Committee.

To prepare Weekly Statements.

(35.) Every *Friday* evening at 6 p.m. he shall pay the Labourers who are under him, and on *Saturday* mornings he shall deliver to the Clerk for presentation to the Board a statement of the names of the men employed during the week, together with particulars of the work done by them, of the number of days they each worked, of the rate of wages per day, and the amount paid to each. He shall at the same time deliver a statement of the materials supplied to the Board during the week with particulars of the names of the parties furnishing the same; and of the quantity, description, price and total cost of such materials. Both the aforesaid statements shall be made on the forms prescribed by the Board.

Map of District.

(36.) If the Board should so determine, he shall assist in preparing a map exhibiting a system of Sewerage for the district. He shall take charge of such map when prepared, and shall mark on it all new roads, buildings, &c., and underground works as they are executed, so that the map in question may at all times accurately exhibit the condition of the district. In marking the public sewers on the Map he shall indicate as fully as possible the places where private drains communicate with such sewers, and the respective levels of such communications.

To manage Sewers.

(37.) He shall be responsible for the management of all public sewers, storm-water drains, and ventilators vested in the Board, and of all house drains which are under its immediate control; he shall examine such sewers and drains at stated periods to see that they continue in proper working order in every respect.

Cleansing of Ditches, &c.

(38.) Where any ponds, pools, open ditches, or places used for the collection of any drainage, filth, or matter likely to be prejudicial to health, or of any offensive nature are to be drained, cleansed, covered or filled up, he shall see that proper precautions are taken for the prevention of injurious effects during the performance of the work.

Duties as to Nuisances.

(39.) He shall advise the Board as to what works of drainage, what water-closets, privies, earth-closets or ash-pits ought to be provided for the District or for any factory, house, or premises therein, in order to mitigate nuisances pointed out by the Inspector of Nuisances or otherwise; and he shall superintend the carrying out of any such orders of the Board in reference to such matters, whether the expenses are defrayed by private parties or by the Board.

(40.) He shall, on receipt of the Board's authority in writing, and after 24 hours' notice in writing to the occupier (or in case of emergency without such notice), enter any premises and lay open and examine any drain, water-closet, privy, earth-closet, cesspool or ash-pit of which complaint as a nuisance has been made in writing, and shall report to the Board what alterations (if any) are required.

Drainage of Houses.

(41.) Whenever proposals are made for the erection or re-building of any house within the district, he shall report to the Board as to the size, materials, level, and fall of any drains which appear necessary for the proper drainage of the same and its appurtenances; and he shall see that the drains so to be constructed shall duly communicate with such outfall as may be directed by the Board, and if the nearest available outfall cannot be reached within 100 feet of any part of the site of such house, then that a suitable cesspool be provided.

Duties as to Highways

(42.) He shall be responsible for the general management of the highways and public thoroughfares of the District, and from time to time shall examine their condition. Under the authority of the Highway Committee he shall make, alter, and repair highways, and perform generally all the duties appertaining to the office of Surveyor of Highways.

Duties as to Private Roads.

(43.) He shall advise the Board on the propriety, or otherwise, of private roads being converted into public highways; and when any such conversion is arranged he shall be responsible for seeing that the requirements of the Board in reference thereto are duly complied with.

New Streets and Buildings.

(44.) He shall advise the Board as to the level, width, and construction of new streets, and the purchase of property for improving streets, and as to the sewerage thereof; and as to the structure of the walls of new buildings for securing stability and the prevention of fire; and as to sufficiency of space about buildings to secure a free circulation of air; and as to the ventilation of buildings and sewers; and as to the drainage of buildings; and as to the water-closets, earth-closets, privies, cesspools, and ash-pits in connection with buildings.

Street Improvements. 11 & 12 Vict., c. 34, s. 69.

(45.) He shall advise the Board as to permitting any building to be set forward for the purpose of improving a street; and as to setting back any building taken down to be rebuilt; and as to the removal or alteration of any porch, shed, projecting window, step, cellar, cellar door or window, sign, sign-post, show-board, window-shutter, wall, gate, fence, or other obstruction erected against or in front of any building, and which is an obstruction to the convenient user of a street.

Works to be Protected. 11 & 12 Vict., c. 34, s. 69.

(46.) He shall cause all necessary bars and chains to be fixed in or across any street or thoroughfare during the execution of any works, so as to prevent or regulate the passage of carriages, carts, horses, and persons; and while such works are in progress he shall cause the same to be lighted and guarded by night.

Naming, &c., of Streets.

(47.) He shall see that all "streets" are named, and that the names are exhibited in convenient places; and that all houses in such streets are, if so required by the Board, duly numbered on or over the doors or entrance thereof.

Encroachments and Obstructions

(48.) He shall report to the Board all encroachments and obstructions in the streets owing to the erection of buildings or the alteration or breaking up of pavements, in order that the proper notices may be served on the offenders, and, if needs be, the customary penalties enforced. He shall take care that in laying down any gas or water pipes, telegraph wires, or tramways, proper precautions are taken by all the several parties for the prevention of accidents and for the due re-instatement of the roads or ground.

To advise on Plans.

(49.) He shall advise the Board respecting all plans deposited at his office for the sanction of the Board; and he shall, if he sees cause, suggest amendments or alterations in such plans; he shall register, number, date, and file the duplicate copy of every deposited plan, and shall from time to time take steps for ascertaining that the By-Laws and orders of the Board in regard to the matters to which the plans relate, and also as to communications with sewers, are being duly carried out.

To report on Ruined Buildings.

(50.) He shall report to the Board any building unfit for human habitation, or from decay or other causes in a dangerous state, in order that such precautions may be taken by prohibiting it use as a human habitation, or by fencing, or otherwise, as may be deemed expedient.

(51.) He shall, on receiving information from the Clerk that application has been made to register a Common Lodging House, forthwith measure and report the cubic content of every room therein, with the view of fixing the proper number of Lodgers to be admitted. — To report on Common Lodging Houses.

(52.) He shall, from time to time, inspect the Public Lamps, and report any deficiency he may observe either as to their number, or condition; or as to the quantity or quality of the gas; or as to the arrangements which may be in force for lighting or extinguishing the same. He shall prepare all such plans, estimates, and reports relating to lighting as the Board may require. — Duties as to Public Lighting.

(53.) In the event of the Board determining to provide Public Walks or Pleasure Grounds, he shall superintend the formation and keeping up thereof; and shall have charge of all Trees, Ornamental Banks, Benches, and Seats which are under the control of the Board. — Pleasure Grounds, &c.

(54.) In the event of the Board undertaking the Water Supply of the District, he shall, under the supervision of the Consulting Engineer, lay out the works, and perform such duties in connection therewith as the Consulting Engineer shall direct him to perform. — Water Supply.

(55.) He shall, from time to time, when and as directed by the Board, value all new property and alterations of old property within the District, and shall attend appeals in support of his valuations. — To value Property.

(56.) He shall take the earliest opportunity of reporting to the Board all cases of non-compliance with its By-Laws and Regulations which may come to his knowledge, and all offences against any statute relating to Highways, Public Health and Local Government, to which he considers that the attention of the Board ought to be directed. — To report breaches of By-Laws, &c.

(57.) He shall attend all Ordinary Meetings of the Board, and, when required, any Special Meeting or any Meeting of a Committee; he shall without special Instructions perform all the duties specifically imposed by the "Public Health Act, 1875," and these Regulations on the Surveyor of an Urban Sanitary Authority; and he shall comply with all lawful directions of the Board, or of a Committee, applicable to his office, and he shall render such assistance to the officers of the Board as the Board shall direct. — Attendance at Meetings.

THE INSPECTOR OF NUISANCES.

(58.) The Inspector of Nuisances shall keep a book in which he shall enter particulars of every nuisance injurious to health, and of every matter to which he considers that the attention of the Board ought to be directed. He shall also enter therein every complaint made to him of any breach of the General Law, or of the By-Laws and Regulations of the Board for the promotion of health and cleanliness, and the suppression of nuisances. On receiving complaints so made, he shall forthwith enquire into the truth thereof, and report to the Board at its next meeting. He shall note in his book the orders of the Board thereon and proceed accordingly. — To keep a Book.

(59.) He shall report in writing on all house-drains, water-closets, privies, earth-closets, cesspools and ash-pits which in his opinion are a nuisance, or injurious to health, with a view to the Surveyor making application to the Board respecting such, in the terms and for the purposes of the "Public Health Act, 1875." — To report House Nuisances.

(60.) He shall, under the Surveyor, superintend the execution of such works as are carried out at the instance of the Board and which he shall be directed to superintend, and he shall certify to the correctness or otherwise of all claims on the Board for work performed under his inspection, or in any way relating to the duties of his office. — To superintend Works.

(61.) He shall report any premises in such a state as to be a nuisance, or injurious to health; any pool, ditch, gutter, water-course, privy, urinal, cesspool, drain, or ash-pit, or place containing drainage, filth, water, matter, or offensive thing, that is foul and likely to be prejudicial to health, and requires draining, cleansing, covering, or filling up; also any animal kept in a dirty state, or in an improper place; any accumulation of foul matter, including waste or stagnant water, in any cellar or dwelling house; any overflow of the contents of a water-closet, privy, or cesspool; and any house in a filthy or unwholesome condition. — Duties as to Nuisances, &c.

(62.) He shall notify to the Surveyor any case of a house being without a sufficient water-closet, privy, earth-closet, or ash-pit, or an adequate supply of water.

(63.) Where it may appear to him that any accumulation of manure, dung, soil, or filth, or other offensive matter ought to be removed, he shall give notice to the owner thereof, or to the occupier of the premises wherein it exists, to remove the same; if at the expiration of 24 hours the notice shall not have been complied with, he shall himself direct the removal thereof, at the expense of the owner or occupier in default.

(64.) He shall see that the streets and gulley holes, &c., therein are properly swept, watered, and cleansed; also that all snow, filth, dust, ashes, house refuse, rubbish, and dung, are duly removed on such days, at such hours, and in such manner as the Board shall from time to time appoint; and this whether the Board itself undertakes the scavenging or employs Contractors. He shall also see that the places where such refuse as aforesaid is deposited are kept, as far as may be, in a proper state. — Scavenging.

(65.) He shall inform the Surveyor of any building that may be unfit for human habitation, or may be, from decay or other causes, in a dangerous state. — Dangerous Buildings.

(66.) He shall see that Cellar-dwellings are not occupied except in compliance with the enactments relating thereto. — Cellar Dwellings.

(67.) He shall inspect once a month every registered [*Common Lodging House*], Slaughter House, and Knacker's Yard, with the view of seeing that the By-Laws applicable thereto are duly observed; and he shall report to the Board, through the Clerk, such matters as in his opinion need the Board's consideration; for instance, Houses used as Common Lodging-Houses without being registered; Houses overcrowded; Cellars occupied contrary to law; or Buildings used as Slaughter-Houses, &c., without being registered. — To inspect various places.

(68.) He shall report any Factory, Worshop, or Workplace (not under the "Factory Acts") which is not kept clean and duly ventilated; also any chimney (not of a Dwelling-house) which sends forth black smoke in such quantities as to be a nuisance. — Factories and Smoke.

(69.) He shall report any noxious or offensive businesses, trades, or manufactures, which are newly-established; and shall see that the By-Laws made in respect of the same are duly observed. — Offensive Trades.

(70.) He shall inspect in his discretion any Meat, Poultry, Game, Fish, Fruit, Vegetables, Corn, Bread, Flour, or Milk deposited for sale; and in case any articles of this sort appear to be intended for the food of man and are unfit for such purpose, he shall seize the same and submit them to a Justice. — Food.

Burial Grounds. (71.) He shall visit and examine from time to time all Burial Grounds, and shall report anything respecting the same which may seem to him to demand the interference of the Board.

Infectious Diseases. (72.) He shall give immediete notice to the Medical Officer of Health of the occurrence of any case of contagious, infectious, or epidemic disease which may come to his knowledge.

Water. (73.) He shall report all cases of wilful or negligent waste or misuse of water supplied by the Board, or any fouling of water by gas, filth, or otherwise.

Sales of Refuse. (74.) He shall superintend the sale or disposal of all sewage, manure, soil, filth, ashes, dust, rubbish, or other like matter, belonging to the Board; and shall render to the Clerk once a month an account thereof, in order that the proceeds may be duly collected; he shall keep a duplicate copy of such monthly account in a book provided for that purpose.

To Report Breaches of By-Laws, &c. (75.) He shall take the earliest opportunity of reporting to the Board all cases of non-compliance with the By-Laws and Regulations which may come to his knowledge, and all offences against any Statute relating to Highways, Public Health, and Local Government to which he considers that the attention of the Board ought to be directed.

Notices. (76.) He shall serve all notices issued on behalf of the Board relating to any nuisance or the abatement thereof. When any notices may be lawfully sent by Post, it shall be his duty to post such notices, keeping a sufficient record of all notices so despatched.

Attendance at Meetings. (77.) He shall attend all ordinary meetings of the Board, and, when required, any special meeting, or any meeting of a Committee.

General Duties. (78.) He shall without special instructions perform all the duties specifically imposed by the "Public Health Act, 1875," and these Regulations (or by any order of the Local Government Board that applies to his case) on the Inspector of Nuisances of an Urban Sanitary Authority; and he shall comply with all the lawful directions of the Board, or of a Committee, or of the Surveyor, applicable to his office.

THE COLLECTOR.

To make out Rate-Books. (79.) The Collector shall, under the supervision of the Clerk, make out all Rates and estimates for Rates, and he shall see that the requisite notices relating to such Rates are duly published; he shall have the custody of the Rate-Books, and shall amend the entries therein, if, and when, directed to do so by the Board or the Finance Committee.

"Rate Demand and Receipt Book." (80.) As soon as a Rate is ready for collection, he shall prepare a "Rate Demand and Receipt Book," comprising (i.) a Demand Note; (ii.) a Receipt, and (iii.) a Receipt Counterfoil, all in the form to be prescribed for that purpose; he shall number each Demand Note, Receipt, and Counterfoil with corresponding numbers consecutively throughout the book, and fill in the various blanks according to the particulars furnished by the Rate-Book and otherwise; the aforesaid book when thus filled up shall be submitted to the Clerk, and on the leaf next after the last receipt the Clerk shall certify that he has examined such book, and shall state in words at length the number of receipts then filled up for the Rate about to be collected. If on closing any Rate there shall remain in the Receipt Book any receipts unused, the Collector shall state on each the reason why it was not used, and shall date and sign such statement.

Collection of Rates. (81.) Not later than 14 *days* after the making of a Rate, he shall commence the service on every Ratepayer of Demand Notes, torn one by one from the "Rate Demand and Receipt Book," as aforesaid; as soon as possible after *seven* days have elapsed since the delivery of the Demand Notes, he shall call on the Ratepayers in order; he shall use his best endeavours to complete the collection of every Rate within *two* months of the making thereof.

To make Weekly Payments to the Treasurer. (82.) He shall pay over to the Treasurer every *Friday* all money in his hands belonging to the Board, and he shall at the time of such payment give to the Treasurer a statement in writing showing to what Rates or accounts such money belongs. The Treasurer shall sign this statement. The Collector shall make a payment to the Treasurer of 20*l.* whenever he has accumulated such a sum, notwithstanding that a week shall not have elapsed since his previous payment.

"Collecting and Deposit Book." (83.) He shall keep a book to be called the "Collecting and Deposit Book," in the form to be prescribed for that purpose, and he shall enter therein all sums received and paid over by him as Collector, accurately dating the entries.

To account to the Clerk. (84.) He shall attend the Clerk every *Friday* after he has duly transacted his customary business with the Treasurer; and he shall produce for the examination of the Clerk all his books of account relating to Rates in course of collection.

Monthly Statements. (85.) He shall make out once a month, or oftener if required, a statement showing with reference to each Rate in course of collection the amount thereof actually collected, and the amounts of arrears legally excused, irrecoverable, and recoverable; he shall transmit this statement to the Clerk with the view of its being laid before the Finance Committee and the Board.

Annual Statements. (86.) He shall prepare, at least once a year, and have ready for the audit, or oftener if the Board so requires, a statement showing the name of every person rated from whom nothing has been received on account of Rates made since the commencement of the current financial year; and he shall in each case annex a note stating the reason why such Rates have not been enforced.

To collect Miscellaneous Moneys. (87.) He shall collect all money due to the Board in respect of the sale of sewage, filth, &c., and such other money as he may be required by the Clerk to collect. He shall give receipts on printed forms for all money thus paid to him, keeping counterfoils of such receipts.

Enforcement of Debts. (88.) He shall, if required to do so, take proceedings, under the direction of the Clerk, for the recovery, after the same has been lawfully demanded, of any money due to the Board.

Compositions. (89.) He shall give notice, on a form to be provided for that purpsse, to owners of property respecting the composition for Rates which the Board is prepared to accept, and shall receive and file the answers given.

Apportionments. (90.) He shall apportion the Rates (other than Private Improvement Rates) payable on premises becoming occupied or unoccupied (as the case may be) after the making of any Rate; and shall collect sums so apportioned, entering in the Rate-Book an explanation thereof in each case.

Attendance at Meetings: Audit. (91.) He shall attend any meeting of the Board, or of a Committee, if so required; and he shall aid the Clerk in preparing for the audit, and shall attend the same.

General Duties: Security. (92.) He shall comply with all lawful directions of the Board or the Clerk applicable to his office; and shall give, and, from time to time, renew, such security as the Board may require for the faithful execution of his office. On the death, or bankruptcy of any surety of his, he shall immediately notify the fact to the Board.

THE INSPECTOR OF COMMON LODGING HOUSES. (a)

General Duties.

(93.) The Inspector of Common Lodging-Houses shall visit once a month, and at such other times as he may be directed by the Board, all Registered Common Lodging-Houses; he shall report to the Board any violation of the By-Laws for the regulation of such places which may come to his notice; and he shall report all houses used as Common Lodging Houses which may not be registered.

THE SUPERINTENDENT OF THE WATER-WORKS.

General Duties.

(94.) The Superintendent of the Water-works shall, under the supervision of the Water-works Committee, have charge of all reservoirs, cisterns, conduits, pipes, and other works belonging to the Board, and connected with the storage and supply of water; he shall manage the distribution of the water; and he shall see that all the property of the Board which is officially under his control is kept in good working order and repair.

To keep Daily Records.

(95.) He shall keep, or cause to be kept, a daily register of the flow of water from the Storage Reservoir, and also a daily record of the Rainfall as indicated by a Rain-gauge.

To procure Materials.

(96.) He shall procure, under the direction of the *Water-works* Committee, all supplies of materials and articles necessary for carrying on the supply of *water*.

Expenditure limited.

(97.) He shall not, without the sanction of the *Water-works* Committee, or the Board, expend any greater sum than 5*l*., except in case of emergency.

To overlook Contractors, Tradesmen, &c.

(98.) He shall see that all contracts entered into with the Board in reference to any work connected with his department are duly carried out, certifying from time to time to this effect, or to the contrary, as the case may be. He shall overlook all Tradesmen and Labourers employed by the Board in connection with the work of his department; and shall certify to the correctness or otherwise, of all claims on the Board made by such persons before the said claims are submitted to the Finance Committee.

To prepare Weekly Statements.

(99.) Every *Friday* evening at 6 p.m., he shall pay the Labourers who are under him, and on *Saturday* mornings he shall deliver to the Clerk for presentation to the Board a statement of the names of the men employed during the week, together with particulars of the work done by them, of the number of days they each have worked, of the rate of wages per day, and the amount paid to each. He shall at the same time deliver a statement of the materials supplied to the Board during the week, with particulars of the names of the parties furnishing the same; and of the quantity, description, price, and total cost of such materials. Both the aforesaid statements shall be made on the forms prescribed by the Board.

To receive Applications.

(100.) He shall receive and file all applications made by parties desiring to be supplied with *water* by the Board. If such applications are complied with, he shall see that all the necessary works are duly executed, as nearly as possible in the order in which the applications are made.

To keep Books.

(101.) He shall keep, or cause to be kept, all such books of account and other books as the *Water-works* Committee may require; and shall conduct on behalf of the Board all correspondence relating to his department.

To report breaches of By-Laws, &c.

(102.) He shall periodically inspect all house-fittings and *water*-meters (when such are used), and shall take the earliest opportunity of reporting to the Board all cases of non-compliance with its By-Laws or Regulations which may come to his knowledge; and all offences against any Statute to which he considers that the attention of the Board ought to be directed.

Attendance at Meetings.

(103.) He shall attend all meetings of the *Water-works* Committee, and, when required, any meeting of any other Committee, or of the Board; he shall see that all orders of the *Water-works* Committee, or of the Board, connected with the work of his department, are duly and promptly carried out; and generally he shall comply with all lawful directions of the *Water-works* Committee, or of the Board, applicable to his office.

THE SUPERINTENDENT OF THE GAS-WORKS.

General Duties.

(104.) The Superintendent of the Gas-works shall, under the supervision of the Gas-works Committee, have charge of all works, pipes, and apparatus, belonging to the Board, and connected with the manufacture and supply of gas; he shall manage the manufacture, sale, and distribution of gas, coke, gas tar, and other products arising from the manufacture of gas; and he shall see that all the property of the Board which is officially under his control is kept in good working order and repair.

Duties, as to the Measurement of Gas, Meters, and Public Lamps.

(105.) He shall keep, or cause to be kept, a daily register of the gas manufactured, and shall make all necessary arrangements that every meter may be inspected, read, supplied with water (if needs be) or otherwise attended to, at least once in *three months*, and that meters requiring attention may be promptly examined, and, if necessary, put in order. He shall make all necessary arrangements for the lighting and extinguishing of the public lamps, and shall provide for their being regularly inspected and repaired as occasion shall require.

[*** *The Regulations numbered 96—103 (ante) are applicable to the office of Superintendent of Gas-works, and may be reprinted when it is desired to define at length the duties of such an official, substituting throughout the word "Gas" for "Water," and omitting from No.* 102 *the words in parentheses.*]

Approved, &c., &c.

(a) Frequently either the Surveyor or the Inspector of Nuisances acts as Inspector of Common Lodging-Houses, in which case this Regulation will not be wanted, and the words in No. 67, which are in brackets, must stand.

3.

By-Laws respecting the Removal of Refuse, and the Prevention of Nuisances.

Cleansing of Pavements.

(1.) Unless the Board shall provide for the cleansing of foot-ways and pavements, every occupier of premises within the District shall cause all sand, rubbish, snow, and filth to be removed from the foot-ways and pavements adjoining the premises occupied by him, every morning (save Sundays) before 9 a.m., and he shall comply promptly with any notice respecting the cleansing of foot-ways and pavements served on him by an Officer of the Board. In the case of snow, the removal shall be accomplished within *two hours* of the snow ceasing to fall (except between sunset and sunrise).

Exposure of Noxious Matter.

(2.) No person shall sweep, deposit, or allow to run or accumulate in any street, court, highway, sea-shore, or other public place, or on any waste or unoccupied ground, or in any open drain, ditch, water-course, sink, pond, or other collection of water, or expose in any manner whatsoever, any animal or vegetable matter, fish, entrails of fish, offal, ordure, blood, bones, manure, shells, orange peel, broken glass, china, or earthenware, coal, coal dust, ashes, house refuse, waste, refuse or runnings from any manufactory, or other offensive or noxious matter whatsoever.

Provided always, that no person shall be liable to a penalty for depositing sand or ashes during frost upon any foot-way to prevent accidents; or manure, or other materials, during frost, upon the course of water-pipes, to protect the same from frost; or clean litter or other materials on a road during sickness to prevent noise.

Provided also, that this By-Law shall not apply to the case of an Occupier of Land dealing with dung or manure in connection with farming operations, unless such dung or manure is mixed with night-soil (not effectually deodorised), and is deposited within 200 *yards* of any street, or continuous line of houses.

Provided also, that this By-Law shall not be taken to prohibit the deposit of ashes or other materials used in the manufacture of bricks, where such ashes or other materials are deposited only in the brickfields or places in which such manufacture is lawfully carried on, and where they are not mixed with any animal or vegetable refuse, or other offensive or noxious matter.

Provided also, that nothing in this By-Law shall be taken to limit in any way the power conferred upon an Inspector of Nuisances by the "Public Health Act, 1875," with respect to such accumulations as are therein mentioned.

Deposit of Building Materials lawful on conditions.—10 & 11 Vict., c. 34, s. 80—1.

(3.) No person shall be liable to a penalty for depositing in any street, court, highway, or other public place, any rubbish, dirt, or materials used in connection with lawful building operations in cases where such person shall, to the satisfaction of the Surveyor of the Board, enclose the space where such deposit is made within a sufficient board-fence at least *eight feet* high; and shall, where directed so to do by such officer as aforesaid, lay down a sufficient temporary foot-way, communicating with the ordinary foot-way at each end thereof, and fenced off from the main portion of the thoroughfare by a sufficient rail; the whole enclosure and temporary footway to be so constructed as to leave room for the passage of vehicles and the ordinary traffic of the said street. The fence and temporary foot-way, as aforesaid, shall in all cases be constructed where an obstruction to the permanent foot-way is likely to continue for more than 14 *days*.

10 & 11 Vict., c. 34, s. 82.

No person shall be entitled to exemption from the liabilities attached to any offence against this or the preceding By-Law, unless such person shall cause the rubbish, dirt, boards, temporary foot-ways, rails, and other materials used as above to be removed as soon as possible after the cessation of the cause which occasioned their deposit or erection.

Removal of House Refuse.

(4.) Every occupier of premises shall remove, or cause to be removed, or allow to be removed by the Board therefrom at least *twice a week*, with such precautions, and within such hours as may from time to time be fixed by the Board, all the house refuse of such premises; and he shall provide, to the satisfaction of the Surveyor, means for storing the said refuse (in an ash-pit, dust-bin, or dust-box) so that it shall not become, between the intervals of removal, a nuisance injurious to health. When in order to carry out this By-Law it is necessary to deposit manure or refuse in a heap on any foot-path or highway, previous to its removal, such manure or refuse shall in no case be placed or remain on such foot-path or highway after 9 a.m. If the said manure or refuse is stored in a moveable box or such like receptacle, it may be placed on a footpath or highway at any time up to 1 p.m., provided it be not left to remain for a longer period than ½-*hour* before or after the time appointed by the Board for the Scavenger to call for the same. The Scavenger's cart for the removal of refuse (duly inscribed accordingly) will at least *two days a week* pass through every street or thoroughfare, the driver sounding a bell from time to time. Into this cart the Scavenger shall place all house refuse whatsoever (including animal and vegetable refuse) which may have accumulated since his previous visit, and access shall be given him to all places where such refuse is deposited, except in cases where the occupier intends to sell or to convert such refuse into manure for his own use.

Dust-boxes.

(5.) When any house shall be without an ash-pit or dust-bin and the Board does not require that such should be provided, the occupier shall provide and use a moveable dust-box; he shall place in the said dust-box every day all the dust and dry refuse of such house, and shall cause such dust-box so filled to be brought to the outside of the door of the said house (or to such other place as the Inspector of Nuisances shall direct), on the days and at the hours appointed by the Board for its removal by the Board's Scavenger, which days and hours shall be notified to the said occupier by notice in writing left at the house. The occupier shall take into the house and use the empty dust-box (if any) left by the Scavenger in the place of the dust-box removed by him, and so on from time to time.

Premises to be kept clean.

(6.) Every occupier of premises shall whitewash, wash, or otherwise cleanse and keep free from filth the interior and every part of such premises, so that no offensive smell shall proceed from the same.

(7.) If the hatch of any midden-stead, privy, ash-pit, or other like receptacle shall at any time be open, so that the contents of such midden-stead, &c., shall, by reason thereof or owing to the absence of a sufficient hatch, be exposed to public view, or fall or drop into or upon a street, then and in every such case, the occupier of the house or tenement to which such midden-stead, &c., belongs, shall, for the first offence, pay the sum of 5*s.*; for a second offence, the sum of 10*s.*; and for every subsequent offence, the sum of 1*l.* Hatches left open.

(8.) No person shall beat, dust, brush or shake any mat, carpet, or other like article in any street, or public foot-way, except before 8 a.m. Carpet beating.

(9.) Every occupier of a market, yard, place, or premises where empty packing-cases, crates, hampers, baskets, or boxes are stacked or stored, shall take care that such articles are not allowed to be put away when containing hay, straw, or other packing materials likely to become a nuisance. Provision for Empty Packing Cases, &c.

(10.) Every occupier of a market, yard, place, or premises, where horses, cattle, pigs, or other animals are kept, shall provide upon such premises, to the satisfaction of the Inspector of Nuisances, a substantial receptacle for dung, manure, and other solid refuse arising on the premises, and a trapped drain for carrying all liquid drainage either away from such premises, or into such receptacle. If no provision for the removal of such dung, manure and other solid refuse be made by the Board, every occupier shall himself remove such dung, &c., at such intervals of time, with such precautions, and within such hours, as may from time to time be fixed by the Board. Provided always that this By-Law shall not apply to Farms. Removal of Dung, &c.

(11.) No person shall, under any circumstances whatsoever, keep a pig in a Dwelling-house; and in every case where a pig or other animal is kept in such a manner and in such proximity to human habitations or places of public resort as to be a nuisance or injurious to health, the Board may, after receiving satisfactory evidence of the fact, direct the removal of such pig or other animal. Pigs and Animals, &c.

(12.) In case there shall be any accumulation of ashes, dust, dirt, rubbish, filth, manure, dung, or soil, collected in any house, stable, or cow-house, or in any court, yard, lane, or other open place, not being a highway, and notice under the hand of the Inspector of Nuisances, or other Officer of the Board, shall have been given to, or left at the place of abode of, the owner or occupier of such house, stable, or cow-house, requiring him to remove such accumulation, and to cleanse, whitewash, or otherwise purify such house, within a time to be therein mentioned (not being less than 24 *hours* from the delivery of such notice), and such owner or occupier shall omit to comply with such notice, then, and in every such case, the owner or occupier to or for whom such notice shall have been given, or left as aforesaid, shall, for every such omission, pay such sum or penalty as is hereinafter provided: and the accumulation may forthwith after the expiration of such notice be removed by the Board. So much of the expense of such removal as is not covered by the sale of the accumulation, shall be recoverable in a summary manner from the person in default. Accumulations of Refuse, &c.

(13.) In case any privy, water-closet, cesspool, sink, private drain, or yard, shall be in a foul or offensive state so as to require cleansing or emptying, and notice from the Board, under the hand of the Inspector of Nuisances, or other Officer, shall have been given to the occupier, or left at his place of abode or business, or left with any householder entitled to the use of the said privy, &c., requiring such occupier or householder to cleanse or empty the same within a time to be therein mentioned, and such occupier or householder shall omit to comply with such notice, then and in every such case the occupier or householder to or for whom such notice shall have been given or left as aforesaid, shall for every such omission pay such sum as is hereinafter provided, and the filth and soil of the said privy, &c., may forthwith after the expiration of such notice, be removed by the Board. So much of the expense of such removal as is not covered by the sale of the material, shall be recoverable in a summary manner from the person in default. The time mentioned in the aforesaid notice shall not be less than *three* clear days from the delivery of such notice, except when there exists, or is imminent, an epidemic or dangerous disease, which may be aggravated by the effluvia from the matter required to be removed, in which case the removal shall be accomplished forthwith after the delivery of such notice. Foul Privies, &c.

(14.) Every person who shall empty, or assist in emptying, any privy, water-closet, or cesspool, or who shall remove night-soil, sewage, or other like offensive matter, shall perform such labour in a quiet, orderly, and speedy manner, and shall use such deodorizers and employ such other means of preventing disagreeable or hurtful effects as shall be directed by the Board, or the Inspector of Nuisances; and the work shall be performed only between the hours of 11 p.m. and 5 a.m. Deodorisers to be used.

(15.) Where any night-soil, sewage, or other like offensive matter, has to be carried through any street or thoroughfare, it shall be carried only between the hours of 11 p.m. and 5 a.m., and only in covered vessels or carts so constructed that their contents cannot escape. Sewage Carts.

(16.) If, in the course of emptying any privy, water-closet, cesspool, ash-pit, or similar receptacle, or of removing night-soil, sewage, dung, ashes, or offensive matter, any such night-soil, sewage, dung, ashes, or matter should be spilled, the persons engaged shall carefully sweep, cleanse, and deodorise the place where such matter shall have been spilled, and shall promptly and effectually remove such sweepings. Precautions.

(17.) No cart used for removing night-soil, sewage, dung, ashes, or other offensive matter, from any cesspool, ash-pit, or similar receptacle, shall remain in any street or thoroughfare longer than shall be necessary for the loading or unloading thereof, and such cart, if in an offensive condition, shall not be left in any yard or place within 50 *yards* of a dwelling-house, save with the sanction of the Inspector of Nuisances, and on a sufficient reason being assigned. Every cart used for the removal of night-soil shall be provided with a sufficient cover. Carts not to loiter.

(18.) If, in the course of loading any wood, seaweed, wreck, dead fish or animals, any of such wood, seaweed, wreck, dead fish or animals should be dropped in any street or thoroughfare, the persons engaged in such loading shall well and carefully take or sweep up the litter which they may have caused. Litter in streets.

(19.) No person shall commit a nuisance in any street or thoroughfare, or within view of any dwelling-house, whereby public decency may be offended. Nuisances in streets.

(20.) No person shall throw, or suffer to be thrown, any water or other liquid into an ash-pit, or on the surface of any passage, yard, or street, except at such places as are provided with proper gratings for the removal of waste water, or except for the purpose of cleansing such passage, yard, or street. Waste Water.

(21.) No person shall drown any dog, cat, or other animal, or cast or deposit any dead animal, ashes, soil, noisome matter, or rubbish, in any river, canal, stream, pond, ditch, or drain. Throwing Animals or Rubbish into Rivers, &c.

Drains from Manufactories, &c.

(22.) No person shall discharge, or cause or permit to drain, from any manufactory, gas-works, chemical-works, dye-house, or trade-premises where chemical processes are carried on, into any public sewer, any substance or fluid which of itself, or in combination with ordinary sewage would evolve any gas or exhalation more offensive than would otherwise arise from such ordinary sewage.

Duties of Scavengers.

(23.) Every person acting as a scavenger, whether he is directly in the employ of the Board or not, shall wear such badge as the Board may from time to time appoint. No such person shall be guilty of any act of extortion, or shall create any disturbance, or otherwise misconduct himself, to the annoyance or obstruction of any person.

Penalties.

(24.) Every person who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of *2l.*; and in case of a continuing offence, a further penalty of *5s.* for every day during the continuance of the offence after written notice thereof from the Board. Provided nevertheless that the Justices or Court before whom any complaint shall be made for a breach of any of these By-Laws, may, if they see fit, reduce these or the penalties herein prescribed.

Approved at a Meeting of the Board, held the —— day of ———— 18——, in testimony whereof the Common Seal of the said Board was affixed, together with the Signatures of Five Members thereof.

———————————*Chairman.*

* * * *

Allowed by the Local Government Board, this———day of————18——

———————————*President.*

———————————*Secretary.*

4.

By-Laws to regulate the Construction of New Streets and Buildings.

I. With respect to the Level, Width, and Construction of New Streets, and the provisions for the Sewerage thereof.

General conditions as to New Streets.

(1.) Every New Street shall be laid out, as regards its direction, distance from other Streets (existing or proposed), width, level, and gradients, according as the Board shall approve, care being taken in every case to provide efficient means of Sewerage.

Width of Streets to be Public Thoroughfares.

(2.) Every New Street designed to be a Public Thoroughfare shall be formed at least 40 *feet* wide (unless a greater or less width shall in any case be required or authorized by the Board); and every such street shall have a Foot-path on each side, or on one side only, as the Board shall in each case approve.

Width of Streets not to be Public Thoroughfares.

(3.) Every New Street designed not to be a Public Thoroughfare shall be formed at least 30 *feet* wide (unless a greater or less width shall in any case be required or authorised by the Board); and there shall be one entrance at least to every such street of the full width thereof, and open from the ground upwards; provided always that when any proposed street shall be more than 100 *feet* long, it shall be at the option of the Board to determine whether such street shall or shall not be formed so that it may afterwards become a Public Thoroughfare, in which case the requirements of these By-Laws as to Public Thoroughfares shall apply.

Modifications in certain cases.

(4.) In any case in which an open space or Fore-Court of any kind, level or nearly level with the foot-path, shall be left in front of the houses, along one or both sides of a New Street throughout its whole length, or in which a New Street shall not be the principal or only approach to dwelling houses, or in any special cases, the Board may sanction for such streets, whether Public Thoroughfares or not, a reduction of the widths herein specified, if it sees fit to do so.

Definition of "Width."

(5.) The width of a New Street shall be taken to mean the whole space which is to dedicated to the public (exclusive of Cellar-flaps, or of any steps or projections in the street), measured at right angles to the direction of such street. No encroachment shall be made at any time on such space, dedicated as aforesaid, without the consent of the Board.

New Footpaths.

(6.) When any land, in front of which there is no foot-path, shall be laid out for building purpose, the owner shall, previously to erecting, or allowing to be erected, any building thereon, set out a foot-path not less than *eight feet* wide in front of such land, and adjoining the existing street or thoroughfare. In cases where a foot-path exists, but is less than *eight feet* wide, the owner shall set out such an amount of ground as shall bring up the aggregate width of the foot-path to *eight feet*, or to such other less width as the Board may in any particular case determine. The owner shall make, form, or pave such foot-path according to the requirements of the Board.

(7.) The proposed direction, distance from other streets, width, level, and gradients of a New Street having been approved by the Board, the Surveyor shall specify in writing to the person whose name appears on the plan deposited as hereinafter, what are to be the depth, inclination, form, size, materials, and other particulars of the sewers and their appurtenances which are to be constructed for the proper drainage of such street, and of the adjacent properties. Sewerage and Drainage of New Streets.

(8.) Every New Street shall, unless the Board otherwise directs, have a foundation of at least 9 *inches* of gravel, brick-rubbish, burnt ballast, or similar material; with a coating of at least 6 *inches* of broken flints, hard stone, or asphalt, as the Board shall approve. Every New Street shall be —— *inches* higher in the centre than at the sides thereof. Formation of New Streets.

(9.) The Name proposed for every New Street must receive the sanction of the Board before it is publicly announced. Names for New Streets.

(10.) Every person desirous of forming a communication for Horses or Vehicles across any foot-path, so as to afford access to any premises from a street, shall first submit to the Board a plan of the proposed communication, showing where it will cut the foot-path, and what provision (if any) is made for kerbing, and for a paved crossing; and the dimensions and gradients of the necessary works. Having obtained the sanction of the Board, he must carry out the works, at his own expense, to the satisfaction of the Surveyor. No person who has not obtained the permission of the Board shall drive, or cause to be driven, any horse or vehicle across any foot-way. Communications with Private Property across Foot-paths.

(11.) No openings for receiving coal-gratings, or cellar hatches, shall be formed in any foot-way, nor a cellar under a foot-way, without the sanction of the Board.

II. With respect to the Structure of Walls of New Buildings, for securing stability and for the Prevention of Fires.

(12.) The foundations of the walls of every new building shall rest on footings placed on solid ground, concrete, or some other solid sub-structure. When concrete is used as a foundation, such foundation shall in all cases be at least 12 *inches* wider than the lowermost course of brick-work which is to rest thereon. Foundations of Walls.

(13.) Every footing shall be either of brick, or stone, or brick and stone, laid in good mortar or cement. The projection of the bottom of the footing, on each side of the wall, shall be at least equal to *one-half* the thickness of the wall at its base; the diminution of every footing shall be formed in regular offsets; and the height from the bottom of such footing to the base of the wall shall be at least equal to *one-half* the thickness of the wall at its base. Footings of Walls.

(14.) In every wall of a building intended to be used as a Dwelling-house, there shall be laid below the intended level of the lowest floor, a course of vitrified Staffordshire or similar damp-proof bricks, or a thickness of asphalt, pitch, sheet lead, slate, or similar damp-proof material, and such bricks or material shall be securely laid in cement or mortar. Precautions against Damp.

(15.) The external and party walls of every new Dwelling-house, when built of brick, plane cut stone, or other plane substances, laid horizontally, piece upon piece, course above course, shall be made throughout the different storeys of the thickness shown in Table A., which is arranged according to the heights and lengths of the walls, and calculated for walls up to 80 *feet* high, the height of the storeys being subject to the conditions hereinafter prescribed. (See next page). Thickness of Walls of Dwelling-houses.

(16.) Churches, Chapels, places of worship or assembly, warehouses, manufactories, breweries, and distilleries, shall be the subject of special provisions as follows:—The external and party walls of such buildings, when built of brick, plane cut stone, or other plane substances, laid horizontally, piece upon piece, course above course, shall at the base be made of the thickness shown in Table B., which is calculated for walls up to 100 *feet* high. Thickness at Base of Walls of buildings of special class.

(17.) The thickness of the walls of buildings of the aforesaid special class at the top, and for 16 *feet* below the top, shall be 13 *inches*; and the intermediate parts of the wall between the base and such 16 *feet* below the top shall be built solid throughout the space between straight lines drawn on each side of the wall, and joining the thickness at the base to the thickness at 16 *feet* below the top as above determined; nevertheless in walls not exceeding 30 *feet* high, the walls of the topmost storey may be 8½ *inches* thick. The walls of buildings which are to be more than 100 *feet* high, shall be of such thickness as the Board, at the instance of the Surveyor, shall in each case require. Thickness of such Walls generally.

(18.) The external walls of all Out-offices (with the exception of coal-stores, tool-sheds, and such like erections, and the partition walls of yards), shall be at least 9 *inches* thick and 7 *feet* high. Should any question arise as to what is to be deemed an out-office for the purpose of this By-Law, the decision thereupon shall rest with the Board. Walls of Out-offices.

(19.) Every wall built of brick, plane cut stone, or other plane substances laid horizontally, piece upon piece, course above course, shall be properly bonded and solidly put together with mortar or cement, and no part of such wall, except a cornice, sill, or coping shall overhang any part underneath it. All return walls shall be properly bonded together. Construction of Brick, &c., Walls.

(20.) Every wall built of rough stone, flint, boulders, or broken bricks, or of whole bricks, plane cut stone, or other plane substances, laid otherwise than as specified in By-Law 19, or of rubble, or of any substances not having plane surfaces and not laid horizontally, shall be of a thickness *one-third* greater than those prescribed in the foregoing By-Laws, and shall be carried up with a sufficient number of racing courses in brick. Construction of rough Stone, &c., Walls.

(21.) The thickness of every wall as herein prescribed shall be the minimum thickness. When in the opinion of the Board an unduly absorbent material is proposed for use in the construction of a wall, an internal cavity of 2 *inches* shall be left midway between the faces of the wall, and the extreme thickness shall be greater by 2 *inches* than would otherwise be required by these By-Laws. Thickness of Walls.

(22.) Every wall of a new building shall be constructed of sound hard brick, stone, or other incombustible and hard substance; but if a proposed structure is not designed to be used as a human habitation, and it would appear that no danger of the spread of fire is to be apprehended, this By-Law may be modified according to the discretion of the Board. Materials of Walls.

TABLE A.

Thickness of Walls of Buildings

Height up to 80 feet.	*Length up to 40 feet.*	*Length up to 60 feet.*	*Length Unlimited.*
	One storey 21½ inches. Two storeys 17½ inches. Remainder 13 inches.	Two storeys 21½ inches. Two storeys 17½ inches. Remainder 13 inches.	One storey 26 inches. Two storeys 21½ inches. Two storeys 17½ inches. Remainder 13 inches.
Height up to 70 feet.	*Length up to 40 feet.*	*Length up to 55 feet.*	*Length Unlimited.*
	Two storeys 17½ inches. Remainder 13 inches.	One storey 21½ inches. Two storeys 17½ inches. Remainder 13 inches.	One storey 26 inches. Two storeys 21½ inches. One storey 17½ inches. Remainder 13 inches.
Height up to 60 feet.	*Length up to 30 feet.*	*Length up to 50 feet.*	*Length Unlimited.*
	One storey 17½ inches. Remainder 13 inches.	Two storeys 17½ inches. Remainder 13 inches.	One storey 21½ inches. Two storeys 17½ inches. Remainder 13 inches.
Height up to 50 feet.	*Length up to 30 feet.*	*Length up to 45 feet.*	*Length Unlimited.*
	Wall below the Topmost storey 13 inches. Topmost storey 8½ inches. Remainder 8½ inches.	One storey 17½ inches. Rest of wall below Topmost storey 13 inches. Topmost storey 8½ inches. Remainder 8½ inches.	One storey 21½ inches. One storey 17½ inches. Remainder 13 inches.
Height up to 40 feet.	*Length up to 35 feet.*	*Length Unlimited.*	
	Wall below two Topmost storeys 13 inches. Two Topmost storeys 8½ inches. Remainder 8½ inches.	One storey 17½ inches. Rest of wall below Topmost storey 13 inches. Remainder 8½ inches.	
Height up to 30 feet.	*Length up to 35 feet.*	*Length Unlimited.*	
	Wall below two Topmost storeys 13 inches. Two Topmost storeys 8½ inches. Remainder 8½ inches.	Wall below Topmost storey 13 inches. Topmost storey 8½ inches. Remainder 8½ inches.	
Height up to 25 feet.	*Length up to 30 feet.*	*Length Unlimited.*	
	From base to top of wall 8½ inches.	Wall below Topmost storey 13 inches. Topmost storey 8½ inches. Remainder 8½ inches.	

*** The length is in all cases to be taken without reference to any internal cross walls.

TABLE B.

Thickness at Base of Walls.

Height up to 100 feet.	*Length up to 55 feet.*	*Length up to 70 feet.*	*Length Unlimited.*
	Base, 26 inches.	Base, 30 inches.	Base, 34 inches.
Height up to 90 feet.	*Length up to 60 feet.*	*Length up to 70 feet.*	*Length Unlimited.*
	Base, 26 inches.	Base, 30 inches.	Base, 34 inches.
Height up to 80 feet.	*Length up to 45 feet.*	*Length up to 60 feet.*	*Length Unlimited.*
	Base, 21½ inches.	Base, 26 inches.	Base, 30 inches.
Height up to 70 feet.	*Length up to 30 feet.*	*Length up to 45 feet.*	*Length Unlimited.*
	Base, 17½ inches.	Base, 21½ inches.	Base, 26 inches.
Height up to 60 feet.	*Length up to 35 feet.*	*Length up to 50 feet.*	*Length Unlimited.*
	Base, 17½ inches.	Base, 21½ inches.	Base, 26 inches.
Height up to 50 feet.	*Length up to 40 feet.*	*Length up to 70 feet.*	*Length Unlimited.*
	Base, 17½ inches.	Base, 21½ inches.	Base, 26 inches.
Height up to 40 feet.	*Length up to 30 feet.*	*Length up to 60 feet.*	*Length Unlimited.*
	Base, 13 inches.	Base, 17½ inches.	Base, 21½ inches.
Height up to 30 feet.	*Length up to 45 feet.*	*Length Unlimited.*	
	Base, 13 inches.	Base, 17½ inches.	
Height up to 25 feet.	*Length Unlimited.*		
	Base, 13 inches.		

*** The length is in all cases to be taken without reference to any internal cross walls.

Walls to be carried through Roofs.

(23.) Where two or more new buildings adjoin one another, and they are to be occupied by different owners or tenants, every external and every party wall shall be carried up above the roof or gutter, so as to form a parapet not less than 12 *inches* high, measured at right angles to the slope, and above the covering of the roof, or above the highest part of the gutter, as the case may be; but in any particular case the Board may dispense with this requirement, on condition that the under-side of the slates or tiles covering the roof shall be bedded on cement without any wood-work passing through such cement.

Wood-work in Walls.

(24.) No joists, beams, or other wood-work fixed in or upon any wall (except bressummers, and storey-posts under the same, and doors and windows and ornamental woodwork of shops), shall be brought nearer than 4 *inches* to the external face of such wall, unless with the previous sanction of the Board. Every joist of a ground floor shall rest on proper brick sleeper walls and oak sleepers.

Joists.

(25.) In the construction of a new building, no joist shall be used of less width and thickness than—

For bearings of 6 feet— 6 *inches* by 2 *inches*.
" " 12 feet— 9 *inches* by 2 *inches*.
" " 16 feet—11 *inches* by 2 *inches*.
" " 20 feet—12 *inches* by 3 *inches*.

Nor shall any joist be fixed at a greater distance than 15 *inches* from centre to centre.

Bressummers.

(26.) Every Bressummer shall be of the same breadth as the wall which is to rest upon it; and the ends thereof shall have, where practicable, at least *nine inches* of wall-hold, and shall be laid on stone or painted iron templates.

Storey-posts.

(27.) Every Pillar or Storey-post shall be of stone, cast iron, or good bricks laid in cement, and of sufficient strength to carry the superincumbent weight, and it shall be properly corked or stubbed into a piece of hard stone.

Balconies.

(28.) Every Balcony, Porch, Portico, or similar erection, shall be well and sufficiently tied to the building to which it belongs; and every balcony shall be constructed of iron, stone, or other incombustible materials.

Roofs, &c.

(29.) The external parts of every Roof, Flat, or Gutter of a new building, or of an old building hereafter to be uncovered, and of every dormer, lantern-light, or other erection upon such roof or flat, shall be covered with slate, tiles, glass, stone (natural or artificial), cement, metal, or other sufficient and incombustible material; but these requirements shall not apply to the necessary doors, windows, and window frames, which may be of wood; nor to a temporary building erected under the sanction of the Board for a particular purpose and for a limited time. There shall be constructed in the roof or flat of every new dwelling-house a trap-hatch not less than 2 *feet* square (with a fixed ladder to give access thereto) so arranged as to facilitate the escape of the inmates in event of fire.

Pitch of Roofs.

(30.) Every Roof of a new building which is intended to be covered with slates or tiles shall have a pitch of at least 1 in 4, and shall be supported, in the case of 10 *feet* rafters and under, on one purlin, of not less width and thickness than 9 *inches* by 3 *inches*; and in the case of rafters over 16 *feet*, on two purlins, of not less width and thickness than 9 *inches* by 3 *inches* each. No spar of less width and thickness than 3 *inches* by 2½ *inches* shall be used in the roof of a new building. No purlin shall have a greater bearing than 12 *feet* unless made proportionally stouter than hereinbefore specified. Every such purlin shall in all cases be properly supported on trusses or struts.

Footings for Chimneys: Corbels.

(31.) Every Chimney, Chimney-breast, or Pier, shall be built up from foundations or footings similar to those of the wall in or adjacent to which it shall be set. Nevertheless, the necessary brickwork of a Chimney may be built on corbels, provided that such brick-work projects no more than 9 *inches* beyond any part of the substructure thereof, and that all work on corbels be properly bonded and tied into the wall from which the same shall project.

Materials for Flues, &c.

(32.) Every Flue, unless formed of glazed earthenware pipes, or other approved materials, shall be built of good bricks, or suitable stone, flushed in mortar or cement, and properly rendered or pargetted inside. The back of every Chimney-opening shall be from the hearth up to the height of 12 *inches* above the mantel, at least 8½ *inches* thick, if in a party wall, or 4½ *inches* thick, if not in a party wall.

Hearths.

(33.) Every Chimney shall have a hearth of stone, slate, marble, brick, tile, or other proper materials, laid and bedded wholly on some incombustible substance; the thickness of the hearth and its bed shall not be less than 4½ *inches*. The hearth shall extend outwards beyond the chimney-opening so as to afford a clear breadth of 18 *inches* in the room, and a length of 6 *inches* longer than the opening, on each side thereof.

Regulations as to Wood-work.

(34.) No wood-work, including wooden plugs, shall be placed nearer than 6 *inches* to the inside face of any Chimney-opening or Flue, or under any Chimney-opening within 18 *inches* from the upper surface of the hearth thereof. No part of any Chimney or Flue shall be made dependent on wood-work for its support.

Openings in Chimneys.

(35.) No opening shall be made in any Chimney or Flue (except for the purpose of inserting a Ventilator) save with the sanction of the Surveyor on good cause shown.

Open Spaces in Walls.

(36.) No open space behind a partition, or behind the lining of a wall, nor any open space of similar character, shall extend as an open space higher or lower than the ceiling or floor respectively, which is contiguous thereto.

Smoke Pipes.

(37.) No Pipe for the conveyance of smoke or steam shall have its outlet in any face of a building so that its contents may be discharged in or over any public thoroughfare or under any window. No pipe as aforesaid shall be fixed nearer than 9 *inches* to any wood-work, save with the sanction of the Surveyor, which is to be given only in cases when he thinks that no danger from fire is to be apprehended.

Ovens, &c.

(38.) Every Oven, Furnace, Cockle, Copper, Close-fire, or Stove (except moveable Charcoal, Gas, or Ironing Stoves), shall have an independent wall or casing of such thickness as the Surveyor may direct; and the floor under and all round such oven, furnace, &c., for a distance of 18 *inches*, shall be formed of some incombustible materials.

House Chimneys.

(39.) Every Chimney-shaft, Flue, or Stack of Chimneys, hereafter to be built or raised, shall be carried up in brick or stone-work at least 4½ *inches* thick all round, to a height of not less than *three feet* above the roof, flat, or gutter adjoining thereto, measured at the highest point of junction of such Shaft, Flue, or Stack; such Shaft, Flue, or Stack, shall not be carried up more than *eight feet* above the roof, flat, or gutter, as aforesaid, unless the walls thereof are built of a greater thickness than above specified, or are bonded to another structure, or are secured by iron stays,

to the satisfaction of the Surveyor. No Flue belonging to any out-house or shed shall be so constructed as to discharge smoke under any window.

Factory, &c., Chimneys.

(40.) Every new Chimney for a Mill, Factory, Dye-house, Foundry, Machine-works, Brewery, Bake-house, Gas-works, or other Manufactory, shall be at least 60 *feet* high from the level of the ground to the top of such chimney, unless the Board shall consent to relax this requirement. Every such Chimney must be built of such dimensions and in such manner as the Surveyor shall approve.

Flues to be indicated on Party Walls.

(41.) In cases where a party wall is adjacent to land intended to be built upon, the situation of every chimney-opening and the course of every flue constructed in such party-wall shall be distinctly indicated on the exterior of such party wall by lines of white paint, not less than *three inches* wide.

III. With respect to the sufficiency of the space about Buildings to secure a free circulation of air, and with respect to the ventilation of Buildings.

Height of buildings in streets.

(42.) No Building to be erected on the side of a street shall be carried up to a greater height than the distance from the front of such building to the front of the buildings on the opposite side of such street; nor shall the height of any building so erected be at any subsequent time increased so as to exceed a height equal to such distance. In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the building up to the top of the parapet, or to the eaves of the roof (as the case may be). In the case of a gable facing the street, the measurement shall be to a point half-way between the level of the eaves and the ridge. In the case of a roof which slopes away from the street being sloped at any greater angle than 50° the measurement shall be to the ridge of such roof, and not to the eaves.

Additional Storeys.

(43.) In no case shall an additional storey be constructed on the top of any building, unless the walls below shall be of the thickness which would be required supposing such building so increased in height were a new building about to be erected under these By-Laws.

Space around buildings.

(44.) Every Building to be erected for use as a dwelling-house shall have in the rear, or at the side thereof, or partly in the rear and partly at the side (but so that there shall be at least 200 *square feet* in the rear), an open space exclusively belonging thereto which shall amount in the aggregate to at least 500 *square feet*, and be free of any erection thereon above the level of the ground other than a coal-house, midden-stead, water-closet, privy, earth-closet, or ash-pit. If such building shall be of one storey, there shall be in no case less than 10 *feet* between it and the nearest adjacent property, whether at the back or at the side; if of *two* storeys, not less than 15 *feet*; if of *three* storeys, not less than 20 *feet*; if of more than *three* storeys, not less than 25 *feet*. When, however, thorough ventilation of such open space is secured, or when in connection with the proposed re-building of dwelling-houses these requirements cannot be adhered to without a considerable sacrifice of property, the Board may, in its discretion, modify them in special cases.

Spaces not to be built on.

(45.) Whenever any open space has thus been left appurtenant to any building at the time when the sanction of the Board was given to its erection, such space shall never afterwards be built upon or covered over, even partially, without the consent of the Board, which may be given either conditionally on the minimum space required by the previous By-Law being otherwise provided, or unconditionally.

Height of Rooms.

(46.) In a new Building, every room which is capable of being used as a human habitation, and is not in the roof of the said building, shall be in every part at least 8 *feet* 6 *inches* high from floor to ceiling. Every room intended to be used as aforesaid which is in a roof, shall be at least 8 *feet* high from floor to ceiling, over not less than *one-half* its area.

Windows in Rooms.

(47.) In a new Building, every room, attic, and cellar, which is capable of being used as a human habitation, shall have at least *one* window, and the total area of the window or windows (if there is more than *one*), clear of the sash frame, shall be at least *one-tenth* of the area of such room, and in no case less than 9 *square feet*. When the area of an attic exceeds 225 *square feet*, it shall suffice that the window space as aforesaid be *one-twelfth* of such area. At least as much as the upper half of every window shall be made to open for the full width, and one at least of the windows (where there is more than one) shall be at the top at least 7 *feet* 9 *inches* above the level of the floor.

Ventilation of Rooms.

(48.) In a new Building, every room which is capable of being used as a human habitation, and is without a fire-place, shall be provided with such means of ventilation by air-shaft, or otherwise, as the Board may approve.

Public Rooms.

(49.) Every new Building containing a room or rooms intended for the reception of more than 50 *persons* shall be provided with such facilities for ventilation and egress as the Board may deem requisite.

Schools.

(50.) Every room in any house or other building used for the first time as a Day School after these By-Laws come into force in the district shall, unless supplied with special means of ventilation to the satisfaction of the Board, be so used subject to the following regulations: (namely), if the room is less than 8 *feet* 6 *inches* in height from the floor to the ceiling, the space for each scholar shall be 9 *square feet* at least, and if it is 8 *feet* 6 *inches* or upwards in height, the space for each scholar shall be 8 *square feet* at least.

Buildings without Basements.

(51.) In the case of every new Building erected without a Basement Storey or Cellar, there shall be, when any room on the ground floor is intended to be used as a human habitation, a space of not less than 2 *feet* between the surface of the ground underneath the floor and the under side of the joists of the lowest wooden floor of such building; and due provision shall be made for the ventilation of the intermediate space by means of air bricks or gratings in every wall.

Regulations respecting Basements.

(52.) No house shall be built with the floor of its Basement-storey or Cellar (if the same is intended to be used as a human habitation) more than 5 *feet* below the finished surface of the ground adjacent; and an area not less than 2 *feet* wide and reaching externally as low as the level of the internal floor shall be constructed in front of every Basement window and at least *one foot* on each side of such window.

Cellar Dwellings.

(53.) No Basement-storey or Cellar in a dwelling-houses hall be used as a dwelling separate from such dwelling-house.

Back-yards. (54.) Where the Back-yard of a new house abuts on a back street, the yard shall be at least *six inches* above the level of such street; and the yard shall have a fall from the house to the street of not less than 1 in 30, unless the Board shall direct otherwise.

Private Passages. (55.) Every Private Entry or Passage leading from a street by the side of or under a house shall have a width of at least *three feet*.

IV. With respect to the Drainage of Buildings, to Water-closets, Privies, Earth-closets, Ash-pits, and Cesspools, in connection with Buildings, and to the closing of Buildings, or parts of Buildings, unfit for human habitation, and to the prohibition of their use for such habitation.

Buildings not sufficiently Drained. (56.) Every House and Building which, in the opinion of the Board, is not provided with sufficient drainage shall, within a time to be prescribed by the Board, have its defects in this respect made good by the owner. The proposed mode of drainage, and all the materials to be employed, shall previously be sanctioned by the Surveyor.

Formation of House Drains. (57.) In forming Drains for houses and buildings there shall only be used glazed earthenware pipes, or such other equally suitable materials as the Surveyor shall approve. The pipes shall be of such dimensions and shall be connected with the sewers in such manner as the Surveyor may direct. They shall be laid with water-tight joints and have a fall of [1 in 10,] and when carried under any dwelling-house they shall be embedded in concrete or cement, or (if the Surveyor consents) in puddled clay; also, they shall be laid sufficiently deep to leave a distance of at least 12 *inches* between the top of the pipes and the floor of the lowest storey. No right angled junctions either vertical or horizontal shall be made. The lowest floor of every house (whether that floor be below the level of the ground or not) shall be constructed at such a level as shall secure for the drains thereof, a fall of at least [1 in 10] from the upper surface of such floor into the sewer which will take the drainage of the house, measured so that the lower side of the drain shall enter the sewer at a point which shall be distant from the crown of the sewer not more than *one-fourth* of the circumference.

Sewers and Pavements not to be opened without leave. (58.) No Public Sewer shall be laid open, nor pavement of a street broken up, without the sanction of the Surveyor. When a communication has to be made between a house drain and a public sewer, the necessary works shall only be carried out under the supervision of the Surveyor, who shall be entitled to receive reasonable notice in reference thereto; the expenses shall be payable in advance, according to the scale exhibited in the Surveyor's office, by the person for whose benefit, or at whose request, the communication is to be made.

Subsoil Drainage (59.) The system of Drainage provided for every house shall be so arranged that adequate ventilation may be secured, and also that either with additional earthenware pipes, or otherwise, the subsoil of the premises may be effectually drained whenever the natural dampness of the site appears to the Board to render the drainage of the subsoil expedient.

Rain Water. (60.) Rain-water shall be so conveyed away from the roofs of buildings that it shall not drip on to the ground, or cause the walls or ground to become damp, or annoy foot passengers. When a rain-water pipe is connected with a sewer, the connection shall be so formed that no foul air shall be able to find vent from any such pipe, near any window. No rain-water pipe shall have its outlet into, or be connected with, an ash-pit or dust-bin.

No Water to flow over Foot-paths. See 10 & 11 Vict., 34, 74. (61.) No Water shall be permitted to flow or drip from any building on to the pavement of a street, or on to any public foot-path. Clean water needing to be removed from any building to a street drain, shall, where practicable, be conveyed by pipes below the surface of the pavement or foot-path. Where such an arrangement is not practicable, owing to the nature of the level of the street, resort shall be had to channels formed in the pavement or foot-path. When, in consequence of a storm or flood, water has to be removed from premises by pumping or otherwise, it shall be conveyed over the pavement or foot-path by pipes, spouts, or trunks.

Ventilation of House Drains. (62.) The Drains of every house shall be properly ventilated by means of some pipe or other expedient to the satisfaction of the Surveyor. All overflow and waste water pipes from cisterns, baths, lavatories, and sinks, shall be arranged so that at the place of discharge they may be open to the air. All other inlets to the house drains shall be properly fitted with syphon traps, so that they shall not be directly connected with any drain or sewer.

Regulations as to Water-closets, &c. (63.) Every dwelling-house shall, if the Board so requires, be provided with a water-closet, privy, or earth-closet. The situation, dimensions, and materials of every such appliance shall be subject to the approval of the Board. No privy shall be of smaller internal dimensions than the following:—

Depth, front to back, *five feet*.
Breadth, *three feet six inches*.
Height, from floor to ceiling, *six feet six inches* in the lowest part.

The floor of every privy shall not be less than *six inches* above the ground immediately adjoining, and shall be flagged or boarded, and shall have an inclination towards the door of 1 in 12. Every water-closet, privy, or earth-closet, shall have an opening of not less than 36 *square inches*, as near to the top as practicable, and communicating by an air-tight tube directly with the external air; or shall be otherwise provided with efficient ventilation. The D trap of every water-closet shall be ventilated by means of an air-tight tube carried out to the external air so as not to be near any window. No room to be used as a human habitation shall be erected over any privy, ash-pit, dust-bin, cesspool, or urinal.

Defective Water-closets, &c., to be made good. (64.) If the Board shall be of opinion that any house is not provided with a sufficient water-closet, privy, or earth-closet, or that any existing water-closet, privy, or earth-closet is not in due working order, or is not provided with a proper supply of water, or dried earth, it may require the owner or occupier to improve the fittings, or water-supply, or earth-supply, of the said water-closet, privy, or earth-closet, (as the case may be) within *one month* of the service on him by the Board of a written notice to that effect. On default, it shall be lawful for the Board to execute he required works and to recover the expenses in a summary manner from the owner in default.

Urinals for Public Houses.

(65.) Every Inn, Public-house, or place for the sale of malt or spirituous liquors which are to be drunk on the premises, shall be provided with a proper Urinal, accessible only from the inside of the premises. And the Board may require the owner or occupier of every such place not provided as aforesaid forthwith to provide a Urinal and water for the flushing thereof, and at all times to keep such Urinal in proper repair and condition and duly flushed, and to use therein every day such disinfectants as the Inspector of Nuisances shall deem necessary.

Cesspools

(66.) No Cesspool, to be connected with a water-closet or privy, shall be constructed without the special leave of the Board, and then only in such situation remote from any well and in such manner as the Board shall direct. Every such cesspool shall be made and maintained water-tight; it shall be arched or covered over, and a pipe or shaft shall be carried up from it, or from the drain connecting the water-closet or privy with it, to the roof of the house, or otherwise to such a height as the Surveyor may deem necessary for the efficient ventilation of such cesspool.

Every House to have an Ash-pit.

(67.) Every dwelling-house shall have belonging to it, or available as of right to its occupier, a sufficient Ash-pit, Dust-bin, or Dust-box, so placed and of such dimensions as the Surveyor shall approve. Unless the Board shall determine otherwise, every new ash-pit or dust-bin shall be constructed of brick or stone, and have a floor of the same, or of similar materials, at least *six inches* above the level of the ground adjacent. Every ash-pit or dust-bin in existence at the time when the "Local Government Acts" were put in force in the district, shall, if it is deemed by the Board to be defective, be altered according to the requirements of the Board. If the owner or occupier shall make default in complying with any requirements of the Board relating to an ash-pit, dust-bin, or dust-box, the Board may execute any works it deems requisite, and recover the expenses in a summary manner from the owner in default. Every ash-pit, dust-bin, or dust-box shall be of such size as may be expected to contain the ashes and dry refuse likely to accumulate between the prescribed visits of the scavengers.

New Houses to be inspected and certified.

(68.) No new house shall be occupied until the House Drainage has been made complete, nor until such house has been certified by the Surveyor, after examination, to have been apparently constructed in every respect in accordance with these By-Laws, and to be fit for human habitation. When the Surveyor has received the notice of the completion of a new house (as prescribed in By-Law 80) he shall within 7 *days* view the house, and shall forthwith give a certificate of approval, or shall report to the Board at length his "Reasons" for refusing to give a certificate of approval; a copy of these "Reasons" shall forthwith be given to the Owner or Builder, who may thereupon appeal to the Board against the Surveyor's decision. If the Owner or Builder does not receive from the Surveyor either a certificate of approval, or "Reasons" for disapproval, within *ten days* after the delivery of the notice of completion, the premises shall be deemed to be completed and fit for human habitation.

Houses not certified not to be occupied.

(69.) Any person who shall as Owner let, or any person who shall as tenant occupy, any new house before the same is certified, or after the Surveyor's certificate has been refused, shall be liable to a penalty for so doing, and also to a continuing penalty, as hereinafter provided.

Buildings unfit for human habitation.

(70.) In any case where it is certified to the Board by (*a*) the Medical Officer of Health, (*b*) the Surveyor, (*c*) the Inspector of Nuisances, (*d*) any two duly qualified Medical Practitioners, or (*e*) any four or more householders living in or near the street in which the building is situated, in all cases in writing and stating full particulars, that any building, or part of a building, is unfit for human habitation, or to be used as a school, factory, or workshop, the Board may give to the owner or occupier, or leave at his place of abode, or if the property is for the time being unoccupied, and the owner thereof or his place of abode is unknown, may cause to be affixed to some conspicuous part of such property, a notice under the hand of the Surveyor, requiring such owner or occupier to attend at the meeting of the Board which shall be held next after the expiration of *seven days* from the date of such notice, to show cause why an order should not be made by the Board declaring that the said property is unfit for human habitation, or to be used as a school, factory, or workshop, and that the same shall not, after a date to be specified in such order, be so inhabited or used. If such owner or occupier shall not attend at such meeting, pursuant to such notice, or, attending, shall fail to satisfy the Board that such property is fit to be inhabited or used as aforesaid, the Board may make such order as is hereinbefore mentioned, and may cause the same to be affixed to some conspicuous part of such property. Any person who shall, after the date so specified in such an order, inhabit or use as aforesaid such property, or knowingly suffer or permit the same to be so used, shall be liable for every offence to a penalty for every day during which the same is so used. Provided always that if at any time after such order be made the Board shall be satisfied that such property has become or been rendered fit for human habitation, or to be used as a school, factory, or workshop, it may revoke its order, and the same shall thenceforth cease to operate.

V. As to the giving of Notices; as to the deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings; as to Inspection by the Board; and as to the power of the Board to remove, alter, or pull down any work begun or done in contravention of any By-Law.

Notices, Plans, &c., of New Streets.

(71.) Every person who shall intend to make or lay out a new Street, whether the same is to be a public thoroughfare or not, shall, *one month* prior to any one of the usual days on which the ordinary meetings of the Board are held, give to the Board notice of such intention, in writing, addressed to the Surveyor at his office, and shall at the same time deposit at the said office a plan and sections of such intended new street, drawn to scale. Every such plan shall be to a scale of *one inch* to 40 *feet*, and shall show thereon the names of the owners of the land through which such street shall be intended to pass; its proposed length, width, direction, sewerage, name, and position relatively to the streets nearest thereto; the size and number of the intended building lots, the proposed sites, height, class, and nature of the buildings to be erected thereon, and the proposed height of the division walls or fences thereof. Every longitudinal section shall be to a scale of *one inch* to 40 *feet* horizontal, and *one inch* to 4 *feet* vertical. Every cross section shall be to a scale of *one inch* to 4 *feet*, both horizontal and vertical. Every longitudinal and cross section shall show thereon the level of the present surface of the ground above or below the Ordnance or some known datum, the level and gradients of the intended street, the levels and

gradients of the streets with which it will be connected, and the level of the Basement floor or cellars of the proposed buildings, and it shall specify the materials of which the street is to be formed. Proposed buildings are on the plan to be coloured *red*, existing buildings *black*, roads *sienna*, and foot-ways *blue*. Every plan shall include a sufficient amount of adjacent property to permit the locality to be readily identified. Every plan and section shall bear the name and address of the person intending to defray the cost of such new street, and it shall be signed by him or his authorised agent.

Notices, Plans, &c., of New Buildings.

(72.) Every person proposing to erect a new Building, or convert into a dwelling-house an old building not originally constructed for human habitation, or to divide one dwelling-house into two or more dwelling-houses, shall give to the Board before commencing the works 14 *days'* notice of his intention, in writing, addressed to the Surveyor at his office. He shall at the same time deposit detail plans and sections of every floor of such proposed building, drawn to a scale of not less than *one inch* to *eight feet*, showing the position, form, and dimensions of the several parts of such building, and of the water-closet, privy, or earth-closet, cesspool, ash-pit, or dust-bin, well, and all other appurtenances. Such plans and sections shall be accompanied by a schedule (on a printed form to be provided by the Board) describing the materials of which the proposed building is to be constructed, and the intended mode of drainage, ventilation, and water supply. A block plan shall be deposited at the same time and place, drawn to a scale of not less than *one inch* to every 40 *feet*, and coloured as above, and showing the position of the streets, and of buildings and appurtenances of the properties immediately adjoining, the width and level of the street from which the principal access to the building will be obtained, and the level of the lowest floor of the intended building, and of the yard or ground belonging thereto. This plan shall also show the proposed lines of house drainage, and their size, depth, inclination, and ventilation. The plans, sections, and schedule hereinbefore mentioned shall severally bear the name and address of the person intending to defray the cost of erecting the building to which they relate, and shall be signed by him or his authorised agent.

Plans to be in Duplicate.

(73.) All Plans submitted to the Board for approval shall be in duplicate, and one copy shall be retained by the Board. The copy retained by the Board shall be drawn either in ink or colour, on stout drawing paper, or be traced in ink or colour on tracing cloth. No drawings in pencil will be allowed.

Notices, Plans, &c., of Alterations.

(74.) After the plans and sections, or plans, sections, and schedule, (as the case may be) of an intended new Street or Building have been deposited and sanctioned, no alteration or deviation from such plans, sections, or schedule shall be made in such new Street or Building at any time, either before or after completion, unless notice of every such proposed alteration or deviation, with plans, sections, and schedule descriptive thereof, shall first have been deposited at the Surveyor's office, in like manner in every respect as is herein required in the case of a new Street or Building.

Plans for New Streets.

(75.) The Board shall within *one month* after receiving a notice and plans and sections in respect of a new Street, signify to the person giving or sending the same whether it approves or disapproves thereof: if it disapproves of either the direction, width, level, gradients, mode of construction, or provision for sewerage proposed for such street, it shall at the same time notify to the person intending to make or lay out the same, the direction, width, level, gradients, mode of construction, or provision for sewerage, (as the case may be) of such proposed new Street which it requires to be adopted.

Plans for New Buildings.

(76.) The Board shall within 14 *days* after receiving a notice and plans, sections and schedule, in respect of a proposed new Building, or of a proposed conversion of an old Building, (See By-Law 72) signify to the person giving or sending the same, whether it approves or disapproves thereof; if it disapproves, it shall give to the person intending to build notice of the alterations in the plans, sections, or schedule, which it requires to be adopted.

Surveyor to inspect Works.

(77.) The Surveyor shall inspect any Works or Buildings in progress of construction at any reasonable time he may think fit, or when he may be required to do so by the Board, but the person laying out the work, or the Builder, shall give *two days'* notice in writing to the Surveyor before the commencement of such work, and before any foundations of new buildings, or any sewers and drains are covered up; and the like notice shall be given after the completion of any works which may have been required by the Surveyor to be done in amendment of any irregularity, and before such works shall be covered up.

Procedure in reference to Works with which progress has been made.

(78.) If the Surveyor in inspecting any Building or Works finds the same to be so far advanced that he cannot ascertain, without the same being cut into, or laid open, or pulled down, whether such of the foregoing By-Laws as are applicable thereto, or any of them, have been complied with; or if he has reason to believe that any of such By-Laws have not been complied with, it shall be lawful for the said Surveyor, after such inspection, to give to the Builder or person engaged in erecting the said building, or doing the said work, notice in writing, by delivering the same at the residence, or place of business of such Builder or person; and such notice shall require the said Builder or person, within *seven days* after the service of such notice in manner aforesaid, to cause so much of the said building or works as prevents the said Surveyor from ascertaining whether the said By-Laws, or any of them, have been complied with, to be to a sufficient extent (which shall be specified in such notice) cut into, laid open, or pulled down. Provided always, that if it shall be found on such further inspection, that the foregoing By-Laws have been compiled with, then, and in such case, all damages and expenses which may have been incurred in consequence of such cutting into, laying open or pulling down, by such Builder or person, shall be paid by the Board. Provided also, that in every case in which a delay in inspection by the Surveyor shall result from the neglect of the Builder or other person to give such notice as is required by By-Law 77, all damages and expenses for cutting into, laying open, or pulling down work shall be borne exclusively by the Builder or other person, whether on inspection it shall be discovered that these By-Laws have been complied with or not, and this penalty shall be in addition to and not in substitution for the general penalty hereinafter provided.

Procedure on a breach of these By-Laws.

(79.) The Board shall approve or disapprove of proposed Works as hereinbefore provided, and every person intending to make or lay out any new street, or to erect, add to, or alter any building, or to do any work, shall give the notices, and deposit the plans, sections, and schedule required by these By-Laws. If any person shall proceed in any way contrary to plans, &c., which have been sanctioned by the Board, or shall carry out plans for which sanction has been refused, or shall do anything contrary to these By-Laws, or shall omit to do anything required to be done by them, he shall be liable to a penalty for each offence. The Surveyor, when he

discovers that an offence has been committed, shall give to the Builder, or to the person engaged on the work, or to the owner, or he may affix to some conspicuous part of such building or work a notice in writing requiring the Builder, person, or owner, within a reasonable time from the service of such notice (to be specified in the notice, and to be not less than 7 *days*) to cause anything done contrary to these By-Laws to be undone, or amended, or to do anything required by these By-Laws to be done, but which has been omitted. If any person be aggrieved by such notice, he may within the 7 *days* appeal to the Board against the Surveyor's decision; whereupon the Board shall invite such person to appear at a time (not earlier than 7 *days*, computed from the service of the summons) and at a place, both to be named in such summons, and show cause why the said notice should not be complied with. If no appeal be made, or if the Board decide against the appellant, (which decision shall be communicated to him under the hand of the Clerk) he shall forthwith proceed to comply with the said notice. On a further default being notified to the Board by the Surveyor, the Board may, after a reasonable time has elapsed, cause any work or thing done or left undone as aforesaid, to be removed, altered, pulled down, done, or otherwise dealt with as the case may require. The expenses incurred by the Board shall be recoverable in a summary manner from the person in default, who shall also be liable to a penalty for the offence as for a breach of these By-Laws, and to a continuing penalty, as hereinafter provided.

Notice on completion of Works and Buildings.

(80.) Within *one month* after the completion of any Building or Work, respecting which a notice is required by these By-Laws to be given, the Builder or person by whom such work has been done shall give another notice to the Surveyor to the effect that the Building or Work is complete, whereupon the Surveyor shall inspect such building or work and issue his certificate of approval, or shall report to the Board his "Reasons" for refusing to do so. (See By-Law 68, *ante*.)

Works sanctioned to be commenced within one year.

(81.) The sanction of the Board to any plans for the construction of a new street, or the erection of a new Building, or for alterations of or additions to any existing building, shall be null and void if the erection of the Works so sanctioned shall not have been commenced within *one year* after such sanction.

Exempted Buildings.

(82.) Subject as hereinafter, the following Buildings and Works shall be exempt from the operation of these By-Laws:—Common Goals, Prisons, Houses of Correction, and places of confinement connected therewith, under the inspection of the Inspector of Prisons; County Lunatic Asylums, Session-Houses, and other public buildings belonging to or occupied by the Justices of the Peace of the County, City, or Borough in which the same are situated; and Buildings belonging to any Canal, Dock, or Railway Company, and used for the transaction of business of such Canal, Dock, or Railway, under the provisions of any Act of Parliament, if distant 100 *feet* or more from any Building not belonging to the Company. But this exemption shall not be deemed to deprive the Board of control over the ventilation of any buildings, height of any chimney, or the construction of water-closets, earth-closets, or privies, for the separate use of the sexes in a factory or workshop; nor to oust the jurisdiction of the Board with respect to any building erected as a dwelling-house exclusively, or with respect to any out-house or other building appurtenant to such dwelling-house. Green-houses and Conservatories (but only so far as regards the necessary woodwork and the thickness of the walls) and ship-building yards shall also be exempt from the operation of these By-Laws.

Penalty on Workmen, &c.

(83.) If any workman, labourer, servant, or other person employed in or about any new Works, wilfully, and without the privity or consent of the owner or person causing such work to be done, does anything in or about such works contrary to the provisions herein contained, he shall for each such offence incur a penalty not exceeding 2*l*.

Penalties, &c.

(84.) Every person who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of 5*l*., (except in cases for which some other penalty is expressly provided) and in the case of a continuing offence a further penalty of 2*l*. for every day during the continuance of the offence after written notice thereof from an Officer of the Board. Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of these By-Laws may, if they see fit, reduce these or any penalties herein prescribed.

Approved, &c., &c.

Allowed, &c., &c.

5.

By-Laws[a] to regulate the Hire of Hackney Carriages, Horses, Ponies, Mules, and Asses.

Licenses for Hackney Carriages, &c.

(1.) The Board may license such number of Hackney Carriages, Drivers, and animals to ply for hire within the District as it shall think fit. Every application for a license shall be made in writing on a printed form to be provided by the Board for that purpose. Every person who in filling up such a form shall wilfully make any false statement shall be liable to the penalty hereinafter prescribed.

(*a*) These By-Laws should be preceded by a reprint of §§ 37—68 of the "Towns Police Clauses Act, 1847," (10 & 11 Vict., 89), these Sections being incorporated by the "Public Health Act."

Annual Licensing Day.

(2.) The Annual General Licensing Day for the licensing of Hackney Carriages (*a*) and Riding Animals and the Drivers and Attendants thereof to ply for hire within the District, shall be the first *Monday* in the month of *January* in every year; nevertheless, licenses may be granted at any other time if the Board shall think fit.

Particulars in Licenses.

(3.) Every license shall specify the Christian name and Surname and place of abode of the Proprietor or Driver in whose favour it is granted; and, in the case of a Carriage license, the number of the Carriage to which it applies, and the number of passengers (exclusive of the Driver) who may be carried therein. In the case of a license for a Riding Animal, the height and colour of the animal and its number shall be specified.

Plying for Hire without a License.

(4.) No Proprietor of a Carriage or of an animal shall permit the same to ply for hire in any public place unless the same (and the Driver thereof) has been duly licensed, or during the time a license is suspended, or after it has been revoked; and no Driver or other person shall ply for hire with any Carriage or animal not authorised to be so used. No person shall ply for hire as a Driver without a license, or during the time his license is suspended, or after it has been revoked.

Licenses to be Annual.

(5.) Every license shall be in force for *one year* from the date thereof, or until the next Annual General Licensing Day, and no longer, but a license may be suspended or revoked by the Board for sufficient reasons. No license for a Carriage shall be granted until the Inspector of Hackney Carriages has examined the same and certified that it is in a fit and proper condition to ply for hire.

Expired, &c., Licenses to be returned.

(6.) The holder of every license, whether the same applies to himself as Driver, to a Carriage, or to an animal, shall deliver up the same to the Board at the Annual General Licensing Meeting next after the issue thereof. Licenses shall also be delivered up to the Board when the Driver, Carriage, or animal to which they respectively belong shall cease to act as such, or be sold, or be disposed of by the Proprietor, or shall otherwise cease to ply. If a Driver or a Proprietor of a Carriage or animal shall refuse, or, for the space of 10 *days* after a notice in writing from the Inspector of Hackney Carriages, or the Clerk, is left at his last known place of abode, shall neglect to comply with this By-Law, he shall be liable to the penalty hereinafter prescribed.

Definitions.

(7.) In these By-Laws the word "Driver" shall include a person who draws a Bath-Chair, and any Attendant in charge of a donkey chaise or riding animal standing for hire: the word "Carriage" shall include any vehicle on wheels (whatever be its form or construction) which stands or plies for hire in any public place within the District; the word "Animal" shall include any Riding-horse, pony, mule, or donkey which stands or plies as aforesaid: and in any proceedings at law it shall suffice to use these several words here defined without any other or more exact definition or explanation of them.

Qualification for Proprietors and Drivers.

(8.) No license shall be granted to any person as "Proprietor" who is under the age of 21 *years*, nor unless the applicant is *bona fide* the proprietor, and at the time of the application is a rated inhabitant of, or for 6 *months* previously has resided within, the District. No license shall be granted to any person as "Driver" who is under the age of 18 *years*, except in the case of boys in attendance on donkey chaises or Riding ponies, mules, or donkeys, as to which boys it shall suffice that they be of the age of 12 *years*, but no such boy shall have the charge of more than 3 animals when in use for hire.

Certificates of Character.

(9.) No person shall be licensed as Proprietor or Driver who has not been previously licensed unless he produces a certificate (which the Board shall deem satisfactory) of his sobriety and general good conduct, and, in the case of a Driver, that he is of sufficient experience and capacity, from two respectable householders of the district, neither of them being a Publican, a Saddler, or a Coachmaker.

Plates to be exhibited on Carriages.

(10.) For every Carriage that is licensed the Board shall provide two plates: (1) a plate to indicate the number of the license and how many persons such Carriage is intended to accommodate, and (2) a plate to indicate the tariff of fares in force and to contain a notice in the following words:—"*The Driver is required to produce on demand a Book of By-Laws and Fares, and to give on demand to every Hirer on entering the vehicle a Ticket stating its number and the Name and Address of the Proprietor.*" These plates shall at all times be conspicuously exhibited, entire and uninjured, on such part of the *outside* (1) and *inside* (2) respectively of every Carriage as the Board shall prescribe. And moreover every Carriage shall have the Christian name and Surname of the Proprietor thereof painted on the outside thereof in letters not less than 2 *inches* high, and in such position as the Board may direct.

Plates for Animals.

(11.) For every Riding Animal that is licensed the Board shall provide a plate to indicate the Number of the license. This plate shall at all times be exhibited, entire and uninjured, on the front of the bridle.

Counterpart of License and a Book of By-Laws to be produced on demand.

(12.) Every Proprietor and every Driver shall procure from the Board and at all times when plying for hire shall have with him a counterpart of his license and a Book of By-Laws, both certified by the Seal of the Board, and clean and complete. Such counterpart and such Book of By-Laws (the latter having the name and place of abode and license number of the person to whom it belongs written on it) shall, at any time, on demand, be produced by the holder thereof (whether Proprietor or Driver) to any person who has hired or applied to hire him, or who is a passenger in his Carriage (if the dealing be in respect of a Carriage); to a Justice of the Peace; to a Policeman on duty; or to a member, or officer of the Board. (*b*)

Lost Plates or Books to be replaced.

(13.) If any Proprietor or Driver shall lose, injure, or destroy any plate allotted to him, or his Book of By-Laws, he shall immediately make application to the Clerk for another plate or Book, which shall be provided at his expense as follows:—For a plate, the sum of *two shillings*, and for a Book of By-Laws the sum of *six-pence*. He shall not ply for hire until he shall have replaced the missing plate or Book.

Licenses and Plates not to be transferred.

(14.) No Proprietor or Driver shall transfer or lend, or permit to be transferred or lent, the license or the plate provided for a particular Proprietor, Driver, Carriage, or Animal, from that Proprietor, Driver, Carriage, or Animal, to any other, save with the previous consent in writing of the Board, or of the Inspector of Hackney Carriages, who is hereby authorised on an emergency to permit such a transfer, pending a formal application to the Board, or to any committee appointed to deal with such matters.

(*a*) It has been urged that at least as regards Hackney Carriages there is no power under § 68 of the "Towns Police Clauses Act, 1847," to prescribe, as is done in the text, a definite day for licensing, but the criticism is absurdly captious.

(*b*) The legality of such requirements as those in this By-Law has been called in question, but not I think on sufficient grounds.

(15.) Every Driver shall at all times when driving or plying for hire wear on his right arm, and exposed to view, in such manner as shall be prescribed by the Board, a badge, to be provided by the Board, and having the number of his license marked thereon. Badge to be worn

(16.) No Proprietor or Driver shall refuse to give, or shall obstruct any person in taking, the Number of his plate or badge, or give a false Number as the Number thereof. No Proprietor or Driver shall use or wear any fraudulent imitation of any plate or badge belonging to the Board. License Number to be given.

(17.) The number of persons which the hirer may require to be carried in each Carriage shall be fixed by the Board when the license for the same is granted, and shall be stated in such license and on the Carriage itself as hereinbefore provided; *one* child under *seven years* of age shall not be counted, but every *two* children under such age shall be counted as *one* person. Number of Persons to be carried

(18.) The following shall be the fees annually payable for licenses :— Fees payable for Licenses.

	s.	d.
For every Hackney Carriage	2	6
For every Riding Animal	1	0
For every Driver	1	0

If the Licensee does not desire to ply for hire on Sundays, *one-fourth* part will be deducted from the above payments.

(19.) Every Driver shall at all times conduct himself in an orderly, sober, and respectful manner, and shall comply with the reasonable requirements of the person who hires him; he shall be clean and decent in his dress and person, and shall not use any insulting or unbecoming language. No Driver whilst hired shall, without the leave of the hirer, smoke any tobacco. No Driver shall wilfully or negligently obstruct or endanger the safety of any person, vehicle, or cattle in any public thoroughfare. Conduct of Driver.

(20.) Every Driver shall be provided with a sufficient number of cards not less than 1½ *inch* long by *one inch* wide, upon which shall be printed or legibly written the Number of his vehicle or animal, and his own Christian name and Surname and address. Every Driver shall on demand give one of such cards to every hirer on entering his vehicle. Address Cards.

(21.) No Driver shall canvass for fares either by calling out, or by drawing his Carriage off the Stand for that purpose. Not to Canvass for Fares.

(22.) No Driver when plying for hire, or actually hired shall leave his Carriage unattended, but he shall remain on the coach-box thereof, or stand within 6 *yards* thereof, or if he goes away for any sufficient reason he shall leave some proper person in charge thereof. Carriage not to be left.

(23.) No Driver shall be entitled to any gratuity beyond his proper fare, nor shall he solicit such from a passenger. No Gratuities.

(24.) No Driver shall feed or permit to be fed his horse or other animal in any street, except by means of a proper bag suspended from the head of such horse or animal, or with fodder which he shall hold in his hand and deliver therefrom. Feeding of Horses.

(25.) No Driver whilst plying for hire shall use any stick of a greater thickness at the butt end than ¾ *inch*, nor shall he use a stick with a metal point or pricker. Sticks limited in size.

(26.) No Proprietor or Driver of Riding Animals licensed to ply for hire shall permit them to move about within the District in any greater number than 6 together, and any Proprietor or Driver offending against this By-Law shall be liable to the penalty hereinafter prescribed, notwithstanding that fewer than 6 animals in a troop of more than 6, belong to him. Troops of Animals.

(27.) If any Proprietor or Driver shall knowingly convey in his Carriage any person suffering from an infectious disease, or who is in a filthy or dirty condition, or any dead body, he shall immediately after delivering such person or such dead body at the place of destination, take his vehicle to be disinfected under the superintendence of the Medical Officer of Health or the Inspector of Nuisances. Any Proprietor or Driver who in such case neglects to take his vehicle for such disinfection shall be liable to the penalty hereinafter prescribed. Infected Persons.

(28.) The Proprietor or Driver of a Hackney Carriage shall at all times keep his Carriage, together with its furniture and fittings, and likewise his harness and all the appurtenances thereof, complete and clean, and in good repair and condition. Every Carriage shall be provided with a check-string, (to be fastened, if required by a hirer, to the Driver's hand), or with other sufficient means for enabling a passenger to communicate with the Driver; a sufficient drag-chain and slipper, or other efficient break; and such lamps (not more than 2 in number) as the Board shall deem requisite. Every lamp shall be kept properly trimmed, so that it may be promptly lighted (if the hirer or the Board shall so require) whenever the Driver is on a journey between *one hour* after sunset and *one hour* before sunrise, or during the prevalence of a thick fog. Carriages to be kept in good order.

(29.) No Animal shall be worked unless the same shall be in good condition and free from vice and infirmity. Condition of Animals.

(30.) In case of non-compliance with either of the 2 last preceding By-Laws the Inspector of Hackney Carriages or a Policeman may order a Proprietor or Driver forthwith to discontinue plying for hire until the decision of the Board or a Justice can be obtained, unless the Proprietor or Driver shall make good without delay the deficiencies pointed out by the Inspector. Non-compliance with By-Laws.

(31.) Every Proprietor and Driver, when required to do so by the Board, or by an Officer thereof, or by any person who has hired him, shall take his Carriage with its furniture and fittings, and likewise his harness and all the appurtenances thereof, and the Animal which he is driving, to be inspected by the Board, or by the Inspector of Hackney Carriages, or by any person appointed by the Board to examine the same. This By-Law shall extend, so far as it is applicable, to every Riding Animal, Bath-Chair, &c., licensed for hire. Inspection of Carriages.

(32.) Every Carriage and Animal licensed by the Board to ply for hire within the District and within 5 *miles* thereof, shall be placed when plying for hire and not actually hired, on some one of the Stands or places hereinafter mentioned, and not elsewhere, viz :— Stands.

[*Here set out a list of Stands, and the number of Vehicles, &c., to occupy each.*]

But nothing herein contained shall be taken to prevent the Board altering from time to time in its sole discretion the number or situation of the Stands.

(33.) The Stands for Carriages and for Riding Animals respectively, shall be at such places only, marked by boards or wall-plates to indicate the heads of such Stands; and the number of each respectively allowed on a Stand at one and the same time shall be so many only as shall be appointed by the Board under the foregoing By-Law, and according to the figures exhibited on the aforesaid boards or wall-plates. The Carriages and Riding Animals shall take their positions on every Stand in the order in which they shall arrive, and with the heads of all the animals towards the prescribed head of the Stand, unless the Inspector of Hackney Carriages or a Police- Various regulations as to Stands

man on duty shall direct otherwise. No Driver shall place his Carriage or Animal on any Stand if the number of each respectively allowed there is complete, but he shall proceed to the next nearest Stand, and so on until he finds a vacant place. Whenever any Carriage or Riding Animal leaves a Stand, which is arranged so that the several Carriages and Animals shall stand in single file, the Drivers of all Carriages and Animals behind shall close up the rank in the direction of the head of the Stand.

Priority for Drivers.

(34.) The Driver who shall be first on a Stand, or at a place of public resort or entertainment, shall be entitled to take the first fare; and no other Driver shall leave the Stand or the place where he then is standing unless the hirer shall prefer such other Driver.

Drivers to go to a Stand on discharge.

(35.) Every Driver shall, after he has been discharged, forthwith proceed to the nearest Stand where there is a vacant place, or to his stable at his option.

Drivers not to break an engagement or refuse a fare without sufficient reasons.

(36.) No Driver after being duly hired shall abandon an engagement, save with the consent of the hirer. If a Driver on being called shall allege a prior engagement, the person calling him shall be entitled to demand the name and address of the person who has already engaged him, and the time fixed for the alleged engagement, and no Driver shall refuse to answer reasonable questions respecting these matters, or make any false answer.

Crossings.

(37.) No Driver shall place his Carriage on any Stand so that the head of the animal harnessed therein shall be less than 6 *feet* from any paved crossing.

Drivers not to loiter.

(38.) No Driver shall stand, loiter, or ply for hire in any street or public place, except at the appointed Stands, or except at a Railway Station, [or Pier] or at places and on occasions of public resort or entertainment; and then only under the direction of the Inspector of Hackney Carriages, or of a Policeman on duty, or of the Railway [Pier] Officials on duty at the particular Station. With the view of preventing obstructions on such occasions, no Driver shall push into, or get out of, the line or position fixed for the Carriages; and generally, every Driver shall obey in every respect the directions of every Officer as aforesaid.

Computation of fares.

(39.) The fare for every Carriage shall be computed from the time at which the Driver shall leave the Stand or place where he was hired or from such place. The fare for every Carriage, not being a Bath-Chair, shall be charged either by time or distance, at the option of the hirer, provided it be expressed at the commencement of the hiring; if not expressed otherwise, the fare shall be paid according to distance. In the case of Bath-Chairs and Riding Animals, the fare shall be charged by time only. Provided always, that in none of the above cases shall the Driver be compelled to proceed beyond a radius of 5 *miles* from the *principal Post Office* of the District, or to travel in all more than 10 *miles*, or to be retained for more than 4 *hours*, unless by special agreement previously made.

Fares.

(40.) The following fares, according to the undermentioned classes, shall be allowed for Carriages, viz:—

FIRST CLASS.—Carriages drawn by *two* horses not less than 14 *hands* high, and carrying, if required, *five* persons inside, and *one* on the box, exclusive of the Driver.

SECOND CLASS.—Carriages drawn by *one* horse not less than 14 *hands* high, and carrying if required, *four* persons, exclusive of the Driver.

THIRD CLASS.—Carriages drawn by *one* pony, or mule, under 14 *hands* high, or *two* donkeys, and carrying, if required, *two* persons, exclusive of the Driver.

FOURTH CLASS.—Bath-Chair, drawn by hand; or Invalid-Chair, drawn by a donkey; or Vehicle drawn by a goat or goats.

FARES BY TIME.

	1st Class.	2nd Class.	3rd Class.	4th Class.
	s. d.	s. d.	s. d.	s. d.
For the *first hour*, or any less time	3 0	2 6	2 0	1 0
For every additional ¼ *hour*, or any less time ...	0 9	0 7½	0 6	0 3

FARES BY DISTANCE.

	1st Class.	2nd Class.	3rd Class.
	s. d.	s. d.	s. d.
For any distance not exceeding *one mile*	1 6	1 0	0 9
For every additional ½ *mile*, or any less distance	0 9	0 6	0 4½

Half the above fares shall be paid for back carriage if the hirer returns, but not otherwise. Provided always, that if the Carriage be discharged at any point beyond a radius of *three miles* from the *principal Post Office* of the District, *three-pence* per mile extra for the whole distance travelled shall be allowed. Half the above fares shall be paid as an extra for every journey performed between *midnight* and 6 a.m., in respect of so much of such journey as may be performed between such hours. The fares hereinbefore mentioned, (*a*) both by time and distance, shall include a reasonable quantity (*b*) of luggage, but *twopence* shall be paid for every package carried outside.

FARES FOR RIDING HORSES, PONIES, MULES, AND DONKEYS.

	Horse.	Pony or Mule.	Donkey.
	s. d.	s. d.	s. d.
For the *first hour*, or any less time	2 6	1 0	0 6
For every additional ½ *hour*, or any less time	1 0	0 6	0 3

Drivers to assist with Luggage.

(41.) The Driver of every Carriage shall, without demanding or receiving any extra payment, assist in loading and unloading the luggage of the hirer, and in conveying the same to or from the door or entrance of the house, or place at which he may be taking up or setting down a fare, as the case may be.

Disputes as to Distance.

(42.) If any dispute shall arise as to distance, the same shall, on the requirement of either party, and on the deposit of 10*s.* by him with the Surveyor, be measured by the Surveyor, or by such other person as the Board may appoint. If the Driver shall have demanded more than the proper fare, the expense of performing the measurement shall be borne by him; if otherwise, then it shall be borne by the person refusing to pay the fare. The person so refusing to pay shall, if he is in the wrong, make such remuneration to the Driver for his loss of time as the Justices who may hear the complaint shall deem reasonable. The charge payable by a Driver or hirer for a measurement shall be at the rate of *one shilling* for every ½ *mile* measured. The

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(*a*) When any places of interest (old Ruins, &c.) lie within five miles of the principal Post Office of the District, it is desirable that the Board should prescribe a tariff of "Special Fares" in respect of such places.

(*b*) Or, if preferred, a quantity may be specified, thus:—1st Class, 2 cwt; 2nd Class, 1 cwt; 3rd Class, ½ cwt.

difference, if any, between the sum deposited, and the costs incurred, shall be returned to the party making the deposit.

Duties and Tolls.

(43.) The hirer of every Carriage or Riding Animal shall pay all Turnpike Tolls.

Stoppages.

(44.) The person who hires a Carriage by distance may detain such carriage at the commencement of the hiring for ¼ *hour*, without an extra charge, to take up passengers; but if that time be exceeded the hirer shall for every additional ¼ *hour*, or portion thereof, pay the sum of 9*d*., 7½*d*., or 6*d*. according as the said Carriage shall be of the 1st, 2nd, or 3rd class hereinbefore described.

Drivers hired but not wanted.

(45.) Every Driver who shall be hired, and who shall in pursuance of such hiring leave his Stand, or the place where his Carriage happens to be, and who shall be dismissed without taking up or carrying any person, shall entitled to receive in the case of a 1st or 2nd class Carriage *one shilling*, and in the case of a 3rd or 4th class Carriage or a Riding Animal *sixpence*, from the person who hired him. If he shall be detained longer than ¼ *hour* from the time of such hiring, he shall be entitled to be paid for every additional ¼ *hour* or portion thereof after the first ¼ *hour*, according to the scale prescribed in By-Law No. 40.

Speed of Hackney Carriages.

(46.) Every Driver shall drive at a speed of not less than 6 *miles* an hour. Provided always, that if hired by time he shall not be compelled to complete a greater distance than at the rate of 4 *miles* for *each hour* of the hiring. This By-Law shall only apply to Carriages belonging to the 1st and 2nd classes, and due allowance shall be made for hills, and for roads rendered slippery by frost.

Bath Chairs.

(47.) No Bath-Chair shall be drawn along any public foot-path within the District [*except*——].

Agreements for Fares. 10 & 11 Vict., 89, 54.

(48.) When any Proprietor or Driver, or any person on his behalf and with his consent, shall agree to take a less sum for a hiring than the fare which would be payable under these By-Laws, such Proprietor or Driver shall not exact or demand a greater sum than that agreed upon.

Lost Property. 10 & 11 Vict., 89, 68.

(49) Every Proprietor or Driver who shall discover any property in his Carriage shall deliver the same forthwith in the state in which it was found to the owner thereof (if known), or to the Inspector of Hackney Carriages, or at some Police Station. The owner (if forthcoming) shall pay to the Board *one shilling* in the £ on the value of the property. Every Driver who shall in accordance with this By-Law convey any lost property to any place, shall be entitled to be paid by the owner, or by the Board (out of the General District Rate) the full ordinary fare (reckoned by distance) from the place where he was discharged by the owner of the property to the place of deposit. Property not claimed within 6 *months* shall be returned to the finder, unless the Board shall determine otherwise, or (in the case of perishable goods) shall by a general order, empower the Clerk to deal with it.

Complaints against Drivers.

(50.) The Proprietor of a Hackney Carriage or Riding Animal shall, at the request of any person who may have hired the same, or of any officer of the Board having authority in that behalf. make known the name and place of abode of every Driver of such Carriage or Animal, provided that such request be made within 7 *days* of the hiring.

Powers of Inspector of Hackney Carriages.

(51.) The Inspector of Hackney Carriages shall from time to time examine all such Carriages and all Riding Animals plying for hire within the District, and he shall see that these By-Laws and all the laws relating to Hackney Carriages are duly observed. If any Proprietor or Driver, or other person, shall obstruct or hinder such Inspector in the execution of his duties, or shall refuse to comply with any lawful order or direction of such Inspector, he shall be liable to the penalty hereinafter prescribed.

Penalties.

(52.) Every person who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of 2*l*. Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of these By-Laws may, if they see fit, reduce this or any penalty herein prescribed.

Approved, &c., &c.

Allowed, &c., &c.

6.

By-Laws to regulate the Hire of Pleasure Boats, and the persons in charge of the same.

Licenses for Boats and Boatmen.

(1.) The Board may license to ply for hire on the beach, or river, and sands within the District except within 50 *yards* of every Bathing Machine Stand, as many Pleasure Boats and Boatmen as it may deem advisable, and the same may be classified as hereinafter mentioned. No Proprietor of a Boat (including a steam vessel) shall permit the same to be used as a pleasure boat plying for hire unless the same (and the boatman in charge thereof) has been duly licensed, or during the time any license is suspended, or after it has been revoked; and no boatman or other person shall ply for hire with any boat not authorised to be so used. No person shall ply for hire as a boatman without a license, or during the time his license is suspended, or after it has been revoked.

Annual Licensing Day.

(2.) The Annual General Licensing Day for the licensing of Pleasure Boats and Boatman shall be the first *Monday* in the month of *February* in every year; nevertheless licenses may be granted at any other time if the Board shall think fit.

Application for Licenses.

(3.) Every person applying for a license shall make application in writing on a printed form to be provided by the Board for that purpose. In every application for a license for a Boat, the applicant shall correctly state the extreme length and breadth of such boat, the name of the builder, date when built, and any other particulars which the Board may from time to time require. No license shall be granted for a boat unless the Board is satisfied that such boat is

thoroughly seaworthy, and duly provided with proper tackle and fittings. Every person who shall apply to be licensed as a first-class Boatman shall satisfy the Board that he is of sober habits and well qualified to sail and conduct a boat, and upon obtaining a license as a first-class boatman, he shall be deemed to be such for the purposes of these By-Laws. Every person who shall apply to be licensed as a second-class boatman shall satisfy the Board that he is of sober habits and sufficiently qualified to assist a first-class boatman in sailing a boat for hire, or to take charge of a rowing boat, and upon obtaining a license as a second-class boatman, he shall be deemed to be such for the purposes of these By-Laws. Every person who in making an application for a license, which application is granted, shall wilfully make any false statement shall be liable to the penalty hereinafter prescribed.

Licenses to be Annual.

(4.) Every license shall be in force for one year from the date thereof, or until the next Annual General Licensing Day and no longer, [but a license may at any time be suspended or revoked by the Board for sufficient reasons, such as a boat becoming unseaworthy, or a boatman being reported to the Board for misconduct.] (*a*)

Particulars in Licenses.

(5.) Every license shall specify the Christian name and Surname and place of abode of the Proprietor or Boatman in whose favour it is granted; and, in the case of a boat-license, the name and number of the boat to which it applies, the number of passengers (exclusive of boatmen) who may be carried therein, and whether such boat is to be used for sailing or for rowing or for both purposes. The minimum number of boatmen required for the safe navigation of a boat shall be specified in the license of such boat, and such boat shall in no case be sent afloat without at least the specified minimum number of licensed boatmen being on board, nor with a boatman on board who is not in a fit condition to conduct or assist in conducting such boat.

Expired, &c., Licenses to be returned.

(6.) The holder of every license, whether the same applies to a Boat or to himself as Boatman, shall deliver up the same to the Board on the Annual General Licensing Day next after the issue thereof. A license shall also be delivered up to the Board when the boat to which it applies shall be sold or be disposed of by the Proprietor, or shall otherwise cease to ply, or, in the case of a boatman, when he shall cease to act as such. If a Proprietor or Boatman shall refuse, or after 10 *days'* notice in writing from the Inspector of Boats, or the Clerk, has been left at his last known place of abode, shall neglect to comply with this By-Law, he shall be liable to the penalty hereinafter prescribed.

Qualifications for Proprietors and Boatman.

(7.) No license shall be granted to any person as "Proprietor" who is under the age of 21 *years*, or unless the applicant is *bona fide* the owner, and at the time of the application is a rated inhabitant of, or for 6 *months* previously has resided within, the District. No license shall be granted to any person as "Boatman" who is under the age of 18 *years*. A "Proprietor's" license may be granted to two or more persons jointly.

Certificates of Character.

(8.) No license shall be granted as Proprietor to any person not previously licensed unless he produces a Certificate (which the Board shall deem satisfactory) of his sobriety and general good conduct; such Certificate must be signed by two respectable householders of the District, neither of them being a Publican or a Boat-builder.

Number of Boatmen for Boats.

(9.) The following shall be the number of Boatmen licensed for, and required to go afloat with, boats of the lengths following:—

	Rowing Boats.	Sailing Boats.
Under 20 feet in the ram	*One* Man.	*Two* Men.
20 feet and under 30 feet	*Two* Men.	*Two* Men.
Over 30 feet	*Three* Men.	*Three* Men.

No sailing boat shall go afloat for pleasure unless one at least of the boatmen on board is a first-class boatman.

Number of Passengers in Boats.

(10.) The number of persons to be accommodated in every Boat shall be regulated according to the following scale:—

	Passengers including Crew.
If such Boat shall not be less than 12 feet and not more than 15 feet long in the ram, not exceeding	6
If such Boat shall not be less than 15 feet and not more than 17 feet long in the ram, not exceeding	8

And for every additional *one foot* in length in the ram, *one* additional person may be carried and not more. This By-Law shall not apply to any Boat capable of carrying only one person.

(11.) No Proprietor or Boatman shall at any time carry or allow to be carried in any licensed boat a greater number of persons than the license thereof authorises.

Sailing Boats.

(12.) No Boat shall be licensed to be used with a sail unless it is at least 18 *feet* long in the ram, except it is to ply only on a river, in which case it may carry a sail if 14 *feet* long.

Plate to be exhibited on Boats.

(13.) The Proprietor of every Boat that is licensed shall cause to be affixed in a conspicuous position in the *inside* of the boat a plate (to be provided by the Board) which shall indicate the number of the license, how many persons such boat is intended to accommodate, and the tariff of fares in force, and contain a notice in the following words:—"*The Boatman is required to produce on demand a Book of By-Laws and Fares.*" The proprietor shall cause this plate to be at all times kept and exhibited entire and uninjured. And moreover every boat shall have the Christian name and Surname of the Proprietor thereof painted on the *inside* thereof in letters not less than *two inches* high, and in such position as the Board may direct. Such names shall be painted in such colours as that they shall be clearly distinguishable from the colour of the ground whereon they are painted: and they shall be kept at all times legible and undefaced.

Counterpart of License and Book of By-Laws to be produced on demand.

(14.) Every Proprietor and every Boatman shall procure from the Board, and at all times when plying for hire shall have with him a counterpart of his license and a Book of By-Laws, both certified by the Seal of the Board, and clean and complete. Such counterpart and such Book of By-Laws (the latter having written on it the name and place of abode and license Number of its owner) shall, at any time on demand, be produced by such person so plying for hire, (whether proprietor or boatman) to any person who has hired or applied to hire him, or who is a passenger in his boat; to a Justice of the Peace; to a Policeman on duty; or to a member or officer of the Board.

(*a*) The Legal Advisers of the Local Government Board held (May, 1874) that the suspension or revocation of boat licenses is not within the terms of the Act, 24 & 25 Vict., 61, and that the words within brackets must be omitted.

(15.) If any Proprietor or Boatman shall lose, injure, or destroy any plate allotted to him, or his Book of By-Laws, he shall immediately make application to the Clerk for another plate or Book of By-Laws, which shall be provided at his expense as follows :—For a plate, the sum of *one shilling*, and for a Book of By-Laws the sum of *two-pence*. He shall not ply for hire until he shall have replaced the missing plate or Book. Lost Plates and Books to be replaced.

(16.) No Proprietor or Boatman shall transfer, or permit to be transferred, nor shall he lend any license or plate provided for a particular proprietor, boatman, or boat, save with the previous consent in writing of the Board, or of the Inspector of Boats, who is hereby authorised on an emergency to sanction a transfer, pending a formal application to the Board or to any Committee appointed to deal with such matters. Licenses and Plates not to be transferred.

(17.) Every licensed Boatman shall at all times when plying for hire wear on his outside clothes over his chest, and exposed to view, in such manner as shall be prescribed by the Board, a Badge to be provided by the Board, and having the number of his license marked thereon, and words to indicate whether he is a first or second class boatman. Such badge shall at all times as aforesaid be kept legible and undefaced. Badges to be worn.

(18.) No Proprietor or Boatman shall refuse to give, or shall obstruct any person in taking the number of his plate or badge, or give a false number as the number thereof. No Proprietor or Boatman shall refuse to give his name, or give a false name. License-Number to be given.

(19.) The number of persons which the hirer may require to be carried in each Boat shall be fixed by the Board when the license for the same is granted, and shall be stated in the license and on the boat itself, as hereinbefore provided; *one* child under 7 *years* of age shall not be counted, but every 2 children under such age shall be counted as *one* person. Number of persons to be carried

(20.) The following shall be the fees annually payable for licenses :— Fees payable for Licenses.

	s.	d.
For every Boat	2	6
For every Boatman	1	0

If the Licensee does not desire to ply for hire on Sundays, *one-fourth* part will be deducted from the above payments.

(21.) No Proprietor or Boatman shall permit the use of, or shall ply for hire with, any pleasure boat on Sundays, except when he is hired at, or sent for from, his place of abode. (*a*) Provision as to Sundays.

(22.) Every Boatman shall at all times conduct himself in an orderly, sober, and respectful manner, and shall comply with the reasonable requirements of the person who hires him; he shall be clean and decent in his dress and person, and shall not use any insulting or unbecoming language, or any threat or improper gesture. No boatman shall wilfully or negligently obstruct or endanger the safety of any person, or remain out at sea contrary to the wish and direction of a passenger, unless unavoidably hindered by weather, tide, or casualties. Conduct of Boatmen.

(23.) No Boatman shall canvass for fares by calling out, unless he be either in his boat or within 10 *yards* thereof. No boatman shall annoy any person by importuning him to hire, or take a seat in, a boat.

(24.) No Boatman shall be entitled to any gratuity beyond his proper fare, nor shall he solicit such from a passenger. No Boatman shall demand a higher fare than these By-Laws authorise.

(25.) No Boatman who shall have conveyed in his boat any person suffering from an infectious disease, shall offer such boat for hire again until it has been cleansed and disinfected to the satisfaction of an officer of the Board.

(26.) The Proprietor of every pleasure boat licensed to ply for hire shall cause such boat to be at all times kept clean and in good seaworthy repair and condition; and to be furnished with all necessary and proper gear, tackle, and appurtenances.

(27.) In case of non-compliance with the preceding By-Law, the Inspector of Boats may order a proprietor or boatman forthwith to discontinue plying for hire until the decision of the Board or of a Justice of the Peace can be obtained.

(28.) No licensed Sailing Boat shall be sent afloat without being provided with at least one life-buoy, to be approved by the Inspector of Boats. Life-Buoys for Boats.

(29.) Every licensed Boat shall be conducted, navigated, and sailed in the most seamanlike manner, and so as best to prevent risk and danger to the persons for the time being in such boat. Navigation of Boats.

(30.) In tempestuous weather a Drum Signal shall be hoisted as a danger signal on a flag-staff at the station, by the officer of the Board having authority in that behalf; and during the time such drum signal shall be hoisted no proprietor of a licensed boat shall permit such boat to be used for pleasure. In more moderate weather a cone signal shall be hoisted as a caution signal on the said flag-staff by the said officer, and during the time such cone signal shall be hoisted as aforesaid, no proprietor shall permit any boat under the length of 24 *feet* in the ram to be used for pleasure. Tempestuous Weather.

(31.) Every Boat licensed by the Board to ply for hire within the District shall be placed when plying for hire and not actually hired, at some one of the Stands or mooring-places hereinafter mentioned, and not elsewhere, viz :— Stands for Boats.

[*Here set out a List of Stands, &c., and the number of Boats to occupy each.*]

But nothing herein contained shall prevent the Board re-arranging the Stands or mooring-places or establishing new ones in its discretion.

(32.) The Stands or mooring-places for Boats shall be marked by boards or wall-plates, and the number of boats allowed at a Stand or mooring-place at one and the same time shall be so many only as shall be appointed by the Board according to the figures exhibited on the aforesaid boards or wall-plates.

(33.) Every Boatman shall after he has been discharged forthwith proceed to the nearest Stand or mooring-place where there is a vacancy. No boatman shall place his boat at any stand or mooring-place if the number of boats allowed there is complete.

(34.) No Boatman whose Boat shall be at any Stand or mooring-place, he being with it, shall refuse to be hired, but he shall at once obey the call of the first person seeking to hire him. No boatman after being duly hired shall abandon an engagement, save with the consent of the hirer. If a boatman on being called shall allege a prior engagement, the person calling him shall be entitled to demand the name and address of the person who has already engaged him, and the time fixed for the alleged engagement, and no boatman shall refuse to answer reasonable questions respecting these matters, or make any false answer. Provided always that no boatman shall be Boatmen not to refuse Fares.

(*a*) Adopted from the By-Laws in force at Scarborough.

required to go afloat on a Sunday against his consent, or if the weather be too tempestuous to make it safe to do so.

Computation of Fares. (35.) The Fare for every Boat shall be computed from the time at which the boat shall leave the stand, anchorage, or place where the hiring takes place. No boatman shall be compelled to proceed beyond a distance of 5 *miles* from such stand, &c., or if hired by time to be engaged more than 4 *hours*, unless by special agreement previously made.

Fares. (36.) The following Fares, (*a*) according to the undermentioned classes, shall be allowed for boats, viz :—

SAILING BOATS.

	s.	d.
FIRST CLASS.—For a whole Boat more than 30 feet long, for any time not exceeding *one hour*	7	6
SECOND CLASS.—For a whole Boat under 30 feet long, for any time not exceeding *one hour*	4	0
For every additional *half-hour* or portion thereof, whatever the length of the boat	2	6
When the whole Boat shall not be hired, then for each passenger for any time not exceeding *one-hour*	1	0
For every additional *half-hour* or portion thereof	0	6

ROWING BOATS.

THIRD CLASS.—For a whole Boat for any time not exceeding *one hour* ...	1	6
When the Boat shall be taken without a man	1	0
For every additional *half-hour* or portion thereof	0	9
When the whole Boat shall not be taken, then for each passenger for any time not exceeding *one hour*	0	9
For every additional *half-hour* or portion therof	0	3

If a boat be discharged at any point beyond a radius of *three miles* from the Stand or place where it was hired, *one-fourth* the Fare shall be allowed as an extra. Half the regular fare shall be paid as an extra for every journey performed between *midnight* and 6 a.m., in respect of so much of such journey as may be performed between such hours.

A Boatman shall, if required, carry a reasonable quantity of luggage, and the sum of *two-pence* shall be paid for every package weighing more than 28*lbs.*

Boatmen to assist with Luggage. (37.) The Boatman of every Boat shall, without demanding or receiving any extra payment, assist in loading and unloading the luggage of the hirer.

Stoppages. (38.) Every Boat may, without any extra charge, be detained for ¼ *hour* to take up passengers, but if detained beyond that time the hirer shall for every additional ¼ *hour*, or portion thereof, pay the sum of 2*s.*, 1*s.*, or 6*d.*, according as the said boat shall be of the 1st, 2nd, or 3rd class hereinbefore described.

Boatmen hired but not wanted. (39.) Every Boatman who shall be hired, and who shall in pursuance of such hiring leave his Stand or the place where his boat happens to be, and who shall be sent away without a fare, shall be entitled to receive in the case of a 1st or 2nd class boat *one shilling*, and in the case of a 3rd class boat 6*d.*, from the person who had hired him. If he shall be detained longer than ¼ *hour* from the time of such hiring, he shall be entitled to be paid for every additional ¼ *hour*, or portion thereof, after the first ¼ *hour*, according to the scale prescribed in By-Law No. 36.

Lost Property. (40.) Every Proprietor or Boatman who shall find any property in his boat shall deliver the same forthwith in the state in which he found it to the owner thereof (if known), or to the Inspector of boats, or at some Police Station. Every boatman who shall, in accordance with this By-Law, convey any lost property to any place, shall be entitled to be paid by the owner, or by the Board (out of the General District Rate) the sum of *one shilling*. Property not claimed within 6 *months* shall be returned to the finder, unless the Board shall determine otherwise, or (in the case of perishable goods) shall by a general order empower the Clerk to deal with it.

Boats to avoid Bathing Machines (41.) Every Pleasure Boat or Vessel let for hire and licensed by the Board shall when at sea be kept by the person in charge thereof at a distance of 200 *yards* at least from any Bathing Machine actually in use; and no person shall place or ply for hire with, or launch any boat or vessel within the distance of 50 *yards* at least from any Bathing Machine Stand. Provided always, that this By-Law shall not apply when for the purpose of saving life, or for some other strictly necessary purpose compliance with it is deemed inexpedient, the onus of proof as to which shall, however, lie on the person charged.

Bathing from Boats. (42.) No Boatman, or person in charge of a licensed boat, shall permit any person to bathe in the sea in front of the said District from, or dress or undress in, any boat within ½ *mile* from the sea shore, except before 6 a.m., or after *one hour* subsequent to sun-set.

Powers of Inspector of Boats. (43.) Every Proprietor and Boatman shall, when required to do so by the Board, or by an officer thereof, or by any person who has hired him, permit his boat with its fittings and appurtenances to be inspected by the Board, or by the Inspector of Boats, or by any person appointed by the Board for the purpose. The Inspector of Boats shall from time to time examine all boats plying for hire within his District, and he shall see that these By-Laws are duly observed. If any proprietor, boatman, or other person, shall obstruct or hinder such Inspector in the execution of his duty of examining from time to time all the licensed boats within the district, or shall refuse to comply with any lawful order or direction of such Inspector, he shall be liable to the penalty hereinafter prescribed.

Penalties. (44.) Every person who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of 2*l.* Provided nevertheless that the Justices or Court before whom any complaint shall be made for a breach of these By-Laws may, if they see fit, reduce this or any penalty herein prescribed.

Approved, &c., &c.

Allowed, &c., &c.

(*a*) It will often be desirable that definite Fares should be prescribed for particular Excursions.

7.

By-Laws to regulate Public Bathing.

(1.) The Board may license such number of Bathing Machines, (which expression shall include Bathing Tents) to ply for hire on the beach, or river, and sands in front of and within the District, as it shall think fit. Every license shall specify the name and address of every proprietor, or part proprietor, of the Machine, and the number of the Machine for which such license is granted. — Licenses for Bathing Machines.

(2) Every license shall be in force for one year from the date thereof, or until the next Annual General Licensing Day and no longer, but a license may be suspended or revoked by the Board for sufficient reasons. — Licenses to be Annual.

(3.) No license shall be granted for a Bathing Machine unless the person applying for the same is *bona fide* the proprietor, or part-proprietor, of such Machine, nor unless he shall produce a certificate under the hands of *two* rated inhabitants of the District to the effect that he is well known to them, is of good character, and is resident in the District; nor unless the Machine intended to be used under such license has been examined and approved by the Surveyor. — Qualification for Proprietors.

(4.) The Fee annually payable to the Board for every license for a Bathing Machine shall be *one shilling*. — Fees for Licenses.

(5.) Every proprietor of a Bathing Machine shall procure from the Board, and at all times when plying for hire shall have with him, a counterpart of his license and a Book of By-Laws, both certified by the Seal of the Board. He shall also keep a clean and complete copy of these By-Laws at all times exhibited in some conspicuous place in the inside of every Machine. When a proprietor is not personally superintending the hire of his Machines, some person deputed by by him shall keep at hand the counterpart of the license and Book of By-Laws as aforesaid. Such counterpart and Book shall at any time on demand be produced to any person who has hired, or applied to hire, such Bathing Machine; to a Justice of the Peace; to a Policeman on duty; or to a member or officer of the Board. — Counterparts of Licenses, and Books of By-Laws.

(6.) The stands for the Bathing Machines for Women shall be at the following places, viz:— — Stands.
And such other places as the Board may appoint.

(7.) The stands for the Bathing Machines for Men shall be at the following places, viz:—
And such other places as the Board may appoint.

(8.) The stands for Bathing Machines shall be indicated (*a*) by posts placed above high-water mark, at each end of every stand, each post having on it the letters, "B.M.S."

(9.) No person shall place any Bathing Machine on the beach or sands within the District otherwise than at the stands appointed for the purpose; or place at any such stand a greater number of Machines than allowed by the Board, or place at any such stand any Bathing Machine without the same having been first approved and licensed. No Bathing Machine shall be removed from its stand during the bathing season save for repair, or in case tempestuous weather endangers the safety of the same. In the latter case the Machine shall only be moved to such place as a member or officer of the Board shall approve. The proprietor or attendant of every licensed Bathing Machine shall at all times when such Machine shall be in use, place such Machine in a sufficient depth of water to prevent any indecent exposure of the person of the bather.

(10.) No proprietor or attendant of a Bathing Machine shall permit the same to be used for Bathing after the hour of 9 a.m. on Sundays. — Provision as to Sundays.

(11.) No person shall bathe in front of the District from a boat, or dress or undress in a boat, unless such boat is at a greater distance than ½ *mile* from the sea shore, except before 6 a.m., or after *one hour* subsequent to sun-set. — Hours for Bathing.

(12.) No person shall undress on the beach or sands in front of the District, or bathe there, after 6 a.m. or before 9 p.m., except from a Machine, or at the places appointed as public bathing places, where bathing may take place between the hours hereinafter specified. (Here let it be noted that any person guilty of an offence against decency may, independent of this By-Law, be proceeded against by indictment, or under the "Vagrancy Act.") — Prohibitions.

(13.) The Public Bathing Places shall be as follows, viz:— The space between two notice boards placed on the beach between———and———. Within these spaces, or such other spaces as the Board may appoint, any person may undress on the beach and bathe before 8 a.m. or after 9 p.m., provided he wears drawers, or such other suitable covering as will prevent any indecent exposure of the person of the bather. So much of the sea-shore within the District as is not included within the before-mentioned limits, shall be available for Bathing at all hours of the day. — Public Bathing places.

(14.) On the front and back of every Bathing Machine there shall be affixed, in large letters, the proprietor's name, and a number corresponding with the number of its license. No Machine appointed for the use of one sex shall be used for the other sex, unless moved to a distance of at least 50 *yards*. The aforesaid names and numbers shall be kept legible and undefaced so long as the Machine is licensed to ply for hire, and shall be renewed from time to time as the Surveyor shall direct. No Attendant of a Bathing Machine shall permit any male person (except a child under 8 years of age) to bathe from any Machine set apart for the accommodation of females. — Machines to be marked.

(15.) No person shall throw or place any dirt, sand, stones, rubbish, sea-weed, or other matter or thing upon any Bathing Machine Stand, so as to hinder the free or convenient use by bathers of any Bathing Machine standing thereon. — Rubbish.

(16.) Every Machine shall be properly and substantially constructed with fluted or chequered floors, so fitted that water may never stand thereon. The following articles shall also be provided for every Machine:—A strong hand rope, not less than 10 *yards* long, with a large cork fastened to the end farthest from the Machine; a signal staff at the top outside for the use of bathers inside, to enable them to give notice that they wish to be drawn ashore; a cocoa-nut mat or piece of carpet; a looking-glass; hat-pegs; a tray to receive small articles of dress; and — Fittings for Bathing Machines.

(*a*) A Local Authority must obtain the consent of the Owner of the Soil before doing this.

two clean towels Every Machine, and all the foregoing appurtenances thereto, shall at all times be kept in good condition and repair. The proprietor of every Bathing Machine used for women shall gratuitously provide for their use gowns or dresses. The proprietor of every Machine used for men shall gratuitously provide for their use drawers, or some such suitable covering as will prevent indecent exposure of the person; and no person above 8 *years* of age shall bathe from a Machine after 8 a.m. and before 8 p.m. without wearing a gown or drawers, or some such suitable covering.

Ropes. (17.) The proprietor of every Bathing Machine shall provide a substantial safety rope, not less than 72 *feet* long, and a life-buoy, and he shall cause these articles to be kept near his Machine ready for use at all times whilst bathing is going on, so as to be available in case of accident. Where a proprietor has more than 20 *Machines* on a stand, he shall have a safety rope and buoy for every 20 *Machines*.

Fares. (18.) The following fares shall be allowed for Bathing Machines:—

	Gentlemen.	Ladies.
For every person bathing who occupies a Machine for less than ½ *hour*	6*d*.	9*d*.
For every additional ½ *hour* or portion thereof	6*d*.	6*d*.
Children under 12 *years* of age (if more than one bathe at the same time from one Machine) each	4*d*.	4*d*.
Extra for each Lady and Child requiring an Attendant		3*d*.

Conduct of Attendants. (19.) No Proprietor or Attendant of a Bathing Machine shall demand a higher fare than is allowed by these By-Laws, or shall wrongfully take away a fare from any other Bathing Machine, or refuse to give, to any person properly requiring it, his name and place of abode, or the number of a Bathing Machine; or be intoxicated, or use any indecent, abusive, insulting, or improper language or gesture to any person.

Fares not to be refused. (20.) No Bathing Machine Proprietor or Attendant shall refuse or neglect, without reasonable excuse, to allow the use of his Machine to any person applying to hire the same, who shall tender in advance the proper fare.

Conduct of Attendants. (21.) No Attendant of a Bathing Machine shall solicit hire in any street, or on any esplanade, within the District, or on the beach or sands thereof, except at the Stands appointed for Bathing Machines.

Defective Bathing Machines. (22.) If the Proprietor or Attendant of a Bathing Machine shall neglect, or refuse, to comply with any of these By-Laws, or if such Bathing Machine shall be defective either in respect to safety, state of repair, condition, furniture or cleanliness, or if such Attendant shall conduct himself, or herself, improperly, it shall be lawful for the Board to revoke the license of such Bathing Machine, in addition to any penalty to which the Proprietor or Attendant may be liable in consequence of a compliance with these By-Laws.

Lost property. (23.) Every Proprietor or Attendant of a Bathing Machine who shall find any property in his Machine shall deliver the same forthwith in the state in which in was found to the owner thereof, (if known) or to a Policeman at some Police Station. The owner (if forthcoming) shall pay all reasonable expenses incurred in relation thereto. Every Proprietor or Attendant who shall in accordance with this By-Law convey any lost property to any place, shall be entitled to be paid by the owner or the Board (out of the General District Rate) the sum of *one shilling*. Property not claimed within 6 *months* shall be returned to the finder, unless the Board shall determine otherwise, or (in the case of perishable goods) shall by a general order empower the Clerk to deal with it.

Penalties. (24.) Every person who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of 2*l*. Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of these By-Laws may, if they see fit, reduce this or any penalty herein prescribed.

Approved, &c., &c.

Allowed, &c., &c.

8.

By-Laws to regulate the Management and Use of Public Baths and Wash-houses.

Times of opening and closing. (1.) On week days the premises shall be open during the Summer months (from April 1 to October 31) from 5 a.m. till 8 p.m.; and during the Winter months (November 1 to March 31) from 7 a.m. till 8 p.m. On Sundays, the premises shall be open, for Baths only, from 7 a.m. to 9 a.m. Those persons who are in the building at the hour fixed for closing, and who can be accommodated so as to allow the Baths to be cleared within one hour thereafter, shall have baths; but at the hour fixed for closing, the outer doors shall be shut and no person shall be admitted afterwards. On *Wednesdays* the Public Swimming Bath is set apart for the use of Women only.

Admission tickets. (2.) No person shall be allowed to bathe who has not paid for an admission ticket and delivered the same to the Attendant.

Charges.

(3.) The charges for Baths, for one person above 8 *years* of age, shall be as follows :—

Private Cold Bath, or Cold Shower Bath	—First Class	3*d.*
" " " " "	Second Class	1*d.*
Private Warm Bath, or Warm Shower Bath	—First Class	6*d.*
" " " " "	Second Class	2*d.*

Two or more Children, not above 8 *years* of age, shall be allowed to bathe together, and two shall be charged for as one person.

Public Swimming Bath (for Adults only)... ... ... 2*d.*

Towels.

(4.) The aforesaid payments shall include for every first-class bather *two* clean towels, and for every second-class bather, and for every person using the Swimming Bath, *one* clean towel. Extra towels shall be supplied at ½*d.* each. The charge for the use of Bathing Dresses for women using the Swimming Bath shall be 2*d.*

Delays.

(5.) Every person who wilfully remains in the Bath-room for more than ½ *hour* shall pay for a second bath of the same class and description as the first; and in default of such payment on demand by the Superintendent or other servant of the Establishment, he shall be liable to a penalty not exceeding 5 *shillings*.

Clean Water.

(6.) In the case of every Private Bath, every bather shall have a supply of clean fresh water.

General Regulations.

(7.) No person shall without permission bathe in a Bath of a superior class to that for which he has paid.

(8.) Every person who has a Bath shall leave the Bath and deliver up his towels to the Attendant immediately after he is dressed.

(6.) If any person shall commit any nuisance within the building, or otherwise wilfully interfere with the comfort of other bathers, he shall immediately (or, if bathing, at the first opportunity) be removed from the premises and be liable to a penalty as hereinafter provided.

(10.) The Tickets for Baths shall be available only for the day of, and in the order of, issue; and the Superintendent shall decide all questions as to how many persons can be accommodated, and when they shall be accommodated.

(11.) No money shall be returned to any person after a Ticket for a Bath has been issued (except as hereinafter provided); but any person shall be at liberty to exchange a second-class ticket for a first-class one on paying the difference.

(12.) In case Baths cannot be given to all the persons who have paid for them, those who cannot be accommodated shall have their money returned on their giving up to the Money-taker the tickets and towels delivered to them.

(13.) The Superintendent shall be empowered to require any Machanic or Labourer who applies for a ticket for the Public Swimming Bath to wash himself previously to entering such Bath with soap and water in a private Bath to be provided for that purpose, and for the use of which for that special purpose no charge shall be made.

(14.) No person shall use any soap in the Public Swimming Bath.

(15.) No person shall wilfully dirty any towel otherwise than by drying himself.

(16.) No person shall introduce into the building any spirituous or malt liquor, (except in the case of sudden illness), or smoke therein.

(17.) No person shall on any part of the premises, or in any road or passage leading thereto, be intoxicated, or be guilty of profane swearing, or of noisy, profane, indecent, offensive, or insulting language, or of violent, disorderly, indecent, or insulting behaviour, or of wilfully interrupting any officer or servant of the Board in the performance of his or her duty.

(18.) No person shall take a Dog into any part of the building.

(19.) No man, or boy above 8 *years* of age, shall go into any Woman's Bath-room, and no woman, or girl above 8 *years* of age, shall go into any Man's Bath-room during bathing hours, unless sent there by the Superintendent, and then only provided the Bath-room be unoccupied.

(20.) Every person resorting to the Establishment who shall wilfully do any damage to the premises, or to any article therein, shall be turned off the premises and liable to a penalty as hereinafter provided, without prejudice to his liability to make good any damage which he may have done.

(21.) Unless a separate Bath is provided for such cases, no person suffering from any skin disease, or contagious disease of any kind shall be entitled to enter the Establishment.

(22.) No person employed on the premises shall accept a gratuity or present of any description whatever, and bathers are particularly requested not to offer gratuities or presents.

Complaints.

(23.) Any person desirous of making a complaint concerning the management of the Establishment shall do so by letter addressed to the Clerk of the Board.

Management.

(24.) The Establishment shall be managed, under the control of the Baths Committee, by a Superintendent and a Matron, who shall have under them such assistants, including Money-Takers and Firemen, as the Board shall deem requisite.

Duties of the Superintendent.

(25.) The Superintendent shall (with an Assistant if needs be) furnish Baths to persons requiring them in the Men's Department, and collect the tickets for the same. He shall have charge of the building and be responsible for the safety of the property therein, and for the good order and cleanliness of the whole Establishment, fittings, furniture, and stores; he shall strictly enforce the personal cleanliness of the Attendants, and endeavour to secure regularity and despatch, not only with respect to the persons employed on the premises, but also with respect to those who use the Baths. He shall ascertain the weights, measures, and quantities of all goods delivered for the use of the Establishment, and keep inventories of the furniture and utensils belonging to the building.

(26.) The Superintendent shall reside on the premises and, without the sanction of the Baths Committee, shall never be absent therefrom, during Bathing hours, for more than one hour, save in case of emergency, which shall be forthwith notified to the Committee.

(27.) The Superintendent shall pay over to the Treasurer every *Saturday* all money in his hands belonging to the Board, for which money the Treasurer shall give him a receipt.

(28.) The Superintendent shall comply with all the lawful directions of the Board applicable to his office, and shall give, and from time to time renew, such security as the Board may require for the faithful execution of his office; on the death, insolvency, or bankruptcy of any surety of his, he shall immediately notify the fact to the Board.

(29.) The Superintendent's Assistant shall act under the directions of the Superintendent.

Duties of the Matron.

(30.) The Matron shall (with an Assistant if needs be) furnish Baths to persons requiring them in the Woman's Department, and collect the tickets for the same. She shall also be responsible for the proper washing, drying, and storage of the towels, and for the baths, fittings, &c., in

the Women's Department being kept clean and in good order; and, generally, she shall act under the Superintendent and obey his directions.

(31.) The Matron's Assistant shall assist the Matron and act under her directions, and shall wash towels and sweep and clean the floors, partitions, stairs, &c., in the Women's Department.

Duties of the Fireman.

(32.) The Fireman shall, under the direction of the Superintendent, attend to the furnace and boiler, and see that the drying apparatus, the hot-water, cold-water, steam and drain pipes, together with all valves, taps, cisterns, and other appurtenances thereto are kept in good order; and it shall be his duty to report to the Superintendent any defect in such fittings which may come to his notice. He shall also sweep and clean the floors, partitions, stairs, &c., in the Men's Department.

Duties of the Money-Taker.

(33.) The Money-Taker shall sell tickets and soap according to the scale of charges hereinbefore prescribed, and shall deliver out towels to all persons requiring Baths. He shall keep a correct account of all moneys received by him, and pay over *daily* the previous day's receipts to the Superintendent. He shall also make daily correct entries in the books provided for that purpose, of the numbers, classes, and sexes of the bathers, and shall forward a *weekly* return thereof to the Clerk for the information of the Board.

Penalties.

(34.) Every person who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of £5. Provided, nevertheless, that the Justices or Court before whom any complaint is made for a breach of these By-Laws may, if they see fit, reduce this or any penalty herein prescribed.

Approved, &c., &c.

Allowed, &c., &c.

9.

10 & 11 Vict., 34, 125—31.

By-Laws[a] to regulate Slaughter-houses.

PART I.

Slaughter-houses to be licensed and registered.

(1.) Every Slaughter-house (and Knacker's Yard) within the District shall be licensed, and be registered in a book kept for that purpose at the Office of the Board; and it shall not be lawful to slaughter animals for profit in any unlicensed building. The occupier of a building who intends to apply for a license for the same as a Slaughter-house shall give *one month's* notice in writing of that his intention to the Clerk of the Board.

Licenses to be annual.

(2.) Every license shall be in force for one year from the date thereof, or until the next Annual General Licensing Day, and no longer; but a license may be suspended or revoked by the Board for sufficient reasons.

Fee payable for license.

(3.) The Fee annually payable to the Board for every license for a Slaughter-house shall be 5*s*.

Number of animals to be kept on the premises.

(4.) The Board shall prescribe the maximum number of animals of the several kinds usually slaughtered in Slaughter-houses, which may be kept on the premises at any one time with the view of their being slaughtered; and it shall not be lawful for the occupier of a Slaughter-house to have on his premises at one time any greater number of animals than the number so prescribed.

Slaughter-houses to be certified.

(5.) No building shall be licensed as a Slaughter-house until the Surveyor has certified in writing that it is a proper place to be so used; and that it is provided with a sufficient supply of water and the requisite utensils, and has proper means of drainage and ventilation.

Slaughter-houses to be paved.

(6.) Every Slaughter-house, together with the Yard and Premises belonging thereto, shall be paved or asphalted, channelled, and drained, in such manner and with such non-absorbent materials, and within such time, as the Board by its Surveyor shall direct. Every occupier shall be bound to see that such paving, &c., is at all times kept in good condition and repair, and that no structural alterations are made in his Slaughter-house, Yard, or Premises, or in the paving, channelling, or drainage thereof, without the previous sanction in writing of the Surveyor.

Repairs.

(7.) Every occupier of a Slaughter-house shall, on the demand of the Board by its Surveyor, forthwith execute, to the satisfaction of the said Surveyor, all repairs in or concerning such Slaughter-house which such occupier shall be required by such demand as aforesaid to perform.

Name and number to be exhibited.

(8.) The occupier of every Slaughter-house shall cause the word "Slaughter-house," together with the number corresponding with its Registered Number, to be painted or otherwise inscribed to the satisfaction of the Surveyor, on, over, or adjoining the outside of the door or entrance to such Slaughter-house. The aforesaid words and number shall be renewed from time to time as the Surveyor shall direct.

Cleansing of Slaughter-houses.

(9.) The whole of the internal brick and plaster surface of every Slaughter-house shall be thoroughly lime-washed at least *twice a year*, namely, between the *1st* and *10th* of *March*, and the *1st* and *10th* of *September*, and at such other times as the Board by its Inspector of Nuisances shall direct. Such of the wood-work of such Slaughter-house as is usually painted shall be well and sufficiently painted and kept clean.

(*a*) These By-Laws should be preceded by a reprint of §§ 125—31 of the "Towns Improvement Clauses Act, 1847," (10 & 11 Vict., 34) those Sections being incorporated by the "Public Health Act." There should be prefixed to such reprint the following:—

"NOTE.—In the following Sections of the Act "of Parliament the word 'Commissioners' should "be read as 'Local Board'; the 'time of the "passing of the Special Act' as the 'date of the "constitution of the District,' viz:—the—day "of ——18—, and 'the limits of the Special Act' "as 'the District of the——Local Board.' [Or "'the Borough of——'.]"

Tubs, &c., for Refuse.

(10.) Every occupier of a Slaughter-house shall provide and use a sufficient number of tubs or vessels, with close-fitting covers thereto, constructed to the satisfaction of the Inspector of Nuisances, for the purpose of receiving and conveying away all manure, garbage, and filth; he shall in all cases, except as hereinafter provided, immediately after the killing and dressing of any cattle in such Slaughter-house, cause all manure, garbage, and filth to be placed in such tubs or vessels; and these, together with their contents, shall be removed every *Monday*, *Wednesday* and *Friday*, (or oftener, if deemed necessary by the Inspector of Nuisances) between 10 p.m. and 7 a.m., to such place, not being within ¼ *mile* of any dwelling-house, as may be appointed or allowed by the Board. All blood arising from the slaughtering of cattle shall be put into separate vessels as aforesaid, and shall be carried away without delay, and shall not be permitted to flow into any open drain. Provided always, that no blood shall be put into the vessels in which manure, garbage, and filth are put, and also that manure, garbage, and filth shall not be so kept or carried away where impermeable covered drains are available for getting rid of the same.

Slaughter-houses, &c., to be purified.

(11.) All vessels used for the removal of manure, garbage, filth, and blood from any Slaughter-house shall, within 3 *hours*, after being so used, be thoroughly emptied, cleansed, and purified; the floor of such Slaughter-house shall then be also effectually scoured and cleansed; and the whole building shall always be kept in such a condition that neither within or without shall there be any offensive smell arising therefrom.

Hides and Skins to be removed.

(12.) Every occupier of a Slaughter-house shall cause to be removed therefrom the hides and skins of any cattle slaughtered therein, within 2 *days* next after such cattle shall have been slaughtered, or earlier if the hides or skins shall become offensive. Provided always, that this By-Law shall not apply to an occupier who in the exercise of his ordinary business tans or dresses such hides and skins with a view to their being converted into leather; in which case it shall suffice that such hides and skins are so kept as not to become a nuisance or injurious to health.

No offensive accumulations to be permitted.

(13.) The occupier of a Slaughter-house shall not permit any offensive accumulations of tainted meat or other animal matter, or any other accumulations injurious to health, to exist on any part of the premises so licensed as aforesaid as a Slaughter-house.

Access to Slaughter-houses.

(14.) No occupier of a Slaughter-house shall make or permit to be made any access to any house, shop, or room adjoining such Slaughter-house, except to a stable or room for the reception of animals which are to fast previous to being killed Such room shall be separated from the Slaughter-house by a wall of such thickness, and shall open into such Slaughter-house by a door-way of such width as shall be prescribed by the Board.

Boiling of Offal.

(15.) The occupier of a Slaughter-house shall not boil down therein, nor on any premises belonging thereto, offal nor any animal refuse whatsoever. No offal or refuse shall be boiled in any place that is less than ¼ *mile* distant from the nearest dwelling-house.

Animals not to be kept longer than 36 hours.

(16.) The occupier of a Slaughter-house shall not permit any animal sent to be slaughtered to remain therein, or in any stalls, pounds, or sheds, belonging thereto, for a longer period than 36 *hours* previous to the same being slaughtered. During the time that any animal is thus detained it shall be sufficiently supplied with wholesome water. No animal shall be killed, skinned, or bled outside any Slaughter-house.

Processes to be kept from public view.

(17.) During the time of slaughtering, singeing, scalding, skinning, dressing, or hanging any animal or cattle, the Slaughter-house shall be so kept and used as not to allow of such animal or cattle being exposed to view from any public thoroughfare adjoining thereto.

Diseased Cattle.

(18.) The occupier of a Slaughter-house shall not knowingly slaughter or suffer to be slaughtered therein any diseased or unsound cattle or animals, or any animal not intended or fit for human food. Every occupier of a Slaughter-house to which any diseased or unsound cattle or animals are brought shall forthwith give information thereof to the Inspector of Nuisances. That officer shall also be communicated with whenever any animal falls ill after being brought to a Slaughter-house, and such communication shall be made before the animal is killed.

Access to privies, &c.

(19.) The occupier of a Slaughter-house shall not make or permit to be made any access or opening to any privy, cesspool, or midden-stead within such Slaughter-house. If any such should exist, he shall forthwith close the same if required by the Surveyor to do so.

Rooms over Slaughter-houses

(20.) No room over a Slaughter-house shall be used as and for a sleeping apartment, or for a workshop or manufactory.

Ferocious Dogs.

(21.) The occupier of a Slaughter-house shall not keep or permit to be kept in such Slaughter-house, or on the premises belonging thereto, any ferocious dog, unless such dog shall be securely muzzled or fastened at such distance from the entrance as shall prevent it from interfering with the entry of any person authorised to inspect such Slaughter-house. Any dispute as to what is a proper place for the fastening up of such dog shall be determined by the Inspector of Slaughter-houses, whose decision shall be final.

Officers to have access.

(22.) Every member and officer of the Board shall have free access to every Slaughter-house and to every part thereof whenever he shall demand admission for the purpose of examining the condition of the same as regards cleanliness, ventilation, and management generally.

By-Laws to be exhibited.

(23.) The occupier of every Slaughter-house shall cause a complete and legible copy of these By-Laws to be at all times exhibited in some conspicuous place within such Slaughter-house according to the directions of the Surveyor. A printed copy of these By-Laws shall be supplied to the occupier of a Slaughter-house on payment of *six-pence*.

Penalties.

(24.) The occupier of a Slaughter-house who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of 5*l.*; and in the case of a continuing offence, a further penalty of 10*s.* for every day during the continuance of the offence, after written notice thereof from an officer of the Board. Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of any of these By-Laws, may, if they see fit, reduce these or any penalties herein prescribed.

PART II.

*** *In cases where a Board provides Public Slaughter-houses, some additional By-Laws are required.*

Charges.

(1.) The following charges are hereby authorised and prescribed to be made for the use of the Slaughter-houses belonging to the Board:—

For every bull, ox, cow, steer, heifer, or other beast, any sum not exceeding	*One Shilling.*
For every calf	*Six-pence.*
For every hog or pig	*Six-pence.*
For every sheep or lamb	*Four-pence.*

Such charges must in all cases be paid at the time when the animals are taken into the Slaughter-houses.

Removal of garbage, &c. (2.) Every person slaughtering any animal shall collect the blood in the proper tub, and shall forthwith remove all blood, offal, and garbage, and deposit the same in the place provided for the purpose. Such person shall also sweep down and cleanse the Slaughter-house.

Garbage to belong to the Board. (3.) All blood, offal, garbage, and manure made on the premises shall become the property of the Board, or of its Lessees, as the case may be.

Furnace pots. (4.) Every person who uses a furnace pot will be held responsible for all damage that may be done to it, both while it is in use by such person and also until it is given up to the charge of the Slaughter-house keeper. The last person who uses a furnace shall in all cases when he has done with the same, give notice to the Slaughter-house keeper.

Regulations as to Gas. (5.) Every person who uses the gas will be required to pay for the same, and he shall immediately give notice to the Slaughter-house keeper of the exact length of time it has been burning for his use. The charge for gas will be at the rate of *one penny* per hour for each burner.

(6.) Should any person make default in giving notice as to the gas, or give an incorrect statement, such person shall be liable to pay a fine of *2s. 6d.* in additional to the cost of the gas as estimated by the Slaughter-house keeper.

Misbehaviour. (7.) Every person who in any Slaughter-house belonging to the Board, or in any approach thereto, shall cause any nuisance or obstruction by being drunk or disorderly, or by loitering in or about the same, or by fighting or quarrelling, or creating any disturbance, or by interfering with any Lessee, officer, or servant of the Board, or with any person having lawful business at the said Slaughter-house, and every person who breaks, injures, or defaces any property in or belonging to the said Slaughter-house or approaches, shall be liable to the penalty hereinbefore contained.

Premises only to be used for slaughtering, &c. (8.) No person, whether occupying a Slaughter-house as Lessee or tenant, or hiring a Slaughter-house for the purpose of slaughtering or dressing cattle at the above-named charges per head, shall use the premises for any other purpose, nor will he be allowed to occupy the same, or any part thereof, for keeping cattle or swine for any longer time than is necessary and usual preparatory to their being slaughtered.

Certain By-Laws in Part I. to apply. (9.) Such of the By-Laws in Part I. of these By-Laws as are applicable, and so far as they are applicable, shall extend to every Public Slaughter-house, whether it be managed by the officers of the Board, or whether, not being required for general use, it shall be let or sub-let by the Board, or by any Lessee of the Board, to a tenant.

Approved, &c., &c.

Allowed, &c., &c.

10.

By-Laws to regulate the Establishment of Offensive Trades.

Definitions. (1.) The following Trades are included under the expression "Noxious or Offensive Business, Trade, or Manufacture," and to such and similar occupations do these By-Laws refer:—Blood Boiling; Tripe Boiling; Bone Boiling; Fellmongering; Slaughtering Cattle, Horses, or Animals; Soap Boiling; Tallow Melting.

Offensive Trades not to be established without leave. (2.) No Offensive Trade as aforesaid shall be newly established in any building or place within the District save with the consent of the Board. Every building which it is proposed to erect or fit up for the carrying on of an Offensive Trade shall be subject, in the usual course, to the Building By-Laws of the Board; but, in addition thereto, it is hereby prescribed that no such business shall be newly established in any building or place which is less distant than ¼ *mile* from the nearest dwelling-house.

Notice to be given. (3.) Every person who desires to commence the carrying on of an Offensive Trade shall give *one month's* notice in writing to the Board, which notice shall include a formal application for the consent of the Board. It shall not be lawful to commence the carrying on of an Offensive Trade without giving such notice and obtaining such consent, but such consent will not operate as the legalisation of a nuisance, nor be a defence to any action for carrying on an offensive trade brought against the person acting on such consent.

Officers to have access. (4.) Every member and officer of the Board shall have free access to premises where any Offensive Trade is carried on whenever they shall demand admission for the purpose of examining the condition of such premises as regards cleanliness, ventilation, and management generally.

Penalties. (5.) Every person who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of *5l.*, and in the case of a continuing offence a further penalty of *2l.* for every day during the continuance of the offence, after written notice thereof from an officer of the Board. Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of these By-Laws, may, if they see fit, reduce these or any penalties herein prescribed.

Approved, &c., &c.

Allowed, &c., &c.

11.

By-Laws to regulate a Market.

10 Vict., 14.

(1.) The Public Market established by the Board in————street (*a*) shall be used for the sale of the following articles, and other articles of the like sort only:—Provisions of all kinds intended for the food of man, including Cattle, Butcher's Meat, Poultry, Game, Fish, Fruit, and Vegetables; Garden Flowers, Roots, and Ferns; Seeds; Earthenware; Pedlar's Wares generally; Corn, Hay, and Straw; and Horses, Mules, Ponies, and Donkeys. — What may be sold.

(2.) The several articles brought into the Market shall be exposed for sale only in such parts of the Market as shall be appropriated to such articles respectively. — General condition.

(3.) The Market shall be open daily throughout the year, except on Sundays, Good Friday, Christmas Day, or any day appointed for a Public Fast or Thanksgiving. Between May 1 and October 31, the Market shall be opened at 7 a.m. and closed at 9 p.m. During the remainder of the year the hours shall be 8 a.m. and 8 p.m. respectively, except that on Saturdays the closing hour shall be, throughout the year, 10 p.m. On Good Friday, fish may be sold from 7 a.m to 9.30 a.m. — Times of opening and closing.

(4.) Except the tenants of Stalls or Standings, who shall be admitted for the purpose of preparing their stalls or standings for business, and persons bringing goods to market for sale, no person shall be admitted into the Market previous to the hour fixed for opening (which will be indicated by the ringing of a bell); nor shall any person, whether a stall-holder or not, remain in the Market after the hour fixed for closing (which will also be indicated by the ringing of a bell). In the morning, stall-holders and persons bringing goods to market for sale, may be admitted *one hour* previous to the general opening of the Market. — Regulations as to admission.

(5.) The Shops and Stalls shall be let by tender, or otherwise, every half-year at Lady-Day and Michaelmas, under such regulations and conditions as the Board may from time to time prescribe. Such shops and stalls as may not be let on half-yearly tenancies as aforesaid, shall be let day by day at an occupation rent payable in advance every morning as follows:—From May 1 to October 31 the daily rent shall be 2*s.* 6*d.*; during the rest of the year, 1*s.* 6*d.* Every shop or stall, whether let by the half-year or by the day, which shall not have been made use of by the hirer by 10 a.m., shall be at the disposal of the Superintendent of the Market, who may re-let the same for the remainder of the day without his being called upon to account to the original hirer for anything which such Superintendent may have received in respect to such stall. — Hire of Stalls.

(6.) Such open spaces in the Market as the Board may deem to be available for the purpose, may be let at a rental by the day or by the week, as standing places for goods to be exhibited on trucks or barrows, or in baskets, boxes, tubs, or other such like receptacles. The charge for such open spaces shall be *one penny* per *square yard* per day. No person shall place any article on any open space which has not been duly hired and paid for by him. — Open Standings.

(7.) Every tenant of a Stall or Standing shall occupy the same either in person or by a member of his family, or by a servant in his employ, and not otherwise. No tenant shall under-let his stall or standing, or permit it to be used by any other person (save as aforesaid) for the sale or exhibition of goods. In any case of a breach of this By-Law both the tenant and the person so fraudulently using a stall or standing, shall be liable to the penalty hereinafter prescribed. — Tenants not to sub-let.

(8.) No person shall sell or cause to be sold by auction or public sale in the Market, any articles whatsoever, save with the previous sanction in writing of the Superintendent of the Market. — Auctions prohibited.

(9.) Every tenant of a Stall or Standing shall, if required by the Board, exhibit his name on a sign-board or plate at such place and in letters of such character and size as the Board shall prescribe. He shall at all times keep such sign-board or plate exhibited legible and undefaced, and shall renew the same from time to time as the Superintendent of the Market shall direct. — Names of Tenants to be exhibited.

(10.) No tenant of a Shop, Stall, or Standing shall permit any dirt, garbage, or refuse of any sort to remain on, under, or near the same, or shall neglect to keep clean the gangways adjacent thereto. All dirt, garbage, or refuse that necessarily arises in the course of trade, shall forthwith be deposited in the proper receptacle provided by the Board for that purpose. No person shall throw down on any pavement or gangway within the precincts of the Market any orange peel, shells, or other refuse. — Refuse to be cleared away.

(11.) Every tenant of a Shop, Stall, or Standing shall be responsible that any fires or lights therein are duly extinguished, and that all taps of gas and water pipes appertaining thereto are effectually shut off when such shop, stall or standing is closed for the day. — Extinction of lights, &c.

(12.) No Stall-holder or other tenant shall keep any dog at his Shop, Stall, or Standing; nor shall any person take a dog with him into the Market unless the same be led by a string. — Dogs.

(13.) Tolls shall be payable in respect of the under-mentioned articles as follows:— — Tolls.

For Corn, Grain, Pulse, Meal, or Flour, per Load	2*d.*
For every Horse	3*d.*
For every Colt	2*d.*
For every Cow, Bull, or Ox, or Cow with its Calf	2*d.*
For every Calf	1*d.*
For every Pig	1*d.*
For Sheep, by the Score...	4*d.*
For Live Poultry, by the Crate...	1*d.*

(14.) All Tolls shall be paid on demand, and no person shall quit the Market without having previously paid all Tolls due from him. — Tolls to be paid on demand.

(15.) No person shall remove, pull down, cut, break, deface, or in any way injure any Shop, Stall, Scales, Weights, Measures, Pipes, Taps, Lamps, Fences, Windows, or other fittings of the — Protection of Property.

(*a*) Where there is more than one Market it will be found desirable to appropriate each Market to one particular class of articles, and to prohibit the sale therein of articles other than those specified.

Market. No person shall mark or paint on any wall, post, or other part of the Market, any profane or indecent inscription. No person shall post up any notice or placard in any part of the Market without the consent of the Board, except at such place or places as shall be appropriated for the reception of notices and placards. No person shall wilfully damage any notice or placard lawfully posted in any part of the Market.

Alterations. (16.) No person shall alter or add to any Shop, Stall, Standing, Table, or Bench, or other article provided by the Board, or interfere with any Gas, Water, or other fittings, without the consent of the Board, signified in writing, under the hand of the Superintendent of the Market.

Washing of Stalls. (17.) Every Stall-keeper, being a Butcher, Poulterer, Pork-dealer, or Fishmonger, shall *twice a week* at the least, and also whenever required by the Superintendent of the Market, well and sufficiently wash, before 9 a.m., his stall or standing. Every Butcher, Poulterer, Pork-dealer, or Fishmonger, shall well and sufficiently wash, before 9 a.m., his slabs and tables every day on which business is carried on, and all the fittings thereto belonging. Every person occupying a shop in the Market shall lime-wash the walls thereof *twice a year*, in the months of *March* and *September*.

Articles not to project. (18.) No Article shall be so placed as to project beyond the front line of any Stall, Table, or Standing.

Water. (19.) Every person who requires water shall draw it from the taps. No person shall use the fountain improperly, or convey water out of the Market.

Limitations as to user of Stalls. (20.) No person shall erect, or cause to be worked in his Stall or Standing in the Market, any Machine for the manufacture of any article which may be for sale in the said Market, or elsewhere. No person shall arrange any stall or standing, or any goods thereon, in the said Market, so that the same shall rise to a greater height than 5 *feet* above the floor; nor heap or pile any articles exposed for sale on the floor thereof so that the same shall rise to a greater height than 3 *feet* above the floor; nor sound any instrument, or do any act or thing for the purpose of attracting attention to any particular stall or standing.

Unwholesome provisions. (21.) No unwholesome Meat or Provisions of any kind shall be brought into or allowed to remain in the Market. All unwholesome meat and provisions found within the precincts of the Market shall be seized and destroyed by the Superintendent of the Market, or by some other Officer of the Board.

Full weight to be given. (22.) All Articles brought into the Market for sale done up in separate parcels and purporting to be of any particular weight or measure, shall be of full and just weight or measure, as the case may be; and shall not be in any manner adulterated or made up so as fraudulently to deceive a purchaser. Every person guilty of an offence against this By-Law shall, in addition to the penalty hereinafter prescribed, forfeit the articles in respect of which any conviction may take place before a Justice; and the said articles shall become the property of the Board.

Live Stock. (23.) No person shall kill any Live Stock or pluck any Poultry in the Market. No Live Stock shall be left to remain in the Market after the hour fixed for closing. All chopping and cleaving shall be upon boards or blocks, and no person shall chop or cleave anything on any stall or table.

Obstructions, &c. (24.) No person shall within the precincts of the Market hawk, carry about, or cry any article for sale; and articles so hawked, carried about, or cried, may be seized by the Superintendent of the Market or his Assistant, and detained at the charges of the owner until the penalty for such an offence and all costs and charges that may be adjudged or incurred in respect thereof shall be paid. No article whether exhibited for sale or not shall be so placed in the Market as to be an obstruction. No Smoking of tobacco or other similar substance shall be permitted in any covered part of the Market. Every person found loitering in the Market who has no business to transact there, and who by his presence obstructs those who have, shall on demand move on or quit the premises. Every person who shall hinder the Superintendent of the Market or any other Officer of the Board in the execution of his duties, or who shall be drunk and disorderly, or use profane language, or otherwise misconduct himself in the Market, or who shall neglect or refuse to comply with any lawful order or direction of such Superintendent or Officer, shall be liable to the penalty hereinafter prescribed.

Waggons, &c. (25.) Every person who shall bring any Waggon, Cart, Truck, or Wheelbarrow, or other vehicle into the Market in order that the same may be loaded or unloaded, shall place such vehicle in such situation, and shall from time to time move it, in compliance in every respect with the orders of the Superintendent of the Market or any Assistant of his. No person shall drive any vehicle along any part of the Market reserved for passengers: or loiter with a vehicle in the Market or in any street leading thereto longer than shall be necessarry for loading or unloading such vehicle.

Public Meetings. (26.) No part of the Market Premises shall be used for holding a Public Meeting without the consent in writing of the Board, which consent must bear the signature of the Chairman of the Board.

Scales and Weights. (27.) Legal Scales and Weights shall be kept in or near the Market, and a proper person shall be in attendance to weigh any article, for which weighing the charges named in the accompaning table shall be paid. Upon payment of the proper charge, the person who has desired to have the article weighed shall be entitled to a ticket signed by the weigher, stating the article weighed and the weight thereof, and the particulars of every such ticket shall be correctly entered in a book. Every buyer and seller of any article weighed shall at any time, on payment of 2*d.*, be entitled to a duplicate ticket, signed by the Attendant who weighed the same.

TABLE OF CHARGES FOR WEIGHING.

For every Article, or Parcel of Articles, weighing not more than 14*lbs.* ...	½*d.*
Above 14*lbs.* and not exceeding 56*lbs.*	1*d.*
Above 56*lbs.* and not exceeding 112*lbs.*	3*d.*
For every additional 112*lbs.*, or fractional part thereof	2*d.*
For every quantity of Articles sold by Measure; per bushel	½*d.*
For every Loaded Waggon on four-wheels	6*d.*
For every Loaded Cart on two-wheels	4*d.*
For every Loaded Hand-barrow or Truck	2*d.*

Refusal to have articles weighed. (28.) No person shall neglect or refuse, when required by the buyer, to have any goods or articles weighed or measured, or re-weighed or re-measured; and every person who shall neglect or refuse to have such goods or articles weighed or measured, or to pay the appropriate toll, shall forfeit for every offence the sum hereinafter named.

(29.) Nothing herein contained shall deprive any Stall-holder or other tenant or hirer of the right of using weights, scales, and measures of his own, provided they be strictly true. — Tenant's Weights

(30.) No person after having brought any article into the Market for sale shall remove, or cause to be removed, such article out of the Market for the purpose of having it weighed, so as to evade the toll payable in respect thereof. — Articles not to be removed for weighing.

(31.) No Officer of the Board shall accept from any person any sum of money, fee, payment, gratuity, or reward, for keeping or securing any shop, stall, or standing, or for anything done, or to be done, in connection with the management of the Market. — No gratuities.

(32.) The Board shall from time to time license such persons to ply for hire as Market Porters as it shall deem fit. Every person who applies for a license as a Market Porter shall produce such certificate of character as the Board may think desirable. The Fee for a Porter's license shall be 2*s.* per annum. Every licensed Porter shall when plying for hire wear a Badge on his right arm, which Badge shall be provided by the Board. Every licensed Porter shall be entitled to be paid at the rate of 2*d.* for every 112*lbs.* carried ¼ *mile*, and so on in proportion. — Porters.

(33.) Every person who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of 5*l.* Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of these By-Laws may, if they see fit, reduce this or any penalty herein prescribed. — Penalties.

Approved, &c., &c.

Allowed, &c., &c.

12.

By-Laws to regulate Common Lodging-Houses. (a)

(1.) The Keeper of a Common Lodging-house shall not receive into such house, or into any room thereof, a number of lodgers or persons greater than the number allowed by the Board on the report of its Inspector and expressed on a Ticket to be provided by the Board for that purpose. A complete and legible counterpart of this ticket, together with a copy of these By-Laws, shall be at all times exhibited in some conspicuous place in every room in the said house into which lodgers are, with the sanction of the Board, received. — Lodgers to be limited in number.

(2.) Every room in a Common Lodging-house into which lodgers are received shall be numbered consecutively, and the number shall be painted or otherwise inscribed on the outside of the door of every room, and shall be renewed from time to time as the Inspector shall direct. — Certain numbers to be exhibited.

(3.) The Keeper of every Common Lodging-house shall apply to the Board for as many of the said tickets as there are sleeping-rooms in such house, and every Keeper who shall omit to apply for an adequate number of such tickets, or who shall omit to exhibit one of the said tickets in a conspicuous place in every room in such house, or who shall remove, or deface such ticket, or permit the same to be removed or defaced, unless by order of the Board, or who shall omit in case of such ticket being lost, defaced, or destroyed, to apply to the Board, within 24 *hours* thereafter, for another ticket in lieu thereof; or who shall neglect to have the number of each sleeping-room painted on the door thereof, and a corresponding number printed or written on the ticket intended for such room; or who shall fail to produce any of such tickets to any officer of the Board, or deliver the same to such officer on demand, shall for each offence be liable to a penalty as hereinafter prescribed. — Regulations as to Tickets.

(4.) In every Sleeping-room not less than 300 cubic feet shall be allowed for each adult lodger. *Two* children both under 8 years of age shall be counted as *one* adult lodger. — Space for each Lodger.

(5.) The Keeper of every Common Lodging-house shall reduce the number of his lodgers therein, or cease to receive lodgers altogether, on receiving notice to that effect under the hand of the Inspector; such notice shall state the special reason why it is given, and the period, not exceeding *one* month, during which it is to continue in force. — Authorised Number of Lodgers may be reduced.

(6.) The Keeper of a Common Lodging-house shall not permit persons of opposite sexes to sleep in the same room unless they be married persons, or parents and their children under 8 *years* of age, or children only, and all of them under 8 *years* of age. — Sexes to be separated.

(7.) The Windows of every Sleeping-room in a Common Lodging-house shall be kept open to the full width thereof, at least from 9 a.m. to 12 noon, and from 3 p.m., to 6 p.m., every day, unless tempestuous weather, or the illness of any inmate, renders such a course inexpedient. During the time the windows are open as aforesaid, the bed clothes of every bed in such room shall be turned down and exposed to the air. This By-Law, so far as regards the opening of windows in the forenoon, shall not apply to rooms occupied by persons who sleep during the day-time by reason of their being obliged to work during the night. — Ventilation of Rooms.

(8.) Every room in a Common Lodging-house shall be provided with such means of ventilation as the Board shall require. — Ventilation.

(9.) The Floor of every Room, Passage, and Stair-case in a Common Lodging-house shall be thoroughly swept once a day, before 10 a.m., and shall be well washed every Friday, before mid-day. All painted work shall be scrubbed with soap and water, not less than 4 times a year, namely, during the 1*st* week in the months of *January*, April, *July*, and October, and at any — Periodical Cleansing.

(*a*) These By-Laws should be preceded by a Reprint of the Sections of the "Public Health Act, 1875," which apply to Common Lodging-houses.

other time that the Inspector shall direct. All blankets, rugs, bed clothes and covers used in any Common Lodging-house shall be kept in a clean and wholesome condition, for which purpose the same shall be thoroughly cleansed and scoured at least 4 times a year, during the months and weeks thereof hereinbefore specified for lime-washing.

Ash-pits, &c. (10.) The owner of every Common Lodging-house shall provide the same with an Ash-pit or Dust-bin so placed and of such dimensions as the Board shall approve [or, as its "Building By-Laws" shall require.] (*a*) All yards and areas shall be carefully paved with proper materials and shall be duly drained, so as to prevent accumulations of water, and they shall be kept at all times clean.

Water-closets, &c (11.) The owner of every Common Lodging-house shall provide the same with *one* Water-closet, Privy, or Earth-closet for every 20 inmates, or fractional part of 20, which the house is registered to accommodate; [and he shall comply generally with the requirements of the "Building By-Laws" of the Board.] (*a*) All drains and sinks shall be properly trapped.

Water-closets to be kept clean. (12.) The Keeper of every Common Lodging-house shall keep every part of every Water-closet, Privy, or Earth-closet clean and free from dirt and filth of all kinds, and in good working order.

Water-supply. (13.) The owner of every Common Lodging-house shall provide such a supply of Water for the use of lodgers, and such facilities for cooking and washing as the Board shall deem satisfactory.

Kitchens, &c., not to be slept in. (14.) The Keeper of a Common Lodging-house shall not permit any room used as a kitchen or scullery, or any room in the basement, or below the level of the ground, to be occupied as a sleeping apartment.

Bedding. (15.) Every room in a Common Lodging-house shall be furnished with Bedsteads and Bedding sufficient for the number of lodgers authorised to be received into such room. No bed shall be made up, nor any person be allowed to sleep, on the floor of a Common Lodging-house. No straw or shavings shall be used in a Common Lodging-house for sleeping purposes.

Offensive accumulations. (16.) The Keeper of a Common Lodging-house shall not permit any Bones, Rags, or other offensive articles to remain, or to be placed, in or near any such house.

Animals. (17.) The Keeper of a Common Lodging-house shall not permit any lodger or inmate to keep in such house, or in any approach thereto, any dangerous or offensive animal.

Provisions respecting diseases. (18.) If any case of Fever or of any dangerous infectious disorder shall occur in a Common Lodging-house, the Keeper thereof shall forthwith cause the blankets and bed clothes used by any person affected by such disorder to be thoroughly cleansed and scoured, and the bedding to be fumigated in such manner as may be ordered by the Medical Officer, immediately after the removal of the patient, and, generally, shall take such precautions as the Medical Officer may require.

Names of Lodgers to be recorded. (19.) The Keeper of every Common Lodging-house shall keep a Book, to be provided by the Board, in which he shall enter, every morning, the name of every lodger who slept in his house during the previous day or night, indicating by a suitable mark those who have been sick so as to require Medical treatment. Every *Tuesday* morning he shall deliver at the Office of the Board, on a form to be provided by the Board, a correct copy of such of the entries in this book as relate to the 7 days ending with the previous Saturday.

Penalties. (20.) The owner or Keeper of a Common Lodging-house who shall offend against any of the foregoing By-Laws shall (except in cases for which some other penalty is specially prescribed) pay for every such offence a penalty of 5*l.*, and in the case of a continuing offence a further penalty of 10*s.* for every day during the continuance of the offence, after written notice thereof from an officer of the Board. Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of any of these By-Laws, may, if they see fit, reduce these or any penalties herein prescribed.

Approved, &c., &c.

Allowed, &c., &c.

13.

By-Laws to regulate Lodging-Houses which are not Common Lodging-Houses.

General view o restrictions. (1.) If the Board shall in particular cases so determine—No person shall let in lodgings any house, or part of a house in which more than two adult persons shall sleep in one room;—nor shall any person receive lodgers in any house, or part of a house, in which more than two adult persons shall sleep in one room;—nor shall any person let any house or part of a house to be occupied by members of more than one family, in which more than two adult persons shall sleep in one room;—until such house or part of a house, and the owner and occupier thereof, are registered at the office of the Board; nor shall any person be entitled to be so registered, unless he shall satisfy the Board that he is the *bonâ fide* owner or occupier of the house or part of a house so to be registered, and that the said house or part of a house is furnished with all the conveniences required by these By-Laws.

(*a*) The Words within brackets must not be used when these By-Laws are issued by Rural Sanitary Authorities.

Notices.

(2.) Whenever the Board shall deem it necessary to put these By-Laws in operation in respect to any house let in lodgings or occupied by members of more than one family, they shall give notice to the owner or occupier thereof of their intention to do so, specifying the day from which these By-Laws shall be deemed to be in force, and requiring such owner or occupier to apply for the registration of such house as hereinafter mentioned; such notice shall be signed by the Clerk and shall be left at or affixed to the premises. A copy of these By-Laws shall accompany every such notice.

Regulations as to Registration.

(3.) Every owner or occupier of a Lodging-house shall, within 14 *days* after notice of these By-Laws from the Clerk of the Board has been served on him either personally or by leaving the same at the house or part of a house so occupied by him, apply to the Board to have such house or part of a house registered as a Lodging-house under the "Public Health Act, 1875;" and such application shall be in writing on a printed form to be provided by the Board for that purpose. Such application shall be accompanied by a certificate of character signed by 3 inhabitant householders of the District rated at not less than 6*l*. each; and such certificate shall also be written on a printed form to be provided by the Board for that purpose. Thereupon the owner or occupier of such Lodging-house shall be entitled to have his Lodging-house registered under these By-Laws within *one month* after such application and certificate as aforesaid shall have been so delivered, unless the Board shall deem the house to be unfit for a Lodging-house. On a change in the ownership or occupation of a Lodging-house a fresh application for registration must be made to the Board within 14 *days* of the change taking place. Every person who in filling up any form shall wilfully make any false statement shall be liable to a penalty as hereinafter provided.

Particulars to be recorded.

(4.) In the Register there shall be recorded information concerning all houses to which these By-Laws are from time to time applied, as follows:—(1) The name and address of the owner of the house; (2) The name of the occupier; (3) The cubical measurement of each room; (4) The number of persons allowed to sleep in each room, when occupied only as a sleeping room, or when occupied both as a sleeping and as a day room; (5) The rooms in the house allowed to be occupied as sleeping rooms.

Definition of "Owner" and "Occupier."

(5.) The person paying or liable to pay the Poor Rate for such house, or who did pay it at the last collection, shall be deemed to be the occupier, and the person who shall receive the rents either on his own account or as agent to the owner shall be deemed to be the owner for the purposes of these By-Laws and so long as a name stands on the Register as that of an owner or occupier, as the case may be, such Register shall be received as proof of such ownership or occupation for the purposes of these By-Laws.

Cubic space.

(6.) The number of persons to be allowed to lodge or sleep in any such house or part of such house will be fixed by the Board and be inserted in the said Register, and in fixing such number a clear air-space of 300 *cubic feet* at least shall be allowed in each room occupied as a sleeping room for every person, whether man, woman, or child, so occupying it; and it shall not be lawful to permit or suffer any greater number of persons to sleep, or lodge, in any one room than will allow an air-space of 300 *cubic feet* to each person so sleeping or lodging in such room. And in cases where the same room shall be used both as a living and as a sleeping room, an air-space of 400 *cubic feet* shall be allowed for each person.

Lodgers to be limited in number.

(7.) The occupier of a Lodging-house registered as aforesaid shall not receive into such house, or into any room thereof, a number of lodgers, or persons greater than the number allowed by the Board and expressed on a Ticket to be provided by the Board for that purpose. A complete and legible counterpart of this Ticket, together with a copy of these By-Laws, shall be at all times exhibited in some conspicuous place in every room in the said house into which lodgers are with the sanction of the Board received.

Certain numbers to be exhibited.

(8.) Every room in a Lodging-house into which lodgers are received shall be numbered consecutively, and the number shall be painted or otherwise inscribed on the outside of the door of every room, and shall be renewed from time to time as the Inspector shall direct.

Regulations as to Tickets.

(9.) The occupier of every Lodging-house registered as aforesaid shall apply to the Board for as many of the said Tickets as there are sleeping-rooms in such house; and every occupier who shall omit to apply for an adequate number of such tickets; or who shall omit to exhibit one of the said tickets in a conspicuous place in every room in such house; or who shall remove, or deface, such ticket, or permit the same to be removed or defaced, unless by order of the Board; or who shall omit in cases of such ticket being lost, defaced, or destroyed, to apply to the Board, within 24 *hours* thereafter, for another ticket in lieu thereof; or who shall neglect to have the number of each sleeping-room painted on the door thereof, and a corresponding number printed or written on the ticket intended for such room; or who shall not produce any of such tickets to any member or officer of the Board, or deliver the same to such member or officer on demand, shall for every such offence be liable to a penalty as hereinafter provided.

Authorised number of Lodgers may be reduced.

(10.) The occupier of every Lodging-house shall reduce the number of his lodgers therein, or cease to receive lodgers altogether, on receiving notice to that effect under the hand of the Clerk; such notice shall state the special reason why it is given, and the period, not exceeding *one month*, during which it is to continue in force.

Sexes to be separated.

(11.) The occupier of a Lodging-house shall not permit persons of opposite sexes to sleep in the same room unless they be married persons, or parents and their children under 8 *years* of age, or children only, and all of them under 8 *years* of age.

Ventilation of Rooms.

(12.) The Windows of every Sleeping-room in a Lodging-house shall be kept open to the full width thereof, at least from 9 a.m. to 12 noon, and from 3 p.m. till 6 p.m., every day, unless tempestuous weather, or the illness of any inmate, renders such a course inexpedient. During the time the windows are open as aforesaid, the bed clothes of every bed in such room shall be turned down and exposed to the air. This By-Law, so far as regards the opening of windows in the forenoon, shall not apply to rooms occupied by persons who sleep during the day-time by reason of their being obliged to work during the night.

Ventilation.

(13.) Every room, common passage and stair-case in a Lodging-house shall be provided with such means of ventilation as the Board shall require.

Periodical Cleaning.

(14.) The Floor of every Room, Passage, and Stair-case in a Lodging-house shall be thoroughly swept once a day, before 10 a.m., and be well washed throughout, at least once in the course of each week. The walls and ceilings of every room, passage, and stair-case in a Lodging-house shall be well and sufficiently lime-washed, and painted work scrubbed with soap and water, not less than *once a year*, namely, during the *1st* week in the months of *April* and *October*, and at any other time that the Inspector may direct.

Ash-pits, &c. (15.) The owner of every Lodging-house shall provide the same with an Ash-pit or Dust-bin so placed and of such dimensions as the Board shall approve [*or*, as its "Building By-Laws" shall require.] (*a*) All yards and areas shall be carefully paved with proper materials and duly drained, so as to prevent accumulations of water, and they shall be kept at all times clean.

Water-closets, &c. (16.) The owner of every Lodging-house shall provide the same with *one* Water-closet, Privy, or Earth-closet for every 6 inmates, or fractional part of 6, which the house is registered to accommodate; [and he shall comply generally with the requirements of the "Building By-Laws" of the Board.] (*a*)

Water-closets to be kept clean. (17.) The occupier of every Lodging-house shall keep every part of every Water-closet, Privy, or Earth-closet clean and free from dirt and filth of all kinds, and in good working order.

Water-supply. (18.) The owner of every Lodging-house shall provide such a supply of Water for the use of lodgers, and such facilities for cooking and washing as the Board shall deem satisfactory. (*b*)

Kitchens, &c., not to be slept in. (19.) The occupier of a Lodging-house shall not permit any room used as a kitchen or scullery, or any room in the basement, or below the level of the ground, to be occupied as a sleeping apartment.

Bedding. (20.) Every room in a Lodging-house shall be furnished with Bedsteads and Bedding sufficient for the number of lodgers authorised to be received into such room. No bed shall be made up, nor any person be allowed to sleep, on the floor of a Lodging-house.

Offensive accumulations. (21.) The occupier of a Lodging-house shall not permit any Bones, Rags, or other offensive articles to remain, or to be placed, in or near any Lodging-house.

Animals. (22.) The occupier of a Lodging-house shall not permit any lodger or inmate to keep in such house, or in any approach thereto, any dangerous or offensive animal. (*b*)

Provisions respecting diseases. (23.) If any case of Fever or of any dangerous infectious disorder shall occur in a Lodging-house, the occupier thereof shall forthwith give notice of the fact to the Medical Officer of Health, that he may visit the house and direct the adoption of any disinfecting process which he may deem necessary. The occupier shall also forthwith leave a duplicate notice at the office of the Board. He shall cause the blankets and bed clothes used by any person affected by such disorder to be thoroughly cleansed and scoured, and the bedding to be fumigated in such manner as may be ordered by the Medical Officer, immediately after the removal of the patient: and, generally, take such precautions as the Medical Officer may require.

Officers to have access. (24.) Every Member and Officer of the Board shall have free access to every Lodging-house and to every part thereof at any time between 10 a.m. and 8 p.m. when they shall demand admission for the purpose of examining the condition of the same as regards cleanliness, ventilation, and management generally. If it is suspected that any By-Law as to the number of persons to be accommodated is being infringed, 2 Members or any Officer may insist on being admitted at any hour.

Penalties. (25.) The owner or occupier of a Lodging-house who shall offend against any of the foregoing By-Laws shall pay for every such offence a penalty of 5*l.*, and in the case of a continuing offence a further penalty of 1*l.*, for every day during the continuance of the offence, after written notice thereof from an officer of the Board. Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of these By-Laws, may, if they see fit, reduce these or any penalties herein prescribed.

Approved, &c., &c.

Allowed, &c., &c.

14.

By-Laws to regulate the Lodging and Accommodation of Hop-pickers.

Application of By-Laws. (1.) These By-Laws shall be applicable to all houses, sheds, tents, barns, or other constructions within the district aforesaid, in which persons employed in Hop-picking are to be lodged, save and except houses commonly used for human habitation throughout the year.

Habitations. (2.) All such habitations shall be weatherproof and dry, and shall be clean whilst in occupation. They shall be ventilated and lighted, so far as may be practicable.

Space. (3.) The number of adult persons who shall be received into any such habitation or into any room therein, at any one time, for the purpose of sleeping therein, shall not be greater than will allow 20 square feet at the least of available floor space in every sleeping apartment for each adult person; *two* children both under 10 years of age shall be counted as *one* adult lodger. The number of persons to be accommodated in each room shall be stated in a conspicuous part thereof.

(*a*) The Words within brackets must not be used when these By-Laws are issued by a Rural Authority, unless that Authority happens to have been empowered by Local Government Board to enact Building By-Laws.

(*b*) The legality of such a By-Law as this is doubtful.

(4.) In every construction occupied as a sleeping apartment by adult persons of both sexes, there shall be provided such screens or partitions between the beds or sleeping places as shall be sufficient to protect the occupants from observation. The screens or partitions shall not be less than 6 *feet* in height and 6 *feet* in length. — Internal divisions.

(5.) Cooking-houses or other places available for lighting fires, cooking food, and drying clothes, and other articles, shall be provided in the proportion of one to each 15 hop-pickers, of whatever age. There shall be a roof over the fire-place, covering a space of ground not less than 7ft. by 9ft. — Cooking-houses.

(6.) A sufficient supply of good and wholesome water, for drinking, cooking, washing, and other like purposes, shall be provided, or shall be available within a quarter of a mile of the cooking-houses. — Water-supply.

(7.) Clean dry straw or other clean dry bedding shall be supplied in sufficient quantities for the use of every picker, and shall be changed or cleansed as often as shall be requisite. — Bedding.

(8.) Every habitation shall be thoroughly cleansed, and the ground adjoining thereto made free from offensive matter before every periodical occupation thereof, and also during such occupation so often as may be necessary for the preservation of health and decency; and the walls and ceilings of every room constructed of brick, stone, iron, concrete, wood, earth, or plaster, shall be well and sufficiently lime-washed before every periodical occupation thereof. — Cleansing, &c.

(9.) Privy accommodation shall be provided at the rate of *one* privy for every 12 pickers. There shall be separate privies for each sex. — Privies.

(10.) Whenever straw is used for the walls or internal divisions of such habitations, or whenever straw not enclosed in a coverlet is used for bedding, a sufficient number of lanterns shall be provided for the convenience of the pickers, with the view of diminishing the risk of fire. — Provision against Fire.

(11.) In case fever or any infectious disorder should attack any hop-picker, the employer of such hop-picker shall forthwith give notice thereof to the Medical Officer of Health, and to the Inspector of Nuisances, and shall comply with all reasonable and lawful directions given by those officers, or either of them, in relation thereto. — Infectious disorders.

(12.) The Medical Officer of Health and the Inspector of Nuisances shall at all times have free access to any habitation used for the lodgement of hop-pickers. — Inspection.

(13.) Every person who shall offend against any of the foregoing By-Laws, shall pay for every such offence a penalty of 5*l.*; and in the case of a continuing offence a further penalty of 10s., for every day during the continuance of the offence, after written notice from the Medical Officer of Health or the Inspector of Nuisances. Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of these By-Laws may, if they see fit, reduce these or any penalties herein prescribed. — Penalties.

Approved, &c., &c.

Allowed, &c., &c.

15.

By-Laws to regulate the Management and Use of a Mortuary.

(1.) Every application for the reception or removal of a dead body shall be made to the Keeper of the Mortuary, on a printed form, to be properly filled up and signed by the applicant. Such forms may be obtained either at the Mortuary, or at the office of the Board. — Use of Mortuary.

(2.) Every dead body received into the Mortuary shall be removed therefrom for interment within 6 *days*, dating from the day on which the death occurred. — Restrictions as to time.

(3.) In any case where death is certified to have been caused by Asiatic Cholera, the body shall be removed for interment within 2 *days* from the day on which the death occurred. — Cholera.

(4.) In any case where death is certified to have been caused by Small Pox, Fever, Malignant Scarlatina, or any other infectious disease, the body shall be removed for interment within 3 *days* from the day on which the death occurred; but it shall be competent for the Medical Officer of Health to order the removal for interment of a body deposited in the Mortuary at any time when from rapid decomposition, or other causes, an early interment shall, on the grounds of public health and safety, be considered necessary by him. — Infectious disease.

(5.) The time for receiving bodies into the Mortuary shall be between 8 a.m. and 8 p.m., from the 1st of September to the 30th of April, and from 8 a.m. until 10 p.m., from the 1st of May to the 31st of August. — Hours of admission.

(6.) Any person wishing to use the Mortuary as a temporary receptacle for the body of a deceased relative, friend, or servant, shall if required give the written guarantee of a responsible householder previous to the admission of such body, by way of security for the removal of the same at the proper time; but if from any cause the said body be not removed within the specified time, the interment will be carried out under the superintendence of an officer of the Board, at the expense of the guarantor. — Conditions as to use of Mortuary.

(7.) Every dead body to be received into the Mortuary, must be first placed in a properly made coffin or shell. — Coffins.

(8.) In any case where a dead body has been removed to the Mortuary by order of a Justice of the Peace, or at the instance of the Medical Officer of Health, and the friends or relatives of the deceased person shall refuse or neglect to remove such body for interment within the time specified in such Order, or by these By-Laws, the interment will be carried out under the superintendence of an officer of the Board. — Neglect to remove a body.

Processions prohibited.

(9.) On the removal of a dead body to or from the Mortuary, no public procession or other large assemblage of persons shall be admitted within the precincts of the Mortuary. Permission to enter such precincts shall be confined to the immediate relatives of the deceased, the undertaker, and the bearers of the body.

Admission of friends.

(10.) The friends or relatives of a deceased person deposited in the Mortuary, not exceeding 3 at any one time, and any person *bonâ fide* seeking to identify any body there deposited, may upon application to the Keeper, visit the building daily between the hours of 9 a.m. and sunset; but in the event of any person causing a disturbance, or behaving in a manner inconsistent with due decorum and propriety, the Keeper or any attendant is empowered to cause such person to be forthwith removed from the building and precincts.

Approved, &c., &c.

Allowed, &c., &c.

16.

By-Laws to regulate a Public Walk or Pleasure Ground.

Enumeration of offences.

(1.) The matters in the 18 paragraphs next following are hereby prohibited, and are declared to be offences pursuant to the statute. The word "pleasure ground" hereinafter used shall mean the following public walks, pleasure grounds and plantations of trees. [*Here set out the respective places by name and description.*

(i.) Removing or wilfully injuring any of the fences, seats, barriers, gates, or notice boards, or other matters or things in any pleasure ground, or defacing or disfiguring the same by the posting of bills, placards, or notices.

(ii.) Cutting, felling, burning, breaking, or otherwise doing wilful damage or injury to the timber, or other trees, shrubs, brushwood, flowers, gorse, furze, fern, turf, or cultivated growing plant in any pleasure ground.

(iii.) Committing any trespass or encroachment on any part of any pleasure ground.

(iv.) Erecting in any pleasure ground, unless with the consent of the Board in writing, any posts, rails, fences, poles, tents, booths, stands, or any buildings or erections of any kind whatsoever.

(v.) Using as a drying or bleaching ground, or for shaking or beating carpets, any part of any pleasure ground, except with the consent of the Board in writing.

(vi.) Wilfully committing any nuisance in any pleasure ground.

(vii.) Depositing or leaving in any pleasure ground, or in any pond therein, any road-sand, refuse, rubbish, manure, dead animals, or other matters or things, without the previous consent of the Board, in writing.

(viii.) Taking, digging, cutting, damaging, or removing gravel, sand, sods, bog-earth, clay, turf, or other substances, of or from any pleasure ground.

(ix.) Burning, or causing to be burnt, in any pleasure ground, any wood, gorse, furze, fern, or other substances.

(x.) Drawing, driving, standing, or placing any waggon, cart, carriage, van, or truck, on or across the turf of any pleasure ground, or in any footpath therein.

(xi.) Breaking in, or exercising, any horse, ass, or mule, on, over, or across any part of any pleasure ground.

(xii.) Turning out in any pleasure ground to graze, or feed, or remain thereon, without right or due authority, any cattle, sheep, swine, horse, ass, mule, turkeys, geese, ducks, fowls, or other animals.

(xiii.) Making or forming any new roads or paths over or across any part of any pleasure ground without the consent of the Board in writing.

(xiv.) Gambling, betting, or playing with cards or dice in any pleasure ground.

(xv.) Bird catching, bird trapping, taking birds' eggs or nests, shooting or chasing birds, game, or animals in any pleasure ground.

(xvi.) Throwing stones, or sticks or other missiles, or doing anything which may endanger the public or be deemed a nuisance or an obstruction or annoyance to the public in any pleasure ground.

(xvii.) Brawling, fighting, quarrelling, cursing, swearing, or using indecent or improper language, or being otherwise disorderly in any pleasure ground, or wilfully or designedly doing any act which outrages public decency.

(xviii.) Wilfully interfering with, obstructing, or annoying any persons who are playing, or have made preparations for playing, at Cricket or other lawful games, on the portions of any pleasure ground authorised by the Board to be so used.

Penalties.

(2.) Any person committing any one or more of the offences prohibited as above, shall be subject to a penalty not exceeding 40*s*., and for every continuing offence, a penalty not exceeding 20*s*. for each day on which such offence shall continue, after written notice shall have been given to the person committing such offence. Any person who assaults or resists, or aids or incites any person to assault or resist, any constable, or officer of the Board, or other person in the execution of his duty, or in the lawful exercise of any authority under these By-Laws shall for every such offence be liable on summary conviction, to a penalty not exceeding 5*l*.

Provided, nevertheless, that the Justices or Court before whom any complaint shall be made for a breach of these By-Laws, may if they see fit, reduce these or any penalties herein prescribed. Disturbing the Peace.

(3.) All persons found disturbing the public peace are liable to removal and apprehension without warrant, so that they may be dealt with according to law.

Approved, &c., &c.

Allowed, &c., &c.

17.

General Provisions to be incorporated with any of the foregoing By-Laws if desired. (a)

In the foregoing By-Laws the following words and expressions, which in their ordinary signification have a more confined or different meaning, shall have the several meanings hereby assigned to them unless otherwise provided, or unless there be something in the subject or context repugnant to such construction, that is to say :— Interpretation of Terms.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Words importing males only shall (except in the Bathing By-Laws) include females.

The word "Person" or "Persons" shall include a Corporation whether aggregate or sole.

The word "District" and the words "said District" or "this District" shall mean the *District of*———[*or the Borough of*———.]

The word "Justice" or "Justices" shall mean any Justice or Justices of the Peace of or acting in or for the *County of*——— [*or the Borough of*———.]

The word "Street" shall include all or any part of any square, street, court, alley, highway, lane, carriage-way, horse-way, foot-path, thoroughfare, or public passage, or place within the District.

The word "Foot-path" shall include all or any part of any public foot-way or foot-road, and all or any part of any causeway, or path, by the side of or forming any part of any street, road, or lane, within the said District, and set apart for the use of foot passengers.

The word "House" shall include any messuage, dwelling-house, tenement, warehouse, shop, workshop, manufactory, building, or other like erection, public or private.

The word "Carriage" shall include any coach, hackney coach, omnibus, chariot, landau, car, fly, cabriolet, gig, sociable, van, lorry, waggon, dray, caravan, cart, sledge, truck, hand-cart, child's cart, wheel-barrow, hand-barrow, bath-chair, perambulator, or other vehicle.

The word "Animal" shall include any horse, mare, gelding, foal, filly, colt, bull, cow, heifer, ox, calf, ass, mule, sheep, goat, cat, dog, kid, or swine.

The words "any offensive matter or thing" shall include any nightsoil, offal, putrid meat or fish, entrails of fish, carrion, dead animals, blood, dung, manure, fish, shells, bones, dust, ashes, soot, rubbish, refuse of vegetables or fruit, orange peel, soap lees, ammoniacal liquor, tar, gas-tar, gas-water, dye-water, or any filthy liquor or substance whatsoever.

(*a*) These Provisions must be deemed to be controlled by the Interpretation Clauses of the "Public Health Act, 1875," and various Incorporated Acts, and perhaps on that account they need modification here and there.

PART V.

Statutes relating to Sanitary Authorities.

THE Statutes here printed are given in their chronological order without any attempt at classification.

It is believed that for purposes of reference the inconvenience of having to examine several sets of Statutes to find any required one, is greater, on the whole, than the inconvenience of having kindred Statutes separated from one another by others because those others happen to be of intermediate date.

Repealed provisions are either omitted altogether, (a note of the omission being made), or where for any reason that course would have been undesirable such provisions are printed in Italic, and within brackets.

Provisions only applicable to the Metropolis, Scotland, or Ireland, are as far as possible omitted, Asterisks taking the place thereof.

The Marginal Notes have been in most cases simplified and shortened so as to make them more convenient.

The Foot-notes are designed to be just numerous and ample enough to prevent a person who consults only the Statutes being seriously mislead for want of sufficient cross references to earlier and later Statutes. Explanatory comments have been very sparingly supplied, for such belong rather to the earlier part of this Work.

A few Acts are omitted either because they are very bulky and easily accessible otherwise; or because they are in little request. But the "Public Libraries Acts, 1855, 1866, and 1871" are omitted because their substance will be found in my *Digest of the Public Libraries and Museums Acts*, published by Knight and Co., 90, Fleet Street, Price 3*s.* 6*d.*

8 VICT., c. 16.

An Act for consolidating in one Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature. ***(8th May, 1845.)***

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Borrowing of Money on Mortgage	§§ 31—55.
Accountability of Officers	§§ 109—14.
Bye-Laws	§§ 124—7.
Recovery of Damages and Penalties	§§ 142—60.
Schedules C. D. E. and G.	

[All the above enactments are incorporated by the "Public Baths and Wash-houses Act, 1847" (9 & 10 Vict., c. 74, § 23); and all save those relating to bye-laws, by the "Public Libraries and Museums Act, 1855" (18 & 19 Vict., c. 70, § 17).]

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8 VICT., c. 18.

An Act for consolidating in one Act certain Provisions usually inserted in Acts authorising the taking of Lands for Undertakings of a Public Nature. ***(8th May, 1845.)***

[The above Act is incorporated in whole or in part by the "Markets and Fairs Clauses Act, 1847" (10 Vict., c. 14, § 6); the "Public Libraries and Museums Act, 1855" (18 & 19 Vict., c. 70, § 19); the "Gas and Waterworks Facilities Act, 1870" (33 & 34 Vict., c. 70, § 2); the "Tramways Act, 1870" (33 & 34 Vict., c. 78, § 15); and the "Public Health Act"].

8 VICT., c. 20.

An Act for consolidating in one Act certain Provisions usually inserted in Acts authorising the Making of Railways.(a) *(8th May, 1845.)*

* * * * * * * *

Recovery of Damages and Penalties.

AND with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, be it enacted as follows:

Provision for damages not otherwise provided for.

140. In all cases where any damages, costs or expenses are by this or the special act, or any act incorporated therewith, directed to be paid, and the method of ascertaining the amount, or enforcing the payment thereof, is not provided for, such amount, in case of dispute, shall be ascertained and determined by 2 justices; and if the amount so ascertained be not paid, by the company or other party liable to pay the same, within 7 days after demand, the amount may be recovered by distress of the goods of the company or other party liable as aforesaid; and the justices by whom the same shall have been ordered to be paid, or either of them, or any other justice, on application, shall issue their or his warrant accordingly.

Distress against the Treasurer.

141. If sufficient goods of the company cannot be found whereon to levy any such damages, costs and expenses payable by the company, the same may, if the amount thereof do not exceed £20, be recovered by distress of the goods of the treasurer of the company; and the justices aforesaid, or either of them, on application, shall issue their or his warrant accordingly; but no such distress shall issue against the goods of such treasurer unless 7 days' previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress as aforesaid, he may retain the amount so paid by him, and all cost and expenses occasioned thereby, out of any money belonging to the company coming into his custody, or he may sue the company for the same.

Method of proceeding before justices in questions of damages, &c.

142. Where, in this or the special act, any question of compensation, expenses, charges or damages, or other matter, is referred to the determination of any one justice or more, it shall be lawful for any justice, upon the application of either party, to summon the other party to appear before one justice, or before 2 justices, as the case may require, at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such one justice, or such 2 justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties, or any of them, and their witnesses, on oath; and the cost of every such inquiry shall be in the discretion of such justices, and they shall determine the amount thereof.

Publication of penalties.

143. The company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special act, or by any bye-law of the company affecting other persons than the shareholders, officers or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper, and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same, or any part thereof, is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner hereinbefore required.

Penalty for defacing boards used for such publication.

144. If any person pull down or injure any board put up or affixed as required by this or the special act for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding £5, and shall defray the expenses attending the restoration of such board.

Penalties to be summarily recovered before 2 justices.

145. Every penalty or forfeiture imposed by this or the special act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before

(a) The sections here given are incorporated by the "Gasworks Clauses Act, 1847" (10 Vict., c. 15, § 40), and by the "Waterworks Clauses Act, 1847" (10 Vict., c. 17, § 85).

2 justices; and, on complaint being made to any justice, he shall issue a summons requiring the party complained against to appear before 2 justices at a time and place to be named in such summons, and every such summons shall be served on the party offending, either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or, in his absence, after proof of the due service of such summons, it shall be lawful for any 2 justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and, upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and, upon such conviction, to adjudge the offender to pay the penalty or forfeiture incurred, as well as such cost attending the conviction as such justices shall think fit.

Penalties to be levied by distress.

146. If forthwith, upon any such adjudication as aforesaid, the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress, and such justices, or either of them, shall issue their or his warrant of distress accordingly.

Imprisonment in default of distress.

147. It shall be lawful for any such justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the justice, for his appearance before him on the day appointed for such return, such day not being more than 8 days from the time of taking such security; but if, before issuing such warrant of distress, it shall appear to the justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such justice whereon to levy such penalty or forfeiture and costs, he may, if he thinks fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justice, then such justice shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding 3 months, unless such penalty or forfeiture and costs be sooner paid and satisfied.

Distress, how to be levied.

148. Where, in this or the special act, or any act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

Distress not unlawful for want of form.

149. No distress levied by virtue of this or the special act, or any act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

Application of penalties.

150. The justices by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence shall have been committed, to be applied in aid of the poor's rate of such parish; or, if the place wherein the offence shall have been committed shall be extra-parochial, then such justices shall direct such remainder to be applied in aid of the poor's rate of such extra-parochial place, or, if there shall not be any poor's rate therein, in aid of the poor's rate of any adjoining parish or district.

Penalties to be sued for within 6 months.

151. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special act, or any act incorporated therewith, for any offence made cognizable before a justice, unless the complaint respecting such offence shall have been made before such justice within 6 months next after the commission of such offence.

Damage to be made good in addition to penalty.

152. If, through any act, neglect or default on account whereof any person shall have incurred any penalty imposed by this or the special act, any damage to the property of the company shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty; and the amount of such damages shall, in case of dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages, on demand, the same shall be levied by distress, and such justices, or one of them, shall issue their or his warrant accordingly.

Penalty on witnesses making default.

153. It shall be lawful for any justice to summon any person to appear before him as a witness in any matter in which such justice shall have jurisdiction under the provisions of this or the special act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding £5 for every such offence.

Transient offenders.

154. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special act, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before some justice, without any warrant or other authority than this or the

special act; and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Form of conviction.

155. The justices before whom any person shall be convicted of any offence against this or the special act, or any act incorporated therewith, may cause the conviction to be drawn up according to the form in the Schedule to this act annexed.

Proceedings not to be quashed for want of form, &c.

156. No proceeding in pursuance of this or the special act, or any act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by *Certiorari* or otherwise into any of the superior courts.

Parties allowed to appeal to quarter sessions on giving security.

157. If any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special act, or any act incorporated therewith, such party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within 4 months next after the making of such determination or adjudication, nor unless 10 days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith, after such notice, enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

Court to make such order as they think reasonable.

158. At the quarter sessions for which such notice shall be given, the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

[§ 159 relates to the Metropolitan Police District only.]

Persons giving false evidence liable to penalties of perjury.

160. And be it enacted, That every person who, upon any examination upon oath, under the provisions of this or the special act, or any act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

9 & 10 VICT., c. 74.

An Act to encourage the Establishment of public Baths and Wash-houses.[a] *(26th August, 1846.)*

WHEREAS it is desirable for the health, comfort, and welfare of the inhabitants of towns and populous districts to encourage the establishment therein of public Baths and Wash-houses and open Bathing Places: Be it enacted, &c.,

Act may be adopted in certain Boroughs and in Parishes.

1. This Act may be adopted for any incorporated borough in England which is regulated under an Act passed in the 6th year of the reign of His late Majesty, to provide for the regulation of Municipal Corporations, or any charter granted in pursuance of the said Act, or any Act passed for the amendment thereof, and also, with the approval of *One of Her Majesty's Principal Secretaries of State*,[b] for any parish in England not within any such incorporated borough.

Interpretation.

2. In 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,

"Parish" shall mean every place having separate Overseers of the poor, and separately maintaining its own poor:[c]

"Borough" shall mean city, borough, port, cinque port, or town corporate:

"Ratepayers" shall mean such of the persons for the time being assessed to and paying rates for the relief of the poor of the parish as for the time being shall be duly qualified to vote for the election of Overseers for the parish:

"Churchwardens" shall mean also Chapelwardens, or other persons discharging the duties of Churchwardens.

"Overseers" shall mean also any persons authorized and required to make and collect, or cause to be collected, the rate for the relief of the poor of the parish, and acting instead of Overseers of the poor:

"Vestry" shall mean the inhabitants of the parish lawfully assembled in Vestry, or for any of the purposes for which Vestries are holden, except in those parishes in which there is a select Vestry elected under an Act passed in the 59th year of the reign of King *George III.* intituled "An Act to amend the Laws for the relief of the poor" or elected under an Act passed in the 2nd year of the reign of His late Majesty, intituled "An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts in certain Parishes of England and Wales," or elected under the provisions of any local Act of Parliament for the Government of any parish by Vestries, in which parishes it shall mean such select Vestry:

59 G. III., c. 12.

1 & 2 W. IV., c. 60.

"Commissioners" shall mean the Commissioners appointed in accordance with this Act for any parish, and for the time being in office and acting as such Commissioners:

"Clerk" shall mean, as regards an incorporated borough, the Town Clerk of such borough; and as regards a parish, the Clerk appointed pursuant to this Act by the Commissioners:

"Justice" shall mean Justice of the Peace for the county, riding, division, liberty, borough, or place, where the matter requiring the cognizance of Justices shall arise:

"Lands" shall mean lands, tenements, and hereditaments, of whatsoever nature or tenure:

Words importing the masculine gender shall include the feminine:

Words of the plural number shall include the singular, and words of the singular number shall include the plural.

Council of Borough may adopt the Act.

3. The Council of any such borough as aforesaid may, if they think fit, determine that this Act shall be adopted for such borough, and then and in such case such of the provisions of this Act as are applicable in that behalf shall thenceforth take effect and come into operation in such borough, and this Act shall be carried into execution in such borough in accordance with such provisions and the laws for the time being in force relating to the Municipal Corporation of such borough.

Expenses to be chargedon Borough Fund and Income carried to same.

4. The expenses of carrying this Act into execution in any such borough in which the Council shall have resolved to adopt this Act for their borough shall be chargeable upon and paid out of the borough fund, and for that purpose the Council may levy with and as part of the borough rate, or by a separate rate to be assessed, levied, paid, and recovered in like manner and with the like powers and remedies in all respects

(a) Amended by 10 & 11 Vict., c. 61 (*post*). (b) Now the Local Government Board.
(c) See 29 & 30 Vict., c. 113, § 18.

as the borough rate, such sums of money as shall be from time to time necessary for defraying such expenses, and shall apply the same accordingly as if the expense of carrying this Act into execution were an expense necessarily incurred in carrying into effect the provisions of the said Act of the 6th year of the reign of His late Majesty; and the income arising from the Baths and Wash-houses and open Bathing Places in any borough shall be paid to the credit of the borough fund thereof, and the Council shall keep distinct accounts of their receipts, payments, credits, and liabilities, with reference to the execution of this Act, to be called "The Public Baths and Wash-houses Account."

Adoption by Parishes.

5. Upon the requisition in writing of 10 or more ratepayers of any such parish as aforesaid, not being within any such incorporated borough, the churchwardens or other persons to whom it belongs to convene meetings of the Vestry in such parish shall convene a meeting of the Vestry for the special purpose of determining whether this Act shall be adopted for the parish, after public notice of such Vestry, and the place and hour of holding the same, and the special purpose thereof, given in the usual manner in which notice of the meetings of the Vestry is given at least 7 days before the day to be appointed for holding such Vestry; and if thereupon it shall be resolved by the Vestry that this Act ought to be adopted for the parish, a copy of such resolution extracted from the minutes of the Vestry, and signed by the chairman, shall be sent to *One of Her Majesty's Principal Secretaries of State*[a] for *his* approval, and as soon as such approval shall have been signified in writing under the hand of *any such Secretary of State*, such of the provisions of this Act as are applicable in that behalf shall thenceforth take effect and come into operation in the parish: provided always, that no such resolution of the Vestry shall be deemed to be carried unless at least two-thirds of the number of votes given on the question according to the usual manner of voting at such Vestry shall have been given for such resolution.

Commissioners for Parishes.

6. In such case the Vestry shall appoint not less than 3 nor more than 7 persons, being ratepayers of the parish, Commissioners for carrying this Act into execution in the parish, of whom one-third, or as nearly as may be one-third (to be determined among themselves), shall go out of office yearly, but shall be eligible for immediate re-appointment.

Resignation of Commissioners.

7. Any Commissioner may at any time resign his office as a Commissioner on giving 7 days notice in writing of his intention to resign to the Clerk, and also to the Churchwardens.

Filling up of Vacancies.

8. Any vacancies in the Commissionership may be filled up by the Vestry when and as the Vestry shall think fit.

Meetings.

9. The Commissioners shall meet at least once in every calendar month at their office, or some other convenient place previously publicly notified.

Special Meetings.

10. The Commissioners may meet at such other time as at any previous meeting shall be determined upon, and it shall be at all times competent for any one Commissioner, by writing under his hand, to summon, with at least 48 hours notice, the Commissioners for any special purpose therein named, and to meet at such times as shall be therein named.

Quorum.

11. At all meetings of the Commissioners any number not less than one-third of the whole number when more than 3 Commissioners shall have been appointed, and when only 3 Commissioners shall have been appointed then any number not less than 2 Commissioners, shall be a sufficient number for transacting business, and for exercising all the powers of the Commissioners.

Officers, &c.

12. The Commissioners shall appoint, and may remove at pleasure, a clerk and such other officers and servants as shall be necessary for effecting the purposes of this Act, and, with the approval of the Vestry, may appoint reasonable salaries, wages, and allowances for such clerk, officers, and servants, and, when necessary, may hire and rent a sufficient office for holding their meetings and transacting their business, and may agree for and pay a reasonable rent for such office.

Minutes.

13. All orders and proceedings of the Commissioners shall be entered in books, to be kept by them for that purpose, and shall be signed by the Commissioners, or any 2 of them; and all such orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings; and such books may be produced and read as evidence of all such orders and proceedings upon any appeal, trial, information, or other proceeding, civil or criminal, and in any Court of Law or Equity whatsoever.

Accounts.

14. The Commissioners shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid for or on account of the purposes of this Act in the parish, and of all liabilities incurred by them for such purposes, and of the several purposes for which such sums of money shall have been paid and such liabilities shall have been incurred; and such books shall at all reasonable times be open to the examination of every Commissioner, Churchwarden, Overseer, and Ratepayer, without fee or reward, and they respectively may take copies of or extracts from such books, or any part thereof, without paying for the same; and in case the Commissioners, or any of them, or any of their officers or servants having the custody of the said books, being thereunto reasonably requested, shall refuse to permit or shall not permit any Churchwarden, Overseer, or Ratepayer to examine the same, or take any such copy or extract, every Commissioner, officer, or servant so offending shall for every such offence forfeit any sum not exceeding £5.

Penalty for refusing Inspection.

(a) Now the Local Government Board.

Auditors.

15. The Vestry shall yearly appoint 2 persons, not being Commissioners, to be Auditors of the accounts of the Commissioners, and at such time in the month of *March* in every year after the adoption of this Act for the parish as the Vestry shall appoint the Commissioners shall produce to the Auditors their accounts, with sufficient vouchers for all monies received and paid, and the Auditors shall examine such accounts and vouchers, and report thereon to the Vestry.(a)

Expenses in Parishes to be borne by Poor Rate.

16. The expenses of carrying this Act into execution in any parish not within any such incorporated borough, to such amount as shall be from time to time sanctioned by the Vestry, shall be chargeable upon and paid out of the monies to be raised or applicable for the relief of the poor of the parish.(b)

Overseers to pay Expenses out of Poor Rate.

17. For defraying the expenses which shall have been or shall be incurred in carrying this Act into execution in the parish the Vestry may and shall from time to time order the Overseers to levy with and as part of the rate for the relief of the poor of the parish such sums as the Vestry shall deem necessary, and the amount thereof shall accordingly be assessed, levied, paid, and recovered in like manner, and with the like powers and remedies in all respects, as such rate, and shall be paid by the Overseers, according to the order of the Vestry, to such person as shall be appointed by the Commissioners to receive the same, and his receipt shall be a sufficient discharge to the Overseers for the same, and shall be allowed accordingly in passing their accounts.

Monies raised, and Income, to be applied towards Expenses.

18. The money raised for defraying the expenses of carrying this Act into execution, and the income arising from the Baths and Wash-houses and open Bathing Places in the parish, shall be applied by the Commissioners in or toward defraying the expenses of carrying this Act into execution in the parish; and whenever, after repayment of all monies borrowed for the purpose of carrying this Act into execution in the parish, and the interest thereof, and after satisfying all the liabilities of the Commissioners with reference to the execution of this Act in the parish, and providing such a balance as shall be deemed by the Commissioners sufficient to meet their probable liabilities during the then next year, there shall be at the time of holding the meeting of the Vestry at which the yearly report of the Auditors shall be produced any surplus money at the disposal of the Commissioners, they shall pay the same to the Overseers in aid of the rate for the relief of the poor of the parish.(c)

Two or more Parishes may join, with the Approval of Secretary of State.

19. The Vestries of any 2 or more neighbouring parishes which shall have respectively adopted this Act may concur in carrying this Act into execution in such parishes in such manner not inconsistent with the provisions of this Act, and for such time, as they shall mutually agree; and for that purpose it may, with the approval of *such Secretary of State*,(d) be agreed on between such Vestries that any public Baths and Wash-houses and open Bathing Places shall be erected and made in any one of such parishes, to be vested in the Commissioners thereof, and that the expenses of carrying this Act into execution with reference to the same shall be borne by such parishes in such proportions as such Vestries shall mutually agree, and the proportion for each of such parishes of such expenses shall be chargeable upon and paid out of the monies to be raised for the relief of the poor of the same respective parish accordingly; and, according and subject to the terms which shall have been so agreed on, the Commissioners appointed for each of such parishes shall, in the management of the said Baths and Wash-houses and open Bathing Places, form one body of Commissioners, and shall act accordingly in the execution of this Act, and the accounts and vouchers of such Commissioners shall be examined and reported on by the Auditors of each of such parishes; and the surplus money at the disposal as aforesaid of such Commissioners shall be paid to the Overseers of such parishes respectively in the same proportions as those in which such parishes shall be liable to such expenses.

Incorporation of Commissioners.

20. And for the more easy execution of the purposes of this Act, the Commissioners of every such parish shall be a body corporate with perpetual succession, which shall not be deemed to be interrupted by any partial or total vacancy from time to time in their office, by the name of "The Commissioners for public Baths and Wash-houses in the parish of ( ) in the county of ( )," and by that name may sue and be sued in all courts, and before all Justices and others, and may have and use a common seal, and by that name may take, hold, and convey any lands vested in them for the purposes of this Act.

Councils, &c., may borrow Money, with the Approval of the Treasury.

21. For carrying this Act into execution in any borough or parish respectively, the Council, with the approval of *the Commissioners of Her Majesty's Treasury* (d) and the Commissioners, with the sanction of the Vestry, and also with the approval of *the Commissioners of Her Majesty's Treasury*, may from time to time borrow at interest, on the security of a mortgage, as the case may be, of the borough fund or of the rates for the relief of the poor of the parish, the money which may be by them respectively required, and shall apply the monies so borrowed accordingly.

Public Works Loan Commissioners may advance Money, 5 Vict., c. 9.

22. The Commissioners for carrying into execution an Act passed in the second session of the 5th year of the reign of Her Majesty, intituled "An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes," may from time to time make to the Council of any such borough, or Commissioners of any such parish respectively, for the purposes of this Act, any loan under the provisions of the recited Act or the several Acts therein

(a) For Local Board Districts this method of audit seems superseded.
(b) Out of the General District Rate in Local Board Districts.
(c) To the General District Fund in Local Board Districts.
(d) Now the Local Government Board.

recited or referred to, upon security of the Borough Fund, or the rates for the relief of the poor of the parish, as the case may be.

8 Vict., c. 16, incorporated for certain Purposes.

23. The provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of money by any company on mortgage, and the provisions of the same Act with respect to the accountability of the officers of the company, and the provisions of the same Act with respect to the making of bye-laws, subject to the provision herein-after contained, and the provisions of the same Act with respect to the recovery of damages not specially provided for, and penalties so far as such provisions may respectively be applicable to the purposes of this Act, shall be respectively incorporated with this Act; and the expressions in such provisions applicable to the company and the directors shall apply as regards a borough to the Council, and as regards a parish to the Commissioners; and all deeds and writings which under such provisions are required or directed to be made or executed under the common seal of the company shall in the application of such provisions to this Act be deemed to be required or directed to be made or executed as regards a borough under the common seal of the Mayor, Aldermen, and Burgesses, and as regards a parish under the common seal of the Commissioners; and so much of such provisions as are applicable to the "secretary of the company" shall apply to the Clerk; and in such of the said provisions as relate to the inspection of accounts as regards a borough the burgesses, and as regards a parish the ratepayers, shall have the privileges of shareholders.

Appropriation or purchase of Lands.

24. In any such borough the Council, with the approval of the Commissioners of Her Majesty's treasury, may from time to time appropriate for the purposes of this Act in the borough any lands vested in the Mayor, Aldermen, and Burgesses; and in any such parish the Commissioners appointed under this Act, with the approval of the Vestry and of the Guardians of the poor of the parish (if any), and of the *Poor Law Commissioners for England and Wales*,(a) may from time to time appropriate for the purposes of this Act in the parish any lands vested in such Guardians, or in the Churchwardens or in the Churchwardens and Overseers of the parish, or in any feoffees, trustees, or others, for the general benefit of the parish; and in any such parish the Commissioners, with the approval of the Vestry, and in any such borough the Council may from time to time contract for the purchasing or renting of any lands necessary for the purposes of this Act, and the property therein shall be vested in the Mayor, Aldermen, and Burgesses in the case of a borough or in the Commissioners in the case of a parish.

Powers to erect, &c. Baths Wash-houses and Bathing Places.

25. The Council and Commissioners respectively may from time to time on any lands so appropriated purchased, or rented, or contracted so to be respectively, erect any buildings suitable for public Baths and Wash-houses, and as to such Wash-houses either with or without open drying grounds, and make any open Bathing Places, and convert any buildings into public Baths and Wash-houses, and may from time to time alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences.

Contracts.

26. The Council and Commissioners respectively may from time to time enter into any contract with any persons or companies for building and making, and for altering, enlarging, repairing, and improving, such public Baths and Wash-houses and open Bathing Places, and for supplying the same respectively with water, and for lighting the same respectively, and for fitting up the same respectively, and for furnishing any materials and things, and for executing and doing any other works and things necessary for the purposes of this Act; which contracts respectively shall specify the several works and things to be executed, furnished and done, and the prices to be paid for the same, and the times when the works and things are to be executed, furnished, and done, and the penalties to be suffered in cases of non-performance; and all such contracts, or true copies thereof, shall be entered in books to be kept for that purpose: provided always that no contract above the value or sum of £100 shall be entered into by the Council or the Commissioners for the purposes of this Act, unless previous to the making thereof 14 days notice shall be given in one or more of the public newspapers published in the county in which the borough or parish shall be situated expressing the intention of entering into such contract, in order that any person willing to undertake the same may make proposals for that purpose, to be offered to the Council or Commissioners at a certain time and place in such notice to be mentioned; but it shall not be incumbent on the Council or Commissioners to contract with the person offering the lowest price.

Purchase of existing Baths, &c.

27. The Council of any such borough, and the Commissioners, with the approval of the Vestry of any such parish, may, if they shall think fit, contract for the purchase or lease of any Baths and Wash-houses already or hereafter to be built and provided in any such borough or parish, and appropriate the same to the purposes of this Act, with such additions or alterations as they shall respectively deem necessary; and the trustees of any public Baths and Wash-houses which have been already or may hereafter be built or provided in any such borough or parish by private subscriptions or otherwise may, with the consent of the Council of any such borough, or with the consent of the Commissioners, and approval of the Vestry of any such parish, and with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the said Baths and Wash-houses to the said Council or Commissioners respectively, or make over to them the management of such Baths and Wash-houses; and in all such cases the Baths and Wash-houses so purchased or leased, or of which the management has been so made over, shall be deemed to be within the provisions of this Act, as fully as if they had been built or provided by the said Council

(a) Now the Local Government Board.

or Commissioners; and the property therein shall be vested in the Mayor, Aldermen, and Burgesses in the case of a borough, or in the Commissioners in the case of a parish.

Supply of Water and Gas.

28. Any Commissioners of Waterworks, Trustees of Waterworks, Water Companies, Canal Companies, Gas Companies, and other Corporations, Bodies, and Persons having the Management of any Waterworks, Canals, Reservoirs, Wells, Springs, and Streams of Water, and Gas Works respectively, may in their discretion grant and furnish supplies of water or gas for such public Baths and Wash-houses and open Bathing Places either without charge or on such other favourable terms as they shall think fit.

Councillors, &c., not to be personally liable.

29. Nothing in this Act contained shall render any Member of the Council of any Borough, or any Commissioner, personally, or any of their lands, goods, chattels, or monies (other than such lands, goods, chattels, or monies as may be vested in or under the management or control of the Council or Commissioners respectively in pursuance of this Act), liable to the payment of any sum of money as or by way of compensation or satisfaction for or in respect of anything done or suffered in due pursuance of this Act.

Appeal against Orders of Councils, &c.

30. Every person who shall feel aggrieved by any bye-law, order, direction, or appointment of or by the Council or Commissioners shall have the like power of appeal to the General Quarter Sessions as under the provisions of the "Companies Clauses Consolidation Act, 1845," incorporated with this Act, he might have if feeling aggrieved by any determination of any Justice with respect to any penalty.

8 Vict., c. 16.

Sale and Exchange of Lands.

31. The Council, with the approval of the Commissioners of Her Majesty's Treasury, and the Commissioners appointed under this Act, with the approval of the Vestry, and of the Commissioners of Her Majesty's Treasury respectively, may from time to time make sale and dispose of any lands vested in the Mayor, Aldermen, and Burgesses, or in the Commissioners respectively for the purposes of this Act, and apply the proceeds in or towards the purchase of other lands better adapted for such purposes, and may, with the like approval, exchange any lands so vested, and either with or without paying or receiving any money for equality of exchange, for any other lands better adapted for such purposes, and the Mayor, Aldermen, and Burgesses, or the Commissioners, may convey the lands so sold or exchanged accordingly.

Sale of Baths, &c., considered too expensive.

32. Whenever any public Baths or Wash-houses or open Bathing Places which shall have been for 7 years or upwards established under the authority of this Act shall be determined by the Council or by the Vestry, in accordance with a previous recommendation of the Commissioners, to be unnecessary or too expensive to be kept up, the Council or Commissioners, with the approval of the Commissioners of Her Majesty's Treasury, may sell the same for the best price that can reasonably be obtained for the same, and the Mayor, Aldermen, and Burgesses, or the Commissioners, shall convey the same accordingly; and the purchase money shall be paid to such person as the Council or Commissioners shall appoint, and his receipt shall be a sufficient discharge for the same; and the net proceeds of such sale shall be paid to the credit of the borough fund, or of the rate for the relief of the poor of the parish.[a]

Management.

33. The general management, regulation, and control of the public Baths and Wash-houses and open Bathing Places established under this Act, shall, subject to the provisions of this Act, be as to any borough vested in and exercised by the Council, and as to any parish vested in and exercised by the Commissioners.[b]

Bye-laws.

34. The bye-laws which the Council and Commissioners respectively may from time to time make, alter, repeal, and enforce shall include such bye-laws for the management, use, and regulation of the public Baths and Wash-houses and open Bathing Places, and of the persons resorting thereto respectively, and for determining from time to time the charges for the use of such Baths and Wash-houses and open Bathing Places respectively, as the Council and Commissioners respectively shall think fit, and they respectively may appoint any penalty not exceeding £5 for any and every breach, whether by their officers or servants, or by other persons, of any bye-law made by them respectively; and such bye-laws shall make sufficient provision for the several purposes respectively expressed in the Schedule (A) to this Act: provided always, that no bye-law made under the authority of this Act shall be of any legal force until the same shall have received the approval of *one of Her Majesty's Principal Secretaries of State*.[c]

Bye-laws to be hung up.

35. A printed copy or sufficient abstract of the bye-laws relating to the use of the Baths and open Bathing Places respectively shall be put up in every bath room and open Bathing Place respectively; and a printed copy or sufficient abstract of the bye-laws relating to the use of the Wash-houses shall be put up in some convenient place near every washing tub or trough, or every pair of washing tubs or troughs, in every Wash-house.

Baths for Labouring Classes.

36. The number of Baths for the labouring classes in any building or buildings under the management of the same Council or Commissioners shall not be less than twice the number of the Baths of any higher class if but one, or of all the Baths of any higher classes if more than one, in the same building or buildings.

Charges not to exceed those in Schedule (B).

37. The Council and the Commissioners respectively may from time to time make such reasonable charges for the use of the Baths and Wash-houses and open Bathing Places respectively provided under this Act as they shall think fit, but not exceeding such charges as are mentioned in the Schedule (B) annexed to this Act,[d] unless for the use of any washing tub or trough for more than two hours in any one day, for which any charges may be made which the Council or Commissioners respectively shall deem reasonable.

(*a*) To the District Fund in Local Board Districts.
(*b*) This will be the Local Board in Local Board Districts.
(*c*) Now the Local Government Board.
(*d*) This schedule was repealed by 10 and 11 Vict. c. 61 § 6 (*post*).

Recovery of Charges.

38. For the recovery of the charges at such Wash-houses the officers, servants, and others having the management thereof may detain the clothes brought to be washed or other goods and chattels of any person refusing to pay the charge to which such person may be liable, or any part thereof, till full payment thereof be made, and in case such payment be not made within 7 days may sell such clothes, goods, and chattels, or any of them, returning the surplus proceeds of such sale, after deducting the unpaid charge and the expenses of such detention and sale, and the unsold articles, if any, on demand, to such person.

Penalty for taking Fees beyond Salaries, or being interested in Contracts.

39. If any clerk or other officer, or any servant who shall be in anywise employed by any Council or Commissioners in pursuance of this Act, shall exact or accept any fee or reward whatsoever for or on account of anything done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to putting this Act into execution, other than such salaries, wages, or allowances as shall have been appointed by the Council or Commissioners, or shall in anywise be concerned or interested in any bargain or contract made by the Council or Commissioners for or on account of anything done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to the putting of this Act into execution, or if any person during the time he holds the office of Member of the Council or Commissioner shall exact or accept any such fee or reward, or shall accept or hold any office or place of trust created by virtue of this Act, or be concerned directly or indirectly in any such bargain or contract, every such person so offending shall be incapable of ever serving or being employed under this Act, and shall for every such offence also forfeit the sum of £50.

Penalties.

40. Such part of any penalty recovered under this Act as shall not be awarded to the informer shall be paid to the credit as regards a borough of the borough fund, and as regards a parish of the rate for the relief of the poor thereof.(a)

41. This Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)

Bye-laws to be made in all Cases.

For securing that the Baths and Wash-houses and open Bathing Places shall be under the due management and control of the officers, servants, or others appointed or employed in that behalf by the Council or Commissioners.

For securing adequate privacy to persons using the Baths and Wash-houses and open Bathing Places, and security against accidents to persons using the open Bathing Places.

For securing that men and boys above eight years old shall bathe separately from women and girls and children under eight years old.

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances.

For determining the duties of the officers, servants, and others appointed by the Council or Commissioners.

In Parishes. For regulating the procedure of the Commissioners.

SCHEDULE (B.)

[Repealed by 10 & 11 Vict., c. 61, § 6.]

(a) To the General District Fund in Local Board Districts.

10 VICT., C. 14.

An Act for consolidating in One Act certain Provisions usually contained in Acts for constructing or regulating Markets and Fairs.(a)

(23d April, 1847.)

* * * * * * * * *

AND with respect to the construction of this Act, and any Act incorporated therewith, be it enacted as follows: Interpretation.

2. The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction or regulation of a Market or Fair, and with which this Act shall be incorporated; and the word "prescribed" used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; and the expression "the lands" shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression "the undertaking" shall mean the Market or Fair, and the works connected therewith, by the special Act authorized to be constructed or regulated; and the expression "the undertakers" shall mean the persons authorized by the special Act to construct or regulate the Market or Fair. "Special Act:" "prescribed:" "the Lands:" "the Undertaking:" "Undertakers."

3. The following words and expressions in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say), Interpretations in this and the Special Act:

Words importing the singular number shall include the plural number, and words importing the plural number shall include also the singular number: Number:

Words importing the masculine gender shall include females: Gender:

The word "person" shall include a Corporation, whether aggregate or sole: "Person:"

The word "lands" shall include messuages, lands, tenements, and hereditaments or heritages of any tenure: "Lands:"

The word "lease" shall include a missive of and an agreement for a lease: "Lease:"

The expression "the market or fair" shall mean the market or fair, and the works connected therewith, by the special Act authorized to be constructed or regulated: "the Market or Fair:"

The word "cart" shall include waggon, and also any carriage used wholly or chiefly for the conveyance of goods: "Cart:"

The word "driver" shall include the carter or other person having the care of any cart: "Driver:"

The word "cattle" shall include horse, ass, mule, ram, ewe, wether, lamb, goat, kid, or swine: "Cattle:"

The expression "the collector" shall mean the person appointed by the Undertakers to collect the stallages, rents, or tolls authorized by the special Act, shall include the assistants of the collector: "Collector:"

The word "month" shall mean calendar month: "Month:"

The expression "Superior Courts," when the matter submitted to the cognizance of the Court arises in *England* or *Ireland*, shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the case may require, and shall include the Court of Common Pleas of the County Palatine of *Lancaster*, and the Court of Pleas of the County of *Durham*, and when such matter arises in *Scotland* it shall mean the Court of Session: "Superior Courts:"

The word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath: "Oath:"

The word "county" shall include riding or other division of a county having a separate commission of the peace; and in *Scotland*, stewartry, and any ward or other division of a county or stewartry, having a separate Sheriff; and it shall also include county of a city or county of a town: "County:"

(a) The sections here given are incorporated by the "Public Health Act."

"Justice:" The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and if such matter arise in respect of lands situated not wholly in any one jurisdiction shall mean a Justice acting for the place where any part of such lands shall be situated; and where any matter is authorized or required to be done by 2 Justices, the expression "Two Justices:" "2 Justices" shall be understood to mean 2 or more Justices assembled and acting together.

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"Quarter Sessions." The expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act; and if such expression be not there defined it shall mean the General or Quarter Sessions of the peace which shall be held at the place nearest to the Market or Fair, or the principal office thereof, for the county or place in which the Market or Fair is situate, or for some division of such county having a separate commission of the peace.

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Holding of Markets, &c.

And with respect to the holding of the Market or Fair, and the protection thereof, be it enacted as follows:

Notice before opening of Market, &c. **12.** Before the Market or Fair shall be opened for public use the Undertakers shall give not less than 10 days' notice of the time when the same will be opened, and such notice shall be given by the publication thereof in some newspaper circulating within the limits of the special Act, and by printed handbills posted on some conspicuous place within those limits.

Sales elsewhere than in Markets prohibited. **13.** After the Market Place is opened for public use every person other than a licensed hawker who shall sell or expose for sale in any place within the prescribed limits, except in his own dwelling place or shop, any articles in respect of which tolls are by the special Act authorized to be taken in the Market, shall for every such offence be liable to a penalty not exceeding 40*s*.

Market Days. **14.** After the Market place or place for Fairs is opened for public use the Undertakers shall hold Markets and Fairs therein on the prescribed days (if any), and on such other days as the Undertakers shall appoint from time to time by any bye-law to be made in pursuance of this or the special Act.

Unwholesome Meat, &c. **15.** Every person who shall sell or expose for sale any unwholesome meat or provisions in the Market or Fair shall be liable to a penalty not exceeding £5 for every such offence; and any Inspector of provisions appointed by the Undertakers may seize such unwholesome meat or provisions, and carry the same before a Justice, and thereupon such proceedings shall be had as are herein-after directed to be had in the case of any cattle or carcase seized in any slaughter-house and carried before a Justice; and every person who shall obstruct or hinder the Inspector of provisions from seizing or carrying away such unwholesome meat or provisions shall be liable to a penalty not exceeding £5 for every such offence.

Obstructing Market, &c., Keeper. **16.** Every person who shall assault or obstruct any person appointed by the Undertakers to superintend the Market or Fair, or to keep order therein, whilst in the execution of his duty, shall for every such offence be liable to a penalty not exceeding 40*s*.

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Weighing of Goods and Carts.

And with respect to weighing goods and carts, be it enacted as follows:

Weights and Measures. **21.** The Undertakers shall provide sufficient and proper weighing houses or places for weighing or measuring the commodities sold in the Market or Fair, and shall keep therein proper weights, scales, and measures, according to the standard weights and measures for the time being for weighing such commodities as aforesaid, and shall appoint proper persons to attend to the weighing or measuring such commodities at all times during which the Market or Fair is holden.

Weighing. **22.** Every person selling or offering for sale any articles in the Market or Fair shall, if required so to do by the buyer, cause the same to be weighed or measured by the weights and scales or measures provided by the Undertakers; and any such person who shall refuse, on demand, to cause such articles to be weighed or measured in manner aforesaid, shall be liable to a penalty not exceeding 40*s*.

Refusing to Weigh. **23.** Every person appointed by the Undertakers to weigh or measure any articles sold in the Market or Fair who shall refuse or neglect to weigh or measure the same when required shall be liable to a penalty not exceeding 40*s*.

Machines for Weighing Carts laden. **24.** The undertakers shall provide sufficient and proper buildings or places for weighing carts in which goods are brought for sale within the Market or Fair or the prescribed limits, and shall keep therein machines and weights proper for that purpose, and shall from time to time appoint a person in every such building or place to afford the use of such machines to the public by weighing such carts, with or without their loading, as may be required.

Carts to be Weighed on Request. **25.** The driver of every such cart shall, at the request of the buyer or seller of such goods, or his agent, take such cart, with or without the loading thereof, to the nearest of the said weighing machines, and shall permit the same to be weighed; and if such cart be weighed with its load thereupon the driver shall, if required, take such cart after its load has been discharged to the weighing machine nearest to such place of discharge, and permit it to be re-weighed without such load; and if any such driver shall for the purposes aforesaid be required to take such cart a greater distance than half a mile, including the going to and returning from such machines respectively, the owner of the cart shall be paid for every horse which shall be used in drawing such cart twopence for the first half mile, and a like sum for every additional half mile; and such payment shall be made by the person requiring such cart to be weighed as aforesaid before the driver thereof shall be obliged to take it aforesaid for the purpose of having it weighed.

Refusing to take Carts to be Weighed, &c.

26. The driver of any such cart who shall not, upon being so requested as aforesaid, and having such payment made or tendered as aforesaid, take the same to such weighing machine as herein-before directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the person requiring such cart to be weighed a sum not exceeding 20*s*.

Frauds by Drivers, &c.

27. Every driver of any such cart weighed at any weighing machine to be provided in pursuance of this or the special Act who shall commit any of the following offences shall be liable to a penalty not exceeding £5 for each offence; (that is to say,)

If he at the time of weighing any such cart knowingly have anything in or about the same other than the proper loading thereof:

If he alter any ticket denoting the weight of any such cart or the loading of the same:

If he make or use, or be privy to making or using, any ticket falsely stating the weight of any such cart or the loading thereof:

If he, after the weighing of any such cart with the loading thereof, remove any part of such loading, and afterwards dispose of or attempt to dispose of or represent the residue of such loading as being the full loading denoted by such ticket:

If he, between the time when the cart and the loading thereof have been so weighed and the time when such cart is weighed without such loading, change the wheels of such cart, or make any other change upon it after being required to allow such cart to be weighed without the loading thereof:

If he be guilty of any other fraudulent contrivance to misrepresent the weight of any such cart or of the loading thereof.

Frauds by Buyers or Sellers.

28. If the buyer or seller of any goods brought in any cart for sale within the Market or Fair, and which shall be required to be weighed as aforesaid, shall do anything to such cart or its loading whereby the true weight thereof respectively shall be altered before such weighing, he shall for every such offence be liable to a penalty not exceeding £5.

Frauds by Machine Keeper.

29. The person for the time being appointed to keep any weighing machine provided in pursuance of this or the special Act shall be liable to a penalty not exceeding £5 in any of the following cases; (that is to say,)

If he willfully neglect, on application, duly to weigh any cart, with or without its loading, as the case may be, that is brought to the machine kept by him to be weighed:

If he do not fairly weigh every such cart, with or without loading, as the case may be:

If he do not deliver to the buyer or seller of any such loading, or to any person interested therein, on application, a ticket or account specifying the true weight of such cart, with or without such loading, as may be required:

If he give to the driver of any such cart a false ticket or account of the weight of such cart, with or without the loading thereof:

If he weigh any cart, with or without its loading, knowing that anything had been done to such cart or to the loading thereof to alter the true weight thereof respectively:

If he knowingly assist in or connive at any fraud concerning the weighing of any cart or the loading thereof, or make or connive at making any false representation of the weight of the same respectively.

Frauds by other Parties.

30. Every person who shall knowingly act or assist in committing any fraud respecting the weighing or weight of any cart, or the loading thereof, in pursuance of this or the special Act, shall for every such offence be liable to a penalty not exceeding £5.

Tolls.

And with respect to the stallages, rents, and tolls[a] to be taken by the Undertakers, be it enacted as follows:

Demand of Tolls, &c.

31. Unless it be otherwise provided by the special Act, the Undertakers shall not demand or receive any stallage, rent, or toll until the Market Place or Place for a Fair or Slaughter-house in respect of the use of which the same shall be demanded shall be completed and fit for the use of the persons resorting thereunto.

Evidence that Market, &c., is completed.

32. A certificate under the hand of any 2 Justices shall be conclusive evidence that the same is completed and fit for public use as aforesaid; and any such Justices shall sign such certificate on proof being adduced to them that the Market Place or Place for a Fair or Slaughter-house is so completed and fit for public use.

Stallages, &c.

33. The several stallages, rents, or tolls payable in respect of the Market or Fair or Slaughter-house shall be paid from time to time, on demand, to the Undertakers or the Collector, or other person authorized by the Undertakers to receive the same.

Tolls to be prepaid.

34. The tolls payable in respect of weighing or measuring marketable commodities, or carts with or without goods, shall be paid to the person authorized by the Undertakers to weigh or measure the same by the persons bringing such marketable commodities or carts to be weighed or measured, before the same are weighed or measured.

Toll for Cattle

35. The tolls in respect of cattle brought to the Market for sale shall become due as soon as the cattle in respect whereof they are demandable are brought into the Market Place, and before the cattle are put into any pen, or tied up in such Market Place; and if the cattle be not removed within one hour after the close of the Market another toll shall become due in respect of the cattle so omitted to be removed.

(*a*) Tolls to be levied by a Local Board must be sanctioned by the Local Government Board.

Stallages, &c., may be varied.

36. The Undertakers may from time to time change the stallages, rents, and tolls to be taken in respect of the Market or Fair, or for the Slaughter-houses, or for weighing and measuring, provided that the stallages, rents, and tolls in no case exceed the amounts authorized by the special Act.

Excessive Tolls.

37. Every person who shall demand or receive a greater toll than that authorized to be taken under the provisions of this or the special Act shall for every such offence be liable to a penalty not exceeding 40*s*.

Recovery of Tolls.

38. If any person liable to the payment of any stallage, rent, or toll authorized by this or the special Act to be taken do not pay the same when demanded, the Undertakers or their lessee, or any person authorized by the Undertakers or their lessee to collect the same, may levy the same in *England* or *Ireland* by distress, and in *Scotland* by poinding and sale, of all or any of the cattle or other articles in respect of which such stallage, rent, or toll is payable, or of any other cattle or other articles in the Market belonging to the person liable to pay such stallage, rent, or toll, or under his charge, or such tolls may be recovered in any court having competent jurisdiction.

Disputes.

39. If any dispute arise concerning any such stallage, rent, or toll, such dispute shall be determined in *England* or *Ireland* by a Justice, and in *Scotland* by the Sheriff, and such Justice or Sheriff shall, on application made to him, determine the same, and make such order therein, and award such costs to either party, as to him shall seem proper; and in default of payment, on demand, of the money which shall be so awarded, and of the costs, the same shall be forthwith levied in *England* or *Ireland* by distress, and in *Scotland* by poinding and sale, and the Justice or Sheriff, shall issue his warrant accordingly.

Obstructing Collector.

40. Every person who shall assault or obstruct any person authorized to collect any stallage, rent, or toll authorized by this or the special Act, shall for every such offence be liable to a penalty not exceeding 40*s*.

List of Tolls, &c., to be set up.

41. The Undertakers or their lessee shall from time to time cause to be painted on boards, or to be printed and attached to boards, in large and legible characters, a list of the several stallages, rents, and tolls from time to time payable under this and the special Act, and shall cause a board containing such list to be conspicuously set up and continued in the Market or Fair, and in each weighing house and Slaughter-house provided by the Undertakers, to which each such list shall relate, and no stallage, rent or toll shall be payable during the time such list is not so set up, or for anything not specified therein: Provided always, that if such list shall be destroyed, injured or obliterated, the stallages, rents, and tolls shall continue to be payable during such time as shall be reasonably required for the restoration of such list, in the same manner as if such list had continued in the state required by this Act.

Bye-laws.

And with respect to the bye-laws to be made by the Undertakers be it enacted as follows:

Purposes for which Bye-laws may be made.

42. The Undertakers may from time to time make such bye-laws as they think fit for all or any of the following purposes; (that is to say,)

For regulating the use of the Market Place and Fair, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto:

For fixing the days, and the hours during each day, on which the Market or Fair shall be held:

For inspection of the Slaughter-houses, and for keeping the same in a cleanly and proper state, and for removing filth and refuse at least once in every 24 hours, and for requiring that they be provided with a sufficient supply of water, and preventing the exercise of cruelty therein:

For regulating the Carriers resorting to the Market or Fair, and fixing the rates for carrying articles carried therefrom within the limits of the special Act:

For regulating the use of the weighing machines provided by the Undertakers, and for preventing the use of false or defective weights, scales, or measures:

For preventing the sale or exposure for sale of unwholesome provisions in the Market or Fair:

And the Undertakers may from time to time, as they shall think fit, repeal or alter any such bye-laws; provided always, that such bye-laws shall not be repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act, or of any Act incorporated therewith; and such bye-laws shall be reduced to writing under the common seal of the Undertakers if they be a body corporate, or the hands and seals of 2 of the Undertakers if they be not a body corporate, and, if affecting other persons than the officers and servants of the Undertakers, shall be printed and published as herein provided.

Bye-laws may prescribe Penalties

43. The Undertakers, by the bye-laws so to be made by them, may impose such reasonable penalties as they shall think fit, not exceeding £5 for each breach of such bye-laws; provided that every such bye-law shall be so framed as to allow the Justices or Sheriff before whom any penalty imposed thereby shall be sought to be recovered to order the whole or part only of such penalty to be paid.

Bye-laws must be approved by Secretary of State.

44. No bye-laws made under the authority of this or the special Act (except such as may relate solely to the officers or servants of the Undertakers) shall come into operation until the same shall be allowed in the manner prescribed by the Special Act, or, if no manner be prescribed, until the same shall be allowed by the Justices at Quarter Sessions if the Market or Fair be in *England* or *Ireland*, or the Sheriff if the Market or Fair be situate in *Scotland*, and in either case approved *under the Hand of One of Her Majesty's Principal Secretaries of State*;[a] and it shall be incumbent on the Justices at Quarter Sessions, or the Sheriff, as the case may be, on the request of the Undertakers, to examine into the bye-laws which may be tendered to them for that purpose and to allow of or disallow the same, as to them may seem meet.

(*a*) Now the seal of the Local Government Board in respect of Local Board Bye-laws. The approval of Justices in Quarter Sessions does not seem to be now needed.

Notice of allowance of Bye-laws.

45. Provided always, that no such bye-law shall be allowed in manner herein mentioned unless notice of the intention to apply for an allowance of the same shall have been given in one or more newspapers of the county in which the Market or Fair shall be situated, or, if there be no newspaper in such county, in one or more newspapers of the adjoining county, one month at least before the hearing of such application; and any party aggrieved by any such bye-law, on giving notice of the nature of his objection to the Undertakers 10 days before the hearing of the application for the allowance thereof may, by himself or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one party to be heard upon the same matter of objection.

Inspection of proposed Bye-laws.

46. For one month at least before any such application for allowance of any bye-law a copy of such proposed bye-laws shall be kept at the principal office of the Undertakers, and shall be put up in some conspicuous place in the Market Place or Fair, and all persons at all reasonable times may inspect such copy without fee or reward, and the Undertakers shall furnish every person who shall apply for the same with a copy thereof or of any part thereof, on payment of 6*d.* for every 100 words so to be copied.

Publication of Bye-laws.

47. The said bye-laws shall be published in the prescribed manner, and when no manner of publication is prescribed they shall be printed, and the Clerk of the Undertakers shall give a printed copy thereof to every person applying for the same without charge, and a copy thereof shall be painted or placed on boards, and put up in some conspicuous part of the principal office of the Undertakers, and also in some conspicuous place in the Market Place or Fair, and such boards, with the bye-laws thereon, shall be renewed from time to time as occasion shall require, and shall be open to inspection without fee or reward; and in case the said Clerk shall not permit the same to be inspected at all reasonable times he shall for every such offence be liable to a penalty not exceeding £5.

Bye-laws to be binding.

48. All bye-laws made and confirmed according to the provisions of this and the special Act, when so published and put up, shall be binding upon and be observed by all parties, and shall be a sufficient warrant for all persons acting under the same.

Proof of publication of Bye-laws.

49. The production of a written or printed copy of the bye-laws requiring confirmation by the Court of Quarter Session or the Sheriff, authenticated by the signature of the Judge or of the Chairman of the Court or the Sheriff who shall have approved of the same, and requiring approval under the *hand of one of Her Majesty's Principal Secretaries of State*,(a) and a written or printed copy of the bye-laws not requiring such confirmation or approval, authenticated by the common seal of the Undertakers if they be a body corporate, or under the hands of the Undertakers if not incorporated, or any two of them, shall be evidence of the existence and making of such bye-laws in all cases of prosecution under the same, without proof of the signature of such Judge, Chairman, or Sheriff, or *such Secretary of State*, or the common seal or signature of the Undertakers; and with respect to the proof of the publication of any such bye-laws, it shall be sufficient to prove that a painted board containing a copy thereof was put up and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged that such board was replaced or restored as soon as conveniently might be, unless proof be adduced by the party complained against that such painted board did not contain a copy of such bye-laws, or was not duly put up or continued as directed by this Act.

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(a) Now the seal of the Local Government Board in respect of Local Board Bye-laws.

230

10 VICT., c. 15.

An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Gasworks for supplying Towns with Gas.[a] *(23d April, 1847.)*

WHEREAS it is expedient to comprise in one General Act sundry provisions usually contained in Acts of Parliament authorizing the Construction of Gasworks for supplying Towns with Gas, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves: Be it enacted, &c.,

Extent of Act.

1. This Act shall extend only to such Gasworks as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith, and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, with the clauses of every other Act which shall be incorporated therewith, from part of such Act, and be construed therewith as forming one Act.

Interpretations in this Act:

And with respect to the construction of this Act and any Act incorporated therewith, be it enacted as follows:

"Special Act:"
"prescribed:"

2. The expression "the special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the construction of Gasworks, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act," had been used; and the expression "the

"the Lands:"
"the Undertaking:"
"the Undertakers:"

lands" shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression "the Undertaking" shall mean the Gasworks and the Works connected therewith by the special Act authorized to be constructed; and the expression "the Undertakers" shall mean the persons by the special Act authorized to construct the Gasworks.

Interpretations in this and the Special Act:

3. The following words and expressions in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby asigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Number: Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number:

Gender: Words importing the masculine gender shall include females:

"Person:" The word "Person" shall include Corporation, whether aggregate or sole:

"Lands:" The word "Lands" shall include messuages, lands, tenements, and hereditaments or heritages of any tenure:

"Street:" The word "Street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place within the limits of the special Act:

"the Gasworks:" The expression "the Gasworks" shall mean the Gasworks and the works connected therewith by the special Act authorized to be constructed:

"Gas Rate:" The expression "Gas Rate" shall include any rent, reward, or payment to be made to the Undertakers for a supply of gas:

"Month:" The word "Month" shall mean calendar month:

"Superior Courts:" The expression "Superior Courts," where the matter submitted to the cognizance of the superior Courts arises in *England* or *Ireland*, shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the case may require, and shall include the Court of Common Pleas of the County Palatine

(a) This Act, which is amended by the "Gas Works Clauses Act, 1871" (34 & 35 Vict., c. 41), is incorporated by the "Gas and Water Facilities Act, 1870" (33 & 34 Vict., c. 70, § 10).

of *Lancaster* and the Court of Please of the County of *Durham;* and where such matter arises in *Scotland* it shall mean the Court of Session:

"Oath:" The word "Oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath:

"County:" The word "County" shall include riding or other division of a county having a separate Commission of the Peace, and in *Scotland* Stewartry, and any ward or other division of a county or stewartry having a separate Sheriff; and it also include county of a city or county of a town:

"Justice:" The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and where any matter shall be authorized or required to be done by 2 Justices, the expression "2 Justices" shall be understood to mean 2 or more Justices met and acting together:

"Two Justices:"

* * * * * * * * *

"Quarter Sessions:" The expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act; and if such expression be not there defined it shall mean the Court of General or Quarter Sessions of the Peace which shall be held at the place nearest to the Gasworks, or the principal office thereof, for the county or place in which the Gasworks are situate, or for some division of such county having a separate Commission of the Peace.

Citing the Act.

And with respect to citing this Act or any part thereof, be it enacted as follows:

Short Title. **4.** In citing this Act in other Acts of Parliament and in legal instruments it shall be enough to use the expression "The Gasworks Clauses Act, 1847."

Form in which Portions of Act may be incorporated. **5.** For the purpose of incorporating part only of this Act with any Act hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act, with the exception of the clauses so described, shall be incorporated with such Act, and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act; and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

Laying of Pipes.

And with respect to the breaking up of streets for the purpose of laying pipes, be it enacted as follows:

Power to break up Streets, &c., and to open Drains. **6.** The Undertakers, under such superintendence as is hereafter specified, may open and break up the soil and pavement of the several streets and bridges within the limits of the special Act, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works, and from time to time, repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas, and for the purposes aforesaid may remove and use all earth and materials in and under such streets and bridges, and they may in such streets erect any pillars, lamps, and other works, and do all other acts which the Undertakers shall from time to time deem necessary for supplying gas to the inhabitants of the district included within the said limits, doing as little damage as may be in the execution of the powers hereby or by the special Act granted, and making compensation for any damage which may be done in the execution of such powers.

Not to enter on private Land without Consent. **7.** Provided always, That nothing herein shall authorize or empower the Undertakers to lay down or place any pipe or other works into, through, or against any building, or in any land, not dedicated to public use, without the consent of the owners and occupiers thereof; except that the Undertakers may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this or the special Act or any other Act of Parliament, and may repair or alter any pipe so laid down.

Notice to be served before breaking up Streets, &c. **8.** Before the Undertakers proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the persons under whose control or management the same may be, or to their Clerk, Surveyor, or other Officer, notice in writing of their intention to open or break up the same, not less than 3 clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

Streets or Drains not to be broken up except under Superintendence. **9.** No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by 2 Justices; and such Justices may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the Undertakers to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain; provided always, that if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the Undertakers' intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to

Proviso.

superintend the operation, the Undertakers may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets, &c., broken up to be reinstated.

10. When the Undertakers open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such road or pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be opened or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for 3 months after replacing and making good the same, and for such further time, if any not being more than 12 months in the whole, as the soil so broken up shall continue to subside.

Delays in reinstating Streets, &c.

11. If the Undertakers open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the Undertakers are hereby authorized to perform such works without any superintendence or notice, or if the Undertakers make any delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of 3 months next after the same is made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such default is made, a sum not exceeding £5 for every such offence, and they shall forfeit an additional sum of £5 for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

In case of Delay other Parties may reinstate.

12. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the Undertakers; and such expenses may be recovered in the same manner as damages are recoverable under this or the special Act.

Supply of Gas.

And with respect to the supply of gas, and the recovery of the rent to be paid for the same, be it enacted as follows:

Contracts for lighting Streets, &c.

13. The Undertakers may from time to time enter into any contract with any person for lighting or supplying with gas any public or private building, or for providing any person with pipes, burners, meters, and lamps, and for the repair thereof; and may also from time to time enter into any contract with the Commissioners, Trustees, or other persons having the control of the streets within the limits of the special Act for lighting the same or any of them with Gas, and for providing such Commissioners, Trustees, or persons with lamps, lamp posts, burners, and pipes for such purpose, and for the repairs thereof, in such manner and upon such terms as shall be agreed upon between the Undertakers and the said Commissioners, Trustees, or other persons.

Meters.

14. The Undertakers may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for the gas, for such remuneration in money as shall be agreed upon between the Undertakers and any Person to whom the same may be so let, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Undertakers for gas; and such meters and fittings shall not be subject to distress, or to the Landlord's hypothec for rent of the premises where the same may be used, nor to be taken in execution under any process of a Court of Law or Equity, or any Fiat or Sequestration in Bankruptcy against the Person in whose possession the same may be.

Undertakers may enter Buildings to ascertain Gas consumed.

15. The Clerk, Engineer, or other Officer duly appointed for the purpose by the Undertakers may at all reasonable times enter any building or place lighted with gas supplied by the Undertakers, in order to inspect the meters, fittings, and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinder such Officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall for every such offence forfeit to the Undertakers a sum not exceeding £5.

Recovery of Gas Rents.

16. If any Person supplied with gas by virtue of this or the special Act neglect to pay the rent due for the same to the Undertakers, the Undertakers may stop the gas from entering the premises of such person, by cutting off the service pipe, or by such means as the Undertakers shall think fit, and recover the rent due from such person, if less than £20, together with the expense of cutting off the gas, and the costs of recovering the rent, in the same manner as any damages for the recovery of which no special provision is made are recoverable under this or the special Act, or if the rent so due amount to £20 or upwards, the Undertakers may recover the same, together with the expenses of cutting off the gas, by action in any Court of competent jurisdiction.

Removal of Pipes, &c.

17. In all cases in which the Undertakers are authorised to cut off and take away the supply of gas from any house or building or premises, under the provisions of this or the special Act, the Undertakers, their agents or workmen, after giving 24 hours previous notice to the occupier, may enter into any such

house, building, or premises, between the hours of 9 in the forenoon and 4 in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Undertakers.

Undue Use of Gas.

And with respect to waste or misuse of the gas, or injury to the pipes and other works, be it enacted as follows:

Fraudulently using Gas.

18. Every person who shall lay or cause to be laid any pipe to communicate with any pipe, belonging to the Undertakers without their consent, or shall fraudulently injure any such meter as aforesaid, or who, in case the gas supplied by the Undertakers is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the Undertakers, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or who shall otherwise improperly use or burn such gas, or shall supply any other person with any part of the gas supplied to him by the Undertakers, shall forfeit to the Undertakers the sum of £5 for every such offence, and also the sum of 40*s.* for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the Undertakers may take off the gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Wilfully damaging Pipes.

19. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the Undertakers for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by the Undertakers, shall for each such offence forfeit to the Undertakers any sum not exceeding £5, in addition to the amount of the damage done.

Accidentally damaging Pipes.

20. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the Undertakers, or under their control, shall pay such sum of money by way of satisfaction to the Undertakers for the damage done, not exceeding £5, as any 2 Justices or the Sheriff shall think reasonable.

Nuisance from Gas.

And with respect to the provision for guarding against fouling water, or other nuisance from the gas, be it enacted as follows:

Pollution of Waters.

21. If the Undertakers shall at any time cause or suffer to be brought or to flow into any stream, reservoir, or aqueduct, pond or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying gas, or shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water shall be fouled, the Undertakers shall forfeit for every such offence the sum of £200.

Penalty to be sued for within Six Months.

22. The said penalty of £200 shall be recovered, with full costs of suit, in any of the Superior Courts, by the person into whose water such washing or other substance shall be conveyed or shall flow, or whose water shall be fouled by any such act as aforesaid; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within 6 months after it shall have ceased.

Continuing daily Penalty.

23. In addition to the said penalty of £200 (and whether such penalty shall have been recovered or not) the Undertakers shall forfeit the sum of £20 (to be recovered in the like manner) for each day during which such washing or other substance shall be brought or shall flow as aforesaid, or the act by which such water shall be fouled shall continue after the expiration of 24 hours from the time when notice of the offence shall have been served on the Undertakers by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby, and such penalty shall be paid to such last-mentioned person.

Escape of Gas.

24. Whenever any gas shall escape from any pipe laid down or set up by or belonging to the Undertakers, they shall, immediately after receiving notice thereof in writing, prevent such gas from escaping; and in case the Undertakers shall not within 24 hours next after service of such notice effectually prevent the gas from escaping, and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of £5 for each day during which the gas shall be suffered to escape after the expiration of 24 hours from the service of such notice.

Contamination of Water by Gas.

25. Whenever any water within the limits of the special Act shall be fouled by the gas of the Undertakers, they shall forfeit to the person whose water shall be so fouled for every such offence a sum not exceeding £20, and a further sum not exceeding £10 for each day during which the offence shall continue after the expiration of 24 hours from the service of notice of such offence.

Examination of Gas Pipes.

26. For the purpose of ascertaining whether such water be fouled by the gas of the Undertakers the person to whom the water supposed to be fouled shall belong may dig up the ground and examine the pipes, conduits, and works of the Undertakers; provided that such person, before proceeding so to dig and examine, shall give 24 hours notice in writing to the Undertakers of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the control or management of the road, pavement, or place where such digging is to take place; and they shall be subject to the like obligation of reinstating the said road and pavement, and the same penalties for delay or any nonfeasance or misfeasance therein, as are herein-before provided with respect to roads and pavements broken up by the Undertakers for the purpose of laying their pipes.

Expenses to abide Result.

27. If, upon any such examination, it appear that such water has been fouled by any gas belonging to the Undertakers, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the Undertakers; but if upon such examination it appear that the

water has not been fouled by the gas of the Undertakers, the person causing such examination to be made shall pay all such expenses, and shall also make good to the Undertakers any injury which may be occasioned to their works by such examination.

How Expenses to be ascertained.

28. The amount of the expenses of every such examination and repair, and of any injury done to the Undertakers, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made are to be ascertained and recovered.

Indictment for Nuisance.

29. Nothing in this or the special Act contained shall prevent the Undertakers from being liable to an indictment for nuisance, or to any other legal proceeding to which they may be liable, in consequence of making or supplying gas.

Profits of the Company.

And with respect to the amount of profit to be received by the Undertakers when the gasworks are carried on for their benefit, be it enacted as follows:

Profits limited.

30. The profits of the undertaking to be divided amongst the Undertakers in any year shall not exceed the prescribed rate, or where no rate is prescribed they shall not exceed the rate of £10 in the £100 by the year on the paid-up capital in the undertaking, which in such case shall be deemed the prescribed rate, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate.

If Profits exceed limit, Excess to form a Reserve Fund.

31. If the clear profits of the Undertaking in any year amount to a larger sum than is sufficient, after making up the deficiency in the divisions of any previous year as aforesaid, to make a dividend at the prescribed rate, the excess beyond the sum necessary for such purpose shall from time to time be invested in Government or other securities; and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to the prescribed sum, or if no sum be prescribed a sum equal to one-tenth of the nominal capital of the Undertakers, which sum shall form a reserved fund to answer any deficiency which may at any time happen in the amount of divisible profits, or to meet any extraordinary claim or demand which may at any time arise against the Undertakers; and if such fund be at any time reduced, it may thereafter be again restored to the said sum, and so from time to time as often as such reduction shall happen.

Reserve Fund.

32. Provided always, That no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim, unless it be first certified in *England* or *Ireland* by 2 Justices, and in *Scotland* by the Sheriff, that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim within the meaning of this or the special Act.

When Fund amounts to prescribed Sum.

33. When such fund shall, by accumulation or otherwise, amount to the prescribed sum, or one-tenth of the nominal capital of the Company, as the case may be, the interest and dividends thereon shall no longer be invested, but shall be applied to any of the general purposes of the Undertaking to which the profits thereof are applicable.

If Profits are less than the prescribed Rate.

34. If in any year the profits of the undertaking divisible amongst the Undertakers shall not amount to the prescribed rate, such a sum may be taken from the reserved fund as, with the actual divisible profits of such year, will enable the Undertakers to make a dividend of the amount aforesaid, and so from time to time as often as the occasion shall require.

If Profits are more than the prescribed Amount, a Reduction to be made in the Price of Gas.

35. In *England* or *Ireland* the Court of Quarter Sessions, and in *Scotland* the Sheriff, may, on the petition of any two gas ratepayers within the limits of the special Act, nominate and appoint some accountant or other competent Person, not being a Proprietor of any Gasworks, to examine and ascertain, at the expense of the Undertakers (the amount of such expense to be determined by the said Court or Sheriff), the actual state and condition of the concerns of the Undertakers, and to make report thereof to the said Court at the then present or some following Sessions or to the Sheriff; and the said Court or Sheriff may examine any witnesses upon oath touching the truth of the said accounts and the matters therein referred to; and if it thereupon appear to the said Court or Sheriff that the profits of the Undertakers for the preceding year have exceeded the prescribed rate, the Undertakers shall, in case the whole of the said reserved fund has been and then remains invested as aforesaid, and in case dividends to the amount herein-before limited have been paid, make such a rateable reduction in the rate for gas to be furnished by them as in the judgment of the said Court or Sheriff shall be proper, but so as such rates, when reduced, shall ensure to the Undertakers (regard being had to the amount of profit before received) a profit as near as may be to the prescribed rate.

Costs of groundless Petition.

36. Provided always, That if, in the case of any petition so presented, it appear to the said Court or Sheriff that there was no sufficient ground for presenting the same, the said Court or Sheriff may, if they or he think fit, order the Petitioner to pay the whole or any part of the costs of or incident to such petition (the amount thereof to be determined by the said Court or Sheriff), and the costs so ordered to be paid shall be recoverable in the same way as damages are recoverable under this or the special Act.

Refusal to produce Books, &c.

37. If the Undertakers shall, for 7 days after being required to produce to the said Court or Sheriff, or to the said accountant or other person as aforesaid, any books of account or other books, bills, receipts, vouchers, or papers relating to the pecuniary affairs of the Undertakers, refuse or neglect to produce such books, bills, receipts, vouchers, or papers, they shall forfeit the sum of £100 for every such refusal or wilful neglect, and the further sum of £10 for every day such refusal or wilful neglect shall continue after the expiration of the said 7 days, such respective penalties to be recovered by any person who will sue for the same, with full costs of suit, in any of the Superior Courts.

Annual Account to be made up, and to be open to inspection.

38. And with respect to the yearly receipt and expenditure of the Undertakers, be it enacted, That the Undertakers shall, in each year after they have begun to supply gas under the provisions of this or the special Act, cause an account in abstract to be prepared of the total receipts and expenditure of all rents or funds levied under the powers of this or the special Act for the year preceding, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified by the Chairman of the Undertakers, and also by the Auditors thereof, if any; and a copy of such annual account, if the gasworks be situated in *England* or *Ireland*, shall be transmitted free of charge to the Clerk of the Peace for the county in which the gasworks are situate, and if the gasworks be situated in *Scotland* such copy shall be transmitted, free of charge as aforesaid, to the Sheriff Clerk of such county, and such transmission shall be made on or before the 31st day of *January* in each year, under a penalty of £20 for each default; and the copy of such account so sent to the said Clerk of the Peace or Sheriff Clerk shall be kept by him, and shall be open to inspection by all persons at all seasonable hours, on payment of 1s. for each inspection.

Tender of Amends.

39. And with respect to tender of amends, be it enacted, That if any person shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof, such person make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made the defendant may, by leave of the Court where such action is pending, at any time before issue joined, pay into Court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Recovery of Damages and Penalties.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices or to the Sheriff, be it enacted as follows:

8 Vict., c. 20, §§ 140-60, as to Damages, &c., incorporated.

40. If the gasworks be in *England* or *Ireland*, the clauses of the "Railways Clauses Consolidation Act 1845," with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, shall be incorporated with this and the special Act; and if the gasworks be in *Scotland*, the Clauses of the "Railways Clauses Consolidation Act *(Scotland)*, 1845," with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the Sheriff or to Justices, shall be incorporated with this and the special Act, and such clauses shall apply to the gasworks and to the Undertakers respectively, and shall be construed as if the word "Undertakers" had been inserted therein instead of the word "Company."

[§ **41** relates to *Ireland* only.]

Justices.

42. All things herein, or in the special Act or any Act incorporated therewith, authorized or required to be done by 2 Justices, may and shall be done in *England* and *Ireland* by any one Magistrate having by law authority to act alone for any purpose with the powers of 2 or more Justices. * * *

[§ **43** relates to the Metropolitan Police District only.]

False Evidence.

44. Every person who, upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

Access to Special Act.

And with respect to access to the special Act, be it enacted as follows:

Copies of Special Act to be kept and be open to Inspection.

45. The Undertakers shall at all times, after the expiration of 6 months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the Printers to Her Majesty, or some of them, and shall also, within the space of such 6 months, deposit in the office of the Clerk of the Peace in *England* or *Ireland*, and of the Sheriff Clerk in *Scotland*, of the county in which the undertaking is situated, a copy of such special Act so printed as aforesaid; and the said Clerk of the Peace and Sheriff Clerk shall receive, and they and the Undertakers respectfully shall keep, the said copies of the special Act, and shall permit all persons interested to inspect the same and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in the 1st year of the reign of her present Majesty, intituled "An Act to compel Clerks of the Peace for counties, and other persons, to take the custody of such documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

7 W. IV. and 1 Vict., c. 83.

Failure to deposit Copies.

46. If the Undertakers fail to keep or deposit as herein-before mentioned any of the said copies of the special Act, they shall forfeit £20 for every such offence, and also £5 for every day afterwards during which such copy shall be not so kept or deposited.

[§ **47** relates to the Metropolis and 10 miles round only.]

Rights of the Crown.

48. And be it enacted, That nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's duties of Customs or Excise, or any other revenue of the Crown, or to extend to or affect any claim of her Majesty in right of her Crown or otherwise howsoever, or any proceedings at Law or in Equity, by or on behalf of her Majesty, in any part of the United Kingdom of *Great Britain* and *Ireland*.

Future General Acts.

49. And be it enacted, That nothing herein or in the special Act contained shall be deemed to exempt the Undertakers from any general Act relating to gasworks, or any Act for improving the sanitary condition of towns and populous districts, which may be passed in the same Session in which the special Act is passed, or any future Session of Parliament.

Act may be amended, &c.

50. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

10 VICT., c. 16.

An Act for consolidating in one Act certain Provisions usually contained in Acts with respect to the Constitution and Regulation of Bodies of Commissioners appointed for carrying on Undertakings of a public nature.(a)

(23rd April, 1847.)

* * * * * * * * *

AND with respect to the mortgages to be executed by the Commissioners, be it enacted as follows:—

Form of mortgage.

75. Every mortgage or assignation in security of rates or their property authorised to be made under the provisions of this or the special Act shall be by deed duly stamped, in which the consideration shall be truly stated: and every such deed shall be under the common seal of the Commissioners if they be a body corporate, or if they be not a body corporate, shall be executed by the Commissioners, or any 5 of them, and may be according to the form in the Schedule (B) to this Act annexed, or to the like effect; and the respective mortgagees or assignees in security shall be entitled one with another to their respective proportions of the rates and assessments or other property comprised in such mortgages or assignations respectively, according to the respective sums in such mortgages or assignations mentioned to be advanced by such mortgagees or assignees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of the priority of advancing such moneys, or of the dates of any such mortages or assignations respectively.

Register of mortgages.

76. A register of mortgages or assignations in security shall be kept by the Clerk to the Commissioners, and where by the special Act the Commissioners are authorized or required to raise separate sums on separate rates or other property, a separate register shall be kept for each class of mortgages or assignations in security, and within 14 days after the date of any mortgage or assignation in security an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any person interested in any such mortgage or assignation in security without fee or reward.

Transfers of mortgages.

77. Any person entitled to any such mortgage or assignation may transfer his right and interest therein to any other person; and every such transfer shall be by deed duly stamped, wherein the consideration shall be duly stated; and every such transfer may be according to the form in the Schedule (C) to this Act annexed, or to the like effect.

Register of transfers.

78. Within 30 days after the days of every such transfer, if executed within the United Kingdom, or otherwise within 30 days after the arrival thereof in the United Kingdom, it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage or assignation in security, and for such entry the Clerk may demand a sum not exceeding 5*s.*; and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original mortgage or assignation in security, and the principal and interest thereby secured; and such transferee may in like manner assign or transfer the same again, *toties quoties*; and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, to make void, release or discharge the mortgage or assignation so transferred, or any money thereby secured.

Interest.

79. Unless otherwise provided by any mortgage or assignation in security, the interest of the money borrowed thereupon shall be paid half-yearly to the several parties entitled thereto.

Power to borrow money at a lower rate, to pay off securities at a higher rate.

80. If the Commissioners can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then be in force shall bear, they may borrow such sum at such lower rate as aforesaid, in order to pay off and discharge such securities bearing such higher rate of interest, and may charge the rates and other property which they may be authorized to mortgage or assign in security

(a) The sections here given are incorporated by the "Tramways Act, 1870," § 20.

under this or the special Act, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other moneys borrowed on mortgage or assignation in security.

Repayment of money at a time and place agreed upon.

81. The Commissioners may, if they think proper, fix a period for the repayment of all the principal moneys borrowed under the provisions of this or the special Act, with the interest thereof, and in such case the Commissioners shall cause such period to be inserted in the mortgage deed or assignation in security; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal money and interest, and if no other place of payment be inserted in such deed, such principal and interest shall be payable at the office of the Commissioners.

Repayment of money when no time and place has been agreed upon.

82. If no time be fixed in the mortgage deed or assignation in security for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time after the expiration of 12 months from the date of such deed, demand payment of the principal money thereby secured, with all arrears of interest, upon giving 6 months' previous notice for that purpose, and in the like case the Commissioners may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or creditor, shall be delivered to the Clerk or left at the office of the Commissioners, and if given by the Commissioners, shall be given either personally to such mortgagee or creditor, or left at his residence, or if such mortgagee or creditor be unknown to the Commissioners, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London Gazette* if the office of the Commissioners is in England, the *Edinburgh Gazette* if it is in Scotland, or in the *Dublin Gazette* if it is in Ireland.

Interest to cease on expiration of notice to pay off.

83. If the Commissioners shall have given notice of their intention to pay off any such mortgage or assignation in security at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless, on demand of payment made pursuant to such notice or at any time thereafter, the Commissioners fail to pay the principal and interest due at the expiration of such notice on such mortgage or assignation in security.

Moneys borrowed to be paid off in a limited period.

84. In order to discharge the principal money borrowed as 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 the prescribed part, and if no part be prescribed, one-twentieth part of the sums so borrowed respectively, as a sinking fund to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Exchequer Bills or other Government securities, or in Scotland deposited in one of the banks there incorporated by Act of Parliament or Royal Charter, and to be increased by accumulation in the way of compound interest or otherwise until the same respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof, which the Commissioners shall think ought then to be paid off, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

Mode of paying off.

85. Whenever the Commissioners shall be enabled to pay off one or more of the mortgages or assignations in security which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order in which they shall be paid off by lot among the class to which such one or more of the mortages or assignations in security belong, and shall cause a notice, signed by their Clerk, to be given to the persons entitled to the money to be paid off, pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified, at the expiration of 6 months from the date of giving such notice.

Arrears of interest; receiver.

86. Where by the special Act the mortgagees or assignees in security of the Commissioners are empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due to them, by the appointment of a receiver, then, if within 30 days after the interest accruing upon any such mortgage or assignation in security has become payable, and, after demand thereof in writing, the same be not paid, the mortgagee or assignee in security may, without prejudice to his right to sue for the interest so in arrear in any of the superior Courts, require the appointment of a receiver, by an application to be made as hereinafter provided; and if within six months after the principal money owing upon any such mortgage or assignation in security has become payable, and after demand thereof in writing, the same be not paid, together with all interest due in respect thereof, the mortgagee or assignee in security, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior Courts, may, if his debt amount to the prescribed sum alone, or if his debt do not amount to the prescribed sum, he may in conjunction with other mortgagees or assignees in security, whose debts being so in arrear, after demand as aforesaid, together with his amount to the prescribed sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

Arrears of principal and interest.

Appointment of receiver.

87. Every application for a receiver in the cases aforesaid shall in England or Ireland be made to 2 Justices, and in Scotland to the Sheriff, and on any such application such Justices or Sheriff may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the rates or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest or until such principal and interest as the case may be, together with all costs, including the charges of receiving the rates or sums aforesaid, be fully paid; and upon such appointment being made, all such rates and sums of money as aforesaid, or such part thereof as may be ordered by the said Justices or Sheriff, shall be paid to the person so to be appointed, and the money so paid shall be so much money

received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed, and after such interest and costs, or such principal, interest, and costs, has been so received, the power of such receiver shall cease.

Inspection of account books.

88. The books of account of the Commissioners shall be open at all seasonable times to the inspection of the respective mortgagees or assignees in security of the Commissioners, with liberty to take extracts therefrom without fee or reward.

SCHEDULES TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (B.) § 75.

Form of Mortgage.

By virtue of [*here name the Special Act*], we [*here name the Corporation if the Commissioners be incorporated, or, if not incorporated,* 5 of the Commissioners,] appointed in pursuance of the said Act, in consideration of the sum of paid to the Treasurer, to the said Commissioners by *A.B.* of for the purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such proportion of the rates, rents, profits, and other monies arrising or accruing by virtue of the said Act from [*here describe the rates or other property proposed to be mortgaged*] as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates, rents, profits, or monies, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this day until the said sum of with interest at per centum per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of years from the date hereof [*in case any period be agreed upon for that purpose*]). Given under our Corporate Seal [*or*, in witness whereof we have hereunto set our hands and seals, *as the case may be*], this day of one thousand eight hundred and

SCHEDULE (C.) § 77.

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain mortgage, number made by "the Commissioners for executing the [*here name the Special Act*] to bearing date the day of for securing the sum of and interest [*or, if such transfer be by endorsement,* the within security], and all my right, estate, and interest in and to the money thereby secured, and in and to the rates, rents, profits or other monies thereby assigned. In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and

10 VICT., c. 17.

An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Waterworks for supplying Towns with Water.(a) *(23d April, 1847.)*

WHEREAS it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament authorizing the construction of Waterworks for supplying towns with water, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves: Be it enacted, &c.,

[§ 1 is almost identical word for word with § 1 of the "Gas Works Clauses Act, 1847."]

And with respect to the construction of this Act and any Act incorporated therewith, be it enacted as follows: Interpretations in this Act:

2. The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction of Waterworks, and with which this Act shall be incorporated; and the word "prescribed" used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; and the expression "the Lands and Streams" shall mean the lands and streams of water which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression "the Undertaking" shall mean the Waterworks, and the works connected therewith, by the special Act authorized to be constructed; and the expression "the Undertakers" shall mean the persons by the special Act authorized to construct the Waterworks. "Special Act:" "prescribed:" "the Lands and Streams:" "the Undertaking:" "the Undertakers."

3. The following words and expressions, in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say), Interpretations in this and the Special Act:

* * * * * * * * *

The word "Streams" shall include springs, brooks, rivers, and other running waters: "Streams:"

* * * * * * * * *

The expression the "Waterworks" shall mean the waterworks, and the works connected therewith, by the special Act authorized to be constructed: "the Waterworks:"

The expression "Water Rate" shall include any rent, reward, or payment to be made to the Undertakers for a supply of water: "Water Rate:"

* * * * * * * * *

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and if such matter arise in respect of lands or streams situated not wholly in one jurisdiction, shall mean a Justice acting for the county or place where any part of such lands or streams shall be situated; and where any matter is authorized or required to be done by 2 Justices, the expression "2 Justices" shall be understood to mean 2 or more Justices met and acting together: "Justice:" "Two Justices:"

* * * * * * * * *

The expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act, and if such expression be not there defined it shall mean the Court of General or Quarter Sessions of the Peace which shall be held at the place nearest to the Waterworks or the principal Office thereof, for the county or place in which the Waterworks, or the principal Office thereof, is situate, or for some division of such county having a separate Commission of the Peace: "Quarter Sessions:"

(a) The whole Act is incorporated by the "Gas and Waterworks Facilities Act, 1870" (33 & 34 Vict., c. 70 §, 10).

"The Town Commissioners:" The expression "the Town Commissioners" shall mean the Parties defined under that title in the special Act, and where no such Parties shall be there defined shall mean the Commissioners, Trustees, or other Parties having the control or management of the streets under any Act for paving or improving the town or district to be supplied with water under the special Act:

"Inspector." The word "Inspector" shall mean an Officer appointed under any Local Act relating to the town or district supplied with water under the special Act for the purpose of inspecting or superintending works connected with the paving, drainage, or supply of water of such town or district, or an Officer appointed under any General Act for executing the like duties with respect to such town or district together with other towns or districts.

[The words and expressions "Number," "Gender," "Person," "Lands," "Street," "Month," "Superior Courts," "Oath," "County," "Sheriff," are defined exactly as in the "Gasworks Clauses Act, 1847."]

Citing the Act.

And with respect to citing this Act or any part thereof, be it enacted as follows:

Short Title. **4.** In citing this Act in other Acts of Parliament, and in legal instruments, it shall be enough to use the expression "The Waterworks Clauses Act, 1847."

[§ 5 is identical with § 6 of the "Gas Works Clauses Act, 1847."]

Construction of Waterworks.

And with respect to the construction of the Waterworks, be it enacted as follows:

Construction of Waterworks to be subject to this Act and 8 Vict., c. 18. **6.** Where by the special Act the Undertakers shall be empowered, for the purpose of constructing or supplying Waterworks, to take or use any lands or streams otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject to the provisions and restrictions contained in this Act, and if the Waterworks be situated in *England* or *Ireland*, to the provisions and restrictions contained in the "Lands Clauses Consolidation Act, 1845," and if the Waterworks be situated in *Scotland*, the provisions and restrictions contained in the "Lands Clauses Consolidation, *Scotland*, Act, 1845," and shall make to the owners and occupiers of and all other parties interested in any lands or streams taken or used for the purposes of the special Act, or injuriously affected by the construction or maintenance of the works thereby authorized, or otherwise by the execution of the powers thereby conferred, full compensation for the value of the lands and streams so taken or used, and for all damage sustained by such owners, occupiers, and other persons, by reason of the exercise, as to such lands and streams, of the powers vested in the Undertakers by this or the special Act, or any Act incorporated therewith; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be determined in the manner provided by the said "Lands Clauses Consolidation Acts" respectively for determining questions of compensation with regard to lands purchased or taken under the provisions thereof, and all the provisions of the said last-mentioned Acts respectively shall be applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction thereof.

Errors in Plans, &c., may be corrected by Justices, &c. **7.** If any omission, mis-statement, or wrong description shall have been made of any lands or streams, or of the owners, lessees, or occupiers of any lands or streams, described on the plans or books of reference deposited in compliance with the standing orders of either House of Parliament, or in the schedule to the special Act, the Undertakers, after giving 10 days' notice to the owners, lessees, and occupiers of the lands and streams affected by such proposed correction, may apply, in *England* or *Ireland*, to 2 Justices, and in *Scotland* to the Sheriff, for the correction thereof; and if it appear to such Justices or Sheriff that such omission, mis-statement, or wrong description arose from mistake, they or he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate, with the other documents to which it relates, shall be deposited, in *England* or *Ireland*, with the Clerk of the Peace, and in *Scotland* with the Sheriff Clerk of the several counties in which the lands or streams affected thereby are situated, or, where any such lands or streams are situated in a Royal burgh, in *Scotland*, with the Town Clerk of such burgh; and such certificate shall be kept by such Clerks of the Peace, Sheriff Clerks, or Town Clerks respectively with the other documents to which they relate; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and the Undertakers may make the works in accordance with such certificate, as if such omission, mis-statement, or wrong description had not been made.

Works not to be proceeded with until Plans of Alterations authorized have been deposited. **8.** The Undertakers shall not begin to execute the Waterworks unless they shall have previously deposited with the Clerk of the Peace in *England* or *Ireland*, and the Sheriff Clerk in *Scotland*, of every county, and the Town Clerk of every Royal burgh in *Scotland* in which the Waterworks shall be situated, a plan and section of all such alterations from the original plan and section (if any) as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section of the Waterworks, and shall also have deposited with the Parish Clerks of the several parishes in *England*, and the Clerks of the Unions of the several parishes in *Ireland*, and the Schoolmasters of the several parishes in *Scotland*, in which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

Clerks of the Peace, &c., to receive Plans of Alterations, &c **9.** The said Clerks of the Peace, Sheriff Clerks, and Town Clerks, Parish Clerks, Clerks of Unions, and Schoolmasters shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall keep the same, as well as the said original plans and sections, and shall allow all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by an Act passed in the 1st year of the reign of Her Majesty,

intituled "An Act to compel Clerks of the Peace for counties, and other persons, to take the custody of such documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament." 7 W. IV. & 1 Vict. c. 83.

10. Copies of the said plans and books of reference, or of any alteration or correction thereof, or extracts therefrom, certified by any such Clerk of the Peace, Sheriff Clerk, or Town Clerk, which certificate such Clerk shall give to all parties interested, when required, shall be received in all Courts of Justice or elsewhere as evidence of the contents thereof. Evidence of Plans and Alterations.

11. The Undertakers in constructing the Waterworks shall not deviate from the line of the works laid down in the said plan more than the prescribed number of yards, and where no number of yards is prescribed not more than 10 yards, nor in any case to any greater extent than the line of lateral deviation described in the said plans with respect to such works, nor take nor use, for the purpose of such deviation, the lands of any persons not mentioned in the books of reference without his previous consent in writing, unless the name of such person shall have been omitted by mistake, and the fact that such omission happened from mistake shall have been certified in manner herein-before provided. Limits of Deviation.

12. Subject to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, the Undertakers may execute any of the following works for constructing the Waterworks; (that is to say), Undertakers, subject to this and Special Act, may execute the Works.

They may enter upon any lands and other places described on the said plans and in the said books of reference, and take levels of the same, and set out such parts thereof as they shall think necessary, and dig and break up the soil of such lands, and trench and sough the same, and remove or use all earth, stone, mines, minerals, trees, or other things dug or gotten out of the same:

They may from time to time sink such wells or shafts, and make, maintain, alter, or discontinue such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings, upon the lands and streams authorized to be taken by them, as they shall think proper, for supplying the inhabitants of the town or district within the prescribed limits with water:

They may from time to time divert and impound the water from the streams mentioned for that purpose in the special Act, or the said plans or books of reference, and alter the course of any such streams, not being navigable, and also take such waters as may be found in and under or on the lands to be taken for constructing the works:

Provided always, that in the exercise of the said powers the Undertakers shall do as little damage as can be, and in all cases where it can be done shall provide other watering places, drains, and channels for the use of adjoining lands, in place of any such as shall be taken away or interrupted by them, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers. Compensation for Damages.

13. Every person who shall wilfully obstruct any person acting under the authority of the Undertakers in setting out the line of the works, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or deface or destroy any works made for the same purpose, shall be liable to a penalty not exceeding £5 for every such offence. Obstructing Construction of Works.

14. After the streams or supplies of water hereby or by the special Act authorized to be taken by the Undertakers shall have been so taken, every person who shall illegally divert or take the waters supplying or flowing into the streams so taken, or any part thereof, or who shall do any unlawful act whereby the said streams or supplies of water may be drawn off or diminished in quantity, and who shall not immediately repair the injury done by him, on being required so to do by the Undertakers, so as to restore the said waters to the state in which they were before such act, shall forfeit to the Undertakers any sum which shall be awarded, in *England* or *Ireland*, by 2 Justices, and in *Scotland* by the Sheriff, not exceeding £5 for every day during which the said supply of water shall be diverted or diminished by reason of any act done by or by the authority of such person, and any sum so forfeited shall be in addition to the sum which he may be lawfully adjudged liable to pay to the Undertakers for any damage which they may sustain by reason of their supply of water being diminished; and the payment of the sum so forfeited shall not bar or affect the right of the Undertakers to bring or raise an action at law against such person for the damage so committed. Illegally diverting Water.

15. Provided always, That nothing herein contained shall prevent the owners and occupiers for the time being of lands through or by which such streams shall flow from using the waters thereof in such manner and to such extent as they might have done before the passing of the special Act, unless they shall have received compensation in respect of their right of so using such water. Reservation of Rights.

And with respect to the construction of works for the accommodation of lands adjoining the Waterworks, be it enacted as follows: *Accommodation Works.*

16. Where by the special Act the Undertakers shall be required to erect any works for making good the interrruption caused to any lands adjoining or near the Waterworks, or otherwise, for the accommodation of such lands, then, if any difference shall arise respecting the construction of any such accommodation works, or the kind or size or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined, in *England* or *Ireland* by 2 Justices, and in *Scotland* by the Sheriff, and such Justices or Sheriff shall also appoint the time within which such accommodation works shall be begun and finished by the Undertakers. Differences as to Accommodation Works to be settled by Justices.

17. If the Undertakers shall, for 14 days next after the time appointed by such Justices or Sheriff for the beginning of any such accommodation works, fail to begin such works, or, having begun such works, Failure to execute such Works.

fail diligently to execute the same in a sufficient manner, the person aggrieved by such failure may execute such works or repairs; and the reasonable expenses thereof shall, on demand, be repaid by the Undertakers to the person by whom the same shall so have been executed; and if there be any dispute about the amount or nature of such expenses, the same shall be settled in *England* or *Ireland* by 2 Justices. * * *

Mines.

And with respect to mines, be it enacted as follows:

Undertakers not entitled to Mines unless purchased.

18. The Undertakers shall not be entitled to any mines of coal, ironstone, slate, or other minerals under any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the Waterworks, unless the same shall have been expressly purchased, and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

Plan of underground Works.

19. The Undertakers shall from time to time within 6 months from the time at which any pipes, conduits, or underground works shall have been laid down or formed by them, cause a survey and map to be made of the district within which any such pipes or underground works shall be laid, on a scale not less than one foot to a mile, and shall cause to be marked thereon the course and situation of all existing pipes or conduits for the collection, passage, or distribution of water, and underground works belonging to them, in order to show all such underground works within the said district, and shall, within 6 months from the making of any alterations or additions, cause the said map to be from time to time corrected, and such additions made thereto as may show the line and situation of all such pipes, conduits, and underground works as may be laid down or formed by them from time to time after the passing of the special Act; and such map and plan, or a copy thereof, with the date expressed thereon of the last time when the same shall have been so corrected as aforesaid, shall be kept in the office of the Undertakers, and shall be open to the inspection of all persons interested in the same within the said district.

Copies of such Plan to be deposited.

20. The Undertakers shall from time to time within 3 months from the time at which any such map or plan, or any such correction thereof or addition thereto, shall have been made as aforesaid, deposit with the Clerks of the Peace in *England* or *Ireland*, and with the Sheriff Clerks in *Scotland*, of every county, and the Town Clerk of every burgh in *Scotland*, in which such district or any part thereof may be situate, and also with the Parish Clerks of the several parishes in *England*, and Clerks of the Union of the several parishes in *Ireland*, and the schoolmasters of the several parishes in *Scotland*, in which such underground works shall be situate, copies of the said map or plan, with all such particulars, and all such corrections and additions as aforesaid, so far as relates to such counties, burghs, and parishes respectively.

Clerks of the Peace, &c., to receive Copies of the Map, &c.

21. The said Clerks of the Peace, Sheriff Clerks, and Town Clerks, Parish Clerks, Clerks of the Union, and Schoolmasters shall receive the said copies of the said map and plan respectively, and shall keep the same, and shall allow all persons interested to inspect the same, and take copies or extracts of and from the same, in the like manner, and upon the like terms, and under the like penalty for default as is provided in the case of maps and plans deposited under an Act passed in the 1st year of the reign of her Majesty, intituled "An Act to compel Clerks of the Peace for Counties, and other persons, to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House or Parliament."

7 W. IV. & 1 Vict. c. 83.

Working of Mines near the Works.

22. Except where otherwise provided for by agreement between the Undertakers and other parties, if the owner, lessee, or occupier of any mines or minerals lying under the reservoirs, or buildings belonging to the Undertakers, or under any of their pipes or works which shall be under ground, and shall be described in the map or plan which shall be so kept and deposited as herein-before mentioned, or within the prescribed distance, if any, and if no distance be prescribed within 40 yards therefrom, be desirous of working the same, such owner, lessee, or occupier shall give the Undertakers notice in writing of his intention so to do 30 days before the commencement of working; and upon the receipt of such notice it shall be lawful for the Undertakers to cause such mines to be inspected by any person appointed by them for the purpose, and if it appear to the Undertakers that the working of such mines or minerals is likely to damage the said works, and if they be willing to make compensation for such mines to such owner, lessee, or occupier thereof, then he shall not work the same; and if the Undertakers and such owner do not agree as to the amount of such compensation the same shall be settled as in other cases of disputed compensation.

Taking of Mines

Working of Mines by owners,

23. If before the expiration of such 30 days the Undertakers do not state their willingness to treat with such owner, lessee, or occupier for the payment of such compensation, it shall be lawful for him to work the said mines, and to drain the same, by means of engines or otherwise, as if this Act and the special Act had not been passed, so that no wilful damage be done to the said works, and so that the said mines be not worked in an unusual manner; and if any damage or obstruction be occasioned to the works of the Undertakers by the working of such mines in an unusual manner, the same shall be forthwith repaired or removed (as the case may require), and such damage made good, by the owner, lessee, or occupier of such mines or minerals, and at his own expense; and if such repair or removal be not forthwith done, or, if the Undertakers shall so think fit, without waiting for the same to be done by such owner, lessee, or occupier, it shall be lawful for the Undertakers to execute the same, and recover from such owner, lessee, or occupier the expense occasioned thereby by action in any of the Superior Courts.

Mining Communications.

24. If the working of any such mines under the said works of the Undertakers or within the above-mentioned distance therefrom be prevented as aforesaid by reason of apprehended injury to such works, it shall be lawful for the respective owners, lessees, and occupiers of such mines to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata, the working

whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work any mines or minerals on each or either side thereof, but no such airway, headway, gateway, or water level shall be of greater dimensions or sections than the prescribed dimensions or sections, and where no dimensions are prescribed 8 feet wide and 8 feet high, nor shall the same be cut or made upon any part of the said works so as to injure the same.

Compensation to Owner.

25. Except where otherwise provided for by agreement, the Undertakers shall from time to time pay to the owner, lessee, or occupier of any mines of coal, ironstone, and other minerals, extending so as to lie on both sides of any reservoirs, buildings, pipes, conduits, or other works, all such additional expenses and losses as shall be incurred by such owner, lessee, or occupier by reason of the severance of the lands over such mines or minerals by such reservoirs or other works, or if the continuous working of such mines or minerals being interrupted as aforesaid, or by reason of the same being worked under the restrictions contained in this or the special Act, and for any mines or minerals not purchased by the Undertakers which cannot be obtained by reason of making and maintaining the said works, or by reason of such apprehended injury from the working thereof as aforesaid; and if any dispute or question shall arise between the Undertakers and such owner, lessee, or occupier as aforesaid, touching the price of such minerals, the same shall be settled by arbitration in such manner as is provided by the "Lands Clauses Consolidation Act" if the undertaking shall be situate in *England* or *Ireland*. * * * 8 Vict., c. 18.

Power to enter and inspect Mines.

26. For better ascertaining whether any such mines are being worked or have been worked so as to damage the said works, it shall be lawful for the Undertakers, after giving 24 hours notice in writing to enter upon any lands through or near which the said works are situate, and wherein any such mines are being worked or are supposed so to be, and to enter into and return from any such mines or the works connected therewith, and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the said works to the parts of such mines which are being worked or about to be worked.

Actions for Injury done to Mines.

27. Nothing in this or the special Act shall prevent the Undertakers from being liable to any action or other legal proceeding to which they would have been liable for any damage or injury done or occasioned to any mines by means or in consequence of the Waterworks, in case the same had not been constructed or maintained by virtue of this Act or the special Act.

And with respect to the breaking up of streets for the purpose of laying pipes, be it enacted as follows:

Laying of Pipes.

Power to break up Streets, &c., and to open Drains.

28. The Undertakers, under such superintendence as is herein-after specified, may open and break up the soil and pavement of the several streets and bridges within the limits of the special Act, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other Acts which the Undertakers shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits, doing as little damage as can be in the execution of the powers hereby or by the special Act granted, and making compensation for any damage which may be done in the execution of such powers.

Not to enter on private Land without Consent.

29. Provided always, that nothing herein contained shall authorize or empower the Undertakers to lay down or place any pipe, conduit, service pipe, or other work in any land not dedicated to public use without the consent of the owners and occupiers thereof, except that the Undertakers at any time may enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this or the special Act, or any other Act of Parliament, and may repair or alter any pipe so laid down.

Notice to be served before breaking up Streets, &c.

30. Before the Undertakers open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the persons under whose control or management the same may be, or to their Clerk, Surveyor, or other Officer, notice in writing of their intention to open or break up the same, not less than 3 clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

[§§ **31—4** are almost word for word identical with §§ 9—12 of the "Gas works Clauses Act, 1847."]

And with respect to the supply of water to be furnished by the Undertakers, be it enacted as follows:

Supply of Water.

Supply to be constant and at high Pressure.

35. The Undertakers shall provide and keep in the pipes to be laid down by them a supply of pure and wholesome water, sufficient for the domestic use of all the inhabitants of the town or district within the limits of the special Act, who, as herein-after provided, shall be entitled to demand a supply, and shall be willing to pay water rate for the same; and such supply shall be constantly laid on at such a pressure as will make the water reach the top story of the highest houses within the said limits, unless it be provided by the special Act that the water to be supplied by the Undertakers need not be constantly laid on under pressure; and the Undertakers shall cause pipes to be laid down and water to be brought to every part of the town or district within the limits of the special Act whereunto they shall be required by so many owners or occupiers of houses in that part of the town or district, as that the aggregate amount of water rate payable by them annually at the rates specified in the special Act shall be not less than one-tenth part of the expense of providing and laying down such pipes; provided that no such requisition shall be binding on the Undertakers unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for 3 successive years at least.

Neglect to lay Pipes.

36. If, for 28 days after demand in writing made to the Undertakers, and tender made of an agreement signed by such number of owners or occupiers as aforesaid to take and pay for a supply of water for 3 years or more, the Undertakers shall refuse or neglect to lay down pipes in the manner herein-before directed, and to provide such supply of water as aforesaid, or as provided by the special Act, they shall forfeit to each of such owners and occupiers the amount of rate which he would be liable to pay under such agreement, and also the further sum of 40*s.* for every day during which they shall refuse or neglect to lay down such pipes or to provide such supply of water; provided always, that the Undertakers shall not be liable to any penalty for not supplying water if the want of such supply shall arise from frost, unusual drought, or other unavoidable cause or accident.

Proviso.

Supply of Water for Sewers, &c., and for other public Purposes.

37. In all the pipes to which any fireplug shall be fixed the Undertakers shall provide and keep constantly laid on, unless prevented by frost, unusual drought, or other unavoidable accident, or during necessary repairs, a sufficient supply of water for the following purposes; (that is to say,) for cleansing the sewers and drains, for cleansing and watering the streets, and for supplying any public Pumps, Baths, or Wash-houses that may be established for the free use of the inhabitants, or paid for out of any poor rates or borough rates levied within the limits of the special Act; and such supply shall be provided at such rates, in such quantities, and upon such terms and conditions as may be agreeded upon by the Town Commissioners and the Undertakers, or, in case of disagreement, as shall be settled, in *England* or *Ireland* by 2 Justices, and in *Scotland* by the Sheriff, until in either case an Inspector shall have been appointed, and after the appointment of such Inspector by the Inspector so appointed.

Fireplugs.

Fireplugs to be fixed

38. The Undertakers, at the request of the Town Commissioners, shall fix proper fireplugs in the main and other pipes belonging to them, at such convenient distances, not being more than the prescribed distance, or if no distance be prescribed not more than 100 yards from each other, and at such places as may be most proper and convenient for the supply of water for extinguishing any fire which may break out within the limits of the special Act; and in case of any difference of opinion as to the proper position or number of such fireplugs, it shall be settled by such Inspector as aforesaid, when appointed, and in the meantime by 2 Justices in *England* or *Ireland*, and by the Sheriff in *Scotland*.

Repair of Fireplugs; Keys thereof.

39. The Undertakers shall from time to time renew and keep in effective order every such fireplug; and as soon as any such fireplug is completed they shall deposit a key thereof at each place within the limits of the special Act where any public fire engine is kept, and in such other places as may be appointed by the Town Commissioners, and shall put up a public notice in some conspicuous place in each street in which such fireplug is situated, showing its situation, which notice the Undertakers may put up on any house or building in such street.

Expense of Fireplugs.

40. The cost of such fireplugs, and the expense of fixing, placing, and maintaining the same in repair, and of providing such keys as aforesaid, shall be defrayed by the Town Commissioners.

Fireplugs near Manufactories.

41. The Undertakers shall, at the request and expense of the owner or occupier of any work or manufactory situated in any street in which there shall be a pipe of the Undertakers, place and maintain in effective order a fireplug (to be used only for extinguishing fires) as near as conveniently may be to such work or manufactory.

Pipes to be kept charged: Fires.

42. The Undertakers shall at all times keep charged with water, under such pressure as aforesaid, all their pipes to which fireplugs shall be fixed, unless prevented by frost, unusual drought, or other unavoidable cause or accident, or during necessary repairs, and shall allow all persons at all times to take and use such water for extinguishing fire, without making compensation for the same.

Refusal to fix, &c., Fireplugs; Failure of Water.

43. If, except when prevented as aforesaid, the Undertakers neglect or refuse to fix, maintain, or repair such fireplugs, or to furnish to the Town Commissioners a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, they neglect to keep their pipes charged under such such pressure as aforesaid, or neglect or refuse to furnish to any owner or occupier entitled under this or the special Act to receive a supply of water during any part of the time for which the rates for such supply have been paid or tendered, they shall be liable to a penalty of £10, and shall also forfeit to the Town Commissioners, and to every person having paid or tendered the rate, the sum of 40*s.* for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the Undertakers of the want of supply.

Pipes to be laid by the Undertakers.

And with respect to the communication pipes to be laid by the Undertakers, be it enacted as follows:

Undertakers to lay Pipes on request.

44. The Undertakers shall, upon the request of the owner of any dwelling house in any street in which pipes shall have been laid down by them, the annual value of which house shall not exceed £10, or upon request of the occupier, with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner, and upon payment or tender of the proportion of water rate in respect of such house by this or the special Act made payable in advance, lay down communication pipes and other necessary works for the supply of such house with water for domestic or other purposes, and shall keep the same in repair, and thereupon the occupier of such house shall be entitled to have a sufficient supply of water for his domestic purposes from the Undertakers; and the Undertakers may charge for such pipes and works, in addition to the water rate, such reasonable annual rent as shall be agreed upon, or in case of dispute, as shall be settled by such Inspector as aforesaid, when appointed, and in the meantime as shall in *England* or *Ireland* be settled by 2 Justices, and in *Scotland* by the Sheriff; and such rent shall be chargeable on and recoverable from the occupier, or, in his default, from the owner of such house, at the same times and in the same manner as water

rates; and such pipes and other works shall not be subject to distress or to the Landlord's hypothec for rent nor to be taken in execution under any process of a Court of Law or Equity, or under any fiat or sequestration in bankruptcy, against such occupier or against such owner, unless he shall have become the proprietor of the said pipes and works under the provisions herein-after contained.

Refusal to lay Pipes.

45. If upon such request and consent, and upon tender or payment of such proportion of rate as aforesaid, the Undertakers for 7 days neglect or refuse to lay down such communication pipes or other works, they shall be liable to forfeit to the person so making such request the sum of £5, and a further sum of 40*s.* for every day during which such refusal or neglect shall continue after 7 days from the making of such request and tender as aforesaid.

Undertakers at liberty to remove Pipes, and recover expenses.

46. If the occupier for the time being of the house in which any such communication pipes or other works and engines shall have been laid down by the Undertakers refuse to pay for a supply of water, or if such house be unoccupied for 12 months, the Undertakers may demand from the owner thereof payment of the amount of the principal money invested by them in providing and laying down such communication pipes and other works and engines; and if such owner, after 10 days notice given to him by the Undertakers, neglect or refuse to pay such principal money, the Undertakers may enter the house and remove such pipes and other works; and the balance of such principal money, after deducting the value of such pipes and other works, with all arrear of rent for such pipes and works, shall, in default of payment, be recovered, with the costs incurred, from the owner or from the occupier for the time being in the same manner as water rates are directed by this or the special Act to be recovered: provided always, that no greater sum shall be recovered from any such occupier than the amount of rent for the time being owing by him, unless he refuse to discover the amount of rent owing by him; and that every such occupier shall be entitled to deduct from the amount of rent payable by him the sum so recovered from him, or which he shall have paid, on demand.

Proviso.

Owner at liberty to purchase Pipes.

47. The owner or reputed owner of any house where any such communication pipes or other works shall have been laid down by the Undertakers may at any time pay off the amount then due to the Undertakers in respect of the cost of providing and laying down such pipes and works, and all rent to that time due in respect thereof, and thereupon such pipes and works shall become the property of such owner, and all further rent in respect thereof shall cease to accure to the Undertakers.

And with respect to the communication pipes to be laid by the Inhabitants, be it enacted as follows:

Pipes to be laid by the Inhabitants.

Power to Inhabitants to lay Service Pipes.

48. Any owner or occupier of any dwelling house or part of a dwelling house within the limits of the special Act who shall wish to have water from the Waterworks of the Undertakers brought into his premises, and who shall have paid or tendered to the Undertakers the portion of water rate in respect of such premises, by this or the special Act directed to be paid in advance, may open the ground between the pipes of the Undertakers and his premises, having first obtained the consent of the owners and occupiers of such ground, and lay any leaden or other pipes from such premises, to communicate with the pipes of the Undertakers, such pipes to be of a strength and material to be approved of by the Undertakers, or, in case of dispute, to be settled in *England* or *Ireland* by 2 Justices, and in *Scotland* by the Sheriff, or in either case by the Inspector to be appointed as aforesaid: provided always, that every such owner or occupier shall, before he begins to lay any such pipe, give to the Undertakers 14 days notice of his intention to do so.

Communication Pipes.

49. Before any pipe is made to communicate with the pipes of the Undertakers, the person intending to lay such pipe shall give 2 days notice to the Undertakers of the day and hour when such pipe is intended to be made to communicate with the pipes of the Undertakers; and every such pipe shall be so made to communicate under the superintendence and according to the directions of the Surveyor or other Officer appointed for that purpose by the Undertakers, unless such Surveyor or Officer fail to attend at the time mentioned in the said notice; and in case of any dispute as to the manner in which such pipe shall be so made to communicate, it shall in *England* or *Ireland* be settled by 2 Justices, and in *Scotland* by the Sheriff, or in either case by the Inspector to be appointed as aforesaid.

Bore of Service Pipes.

50. The bore of any such pipe as last aforesaid shall not exceed the prescribed limits, and where no limit shall be prescribed it shall not exceed half an inch, except with the consent of the Undertakers.

Removal of Service Pipes.

51. Any person who shall have laid down any pipe or other works, or who shall have become the proprietor thereof, may remove the same, after having first given 6 days notice in writing to the Undertakers of his intention so to do, and of the time of such proposed removal; and every such person shall make compensation to the Undertakers for any injury or damage to their pipes or works which may be caused by such removal; and every person who shall remove any such pipe or other works without giving such notice as aforesaid shall forfeit to the Undertakers a sum not exceeding £5, over and above the damage which he may be found liable to pay in any action at law, at the suit of the Undertakers, for the damage done to their pipes or works.

Power to Inhabitants to break up pavements.

52. Any such owner or occupier may open or break up so much of the pavement of any street as shall be between the pipe of the Undertakers and his house, building, or premises, and any sewer or drain therein, for any such purpose as aforesaid, doing as little damage as may be, and making compensation for any damage done in the execution of any such work: provided always, that every such owner or occupier desiring to break up the pavement of any street, or any sewer or drain therein, shall be subject to the same necessity of giving previous notice, and shall be subject to the same control, restriction, and obligations in and during the time of breaking up the same, and also reinstating the same, and to the same penalties for any delay in regard thereto, as the Undertakers are subject to by virtue of this or the special Act.

Owners or Occupiers entitled to demand water.

53. Every owner and occupier of any dwelling house or part of a dwelling house within the limits of the special Act shall, when he has laid such communication pipes as aforesaid, and paid or tendered the water rate payable in respect thereof, according to the provisions of this and the Special Act, be entitled to demand and receive from the Undertakers a sufficient supply of water for his domestic purposes.

Protection of Water.

And with respect to waste or misuse of the water supplied by the Undertakers, be it enacted as follows:

Persons using the water to provide cisterns and cocks.

54. If by the Special Act it be provided that the water to be supplied by the Undertakers need not be constantly laid on under pressure, every person supplied with water shall, when required by the Undertakers, provide a proper cistern to hold the water with which he shall be so supplied, with a ball and stop cock, in the pipe bringing the water from the works of the Undertakers to such cistern, and shall keep such cistern, ball and stop cock, in good repair, so as effectually to prevent the water from running to waste; and in case any such person shall, when required by the Undertakers, neglect to provide such cistern, ball or stop cock, or to keep the same in good repair, the Undertakers may cut off the pipe or turn off the water from the premises of such person until such cistern and ball and stop cock shall be provided or repaired, as the case may require.

Cisterns &c., out of repair.

55. Every person supplied with water by the Undertakers who shall suffer any such cistern, pipe, ball or stop cock, to be out repair, so that the water supplied to him by the Undertakers shall be wasted, shall forfeit to the Undertakers for every such offence a sum not exceeding £5.

Undertakers may repair cisterns, &c.

56. The Undertakers may repair any such cistern, pipe, ball or stop cock, so as to prevent any such waste of water, and the expenses of such repair shall be repaid to them by the person so allowing the same to be out of repair, and may be received [*sic*] as damages.

Power to Surveyor of Undertakers to enter houses to inspect, &c.

57. The Surveyor, or any other person acting under the authority of the Undertakers, may, between the hours of 9 of the clock in the forenoon and 4 of the clock in the afternoon, enter into any house or premises supplied with water by virtue of this or the special Act, in order to examine if there be any waste or misuse of such water; and if such Surveyor or other person at any such time be refused admittance into such dwelling house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the Undertakers may turn off the water supplied by them from such house or other premises.

Allowing persons to use water.

58. Every owner or occupier of any tenement supplied with water under this or the special Act who shall supply to any other person or wilfully permit him to take any such water from any cistern or pipe in such tenement, unless for the purpose of extinguishing any fire, or unless he be a person supplied with water by the Undertakers, and the pipes belonging to him be, without his default, out of repair, shall forfeit to the Undertakers for every such offence a sum not exceeding £5.

Taking water without agreement.

59. Every person who, not having agreed to be supplied with water by the Undertakers, shall take any water from any reservoir, watercourse, or conduit belonging to the Undertakers, or any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the Undertakers, other than such as may have been provided for the gratuitous use of the public, shall forfeit to the Undertakers for every such offence a sum not exceeding £10.

Destroying valves, &c.

60. Every person who shall wilfully or carelessly break, injure, or open any lock, cock, valve, pipe, work, or engine belonging to the Undertakers, or shall flush or draw off the water from the reservoirs or other works of the Undertakers, or shall do any other wilful act whereby such water shall be wasted, shall forfeit to the Undertakers for every such offence a sum not exceeding £5.

Fouling the Water.

And with respect to the provisions for guarding against fouling the water of the Undertakers, be it enacted as follows:

Causing the water of the Undertakers to be fouled, &c.

61. Every person who shall commit any of the offences next herein-after enumerated shall for every such offence forfeit to the Undertakers a sum not exceeding £5; (that is to say,)

Every person who shall bathe in any stream, reservoir, aqueduct, or other waterworks belonging to the Undertakers, or wash, throw, or cause to enter therein any dog or other animal:

Every person who shall throw any rubbish, dirt, filth, or other noisome thing in any such stream, reservoir, aqueduct, or other waterworks as aforesaid, or wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing:

Every person who shall cause the water of any sink, sewer, or drain, steam engine, boiler, or other filthy water belonging to him or under his control, to run or be brought into any stream, reservoir, aqueduct, or other waterworks belonging to the Undertakers, or shall do any other act whereby the water of the Undertakers shall be fouled:

And every such person shall forfeit a further sum of 20s. for each day (if more than one) that such last-mentioned offence shall be continued.

Fouling of water by gas refuse.

62. Every person making or supplying gas within the limits of the special Act who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct, or waterworks belonging to the Undertakers, or into any drain communicating therewith, any washing or other substance which shall be produced in making or supplying gas, or who shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, or waterworks shall be fouled, shall forfeit to the Undertakers for every such offence the sum of £200; and such penalty shall be recovered, with full costs of suit, in any of the Superior Courts; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within 6 months after it has ceased.

Continuing daily penalty.

63. In addition to the said penalty of £200, and whether such penalty have been recovered or not, the person making or supplying gas as aforesaid shall forfeit to the Undertakers the sum of £20, to be recovered in like manner, for each day during which such washing or substance shall be brought or shall flow as aforesaid, or during which the Act shall continue by which such water is fouled, after the expiration in either case of 24 hours from the time when notice of the offence has been served on such person by the Undertakers.

Fouling of water by gas.

64. Whenever the water supplied by the Undertakers shall be fouled by the gas of any person making or supplying gas within the limits of the special Act, such person shall forfeit to the Undertakers for every such offence a sum not exceeding £20, and a further sum not exceeding £10 for each day during which the offence shall continue after the expiration of 24 hours from the service of notice of such offence.

Power to examine gas pipes.

65. For the purpose of ascertaining whether the water of the Undertakers be fouled by the gas of any person making or supplying gas within the limits of the special Act, the Undertakers may dig up the ground, and examine the pipes, conduits, and works of the persons making or supplying gas; provided that before proceeding so to dig and examine the Undertakers shall give 24 hours notice in writing to the person so making or supplying gas of the time at which such digging and examination is intended to take place, and they shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place, and they shall be subject to the like obligation of reinstating the road and pavement, and to the same penalties for delay, or any nonfeasance or misfeasance therein, as herein-before provided with respect to roads and pavements broken up by them for laying their pipes.

Expenses to abide the result of the examination.

66. If upon such examination it appear that such water has been fouled by any gas belonging to such person, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the person making or supplying gas; but if upon such examination it appear that the water has not been fouled by the gas of such person, then the Undertakers shall pay all the expenses of the examination and repair, and also make good to the said person any injury which may be occasioned to his works by such examination.

How expenses to be ascertained.

67. The amount of the expenses of every such examination and repair, and any injury done to the Undertakers, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made are directed to be ascertained and recovered.

Water Rates.

And with respect to the payment and recovery of the water rates, be it enacted as follows:

Rates payable according to annual value.

68. The water rates, except as herein-after and in the special Act mentioned, shall be paid by and be recoverable from the person requiring, receiving, or using the supply of water, and shall be payable according to the annual value of the tenement supplied with water, and if any dispute arise as to such value the same shall be determined by 2 Justices.

Several houses supplied by one pipe.

69. When several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the Undertakers by a separate pipe.

Rates to be paid quarterly.

70. The rates shall be paid in advance by equal quarterly payments, in *England* or *Ireland* at *Christmas-day*, *Lady-day*, *Midsummer-day*, and *Michaelmas-day*, and in *Scotland* at *Martinmas*, *Candlemas*, *Whitsuntide*, and *Lammas*, and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Undertakers, or at the time when the agreement to take water from the Undertakers is made.

Payment for broken quarters.

71. The occupier of any dwelling house or part of a dwelling house liable to the payment of any water rate, who shall give notice of his intention to discontinue the use of the water supplied by the Undertakers, or who shall remove from his dwelling between any 2 quarterly days of payment, shall pay the water rate in respect of such dwelling house or part of a dwelling house for the quarter ending on the quarterly day of payment next after his quitting the same or giving such notice.

Owners of houses not exceeding £10 rent liable.

72. The owners of all dwelling houses or parts of dwelling houses occupied as separate tenements, the annual value of which houses or tenements shall not exceed the sum of £10, shall be liable to the payment of the rates instead of the occupiers thereof; and the powers and provisions herein or in the special Act contained for the recovery of rates from occupiers shall be construed to apply to the owners of such houses and tenements; and the person receiving the rents of any such house or tenement as aforesaid from the occupier thereof, on his own account, or as agent or receiver for any person interested therein, shall be deemed the owner of such house or tenement.

Tenants under existing leases.

73. Provided always, that when any owner shall pay any such rate in respect of any such dwelling house or part of a dwelling house which shall be in the occupation of any tenant under any lease or agreement made prior to the passing of the special Act, such tenant shall repay to the owner all sums which shall be so by him paid during the continuance of such lease, unless it have been agreed that the owner shall pay the water rates in respect of such dwelling house or part of a dwelling house; and every such sum of money payable by the tenant to the owner, under the provision herein-before contained, may be recovered, if the same be not paid upon demand, as arrears of rent could be recovered from the occupier by the said owner.

Recovery of rates.

74. If any person supplied with water by the Undertakers, or liable as herein or in the special Act provided to pay the water rate, neglect to pay such water rate at any of the said times of payment thereof, the Undertakers may stop the water from flowing into the premises in respect of which such rate is payable, by

cutting off the pipe to such premises, or by such means as the Undertakers shall think fit, and may recover the rate due from such person, if less than £20, with the expenses of cutting off the water and costs of recovering the rate, in the same manner as any damages for the recovery of which no special provision is made are recoverable by this or the special Act; or if the rate so due amount to £20 or upwards, the Undertakers may recover the same, with the expenses of cutting off the water, by action, in any Court of competent jurisdiction.

[§§ **75**—**92** are almost word for word identical with §§ 30—47 of the "Gas Works Clauses Act, 1847."]

[§§ **93**—**4** are almost word for word identical with §§ 49—50 of the "Gas Works Clauses Act, 1847."]

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10 & 11 VICT., c. 34.

An Act for consolidating in one Act certain Provisions usually contained in Acts for paving, draining, cleansing, lighting and improving Towns.(a) *(21st June, 1847.)*

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Naming Streets.

Houses to be numbered and streets named.

AND with respect to naming the streets and numbering the houses, be it enacted as follows:

64. The Commissioners shall from time to time cause the houses and buildings in all or any of the streets to be marked with numbers as they think fit, and shall cause to be put up or painted on a conspicuous part of some house, building, or place at or near each end, corner, or entrance of every such street, the name by which such street is to be known:

And every person who destroys, pulls down, or defaces any such number or name, or puts up any number or name different from the number or name put up by the Commissioners, shall be liable to a penalty not exceeding 40*s.* for every such offence.

Renewal of numbers.

65. The occupiers of houses and other buildings in the streets shall mark their houses with such numbers as the Commissioners approve of, and shall renew such numbers as often as they become obliterated or defaced:

And every such occupier who fails, within one week after notice for that purpose from the Commissioners, to mark his house with a number approved of by the Commissioners, or to renew such number when obliterated, shall be liable to a penalty not exceeding 40*s.*, and the Commissioners shall cause such numbers to be marked or to be renewed, as the case may require, and the expense thereof shall be repaid to them by such occupier, and shall be recoverable as damages.

Improving Streets.

And with respect to improving the line of the streets, and removing obstructions, be it enacted as follows:

Houses may be set forward.

66. The Commissioners may allow, upon such terms as they think fit, any building within the limits of this special Act to be set forward, for improving the line of the street in which such building, or any building adjacent thereto, is situated.

Commissioners may purchase houses, &c., for improvements.

67. The Commissioners may agree with the owners of any lands within the limits of the special Act for the absolute purchase thereof, for the purpose of widening, enlarging, or otherwise improving any of the streets, and they shall resell any parts of the lands so purchased which shall not be wanted for the enlargement of the street.

Houses may be set back.

68. When any house or building, any part of which projects beyond the regular line of the street, or beyond the front of the house or building on either side thereof, has been taken down in order to be rebuilt or

(a) The sections here given are incorporated by § 45 of the "Local Government Act, 1858."

altered, the Commissioners may require the same to be set backwards to or toward the line of the street, or the line of the adjoining houses or buildings, in such manner as the Commissioners direct, for the improvement of such street:

Provided always, that the Commissioners shall make full compensation to the owner of any such house or building for any damage he thereby sustains.

Future projections from houses, &c., to be removed on notice.

69. The Commissioners may give notice to the occupier of any house or building to remove or alter any porch, shed, projecting window, step, cellar, cellar door or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, or fence, or any other obstruction or projection erected or placed, after the passing of the special Act, against or in front of any house or building within the limits of the special Act, and which is an obstruction to the safe and convenient passage along any street:

And such occupier shall, within 14 days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a penalty not exceeding 40*s*.

And the Commissioners in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default, and shall be recoverable as damages:

Provided always, that, except in the case in which such obstructions or projections were made or put up by the occupier, such occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

Commissioners may cause existing projections to be removed; compensation.

70. If any such obstructions or projections were erected or placed against or in front of any house or building in any such street before the passing of the special Act, the Commissioners may cause the same to be removed or altered as they think fit:

Provided that they give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such obstruction or projection shall be 30 days before such alteration or removal is begun, and, if such obstructions or projections shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Doors in future to open inwards.

71. All doors, gates, and bars put up after the passing of the special Act within the limits thereof, and which open upon any street, shall be hung or placed so as not to open outwards, except when, in the case of public buildings, the Commissioners allow such doors, gates, or bars to be otherwise hung or placed:

And if (except as aforesaid) any such door, gate, or bar be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall, within 8 days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards:

And in case he neglect so to do, the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him as damages and he shall, in addition, be liable to a penalty not exceeding 40*s*.

Doors opening outwards may be altered.

72. If any such door, gate, or bar was before the passing of the special Act hung so as to open outwards upon any street, the Commissioners may alter the same, so that no part thereof when open shall project over any public way.

Coverings for cellar doors.

73. When any opening is made in any pavement or footpath within the limits of the Special Act, as an entrance into any vault or cellar, a door or covering shall be made by the occupier of such vault or cellar, of iron or such other materials, and in such manner as the Commissioners direct, and such door or covering shall from time to time be kept in good repair by the occupier of such vault or cellar:

Penalty for neglect.

And if such occupier do not within a reasonable time make such door or covering, or if he make any such door or covering contrary to the directions of the Commissioners, or if he do not keep the same when properly made in good repair, he shall for every such offence be liable to a penalty not exceeding £5.

Waterspouts to be affixed.

74. The occupier of every house or building in, adjoining or near to any street shall, within 7 days next after service of an order of the Commissioners for that purpose, put up and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot on the adjoining house, or with a pipe or trunk to be fixed to the front or side of such building from the roof to the ground, to carry the water from the roof thereof, in such manner that the water from such house, or any portico or projection therefrom, shall not fall upon the persons passing along the street, or flow over the footpath:

And in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty not exceeding 40*s*. for every day that he shall so make default.

And with respect to ruinous or dangerous buildings, be it enacted as follows:

Ruinous or dangerous buildings.

Ruinous buildings to be taken down or secured.

75. If any building, or wall, or anything affixed thereon, within the limits of the special Act, be deemed by the Surveyor of the Commissioners to be in a ruinous state, and dangerous to passengers or to the occupiers of the neighbouring buildings, such Surveyor shall immediately cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of such building or wall, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise be given to the occupier thereof, if any, requiring such owner or occupier forthwith to take down, secure, or repair such building, wall, or other thing, as the case shall require:

If owner, &c., neglect to repair, Commissioners may do so, charging owner, &c.

And if such owner or occupier do not begin to repair, take down, or secure such building, wall, or other thing within the space of 3 days after any such notice has been so given or put up as aforesaid, and complete such repairs, or taking down or securing, as speedily as the nature of the case will admit, the said Surveyor may make complaint thereof before 2 Justices, and it shall be lawful for such Justices to order the owner, or in his default the occupier (if any), of such building, wall, or other thing, to take down, rebuild, repair, or otherwise secure, to the satisfaction of such Surveyor, the same or such part thereof as appears to them to be in a dangerous state, within a time to be fixed by such Justices; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Commissioners shall, with all convenient speed, cause all or so much of such building, wall, or other thing as shall be in a ruinous condition, and dangerous as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured in such manner as shall be requisite:

And all the expenses of putting up every such fence, and of taking down, repairing, rebuilding, or securing such building, wall, or other thing, shall be paid by the owner thereof.

Expenses to be levied on owner.

76. If such owner can be found within the limits of the special Act, and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress, and any Justice may issue his warrant accordingly.

If owner cannot be found, or distress be had.

77. If such owner cannot be found within the said limits, or sufficient distress of his goods and chattels within the said limits cannot be made, the Commissioners, after giving 28 days' notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building or on the land whereon such building stood, may take such building or land: provided that such expenses be not paid or tendered to them within the said 28 days, making compensation to the owner of such building or land in the manner provided by the "Lands Clauses Consolidation Act, 1845," in the case of lands taken otherwise than with the consent of the owners and occupiers thereof, and the Commissioners shall be entitled to deduct out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of the said building or land for the purposes of this Act.

Commissioners may sell materials, restoring overplus arising from the sale.

78. If any such house or building as aforesaid, or any part of the same be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building; and the Commissioners shall restore any overplus arising from such sale to the owner of such house or building on demand:

Nevertheless, the Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

Precautions during repairs.

And with respect to precautions during the construction and repair of the sewers, streets, and houses, be it enacted as follows:

Bars and lights to be erected in streets during repairs, &c.

79. The Commissioners shall, during the construction or repair of any of the streets vested in them, and during the construction or repair of any sewers or drains, take proper precaution for guarding against accident, by shoring-up and protecting the adjoining houses, and shall cause such bars or chains to be fixed across or in any of the streets, to prevent the passage of carriages and horses while such works are carried on, as to them shall seem proper:

And the Commissioners shall cause any sewer or drain or other works, during the construction or repair thereof by them, to be lighted and guarded during the night so as to prevent accidents;

And every person who takes down, alters, or removes any of the said bars or chains, or extinguishes any light, without the authority or consent of the Commissioners, shall for every such offence be liable to a penalty not exceeding £5.

Hoards to be set up during repairs.

80. Every person intending to build or take down any building within the limits of the special Act, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be so done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street, with a convenient platform and handrail, if there be room enough, to serve as a footway for passengers, outside of such hoard or fence, and shall continue such hoard or fence, with such platform and handrail as aforesaid, standing and in good condition to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night:

And every such person who fails to put up such fence or hoard, or platform with such handrail as aforesaid, or to continue the same respectively standing and in good condition as aforesaid, during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who does not remove the same when directed by the Commissioners, within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding £5, and a further penalty not exceeding 40*s*. for every day while such default is continued.

Neglect to light deposits of materials, or excavations.

81. When any building materials, rubbish, or other things are laid, or any hole made, in any of the streets, whether the same be done by order of the Commissioners or not, the person causing such materials or other things to be so laid, or such hole to be made, shall, at his own expense, cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sun-setting to sun-rising, while such materials or hole remain:

And such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and enclosed until such materials or other things are removed or the hole filled up or otherwise made secure; and every such person who fails so to light, fence, or enclose such materials, or other things, or such hole, shall for every such offence be liable to a penalty not exceeding £5, and a further penalty not exceeding 40*s.* for every day while such default is continued.

Continuing deposits of materials or excavations, an unreasonable time.

82. In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty not exceeding £5 to be paid for every such offence by the person who causes such materials or other things to be laid or such hole to be made, and a further penalty not exceeding 40*s.* for every day during which such offence is continued after the conviction for such offence:

And in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid, or causing such hole to be made.

Dangerous places to be repaired or enclosed.

83. If any building or hole or any other place near any street be, for want of sufficient repair, protection, or enclosure, dangerous to the passengers along such street, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom:

And the expenses of such repair, protection, or enclosure shall be repaid to the Commissioners, by the owner or the premises so repaired, protected, or enclosed, and shall be recoverable from him as damages.

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10 & 11 VICT., c. 61.

An Act to amend the Act for the Establishment of public Baths and Wash-houses.

(2nd July, 1847.)

9 & 10 Vict., c. 74.

WHEREAS an Act was passed in the last Session of Parliament, intituled "An Act to encourage the establishment of public Baths and Wash-houses:" and whereas it is expedient to afford additional facilities for the establishment of public Baths and Wash-houses and open Bathing Places: be it enacted, &c.

Two Acts to be as one.

1. The recited Act, as amended by this Act, and this Act, shall be construed and be carried into execution as one Act.

Interpretation.

2. The following words and expressions in the recited Act shall have in the said Act and this Act the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

"Parish" shall mean not only every place having separate Overseers of the poor and separately maintaining its own poor, but also every place maintaining its own poor and having a vestry;(a)

"Ratepayers" shall mean all persons for the time being assessed to and paying rates for the relief of the poor of the parish:

"Vestry" shall mean not only a vestry as defined in the said Act, but also any body of persons, by whatever name distinguished, acting by virtue of any Act of Parliament, prescription, custom, or otherwise as or instead of a vestry or select vestry.

(a) See 29 & 30 Vict., c. 113, § 18.

Informalities in appointment of Commissioners.

3. When any person shall have been appointed to the office of Commissioners of public Baths and Wash-houses for any parish before the passing of this Act, the recited Act shall be deemed to have been duly adopted for such parish, notwithstanding that there may have been any defect or irregularity in or in any way concerning such adoption; and all Acts and proceedings of any person in possession of the office of such Commissioner, and acting in good faith as such Commissioner, whether appointed before or after the passing of this Act, shall, notwithstanding his disqualification or want of qualification for or any defect or irregularity in or in any way concerning his appointment to such office, be as valid and effectual as if he were duly qualified, or there had not been any such defect or irregularity.

Incorporation of 8 Vict., c. 18.

4. The "Lands Clauses Consolidation Act, 1845," shall be incorporated with the recited Act and this Act: provided always, that the Council and Commissioners respectively shall not purchase or take any lands otherwise than by agreement.

Accommodation for labouring classes.

5. The number of washing tubs or troughs for the labouring classes in any building or buildings under the management of the same Council or Commissioners shall not be less than twice the number of the washing tubs or troughs of any higher class, if but one, or of all the higher classes if more than one, in the same building or buildings.

Repeal of previous enactments.

6. So much of the recited Act as enacts that the Council and Commissioners respectively may make such reasonable charges for the use of the Baths and Wash-houses and open Bathing Places as they think fit, not exceeding such charges as are mentioned in the schedule (B) to that Act, shall be repealed.

Charges not to exceed those in Schedule.

7. The Council and the Commissioners respectively may from time to time make such reasonable charges for the use of the Baths and Wash-houses and open Bathing Places provided under the recited Act and this Act respectively as they think fit, not exceeding the charges mentioned in the schedule annexed to this Act.

8. This Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE TO WHICH THIS ACT REFERS.

Charges for the Baths and Wash-houses and open Bathing Places.

1. Baths for the Labouring Classes.

Every bath to be supplied with clean water for every person bathing alone, or for several children bathing together, and in either case with one clean towel for every bather.

For one person above 8 years old:

Cold bath, or cold shower bath, any sum not exceeding	One Penny.
Warm bath, or warm shower bath, or vapour bath, any sum not exceeding	Twopence.

For several children, not above 8 years old, nor exceeding 4, bathing together:

Cold bath, or cold shower bath, any sum not exceeding	Twopence.
Warm bath, or warm shower bath, or vapour bath, any sum not exceeding..	Fourpence.

2. Baths of any higher Class.

Such charges as the Council and the Commissioners respectively think fit, not exceeding in any case 3 times the charges above mentioned for the several kinds of baths for the labouring classes.

3. Wash-houses for the Labouring Classes.

Every Wash-house to be supplied with conveniences for washing and drying clothes and other articles:

For the use by one person of one washing tub or trough, and of a copper or boiler (if any), or, where one of the washing tubs or troughs shall be used as a copper or boiler, for the use of one pair of washing tubs or troughs, and for the use of the conveniences for drying:

For one hour only in any one day, any sum not exceeding	One Penny.
For two hours together, in any one day, any sum not exceeding	Threepence.

Any time over the hour or 2 hours respectively, if not exceeding 5 minutes, not to be reckoned.

For 2 hours not together, or for more than 2 hours, in any one day, such charges as the Council and the Commissioners respectively think fit.

For the use of the washing conveniences alone, or of the drying conveniences alone, such charges as the Council and the Commissioners respectively think fit, but not exceeding in either case the charges for the use for the same time of both the washing and the drying conveniences.

4. Wash-houses of any higher Class.

Such charges as the Council and the Commissioners respectively think fit.

5. Open Bathing Places, where several persons bathe in the same water, for one person one halfpenny.

10 & 11 VICT., c. 89.

An Act for consolidating in One Act certain Provisions usually contained in Acts for regulating the Police of Towns.(a)

(22nd July, 1847.)

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Obstructions and Nuisances.

WITH respect to obstructions and nuisances in the streets, be it enacted as follows:

Obstructions in the streets during processions, &c.

21. The Commissioners may from time to time make orders for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets within the limits of the special Act, in all times of public processions, rejoicings, or illuminations, and in any case when the streets are thronged or liable to be obstructed, and may also give directions to the constables for keeping order and preventing any obstruction of the streets in the neighbourhood of theatres and other places of public resort, and every wilful breach of any such order shall be deemed a separate offence against this Act, and every person committing any such offence shall be liable to a penalty not exceeding 40*s*.

Route of stage-carriages, &c., during divine service.

22. On application to the Commissioners by the minister or churchwardens or chapelwardens of any Church, Chapel, or other place of public worship within the limits of the special Act, the Commissioners may make orders for regulating the route by which persons shall drive any cart or carriage, or cattle, or the manner in which they shall drive them, in the neighbourhood of such places of worship, during the hours of divine service on Sunday, Christmas-day, Good Friday, or any day appointed for a public fast or thanksgiving, and any orders so made shall be printed and put up on or near the Church, Chapel, or place of public worship to which the same refer, and in some conspicuous places near and leading thereto, and elsewhere as the Commissioners direct, and every wilful breach of any such order shall be deemed a separate offence against this Act, and every person committing any such offence shall be liable to a penalty not exceeding 40*s*.

Deviating from route by order.

23. No proprietor of any stage-carriage duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the route or line of route specified in his licence, which the driver of such stage-carriage makes in consequence of any regulation or direction made or given by the Commissioners.

Stray cattle may be impounded.

24. If any cattle be at any time found at large in any street within the limits of the special Act, without any person having the charge thereof, any constable or officer of police, or any person residing within the limits of the special Act, may seize and impound such cattle in any common pound within the said limits, or in such other place as the Commissioners appoint for that purpose, and may detain the same therein until the owner thereof pay to the Commissioners a penalty not exceeding 40*s*., besides the reasonable expenses of impounding and keeping such cattle.

Sale of stray cattle.

25. If the said penalty and expenses be not paid within 3 days after such impounding, the pound-keeper, or other person appointed by the Commissioners for that purpose, may proceed to sell or cause to be sold any such cattle:

But previous to such sale 7 days' notice thereof shall be given to or left at the dwelling-house or place of abode of the owner of such cattle, if he be known, or if not, then notice of such intended sale shall be given by advertisement to be inserted 7 days before such sale in some newspaper published or circulated within the limits of the special Act;

And the money arising from such sale, after deducting the said sums and the expenses aforesaid, and all other expenses attending the impounding, advertising, keeping, and sale of any such cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on demand, to the owner of the cattle so sold.

Pound-breach.

26. Every person who releases or attempts to release any cattle from any pound or place where the same are impounded under the authority of this or the special Act, or who pulls down, damages, or destroys the same pound or place, or any part thereof, with intent to procure the unlawful release of such cattle, shall, upon conviction of such offence before any 2 Justices, be committed by them to some common gaol or house of correction for any time not exceeding 3 months.

(a) The sections here given are incorporated by § 44 of the "Local Government Act, 1858."

Pound

27. The Commissioners may purchase a piece of land within the limits of the Special Act for the purpose of a pound for stray animals, and may erect a pound thereon, and such pound when made shall be kept in repair by the Commissioners.

Enumeration of offences.

28. Every person who in any street, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences, shall be liable to a penalty not exceeding 40*s.* for each offence, or in the discretion of the Justice before whom he is convicted, may be committed to prison there to remain for a period not exceeding 14 days; * * * (that is to say,)

Every person who exposes for show, hire, or sale (except in a market or market-place or fair lawfully appointed for that purpose) any horse or other animal, or exhibits in a caravan or otherwise any show or public entertainment, or shoes, bleeds, or farries any horse or animal (except in cases of accident), or cleans, dresses, exercises, trains, or breaks, or turns loose any horse or animal, or makes or repairs any part of any cart or carriage (except in cases of accident where repair on the spot is necessary):

Every person who suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal:

Every owner of any dog who suffers such dog to go at large, knowing or having reasonable ground for believing it to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state:

Every person who, after public notice given by any Justice directing dogs to be confined on account of suspicion of canine madness, suffers any dog to be at large during the time specified in such notice:

Every person who slaughters or dresses any cattle, or any part thereof, except in the case of any cattle over-driven which may have met with any accident, and which for the public safety or other reasonable cause ought to be killed on the spot:

Every person having the care of any waggon, cart, or carriage, who rides on the shafts thereof or who without having reins, and holding the same, rides upon such waggon, cart, or carriage, or on any animal drawing the same, or who is at such a distance from such waggon, cart, or carriage, as not to have due control over every animal drawing the same, or who does not, in meeting any other carriage, keep his waggon, cart, or carriage to the left or near side, or who in passing any other carriage does not keep his waggon, cart, or carriage on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation) or who, by obstructing the street, wilfully prevents any person or carriage from passing him, or any waggon, cart, or carriage under his care:

Every person who at one time drives more than 2 carts or waggons, and every person driving 2 carts or waggons who has not the halter of the horse in the last cart or waggon securely fastened to the back of the first cart or waggon, or has such halter of a greater length from such fastening to the horse's head than 4 feet:

Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle:

Every person who causes any public carriage, sledge, truck, or barrow, with or without horses, or any beast of burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except hackney carriages, and horses and other beasts of draught or burden, standing for hire in any place appointed for that purpose by the Commissioners or other lawful authority), and every person who, by means of any cart, carriage, sledge, truck, or barrow, or any animal or other means, wilfully interrupts any public crossing, or wilfully causes any obstruction in any public footpath or other public thoroughfare:

Every person who causes any tree or timber or iron beam to be drawn in or upon any carriage, without having sufficient means of safely guiding the same:

Every person who leads or rides any horse or other animal, or draws or drives any cart or carriage, sledge, truck, or barrow, upon any footway of any street, or fastens any horse or other animal so that it stands across or upon any footway:

Every person who places or leaves any furniture, goods, wares, or merchandise, or any cask, tub, basket, pail, or bucket, or places or uses any standing-place, stool, bench, stall, or show-board on any footway, or who places any blind, shade, covering, awning, or other projection over or along any such footway, unless such blind, shade, covering, awning, or other projection is 8 feet in height at least in every part thereof from the ground:

Every person who places, hangs up, or otherwise exposes to sale any goods, wares, merchandise, matter, or thing whatsoever, so that the same project into or over any footway, or beyond the line of any house, shop, or building, at which the same are so exposed, so as to obstruct or incommode the passage of any person over or along such footway:

Every person who rolls or carries any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, or log of wood, upon any footway, except for the purpose of loading or unloading any cart or carriage, or of crossing the footway:

Every person who places any line, cord, or pole across any street, or hangs or places any clothes thereon:

Every common prostitute or nightwalker loitering and importuning passengers for the purpose of prostitution:

Every person who wilfully and indecently exposes his person:

Every person who publicly offers for sale or distribution, or exhibits to public view any profane, indecent, or obscene book, paper, print, drawing, painting, or representation; or sings any profane or obscene song or ballad, or uses any profane or obscene language:

Every person who wantonly discharges any firearm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework:

Every person who wilfully and wantonly disturbs any inhabitant, by pulling or ringing any door-bell, or knocking at any door, and who wilfully or unlawfully extinguishes the light of any lamp:

Every person who flies any kite, or who makes or uses any slide upon ice or snow:

Every person who cleanses, hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slacks, sifts, or screens any lime:

Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron or other materials (except building materials, so enclosed as to prevent mischief to passengers):

Every person who beats or shakes any carpet, rug, or mat (except door-mats, beaten or shaken before the hour of 8 in the morning):

Every person who fixes or places any flower-pot or box, or other heavy article, in any upper window, without sufficiently guarding the same against being blown down:

Every person who throws from the roof or any part of any house or other building any slate, brick, wood, rubbish or other thing, except snow thrown so as not to fall on any passenger:

Every occupier of any house or other building or other person who orders or permits any person in his service to stand on the sill of any window, in order to clean, paint, or perform any other operation upon the outside of such window, or upon any house or other building within the said limits, unless such window be in the sunk or basement story:

Every person who leaves open any vault or cellar, or the entrance from any street to any cellar or room underground, without a sufficient fence or handrail, or leaves defective the door, window, or other covering of any vault or cellar, or who does not sufficiently fence any area, pit, or sewer left open, or who leaves such open area, pit, or sewer without a sufficient light after sunset, to warn and prevent persons from falling thereinto:

Every person who throws or lays any dirt, litter, or ashes, or nightsoil, or any carrion, fish, offal, or rubbish on any street, or causes any offensive matter to run from any manufactory, brewery, slaughter-house, butchers' shop, or dung-hill into any street:

Provided always, that it shall not be deemed an offence to lay sand or other materials in any street in time of frost to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the party laying any such things causes them to be removed as soon as the occasion for them ceases:

Every person who keeps any pigsty to the front of any street, not being shut out from such street by a sufficient wall or fence, or who keeps any swine in or near any street, so as to be a common nuisance.

Drunken persons, &c.

29. Every person drunk in any street, and guilty of any riotous or indecent behaviour therein, and also every person guilty of any violent or indecent behaviour in any police office or any police station-house within the limits of the special Act, shall be liable to a penalty not exceeding 40*s.* for every such offence, or, in the discretion of the Justice before whom he is convicted, to imprisonment for a period not exceeding 7 days.

Fires.

And with respect to fires, be it enacted as follows:

Setting chimneys on fire.

30. Every person who wilfully sets or causes to be set on fire any chimney within the limits of the special Act shall be liable to a penalty not exceeding £5:

Provided always, that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be indicted for felony.

Allowing chimneys to catch fire.

31. If any chimney accidently catch or be on fire within the said limits, the person occupying or using the premises in which such chimney is situated shall be liable to a penalty not exceeding 10*s.*:

Provided always, that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justice before whom the case is heard that such fire was in nowise owing to omission, neglect, or carelessness of himself or servant.

Fire-engines and firemen may be provided.

32. The Commissioners may purchase or provide such engines for extinguishing fire, and such water-buckets, pipes, and other appurtenances for such engines, and such fire-escapes and other implements for safety or use in case of fire, and may purchase, keep, or hire such horses for drawing such engines, as they think fit, and may build, provide, or hire places for keeping such engines with their appurtenances, and may employ a proper number of persons to act as firemen, and may make such rules for their regulation as they think proper, and give such firemen and other persons such salaries and such rewards for their exertions in cases of fire as they think fit.

Fire-police may go beyond the limits.

33. The Commissioners may send such engines, with their appurtenances, and the said firemen, beyond the limits of the special Act, for extinguishing fire in the neighbourhood of the said limits;

And the owner of the lands or buildings where such fire shall have happened shall in such case defray the actual expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable charge for the use of such engines, with their appurtenances, and for the attendance of such firemen;

And in case of any difference between the Commissioners and the owner of the said lands or buildings, the amount of the said expenses and charge, as well as the propriety of sending the said engines and firemen as aforesaid for extinguishing such fire, (if the propriety thereof be disputed,) shall be determined by 2 Justices, whose decision shall be final; and the amount of the said expenses and charge shall be recovered by the Commissioners as damages.

Places of Public Resort.

And with respect to places of public resort, be it enacted as follows:

Victuallers harbouring constables on duty.

34. Every victualler or keeper of any public-house, or person licenced to sell wine, spirits, beer, cider, or other fermented or distilled liquors by retail, to be drunk or consumed on the premises, within the limits of the special Act, who knowingly harbours or entertains or suffers to remain in his public-house or place wherein he carries on his business, any constable during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance or restoring order, shall for every such offence be liable to a penalty not exceeding 20*s*.

Coffee-shop keepers harbouring disorderly persons.

35. Every person keeping any house, shop, room, or other place of public resort within the limits of the special Act, for the sale or consumption of refreshments of any kind, who knowingly suffers common prostitutes or reputed thieves to assemble at and continue in his premises, shall for every such offence be liable to a penalty not exceeding £5.

Places for bear-baiting, cock-fighting, &c.

36. Every person who within the limits of the special Act keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting, baiting, or worrying any animals, shall be liable to a penalty of not more than £5, or, in the discretion of the Justices before whom he is convicted, to imprisonment, with or without hard labour, for a time not exceeding one month;

And the Commissioners may, by order in writing, authorise the superintendent constable, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid, and take into custody all persons found therein without lawful excuse, and every person so found shall be liable to a penalty not exceeding 5*s*.;

And a conviction for this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penal consequence to which he is liable for the nuisance thereby occasioned.

Hackney Carriages.

And with respect to hackney carriages, be it enacted as follows:

Hackney carriages to be licenced.

37. The Commissioners may from time to time licence to ply for hire within the prescribed distance, or if no distance is prescribed, within 5 miles from the General Post-Office of the city, town, or place to which the special Act refers (which in that case shall be deemed the prescribed distance), such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as they think fit.

What to be hackney carriages.

38. Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intending to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act;

And in all proceedings at law or otherwise, the term "hackney carriage" shall be sufficient to describe any such carriage:

Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licenced for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

Fee for licence.

39. For every such licence there shall be paid to the Clerk of the Commissioners, or other person appointed by them to receive the same, such sum as the Commissioners direct, not exceeding 5*s*.

Persons applying for licence to sign a requisition.

40. Before any such licence is granted, a requisition for the same, in such form as the Commissioners from time to time provide for that purpose, shall be made and signed by the proprietor or one of the proprietors of the hackney carriage in respect of which such licence is applied for, and in every such requisition shall be truly stated the name and surname and place of abode of the person applying for such licence, and of every proprietor or part proprietor of such carriage, or person concerned, either solely or in partnership with any other person, in the keeping, employing, or letting to hire of such carriage;

And any person who, on applying for such licence, states in such requisition the name of any person who is not a proprietor or part proprietor of such carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to hire of such carriage, and also any person who wilfully omits to specify truly in such requisition as aforesaid the name of any person who is a proprietor or part proprietor of such carriage, or who is concerned as aforesaid in the keeping, employing, or letting to hire of such carriage, shall be liable to a penalty not exceeding £10.

What shall be specified in licence.

41. In every such license shall be specified the name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage in respect of which such licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing, or letting to hire of any such carriage, and also the number of such licence, which shall correspond with the number to be painted or marked on the plates to be fixed on such carriage, together with such other particulars as the Commissioners think fit.

Licence to be registered.

42. Every licence shall be made out by the Clerk of the Commissioners, and duly entered in a book to be provided by him for that purpose, and in such book shall be contained columns or places for entries to be made of every offence committed by any proprietor or driver or person attending such carriage, and any person may at any reasonable time inspect such book without fee or reward.

Licence to be for one year.

43. Every licence so to be granted shall be under the common seal of the Commissioners, if incorporated, or if not incorporated, shall be signed by *two or more of the Commissioners*, and shall not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licencing meeting, in case any general licencing day be appointed by the Commissioners.

Notice to be given by proprietors of change of abode.

44. So often as any person named in any such licence as the proprietor or one of the proprietors, or as being concerned either solely or in partnership with any person in the keeping, employing, or letting to hire of any such carriage, changes his place of abode, he shall, within seven days next after such change, give notice thereof in writing signed by him to the Commissioners, specifying in such notice his new place of abode;

And he shall at the same time produce such licence at the office of the Commissioners, who shall, by their clerk or some other officer, endorse thereon and sign a memorandum specifying the particulars of such change;

And any person named in any such licence as aforesaid as the proprietor or one of the proprietors of any hackney carriage, or as being concerned as aforesaid, who changes his place of abode, and neglects or wilfully omits to give notice of such change, or to produce such licence in order that such memorandum aforesaid may be endorsed thereon, within the time and in the manner limited and directed by this or the special Act, shall be liable to a penalty not exceeding 40*s*.

Plying for hire without a licence.

45. If the proprietor or part proprietor of any carriage, or any person so concerned as aforesaid, permits the same to be used as a hackney carriage plying for hire within the prescribed distance, without having obtained a licence as aforesaid for such carriage, or during the time that such licence is suspended as hereinafter provided, or if any person be found driving, standing, or plying for hire with any carriage within the prescribed distance for which such licence as aforesaid has not been previously obtained, or without having the number of such carriage corresponding with the number of the licence openly displayed on such carriage, every such person so offending shall for every such offence be liable to a penalty not exceeding 40*s*.

Drivers not to act without obtaining a licence.

46. No person shall act as driver of any hackney carriage licenced in pursuance of this or the special Act to ply for hire within the prescribed distance without first obtaining a licence from the Commissioners, which licence shall be registered by the Clerk to the Commissioners, and a fee of 1*s*. shall be paid for the same;

And every such licence shall be in force until the same is revoked, except during the time that the same may be suspended as after mentioned.

Drivers acting without licence.

47. If any person acts as such driver as aforesaid without having obtained such licence, or during the time that his licence is suspended, or if he lend or part with his licence except to the proprietor of the hackney carriage, or if the proprietor of any such hackney carriage employ any person as the driver thereof who has not obtained such licence, or during the time that his licence is suspended as hereinafter provided, every such driver and every such proprietor shall for every such offence respectively be liable to a penalty not exceeding 20*s*.

Proprietor to retain licence of drivers, and to produce the same.

48. In every case in which the proprietor of any such hackney carriage permits or employs any licenced person to act as the driver thereof, such proprietor shall cause to be delivered to him, and shall retain in his possession, the licence of such driver while such driver remains in his employ;

And in all cases of complaint, where the proprietor of a hackney carriage is summoned to attend before a Justice, or to produce the driver, the proprietor so summoned shall also produce the licence of such driver, if he be then in his employ;

Justices may endorse convictions.

And if any driver complained of be adjudged guilty of the offence alleged against him, such Justice shall make an endorsement upon the licence of such driver, stating the nature of the offence and the amount of the penalty inflicted;

Neglect of proprietors.

And if any such proprietor neglect to have delivered to him, and to retain in his possession, the licence of any driver while such driver remains in his employ, or if he refuse or neglect to produce such licence as aforesaid, such proprietor shall for every such offence be liable to a penalty not exceeding 40*s*.

Proprietor to return licence to drivers quitting service if they behave well; if otherwise, proprietors to summon them.

49. When any driver leaves the service of the proprietor by whom he is employed without having been guilty of any misconduct, such proprietor shall forthwith return to such driver the licence belonging to him;

But if such driver have been guilty of any misconduct, the proprietor shall not return his licence, but shall give him notice of the complaint which he intends to prefer against him, and shall forthwith summon such driver to appear before any Justice to answer the said complaint;

And such Justice, having the necessary parties before him, shall inquire into and determine the matter of complaint;

Compensation for licence improperly withheld.

And if upon inquiry it appear that the licence of such driver has been improperly withheld, such Justice shall direct the immediate re-delivery of such licence, and award such sum of money as he thinks proper to be paid by such proprietor to such driver by way of compensation.

Licences to be suspended or revoked.

50. The Commissioners may, upon the conviction for the second time of the proprietor or driver of any such hackney carriage for any offence under the provisions of this or the special Act with respect to hackney carriages, or any bye-law made in pursuance thereof, suspend or revoke, as they deem right, the licence of any such proprietor or driver.

Number of persons to be carried to be painted on hackney carriage.

51. No hackney carriage shall be used or employed or let to hire, or shall stand or ply for hire, within the prescribed distance, unless the number of persons to be carried by such hackney carriage, in words at length, and in form following, (that is to say,) "To carry persons," be painted on a plate placed on some conspicuous place on the outside of such carriage, and in legible letters, so as to be clearly distinguishable from the colour of the ground whereon the same are painted, one inch in length, and of a proportionate breadth;

And the driver of any such hackney carriage shall not be required to carry in or by such hackney carriage a greater number of persons than the number painted thereon.

Neglect or refusal to carry prescribed number.

52. If the proprietor of any hackney carriage permit the same to be used, employed, or let to hire, or if any person stand or ply for hire with such carriage, without having the number of persons to be carried thereby painted and exhibited in manner aforesaid, or if the driver of any such hackney carriage refuse, when required by the hirer thereof, to carry in or by such hackney carriage the number of persons painted thereon, or any less number, every proprietor or driver so offending shall be liable to a penalty not exceeding 40*s*.

Driver refusing to drive.

53. Any driver of a hackney carriage standing at any of the stands for hackney carriages appointed by the Commissioners, or in any street, who refuses or neglects, without reasonable excuse, to drive such carriage to any place within the prescribed distance, or the distance to be appointed by any bye-law of the Commissioners, not exceeding the prescribed distance to which he is directed to drive by the person hiring or wishing to hire such carriage, shall for every such offence be liable to a penalty not exceeding 40*s*.

Demanding more than sum agreed for, though less than legal fare.

54. If the proprietor or driver of any such hackney carriage, or if any other person on his behalf, agree beforehand with any person hiring such hackney carriage to take for any job a sum less than the fare allowed by this or the special Act, or any bye-law made thereunder, such proprietor or driver shall be liable to a penalty not exceeding 40*s*. if he exact or demand for such job more than the fare so agreed upon.

Agreement to pay more than the legal fare not binding, and overplus may be recovered.

55. No agreement whatever made with the driver or with any person having or pretending to have the care of any such hackney carriage, for the payment of more than the fare allowed by any bye-law made under this or the special Act, shall be binding on the person making the same;

And any such person may, notwithstanding such agreement, refuse, on discharging such hackney carriage, to pay any sum beyond the fare allowed as aforesaid;

And if any person actually pay to the driver of any such hackney carriage, whether in pursuance of any such agreement or otherwise, any sum exceeding the fare to which such driver was entitled, the person paying the same shall be entitled, on complaint made against such driver before any Justice of the Peace, to recover back the sum paid beyond the proper fare, and moreover such driver shall be liable to a penalty for such exaction not exceeding the sum of 40*s*.;

And in default of the repayment by such driver of such excess of fare, or of payment of the said penalty, such Justice shall forthwith commit such driver to prison, there to remain for any time not exceeding one month, unless the said excess of fare and the said penalty be sooner paid.

Driver to carry according to agreement.

56. If the proprietor or driver of any such hackney carriage, or if any other person on his behalf, agree with any person to carry in or by such hackney carriage persons not exceeding in number the number so painted on such carriage as aforesaid, for a distance to be in the discretion of such proprietor or driver, and for a sum agreed upon, such proprietor or driver shall be liable to a penalty not exceeding 40*s*. if the distance which he carries such persons be under that to which they were entitled to be carried for the sum so agreed upon according to the fare allowed by this or the special Act, or any bye-law made in pursuance thereof.

Deposit for carriages waiting.

57. When any hackney carriage is hired and taken to any place and the driver thereof is required by the hirer there to wait with such hackney carriage, such driver may demand and receive from such hirer his fare for driving to such place, and also a sum equal to the fare of such carriage for the period, as a deposit over and above such fare, during which he is required to wait as aforesaid, or if no fare for time be fixed by the bye-laws, the sum of 1*s*. 6*d*. for every half-hour during which he is so required to wait, which deposit shall be accounted for by such driver when such hackney carriage is finally discharged by such hirer;

Driver refusing to wait, or account for deposit.

And if any such driver who has received any such deposit as aforesaid refuses to wait as aforesaid, or goes away or permits such hackney carriage to be driven or taken away without the consent of such hirer before the expiration of the time for which such deposit was made or if such driver, on the final discharge of such hackney carriage, refuse duly to account for such deposit, every such driver so offending shall be liable to a penalty not exceeding 40*s*.

Overcharge to be included in conviction, and returned to aggrieved party.

58. Every proprietor or driver of any such hackney carriage who is convicted of taking as a fare a greater sum than is authorised by any bye-law made under this or the special Act, shall be liable to a penalty not exceeding 40*s*., and such penalty may be recovered before one Justice;

And in the conviction of such proprietor or driver, an order may be included for payment of the sum so overcharged, over and above the penalty and costs;

And such overcharge shall be returned to the party aggrieved whose evidence shall be admissible in proof of the said offence.

Permitting persons to ride without consent of hirer.

59. Any proprietor or driver of any such hackney carriage which is hired who permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the express consent of the person hiring the same, shall be liable to a penalty not exceeding 20*s*.

No person to drive without the consent of proprietor.

60. No person authorised by the proprietor of any hackney carriage to act as driver of such carriage shall suffer any other person to act as driver of such carriage without the consent of the proprietor thereof;

And no person, whether licenced or not, shall act as driver of any such carriage without the consent of the proprietor;

And any person so suffering another person to act as driver, and any person so acting as driver without such consent as aforesaid, shall be liable to a penalty not exceeding 40*s*. for every such offence.

Drivers misbehaving.

61. If the driver or any other person having or pretending to have the care of any such hackney carriage be intoxicated while driving, or if any such driver or other person by wanton and furious driving, or by any other wilful misconduct, injure or endanger any person in his life, limbs, or property, he shall be liable to a penalty not exceeding £5, and in default of payment thereof the Justice before whom he is convicted of such offence may commit him to prison, there to remain for any time not exceeding 2 months.

Leaving carriages unattended at places of resort.

62. If the driver of any such hackney carriage leave it in any street or at any place of public resort or entertainment, whether it be hired or not, without some one proper to take care of it, any constable may drive away such hackney carriage, and deposit it, and the horse or horses harnessed thereto, at some neighbouring livery stable or other place of safe custody:

And such driver shall be liable to a penalty not exceeding 20*s*. for such offence;

And in default of payment of the said penalty upon conviction, and of the expenses of taking and keeping the said hackney carriage and horse or horses, the same, together with the harness belonging thereto, or any of them, shall be sold by order of the Justice before whom such conviction is made;

And after deducting from the produce of such sale the amount of the said penalty, and of all costs and expenses, as well of the proceedings before such Justice as of the taking, keeping, and sale of the said hackney carriage, and of the said horse or horses and harness, the surplus (if any) of the said produce shall be paid to the proprietor of such hackney carriage.

Damage done by driver recoverable from proprietor.

63. In every case in which any hurt or damage has been caused to any person or property as aforesaid by the driver of any carriage let to hire, the Justice before whom such driver has been convicted may direct that the proprietor of such carriage shall pay such a sum not exceeding £5 as appears to the Justice a reasonable compensation for such hurt or damage;

And every proprietor who pays any such compensation as aforesaid may recover the same from the driver, and such compensation shall be recoverable from such proprietor, and by him from such driver, as damages.

Improperly standing with carriage; obstructing any other driver.

64. Any driver of any hackney carriage who suffers the same to stand for hire across any street or alongside of any other hackney carriage, or who refuses to give way, if he conveniently can, to any other carriage, or who obstructs or hinders the driver of any other carriage in taking up or setting down any person into or from such other carriage, or who wrongfully in a forcible manner prevents or endeavours to prevent the driver of any other hackney carriage from being hired, shall be liable to a penalty not exceeding 20*s*.

Compensation to drivers for loss of time in answering complaints not substantiated.

65. If the driver of any such hackney carriage be summoned or brought before any Justice to answer any complaint or information touching or concerning any offence alleged to have been committed by such driver against the provisions of this or the special Act, or any bye-law made thereunder, and such complaint or information be afterwards withdrawn or quashed or dismissed, or if such driver be acquitted of the offence charged against him, the said Justice, if he think fit, may order the complainant or informant to pay to the said driver such compensation for his loss of time in attending the said Justice touching or concerning such complaint or information as to the said Justice seems reasonable;

And in default of payment of such compensation the said Justice may commit such complainant or informant to prison for any time not exceeding one month, unless the same shall be sooner paid.

Refusing to pay the fare.

66. If any person refuse to pay, on demand, to any proprietor or driver of any hackney carriage the fare allowed by this or the special Act, or any bye-law made thereunder, such fare may, together with costs, be recovered before one Justice as a penalty.

Damaging carriage.

67. Any person using any hackney carriage plying under a licence granted by virtue of this or the special Act, who wilfully injures the same, shall for every such offence be liable to a penalty not exceeding £5, and shall also pay to the proprietor of such hackney carriage reasonable satisfaction for the damage sustained by the same;

And such satisfaction shall be ascertained by the Justices before whom the conviction takes place, and shall be recovered by the same means as the penalty.

Bye-laws.

68. The Commissioners may from time to time (subject to the restrictions of this and the special Act) make bye-laws for all or any of the purposes following; (that is to say,)

For regulating the conduct of the proprietors and drivers of hackney carriages plying within the prescribed distance in their several employments, and determining whether such drivers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For regulating the manner in which the number of each carriage, corresponding with the number of its licence, shall be displayed:

For regulating the number of persons to be carried by such hackney carriages, and in what manner such number is to be shown on such carriage, and what number of horses or other animals is to draw the same, and the placing of checkstrings to the carriages, and the holding of the same by the driver, and how such hackney carriages are to be furnished or provided:

For fixing the stands of such hackney carriages and the distance to which they may be compelled to take passengers, not exceeding the prescribed distance:

For fixing the rates or fares, as well for time as distance, to be paid for such hackney carriages within the prescribed distance, and for securing the due publication of such fares:

For securing the safe custody and re-delivery of any property accidently left in hackney carriages, and fixing the charges to be made in respect thereof.

Bathing.

Bathing machines.

And with respect to public bathing, be it enacted as follows:

69. Where any part of the sea-shore or strand of any river used as a public bathing place is within the limits of the special Act, the Commissioners may make bye-laws for the following purposes; (that is to say,)

For fixing the stands of bathing machines on the sea-shore or strand, and the limits within which persons of each sex shall be set down for bathing, and within which persons shall bathe:

For preventing any indecent exposure of the persons of the bathers:

For regulating the manner in which the bathing machines shall be used, and the charges to be made for the same:

For regulating the distance at which boats and vessels let to hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within the prescribed limits.

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14 & 15 VICT., c. 34.

An Act to encourage the Establishment of Lodging Houses for the Labouring Classes.

(24th July, 1851.)

[Act omitted as unimportant.]

18 & 19 VICT., c. 70.

An Act for further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts and to Parishes. ***(30th July, 1855.)***

[Act omitted for reasons stated in the Introduction to Part V.]

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20 & 21 VICT., c. 31.

An Act to amend and explain the Inclosure Acts. ***(10th August, 1857.)***

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12. AND whereas it is expedient to provide summary means of preventing nuisances in town Greens and village Greens, and on land allotted and awarded upon any inclosure under the said Acts as a place for exercise and recreation: if any person wilfully cause any injury or damage to any fence of any such town or village Green or land, or wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other Act whatsoever to the injury of such town or village Green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation, such person shall for every such offence, upon a summary conviction thereof before 2 Justices, upon the information of any Churchwarden or Overseer of the parish in which such town or village Green or land is situate, or of the person in whom the soil of such town or village Green or land may be vested, forfeit and pay, in any of the cases aforesaid, and for each and every such offence, over and above the damages occasioned thereby, any sum not exceeding 40*s.*; and it shall be lawful for any such Churchwarden or Overseer or other person as aforesaid to sell and dispose of any such manure, soil, ashes and rubbish, or other matter or thing as aforesaid; and the proceeds arising from the sale thereof, and every such penalty as aforesaid, shall, as regards any such town or village Green not awarded under the said Acts or any of them

Nuisances on village Greens and allotments for exercise and recreation.

to be used as a place for exercise and recreation, be applied in aid of the rates for the repair of the public highways in the parish, and shall, as regards the land so awarded, be applied by the persons or person in whom the soil thereof may be vested in the due maintenance of such land as a place for exercise and recreation; and if any manure, soil, ashes, or rubbish be not of sufficient value to defray the expense of removing the same, the person who laid or deposited such manure, soil, ashes, or rubbish shall repay to such Churchwarden or Overseer or other person as aforesaid the money necessarily expended in the removal thereof; and every such penalty as aforesaid shall be recovered in manner provided by the Act of the Session holden in the 11th and 12th years of Her Majesty, chapter 43; and the amount of damage occasioned by any such offence as aforesaid shall, in case of dispute, be determined by the Justices by whom the offender is convicted; and the payment of the amount of such damage, and the repayments of the money necessarily expended in the removal of any manure, soil, ashes, or rubbish, shall be enforced in like manner as any such penalty.

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22 VICT., c. 27.

An Act to facilitate Grants of Land to be made near populous Places for the Use of regulated Recreation of Adults, and as Playgrounds for Children.(a) *(19th April, 1859.)*

WHEREAS the want of open public grounds for the resort and recreation of adults, and of playgrounds for children and youth, is much felt in the metropolis and other populous places within this realm, and by reason of the great and continuous increase of the population and extension of towns such evil is seriously increasing, and it is desirable to provide a remedy for the same: Be it therefore enacted, &c.,

Lands may be conveyed to Trustees for public grounds, &c.

1. Any lands may be lawfully conveyed to Trustees, to be held by them as open public grounds for the resort and recreation of adults, and as playgrounds for children and youth, or either of such purposes, and for any estate, and subject to any reservation, restrictions, and conditions which the donor or grantor may think fit: but this enactment shall not extend to authorize any lands to be so conveyed for any greater estate or interest than the donor or grantor would, independently of this Act, have power to dispose of.

Form of conveyance.

2. Any such conveyance of land to Trustees may be in the following form, subject to any modification thereof which the case may require:

"I *A.B.* do hereby convey and grant to as Trustees for public ground for the parish [*or* parishes] of [*here describe the lands conveyed or granted*], to be held by them as public ground for the purposes of 'The Recreation Grounds Act, 1859.'"

And it is hereby enacted, that the grant or conveyance of such lands shall not require enrolment, nor to be by indenture, and shall be valid, although the donor or grantor shall die within 12 calendar months after the making of such grant, any of the provisions of the Act passed in the 9th year of the reign of King *George II.*, c. 36, to the contrary notwithstanding.

Lands belonging to Municipal Corporations.

3. With respect to lands belonging to any Municipal Corporation, such grant may be lawfully made by the body corporate, with the consent of the Commissioners of Her Majesty's Treasury, signified by their executing the deed of conveyance.

(a) See an article in 38 *J. P.*, 258.

Lands belonging to parishes.

4. With respect to lands belonging to any parish, such grant may and shall be made by the Trustees or Feoffees (if there shall be such), or otherwise by the Churchwardens and Overseers of the parish, in pursuance of a resolution for that purpose of the vestry or other body having the management of the affairs of such parish, passed in meeting duly assembled for the purpose, and with the approbation of the Poor Law Board,[a] to be testified by their seal being affixed to the deed of conveyance.

Trustees.

5. With respect to the appointment of Trustees for holding any such grounds for the purpose aforesaid, the Lord of any manor, or the Churchwardens of any parish, or the Overseers of the poor of any parish or township, or all or any of such persons to whom lands shall have been conveyed as aforesaid shall be a body corporate for taking, holding, and disposing of such grounds, and instituting, maintaining, and defending any proceedings relating thereto; but the management and direction of the same shall be and remain in such persons as may be named in the deed of conveyance thereof; and in case no such persons shall be so named, or there shall be a failure of such managers and directors, the Charity Commissioners for *England* and *Wales* shall have power to settle a scheme for the appointment of the managers and directors.

Bye-laws.

6. The Managers and Directors may from time to time make and enforce any such bye-laws, orders, and regulations for the management, preservation, disposition, and care of the said grounds, and the government of all persons using or frequenting the same, as shall be approved by the said Commissioners and in accordance with the conditions of the grant; and no bye-laws, orders, or regulations in any manner restricting the public use or enjoyment of the said grounds shall be valid unless sanctioned with such approbation.

Personal property may be bequeathed.

7. It shall be lawful for any person to bequeath any personal property, not exceeding £1000 in amount, for the purpose of defraying the expenses of purchasing, preparing, maintaining, and preserving such grounds for the purposes aforesaid, and ornamenting the same.

Short title.

8. This Act shall extend to *England* and *Ireland* only, and may be cited for all purposes by the title of "The Recreation Grounds Act, 1859."

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23 VICT., c. 16.

An Act to make further Provision concerning Mortgages and other dispositions of property belonging to Municipal Corporations in England and Ireland. *(15th May, 1860.)*

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Power of Local Boards in boroughs.

12. WHERE in any borough subject to the provisions of the Act passed in the session holden in the 5th and 6th years of the reign of His late Majesty King *William IV.*, c. 76, and intituled "An Act to provide for the regulation of municipal corporations in *England* and *Wales*," a surplus, is standing to the credit of the borough fund arising from the rents and profits of the property of the Corporation, and not from a borough rate, and such borough is a district within the meaning of the "Public Health Act, 1848," the Corporation, acting as the Local Board of Health of such borough, may, with the consent of such Corporation, apply such surplus in payment of any expenses that have been previously to the passing of this Act or may hereafter be incurred by them acting as the Local Board of Health of such borough in the

(a) Now the Local Government Board.

improvement of the borough or of any part thereof, by drainage, enlargement of streets, or otherwise, in pursuance of the "Public Health Act, 1848," and the "Local Government Act, 1858," or of one of such Acts.

Local Acts.

13. Provided always, that nothing in this Act shall repeal, abridge, or affect any power or authority of any body corporate, or the Council of any borough, under any local Act of Parliament relating to such body corporate or borough.

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23 & 24 VICT., c. 30.

An Act to enable a Majority of Two-Thirds of the Ratepayers of any Parish or District, duly assembled, to rate their District in aid of Public Improvements for general Benefit within their District. *(3rd July, 1860.)*

WHEREAS it is expedient that facility should be given for the purpose of effecting local improvements beneficial to the health and comfort of the people: Be it therefore enacted, &c.,

Ratepayers may hold land, &c., for public walks, &c., and levy rates.

1. It shall be lawful for the ratepayers of any parish maintaining its own poor, the population of which, according to the last account from time to time taken thereof by the authority of Parliament, exceeds 500 persons, to purchase or lease lands, and to accept gifts and grants of land, for the purpose of forming any public walk, exercise or play-ground, and to levy rates for maintaining the same, and for removal of any nuisances or obstruction to the free use and enjoyment thereof, and for improving any open walk or footpath, or placing convenient seats, or shelters from rain, and for other purposes of a similar nature.

Adoption of Act, according to 9 & 10 Vict., c. 74, §§ 3 & 5.

2. This Act may be adopted for any borough, or for any parish having a population of 500 or upwards, (according to the last account for the time taken by authority of Parliament,) in the same manner as the Act of the 9th and 10th *Victoria*, c. 74, may be adopted in such borough or parish.

Procedure.

3. When the Act is adopted in a borough or in such a parish, the provisions of the Act of the 9th and 10th *Victoria*, c. 74, for the purposes below specified applicable in the like cases where that Act is adopted, shall take effect for the purposes of this Act, viz.: all the provisions concerning

(1.) The authority by which and the manner in which the Act is to be carried into execution:

(2.) The mode of providing the expenses of carrying the Act into execution (excluding the provisions for borrowing money for such expenses):

(3.) The appointment (in the case of a parish) of Commissioners, the tenure of office and procedure, and the audit of their accounts:

(4.) The powers of the Councils and Commissioners for the purposes of the Act (except the powers of borrowing money).

A rate may be levied.

4. After the adoption of this Act it shall be lawful for the ratepayers in meeting assembled to rate such parish to a separate rate, to be called the " Parish Improvement Rate;" provided that such rate be agreed to by a majority of at least two-thirds in value of the ratepayers assembled at such meeting.

Voting by Corporate Bodies.

5. Corporate bodies shall be allowed to attend meetings to be held as aforesaid and to vote thereat by some person to be deputed by them for that purpose under their corporate seal.

Proviso.

6. Provided always, that previous to any such rate being imposed a sum in amount not less than at least one-half of the estimated cost of such proposed improvement shall have been raised, given, or collected by private subscription or donation.

Amount of rate.

7. Such rate shall not exceed 6*d.* in the pound.

23 & 24 VICT., c. 106.

An Act to amend the Lands Clauses Consolidation Act (1845) in regard to Sales and Compensation for Land by way of a Rent-charge, Annual Feu Duty or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts. ***(20th August, 1860.)***

[See § 8, and the Memorandum appended to the "Lands Clauses Consolidation Act, 1845" (*ante*).]

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26 VICT., c. 13.

An Act for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs. ***(4th May, 1863.)***

WHEREAS it is expedient to make provision for the better protection and charge of enclosed Garden or Ornamental Grounds which have been set apart for the use of the inhabitants of any public square, crescent, circus, street, or other public place surrounding or adjoining such Gardens or Grounds in any City or Borough: Be it enacted, &c.,

Public gardens may be vested in a Corporate Authority;

1. Where in any city or borough any enclosed Garden or Ornamental Ground has been set apart otherwise than by the revocable permission of the owner thereof in any public square, crescent, circus, street, or other public place, for the use or enjoyment of the inhabitants thereof, and where the Trustees, Commissioners, or other body appointed for the care of the same have neglected to keep it in proper order, or where such Garden or Ground has not been vested in or placed under the management of any Trustees, Commis-

sioners, or other body for the care of the same, and from the want of such care, or from any other cause, has been neglected, the Metropolitan Board of Works, where the same is in any place under their jurisdiction, except the City of *London* (where the provisions of this Act shall be carried into effect by the Corporation of the said City), and the Corporate Authorities in any other city or borough, shall take charge of the same, putting up a notice or notices to that effect in such Garden or Ornamental Ground, and if after due inquiry the person entitled to any estate of freehold in the same cannot be found, or if it shall be vested in any person by whom it is held, subject to any condition or reservation for keeping the same as and for a garden or pleasure ground, or that the same shall not be built upon, but not otherwise, shall cause any buildings or other encroachment made therein within the period of 20 years before the passing of this Act to be removed, and (if requested by a majority of two-thirds of the owners and of the occupiers of the houses surrounding the same) shall vest such Garden or Ornamental Ground in a committee consisting of not more than nine or fewer than three of the rated inhabitants of such houses to be chosen annually by such inhabitants, in order that the same may be kept as a Garden or Ornamental Ground for the use of such inhabitants; and the Vestry or Board of any and every parish or district within which the same or any part thereof is situate shall from time to time cause to be raised the sums required by such committee for defraying the expenses of the maintenance and management of such enclosed Garden or Ornamental Ground, or of such part thereof as is situate within their parish or district, by an addition to the general rate to be assessed on the occupiers of such houses; or if the said owners and occupiers shall not agree as aforesaid to undertake the charge of such Garden or Ornamental Ground, the Metropolitan Board of Works or Corporate Authority aforesaid shall, within six months after the notice herein-before mentioned shall have been put up within the same, or within such further time as the said Board or authority may think it expedient to allow for such agreement to be come to, vest the same in such vestries or boards, who shall thenceforth take charge of and maintain the same as an open place or street in such manner as shall appear to them most advantageous to the public, subject to the approval of the Metropolitan Board of Works or Corporate Authority, as the case may require; saving and always reserving to every person and persons, his and their heirs, executors, administrators, and assigns, all such estate, right, title, and interest as he, she, or they would or ought to have had and enjoyed of, in, to, from, or out of the gardens and grounds aforesaid in case this Act had not passed.

or in a Committee.

Protection of open spaces.

2. And whereas it is expedient that the same should be carefully protected from undue encroachment, where any right to require that any Garden or Ornamental Ground as aforesaid be kept and maintained as such, or that the same shall not be built upon, shall belong to any person in right of any house or other property, and he shall by notice in writing signed by him addressed to the Metropolitan Board of Works where the same is in any place under their jurisdiction, except the City of *London*, where the same shall be addressed to the Corporation of the said city, or to the corporate authorities in any other city or borough requesting the said Metropolitan Board of Works or Corporate Authority to protect the right before mentioned, the said Metropolitan Board of Works or Corporate Authority, after due inquiry, may, if they shall think fit, accede to such request, and then and thereupon the right of such person to require that such Garden or Ornamental Ground to be maintained as such, or that the same shall not be built upon, shall thenceforth be vested in such Metropolitan Board of Works or Corporate Authority, who shall be fully empowered, for and in their own name, to exercise all the rights, powers, and privileges in relation thereto, and take such legal proceedings for asserting, defending, and protecting the same, as the said person might have exercised or taken.

Expenses.

3. * * * * The expenses incurred by any Corporate Authority shall be deemed to be expenses necessarily incurred by them in carrying into execution within and for their city or borough the Act intituled "An Act to provide for the regulation of Municipal Corporations in *England* and *Wales*," and any other Act amending the same.

5 & 6 W. IV., c. 76.

Bye-laws.

4. Where any such garden or ground is managed by any committee of the inhabitants of any square, crescent, circus, street, or place, such committee may make, and from time to time revoke and alter, bye-laws for the management of the same, and for the preservation of the trees, shrubs, plants, flowers, rails, fences, seats, summer houses, and other things therein, which bye-laws shall be entered in a book kept for that purpose by the committee, signed by the chairman of the meeting at which the same shall be passed, and which book shall and may be produced and read, and taken as evidence of such bye-laws, in all courts whatever, and any inhabitant or servant, or other person admitted to such garden by any inhabitant, offending against the same, after they shall have been duly allowed, as herein-after provided, upon proof thereof before a magistrate acting for the district in which such garden is situate, shall be liable for each offence to a penalty not exceeding £5: Provided always, that such bye-laws shall not come into operation until the same shall have been allowed by some Judge of one of the superior courts, or by the Justices in Quarter Sessions; and it shall be incumbent on such Judge or Justices, on the request of such committee, to inquire into any bye-laws tendered to them for that purpose, and to allow or disallow the same as they think meet.

Penalty for injuring garden

5. Any police constable who shall see any person throwing any rubbish into any such garden, or trespassing therein, or getting over the railings or fence, or stealing or damaging the flowers or plants, or committing any nuisance therein, may apprehend such person, under the authority hereby given to him; and any person convicted before any Magistrate acting for the district shall be liable for each and every offence aforesaid to a penalty not exceeding 40*s*., or to imprisonment for any period not exceeding 14 days; and in case it shall be necessary to state in any proceedings the ownership of the property of such garden, flowers, or plants, it shall be sufficient to describe the same as the property of the committee by the name of *A.B.* and others.

6. * * * * The Act passed in the 12th year of the reign of her Majesty the Queen, c. 43, shall apply to every penalty or forfeiture imposed by this Act, or any bye-law made in pursuance thereof, for any matter or thing done or omitted to be done within any other part of *England* and *Wales*. 11 & 12 Vict., c. 43, to apply.

7. Nothing in this Act shall extend to or include any Garden, Ornamental Ground or other land belonging to Her Majesty in right of her crown or of her Duchy of *Lancaster*, or any Garden, Ornamental Ground, or other land for the time being under the management of the Commissioners for the time being of Her Majesty's works and public buildings, or of the Commissioners for the time being acting under the "Crown Estate Paving Act, 1851," or to any Garden, Ornamental or other ground, for which special provision is made for the due care and protection thereof by any public or private Act of Parliament. Limitation of Act.

8. Nothing in this Act shall extend to *Scotland* or *Ireland*.

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26 & 27 VICT., c. 40.

An Act for the Regulation of Bakehouses. *(13th July, 1863.)*

WHEREAS it is expedient to limit the hours of labour of young persons employed in Bakehouses, and to make regulations with respect to cleanliness and ventilation in Bakehouses: Be it enacted, &c.,

1. This Act may be cited as "The Bakehouse Regulation Act, 1863." Short title.

2. For the purposes of this Act the words herein-after mentioned shall be construed as follows; that is to say,[a] Interpretation.

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"Bakehouse" shall mean any place in which are baked bread, biscuits, or confectionery, from the baking or selling of which a profit is derived:

"Employed" as applied to any person, shall include any person working in a Bakehouse, whether he receives wages or not:

"Occupier" shall include any person in possession:

"The Court" shall include any Justice or Justices, Sheriff or Sheriff Substitute, Magistrate or Magistrates, to whom jurisdiction is given by this Act.

3. No person under the age of 18 years shall be employed in any Bakehouse between the hours of 9 of the clock at night and 5 of the clock in the morning. Limitation of hours for persons under 18 years.

If any person is employed in contravention of this section the occupier of the Bakehouse in which he is employed shall incur the following penalties in respect of each person so employed; that is to say,

For the first offence, a sum not exceeding £2:

For a second offence, a sum not exceeding £5:

For a third and every subsequent offence, a sum not exceeding £1 for each day of the continuance of the employment in contravention of this Act, so that no greater penalty be imposed than £10.

4. The inside walls and ceiling or top of every Bakehouse situate in any city, town, or place containing according to the last census a population of more than 5000 persons, and the passages and staircase leading thereto, shall either be painted with oil or be limewashed, or partly painted and partly limewashed: where painted with oil there shall be 3 coats of paint, and the painting shall be renewed once at least in every 7 Regulations as to cleanliness.

(a) The definition of "Local Authority" is superseded by that in the "Public Health Act, 1872."

years, and shall be washed with hot water and soap once at least in every 6 months: where limewashed the limewashing shall be renewed once at least in every 6 months.

Every Bakehouse, wherever situate, shall be kept in a cleanly state, and shall be provided with proper means for effectual ventilation, and be free from effluvia arising from any drain, privy, or other nuisance.

If the occupier of any Bakehouse fails to keep the same in conformity with this section he shall be deemed to be guilty of an offence against this Act, and to be subject in respect of such offence to a penalty not exceeding £5.

The Court having jurisdiction under this Act may, in addition to or instead of inflicting any penalty in respect of an offence under this section, make an order directing that within a certain time to be named in such order certain means are to be adopted by the occupier for the purpose of bringing his Bakehouse into conformity with this section; the Court may upon application enlarge any time appointed for the adoption of the means directed by the order, but any non-compliance with the order of the Court shall, after the expiration of the time as originally limited or enlarged by subsequent order, be deemed to be a continuing offence, and to be punishable by a penalty nor exceeding £1 for every day that such non-compliance continues.

Sleeping places near bakehouses.

5. No place on the same level with a Bakehouse situate in any city, town, or place containing according to the last census a population or more than 5000 persons, and forming part of the same building, shall be used as a sleeping place, unless it is constructed as follows; that is to say,

Unless it is effectually separated from the Bakehouse by a partition extending from the floor to the ceiling:

Unless there be an external glazed window of at least 9 superficial feet in area, of which at the least 4½ superficial feet are made to open for ventilation:

And any person who lets, occupies, or continues to let, or knowingly suffers to be occupied, any place contrary to this Act, shall be liable for the first offence to a penalty not exceeding 20*s*., and for every subsequent offence to a penalty not exceeding £5.

Power to Local Authority to enforce Act.

6. It shall be the duty of the Local Authority to enforce within their district the provisions of this Act, and in order to facilitate the enforcement thereof any Officer of Health, Inspector of Nuisances, or other officer appointed by the Local Authority, herein-before referred to as the Inspector, may enter into any Bakehouse at all times during the hours of baking, and may inspect the same, and examine whether it is or not in conformity with the provisions of this Act; and any person refusing admission to the Inspector, or obstructing him in his examination, shall for each offence incur a penalty not exceeding £20; and it shall be lawful for any Inspector who is refused admission to any Bakehouse, in pursuance of this section, to apply to any Justice for a warrant authorizing him, accompanied by a police constable, to enter into any such Bakehouse for the purpose of examining the same, and to enter the same accordingly.

Expenses.

7. All expenses incurred by any Local Authority in pursuance of the provisions of this Act may be paid out of any rate leviable by them, and applicable to the payment of the expenses incurred by the Local Authority under the said "Nuisances Removal Act," and the said authority may levy such rate accordingly.(a)

Penalties.

Recovery of Penalties.

8. All penalties under this Act may be recovered summarily before 2 or more Justices; as to *England*, in manner directed by an Act passed in the session holden in the 11th and 12th years of the reign of Her Majesty Queen *Victoria*, c. 43, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within *England* and *Wales* with respect to summary convictions and orders," or any Act amending the same. * * * *

Jurisdiction of Magistrates.

9. Any Act, power, or jurisdiction hereby authorized to be done or exercised by 2 Justices may be done or exercised by the following Magistrates within their respective jurisdictions; that is to say, as to *England*, by any Metropolitan Police Magistrate or other stipendiary magistrate sitting alone at a police court or other appointed place. * * * *

(a) This section is now superseded by §§ 16-7 of the "Public Health Act, 1872."

26 & 27 VICT., c. 93.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks. *(28th July, 1863.)*

WHEREAS "The Waterworks Clauses Act, 1847," was passed in order to comprise in one Act sundry provisions which were at the time of the passing of that Act usually introduced into Acts of Parliament authorizing the construction of certain Waterworks: 10 Vict., c. 17.

And whereas sundry provisions of the like nature, but not comprised in the said Act, are now frequently introduced into Acts of Parliament relating to Waterworks, and it is expedient to comprise such last-mentioned provisions also in one Act, and that as well for the purpose of avoiding the necessity of repeating such provisions in Special Acts relating to Waterworks, as for insuring greater uniformity in the provisions themselves: Be it therefore enacted, &c.,

Preliminary.

1. This Act may be cited as "The Waterworks Clauses Act, 1863;" and "The Waterworks Clauses Act, 1847," and this Act may be cited together as "The Waterworks Clauses Acts, 1847 and 1863." Short title.

2. This Act shall apply to any Waterworks to which any special Act hereafter passed and incorporating this Act relates; and every such Special Act is herein-after referred to as "the Special Act." Application of Act and interpretation.

Terms used in this Act have the same meanings as the same terms have when used in "The Waterworks Clauses Act, 1847."

The provisions respecting the recovery of penalties contained in the last-mentioned Act shall be incorporated with this Act.

Security of Reservoirs.

And with respect to the security of the reservoirs constructed by the Undertakers, be it enacted as follows:

3. Whenever any person interested complains to 2 Justices that any reservoir constructed by the Undertakers is in a dangerous state, such Justices shall forthwith make inquiry into the truth of the complaint; or 2 Justices, on their own view, and without complaint by any person, may proceed under the present provisions as if a complaint had been so made to them. Power for Justices to inquire as to danger of reservoir.

4. If, on any such inquiry, the Justices are satisfied that the complaint is well founded, and that the reservoir is in a dangerous state and that the danger is so imminent as not to admit of delay in removing the cause of complaint, they shall order such person as they think fit to enter on the property of the Undertakers, and to lower the water in the reservoir, and to execute and do all such works and things as the Justices think requisite and proper for removing the cause of complaint. Order of Justices for immediate repair.

5. If, on any such inquiry, the Justices are satisfied that there is good cause of complaint, but are not satisfied that the reservoir is in such an imminently dangerous state as not to admit of delay in removing the cause of complaint, they shall issue their summons to the Undertakers to answer the complaint; and upon hearing the parties, the Justices may, or upon default of appearance of the Undertakers, then in their absence, the Justices shall order the Undertakers, within such period as the Justices think reasonable and specify in the order, to lower the water in the reservoir, and to execute and do all such works and things as the Justices think requisite and proper for removing the cause of complaint. Order of Justices for repair generally.

If the Undertakers fail to execute or do within that period any such work or thing, the Justices who made the order, or any other 2 Justices, on being satisfied of such failure, may either order such persons as the Justices think fit to enter on the property of the Undertakers, and to lower the water in the reservoir, and to execute and do all such works and things as the Justices think requisite and proper for removing the cause of complaint; or may, if they think fit, by order impose on the Undertakers a penalty, not exceeding £10, for every day during which such failure continues after the making of the order imposing the penalty. Failure to repair.

6. Any order of Justices made in any of the cases aforesaid shall be in writing under their hands, and may be in the form set forth in the schedule to this Act, with such variations as circumstances require. Form of order.

7. Any person acting under and in pursuance of any such order shall not be deemed a trespasser; and if any person wilfully obstructs any person lawfully acting in obedience to any such order, or wilfully does or Persons acting under order not trespassers.

instigates, or suffers to be done, anything in contravention thereof, he shall for every such offence be liable to a penalty not exceeding £50.

Order for payment of costs, &c.

8. The Justices may order all or such part as they think fit, of the costs of and incident to the applying for and obtaining of any such order to be paid by the Undertakers, and also all, or such part as the Justices think fit, of the expenses of the works and things executed and done in pursuance of any such order by any person other than the Undertakers, to be paid by the Undertakers to such person as the Justices appoint.

If the Justices before whom the complaint is made think that there is no sufficient ground for the complaint, they may, if they think fit, order the complainant to pay to the Undertakers the whole or any part of their costs of or incident to the complaint.

Appeal against order.

9. If the Undertakers consider themselves aggrieved by any order or determination of Justices under the present provisions, they may in like manner and subject to the like conditions as by the "Railways Clauses Consolidation Act, 1845," are provided in the case of appeals in respect of penalties, appeal to the Court of General or Quarter Sessions for the county or place where the cause of appeal arises; and that court may, on the hearing of the appeal, either affirm or quash the order or determination, or make such other order in the premises as may seem fit, and may make such order as to the costs, both of the original proceedings and of the appeal, as may seem fit; but the order or determination appealed against shall, pending the appeal, continue in force.

Undertakers not responsible for consequences of order.

10. Notwithstanding anything in the Special Act contained, the Undertakers shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of, or be answerable or accountable for, any diminution or cessation of the supply of water, or any other breach or nonperformance of their or any of their duties, liabilities, or obligations under the Special Act, that may be occasioned by or result from the execution of any such order.

Application of Act.

11. The present provisions with respect to the security of reservoirs shall apply to *England* and *Ireland*. * * * *

Supply of Water.

And with respect to the supply of water to be furnished by the Undertakers, be it enacted as follows:

Supply for non-domestic purposes.

12. A supply of water for domestic purposes shall not include a supply of water for cattle, or for horses, or for washing carriages where such horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture, or business, or for watering gardens, or for fountains, or for any ornamental purpose.

Failure to supply for non-domestic purposes.

13. Where the Undertakers are authorized by the Special Act to supply water for other than domestic purposes, they shall not be liable, in the absence of express stipulation, under any agreement for the supply of water for other than domestic purposes, to any penalty or damages for not supplying such water, if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Meters.

14. Where the Undertakers are authorized by the Special Act to supply water by measure, they may let for hire to any consumer of water so supplied any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between them and the consumer, which shall be recoverable in the same manner as rates due to the Undertakers for water; and the meters, instruments, pipes, and apparatus shall not be subject to distress or to the Landlord's hypothec for rent of the premises where the same are used, or be attached or taken in execution under any process of any Court of law or equity, or under or in pursuance of any adjudication or order in bankruptcy, or other legal proceeding, against or affecting the consumer of the water or the occupier of the premises, or other the person in whose possession the meters, instruments, pipes, and apparatus may be.

Examination, &c., of meters, &c.

15. The officers of the Undertakers may enter any house, building, or lands to, through, or into which water is supplied by them by measure, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, building, or lands, for the purpose of removing any meter, instrument, pipe, or apparatus, the property of the Undertakers; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for every such offence be liable to a penalty not exceeding £5; but, except with the consent of a Justice or the Sheriff, this power of entry shall be exercised only between the hours of 10 in the forenoon and 4 in the afternoon.

Protection of Water.

And with respect to the waste or misuse of the water supplied by or belonging to the Undertakers, be it enacted as follows:

Power to cut off water.

16. If any person supplied with water by the Undertakers wrongfully does or causes or permits to be done anything in contravention of any of the provisions of the Special Act, or wrongfully fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Undertakers, they may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by them to him, or for his use, and may cease to supply him with water, so long as the cause of injury remains or is not remedied.

Waste, &c., of water.

17. If any person supplied with water by the Undertakers wilfully or negligently causes or suffers any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle to be out of repair, or

to be so used or contrived as that the water supplied to him by the Undertakers is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air, or other noisome or impure matter, into any pipe belonging to or connected with the pipes of the Undertakers, he shall for every such offence be liable to a penalty not exceeding £5.

Misuse of water.

18. If any person—

First, not having from the Undertakers a supply of water for other than domestic purposes, uses, for other than domestic purposes, any water supplied to him by the Undertakers; or

Secondly, having from the Undertakers a supply of water for any other than domestic purposes, uses, for any purposes other than those for which he is entitled to use the same, any water supplied to him by the Undertakers,—

he shall for every such offence be liable to a penalty, not exceeding 40*s.* without prejudice to the right of the Undertakers to recover from him the value of the water misused.

Alteration of pipes.

19. It shall not be lawful for the owner or occupier of any premises supplied with water by the Undertakers, or any consumer of the water of the Undertakers, or any other person, to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the Undertakers, or to a communication or service pipe belonging to or used by such owner, occupier, consumer, or other person, or to make any alteration in any such communication or service pipe, or in any apparatus connected therewith, without the consent in every such case of the Undertakers; and if any person acts in any respect in contravention of the provisions of the present section, he shall for every such offence be liable to a penalty not exceeding £5, without prejudice to the right of the Undertakers to recover damages from him in respect of any injury done to their property, and without prejudice to their right to recover from him the value of any water wasted, misused, or unduly consumed.

Wrongful use of water.

20. If any person, not being supplied with water by the Undertakers, wrongfully takes or uses any water from any reservoir, watercourse, conduit, or pipe belonging to the Undertakers, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to the Undertakers, or supplied by them for the use of any consumer of the water of the Undertakers, he shall for every such offence be liable to a penalty not exceeding £5.

Recovery of Rates.

And with respect to the recovery of water rates and other money, be it enacted as follows:

Recovery of rates.

21. If any person refuses or neglects to pay to the Undertakers any rate or sum due to them under the Special Act, they may recover the same, with costs, in any court of competent jurisdiction; and their remedy under the present section shall be in addition to their other remedies for the recovery thereof.

SCHEDULE.

Form of Order of Justices.

To *A.B.* of &c.

We the undersigned, 2 of Her Majesty's Justices of the Peace acting for the [County] of do hereby order and direct you [and such person and persons as you may require to aid and assist you herein,] forthwith to lower the water in the [*here describe the reservoir and the extent to which the water is to be lowered,*] and to do all such works and things as are requisite to repair and make secure the said reservoir [and you shall do as little injury as possible to the property of the and for acting as you are hereby directed this shall be your sufficient warrant].

Given under our hands this day of One thousand eight hundred and

A.B.
C.D.

272

29 VICT., c. 28.

An Act to enable the Public Works Loan Commissioners to make Advances towards the Erection of Dwellings for the Labouring Classes. ***(18th May, 1866.)***

[Act omitted as unimportant.]

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29 & 30 VICT., c. 114.

An Act to amend the Public Libraries Act. ***(10th August, 1866.)***

[Act omitted for reasons stated in the Introduction to Part V.]

30 VICT., c. 28.

An Act to amend "The Labouring Classes Dwellings Acts, 1866." *(17th June, 1867.)*

[Act omitted as unimportant.]

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30 & 31 VICT., c. 115.

An Act to remove Disqualifications of Justices of the Peace in certain Cases. *(20th August, 1867.)*

IN order that Justices of the Peace may act in the execution of Acts in some cases in which they now are incapable of so acting, be it enacted, &c.,

Short title.

1. This Act may for all purposes be cited as "Justices of the Peace Act, 1867."

Justices may act in cases specified.

2. A Justice of the Peace shall not be incapable of acting as a Justice at any Petty or Special or General or Quarter Sessions on the trial of an offence arising under an Act to be put in execution by a Municipal Corporation, or a Local Board of Health, or Improvement Commissioners, or Trustees, or any other Local Authority, by reason only of—

(a) His being as one of several Ratepayers, or as one of any other class of persons liable in common with the others to contribute to or to be benefited by any fund to the account of which the penalty payable in respect of such offence is directed to be carried or of which it will form part, or to contribute to any rate or expenses in diminution of which such penalty will go.

31 & 32 VICT., c. 130.

An Act to provide better Dwellings for Artizans and Labourers. ***(31st July, 1868.)***

[Act omitted as useless.]

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32 & 33 VICT. c. 18.

An Act to amend the Lands Clauses Consolidation Act. ***(24th June, 1869.)***

[See § 4, and the Memorandum appended to the "Lands Clauses Consolidation Act, 1845" (*ante*).]

33 & 34 VICT., c. 70.

An Act to facilitate in certain cases the obtaining of powers for the construction of Gas and Water Works and for the supply of Gas and Water.(a) *(9th August, 1870.)*

BE it enacted, &c.,

Preliminary.

Short title. **1.** This Act may be cited for all purposes as "The Gas and Waterworks Facilities Act, 1870."

Interpretation. **2.** For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them; that is to say,

The term "local authority" shall mean the bodies of persons named in the table in the Schedule (A) to this Act annexed:

The term "road" shall mean any carriageway being a public highway, and any bridge forming part of the same:

The term "road authority" shall mean any Local Authority, Board, Town Council, Body Corporate, Commissioners, Trustees, Vestry, or other body or persons in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road:

The term "district," in relation to a local authority, shall mean the area within the jurisdiction of such local authority:

The term "The Lands Clauses Acts" means, so far as the provisional order in which that term is used relates to England or Ireland, the "Lands Clauses Consolidation Act, 1845;" and, so far as the same relates to Scotland, the "Lands Clauses Consolidation (Scotland) Act, 1845;" together with, in each case, the "Lands Clauses Consolidation Acts Amendment Act, 1860."

Description of Cases within this Act.

Act to apply to certain cases. **3.** This Act shall apply where powers are required for all or any of the purposes following:—

(1.) To construct or to maintain and continue gasworks and works connected therewith, or to manufacture and supply gas in any district within which there is not an existing Company, Corporation, Body of Commissioners, or person empowered by Act of Parliament to construct such works or to manufacture and supply gas:

(2.) To construct or to maintain and continue waterworks and works connected therewith, or to supply water in any district within which there is not an existing Company, Corporation, Body of Commissioners, or person empowered by Act of Parliament to construct such works and to supply water:

(3.) To raise additional capital necessary for any of the purposes aforesaid:

(4.) To enable two or more companies or persons duly authorised to supply gas or water in any district or in adjoining districts to enter into agreements jointly to furnish such supply, or to amalgamate their undertakings:

(5.) To authorise two or more companies or persons supplying gas or water in any district or in adjoining districts to manufacture and supply gas or to supply water, and to enter into agreements jointly to furnish such supply and to amalgamate their undertakings.

and such purposes, or any one or more of them, as the case may be, shall, for the purposes of this Act, be deemed to be included in the term "gas undertaking" or "water undertaking," according as the same relate to the supply of gas or water; provided that any gas or water company empowered as aforesaid may apply for and avail themselves of the facilities of this Act within their own districts respectively.

Provisional Orders authorising Gas and Water Undertakings.

By whom provisional orders may be obtained. **4.** Provisional orders authorising any gas undertaking or water undertaking under the authority of this Act may be obtained in any district by any company, companies, or person; and in the construction of this Act the term "the Undertakers" shall be deemed to include any such company, companies, or person.

(a) Extended and amended by the Act 36 & 37 Vict., c. 89 (*post*).

Where the Undertakers require powers for the purpose of constructing Gasworks or Waterworks, or works connected therewith within any district, the consent of the Local Authority of such district shall be necessary before any provisional order can be obtained; and where in such district there is a Road Authority distinct from the Local Authority, the consent of such Road Authority shall also be necessary in any case where power is sought to break up any road of such Road Authority, before any provisional order can be obtained, unless the Board of Trade in any case in which the consent of the Local Authority or Road Authority is refused are of opinion, after inquiry, that, having regard to all the circumstances of the case, such consent ought to be dispensed with, and in such case they shall make a special report, stating the grounds upon which they have dispensed with such consent.

Notices and deposit of documents.

5. The Undertakers intending to make an application for a provisional order in pursuance of this Act shall proceed as follows:—

(1.) On or before the first of November next before their application they shall give notice in writing of their intention to make the same to every Company, Corporation, or person (if any) supplying gas (if the proposed application relates to gasworks) or water (if the proposed application relates to waterworks) within the district to which the proposed application refers:

(2.) In the months of October and November next before their application, or in one of those months, they shall publish notice of their intention to make such application by advertisement, according to the regulations contained in Part One of the Schedule (B) to this Act; and where it is proposed to abstract water from any stream for any waterwork, they shall give notice in writing of their intention to make such application to the owners or reputed owners, lessees or reputed lessees, and occupiers of all mills and manufactories or other works using the waters of such stream for a distance of 20 miles below the point at which such water is intended to be abstracted, such distance to be measured along the course of such stream, unless such waters shall within a less distance than 20 miles fall into or unite with any navigable stream, and then only to the owners or reputed owners, lessees or reputed lessees, and occupiers of such mills and manufactories as aforesaid which shall be situate between the point at which such water is proposed to be abstracted and the point at which such water shall fall into or unite with such navigable stream; and such notice shall state the name (if any) by which the stream is known at the point at which such water shall be immediately abstracted, and also the parish in which such point is situate, and the time and place of deposit of the plans and sections required by this Act to be deposited:

(3.) On or before the 30th day of the same month of November they shall deposit the documents described in Part Two of the same schedule, according to the regulations therein contained:

(4.) On or before the 23rd day of December in the same year they shall deposit the documents described in Part Three of the same schedule, according to the regulations therein contained.

All maps, plans, and documents required by this Act to be deposited for the purposes of any provisional order may be deposited with the persons and in the manner directed by the Act of the session of Parliament held in the 7th year of the reign of His late Majesty King *William IV.* and the 1st year of Her present Majesty, intituled "An Act to compel Clerks of the Peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament;" and all the provisions of that Act shall apply accordingly.

Power of Board of Trade.

6. The Board of Trade shall consider the application, and also any objection thereto that may be lodged with them on or before such day as they from time to time appoint, and shall determine whether or not the Undertakers may proceed with the application.

Board of Trade provisional order.

7. Where it appears to the Board of Trade expedient and proper that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, and it has been proved to their satisfaction that all the requisitions of § 5 of this Act have been in all respects complied with, the Board of Trade may settle and make a provisional order accordingly.

Every such provisional order if it relates to gasworks shall expressly restrict the Undertakers from manufacturing gas or any residual products arising in the manufacture of gas on any land except such as is specified in that behalf in the order; and shall also expressly restrict them from storing gas on any land except such as is specified in that behalf in the order within 300 yards from any dwelling-house existing at the time when the Undertakers propose to store gas on such land, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Contents of order.

Every such provisional order shall contain such other provisions as, according to the nature of the application and the facts and circumstances of each case, the Board of Trade thinks fit to submit to Parliament for confirmation in manner provided by this Act; but so that any such provisional order shall not contain any provision for empowering the Undertakers or any other person to acquire lands otherwise than by agreement, or to acquire any lands, even by agreement, except to an extent therein limited.

Costs of order.

The costs of and connected with the preparation and making of each provisional order shall be paid by the Undertakers, and the Board of Trade may require the Undertakers to give security for such costs before they proceed with the provisional order.

Publication of order.

8. When a provisional order has been made as aforesaid and delivered to the Undertakers, the Undertakers shall forthwith deposit and publish the same by advertisement according to the regulations contained in Part Four of the Schedule (B) to this Act.

Confirmation of order by Parliament.

9. On proof to the satisfaction of the Board of Trade of the completion of such publication as aforesaid, the Board of Trade shall, as soon as they conveniently can after the expiration of 7 days from the completion of such publication in relation to any provisional order which shall have been published as aforesaid, not later than the 25th of April in any year procure a Bill to be introduced into either House of Parliament for an Act to confirm the provisional order, which shall be set out at length in the Schedule to the Bill; but until confirmation by Act of Parliament a provisional order under this Act shall not have any operation.

If while any such Bill is pending in either House of Parliament a petition is presented against any provisional order comprised therein, the Bill, so far as it relates to the order petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a Special Act.

The Act of Parliament confirming any provisional order under this Act shall be deemed a public General Act.

Incorporation of general Acts.

10. The provisions of the "Lands Clauses Acts," shall be incorporated with every provisional order under this Act, save where the same are expressly varied or excepted by any such provisional order, and except as to the following provisions, namely,—

(1.) With respect to the purchase and taking of lands otherwise than by agreement:

(2.) With respect to the entry upon lands by the promoters of the undertaking.

Where a provisional order authorises a gas undertaking the provisions of "The Gasworks Clauses Act, 1847," shall be incorporated with such provisional order, save where the same are thereby expressly varied or excepted.

Where a provisional order authorises a water undertaking the provisions of "The Waterworks Clauses Act, 1847," and of "The Waterworks Clauses Act, 1863," shall be incorporated with such provisional order, save where the same are thereby expressly varied or excepted.

For the purposes of such incorporation a provisional order under this Act shall be deemed the Special Act.

Cesser of powers.

11. If any Undertakers empowered by any provisional order under this Act to make works do not, within 3 years from the date of such provisional order, or within any shorter period prescribed therein, complete the works; or,

If within one year from the date of the provisional order, or within such shorter time as is prescribed in the provisional order, the works are not substantially commenced; or,

If the works are commenced, but whilst the powers to carry them on exist are suspended without a reason sufficient in the opinion of the Board of Trade to warrant such suspension;

the powers given by the provisional order to the Undertakers for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as is then completed, unless the time be prolonged by the special direction of the Board of Trade.

A statement in writing by the Board of Trade to the effect that such works have not been completed, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement, or suspension.

Gas rents and water rents.

12. The Undertakers empowered by any provisional order under this Act may demand and take, in respect of gas or water supplied by them under the authority of such provisional order, rents and rates respectively not exceeding the sums specified in such provisional order, subject and according to the regulations therein specified.

Provisions of general Act to apply.

13. Nothing in any provisional order, or Act confirming the same, shall exempt the Undertaking, or the Company, Corporation, or person to whom it belongs, from the provisions of any general Act of Parliament relating to gasworks or waterworks passed after the passing of this Act, or from any revision or alteration under the authority of Parliament of the maximum rents and rates allowed to be taken under the provisional order.

Board of Trade may be replaced by another Department.

14. For the purpose of carrying into effect the provisions of this Act, it shall be lawful for Her Majesty at any time after the passing of this Act, by Order in Council, to substitute for the Board of Trade any other department of Her Majesty's Government, and from and after such time as may be specified for the purpose in any such order, or if no time be specified therein from and after the date of such order, all matters to be done in pursuance of this Act by or in connexion with the Board of Trade shall be done by or in connexion with such substituted department.

Metropolis.

15. This Act shall not apply to any place within the Metropolis, as the same is defined in the "Metropolis Management Act, 1855."

SCHEDULE A.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.
England and Wales.	
Boroughs (1.) - - - - - -	The Mayor, Aldermen, and Burgesses acting by the Council.
Any place other than a Borough, and under the jurisdiction of Commissioners, Trustees, or other persons intrusted by any Local Act with powers of improving, cleansing, or paving any town.	The Commissioners, Trustees, or other persons intrusted by the Local Act with powers of improving, cleansing, or paving the town.
Any place not included in the above descriptions, and within the jurisdiction of Local Board constituted in pursuance of the "Public Health Act, 1848," and the "Local Government Act, 1858," or one of such Acts.	The Local Board.
Any place or parish not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The Vestry, Select Vestry, or other body of persons acting by virtue of any Act of Parliament, prescription custom, or otherwise, as or instead of a Vestry or Select Vestry.
* * * * * * * * *	

SCHEDULE B.

PROVISIONAL ORDERS.

PART I.

Advertisement in October or November of intended application.

(1.) Every advertisement is to contain the following particulars:

1. The objects of the intended application.
2. A general description of the nature of the proposed new works, if any.
3. The names of the townlands, parishes, townships, and extra-parochial places in which the proposed new works, if any, will be made.
4. The times and places at which the deposit under Part II. of this schedule will be made.
5. An office, either in London or at the place to which the intended application relates, at which printed copies of the draft provisional order, when deposited, and of the provisional order, when made, will be obtainable as herein-after provided.

(2.) The whole notice is to be included in one advertisement, which is to be headed with a short title descriptive of the undertaking.

(3.) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the district affected by the proposed undertaking, where the proposed works (if any) will be made; or if there be no such newspaper, then in some one and the same newspaper published in the county in which every such district, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(4.) The advertisement is also, in every case, to be inserted once at least in the London, Edinburgh, or Dublin *Gazette*, accordingly as the district is situate in England, Scotland, or Ireland.

PART II.

Deposit on or before 30th November.

(1.) The Undertakers are to deposit—

1. A copy of the advertisement published by them.
2. If the application relates to gas, a map showing the land proposed to be used for the manufacture of gas, or of residual products arising in the manufacture of gas.
3. A proper plan and section of the proposed new works, if any, such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf.

(2.) The documents aforesaid are to be deposited for public inspection—

In England or Ireland, in the office of the Clerk of the Peace for every county, riding, or division; in Scotland, in the office of the principal Sheriff Clerk for every county, district, or division which will be affected by the proposed undertaking, or in which any proposed new work will be made.

(3.) The documents aforesaid are also to be deposited at the office of the Board of Trade.

(1.) "Borough" shall mean any place for the time being subject to an Act passed in the session holden in the 5th and 6th years of the reign of King William IV., c. 76, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales."

PART III.

Deposit on or before 23rd December.

(1.) The Undertakers are to deposit at the office of the Board of Trade—

1. A memorial signed by the Undertakers, headed with a short title descriptive of the undertaking (corresponding with that at the head of the advertisement), addressed to the Board of Trade, and praying for a provisional order.
2. A printed draft of the provisional order as proposed by the Undertakers, with any schedule referred to therein.
3. An estimate of the expense of the proposed new works, if any, signed by the persons making the same.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of no more than one shilling each.

(3.) The memorial of the Undertakers (to be written on foolscap paper, bookwise, with quarter margin) is to be in the following form, with such variations as circumstances require:—

[*Short title of undertaking.*]

To the Board of Trade,

The memorial of the Undertakers of [*short title of undertaking*]:

Showeth as follows:

1. Your memorialists have published, in accordance with the requirements of the "Gas and Waterworks Facilities Act, 1870," the following advertisement:

[*Here advertisement to be set out verbatim.*]

2. Your memorialists have also deposited, in accordance with the requirements of the said Act, copies of the said advertisement and [*Here state deposit of the several matters required by Act*].

Your memorialists, therefore, pray that a provisional order may be made in the terms of the draft proposed by your memorialists, or in such other terms as may seem meet.

A.B.,
C.D.,
Undertakers.

PART IV.

Deposit and advertisement of Provisional Order when made.

(1.) The Undertakers are to deposit printed copies of the provisional order, when settled and made, for public inspection in the Offices of Clerks of the Peace and Sheriff Clerks, where the documents required to be deposited by them under Part II. of this Schedule were deposited.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement, such copies to be there furnished to all persons applying for them at the price of each.

(3.) They are also to publish the provisional order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published.

280

33 & 34 VICT., c. 78.

An Act to facilitate the construction and to regulate the working of Tramways.

(9th August, 1870.)

BE it enacted, &c.,

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Tramways Act, 1870."

Limitation.

2. This Act shall not extend to Ireland.

Interpretation.

3. For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them; that is to say,

The terms "Local Authority" and "Local Rate" shall mean respectively the bodies of persons and rate named in the table in Part One of the Schedule (A) to this Act annexed:

The term "road" shall mean any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same:

The term "Road Authority" shall mean * * * * any Local Authority, Board, Town Council, Body Corporate, Commissioners, Trustees, Vestry, or other body or persons in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road:

The term "district" in relation to a Local Authority or Road Authority, shall mean the area within the jurisdiction of such Local Authority or Road Authority:

The term "prescribed" shall mean prescribed by any rules made in pursuance of this Act:

The term "The Lands Clauses Acts" means, so far as the provisional order in which that term is used relates to England, "The Lands Clauses Consolidation Act, 1845;" and, so far as the same relates to Scotland, "The Lands Clauses Consolidation (Scotland) Act, 1845;" together with, in each case, "The Lands Clauses Consolidation Acts Amendment Act, 1860:"

The term "2 Justices" shall, in addition to its ordinary signification, mean one Stipendiary or Police Magistrate acting in any police court for the district.

PART I.

Provisional Orders authorising the Construction of Tramways.

By whom provisional orders may be obtained.

4. Provisional orders authorising the construction of Tramways in any district may be obtained by—

(1.) The Local Authority of such district; or by—

(2.) Any person, persons, corporation, or company, with the consent of the Local Authority of such district; or of the Road Authority of such district where such district is or forms part of a highway district formed under the provisions of "The Highway Acts:"

And any such Local Authority, person, persons, corporation, or company shall be deemed to be promoters of a Tramway, and are in this Act referred to as "the promoters."

Application for a provisional order shall not be made by any Local Authority until such application shall be approved in the manner prescribed in Part III. of the Schedule (A) to this Act annexed.

Where in any district there is a Road Authority distinct from the Local Authority the consent of such Road Authority shall also be necessary in any case where power is sought to break up any road subject to the jurisdiction of such Road Authority, before any provisional order can be obtained.

Consent of local or road authority not indispensable.

5. Where it is proposed to lay down a Tramway in 2 or more districts, and any Local or Road Authority having jurisdiction in any of such districts does not consent thereto, the Board of Trade may, nevertheless, make a provisional order authorising the construction of such Tramway if they are satisfied, after inquiry, that two-thirds of the length of such Tramway is proposed to be laid in a district or in districts the Local and Road Authority or the Local and Road Authorities of which district or districts do consent thereto; and in such case they shall make a special report stating the grounds upon which they have made such order.

Notices and deposit of documents.

6. The promoters intending to make an application for a provisional order shall proceed as follows:—

(1.) In the months of October and November next before their application, or in one of those months, they shall publish notice of their intention to make such application by advertisement; and they shall, on or before the 15th day of the following month of December, serve notice of such intention, in accordance with the standing orders (if any) of both Houses of Parliament for the time being in force with respect to Bills for the construction of Tramways:

(2.) On or before the 30th day of the same month of November they shall deposit the documents described in Part II. of the same Schedule, according to the regulations therein contained:

(3.) On or before the 23rd day of December in the same year they shall deposit the documents described in Part III. of the same Schedule, according to the regulations therein contained:

All maps, plans, and documents, required by this Act to be deposited for the purposes of any provisional order may be deposited with the persons and in the manner directed by the Act of the session of Parliament held in the 7th year of the reign of His late Majesty King *William IV.* and the 1st year of Her present Majesty, intituled "An Act to compel Clerks of the Peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament;" and all the provisions of that Act shall apply accordingly.

Power of Board of Trade.

7. The Board of Trade shall consider the application, and may, if they think fit, direct an inquiry in the district to which the same relates, or may otherwise inquire as to the propriety of proceeding upon such application, and they shall consider any objection thereto that may be lodged with them on or before such day as they from time to time appoint, and shall determine whether or not the promoters may proceed with the application.

Board of Trade provisional order.

8. Where it appears to the Board of Trade expedient and proper that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, the Board of Trade may settle and make a provisional order accordingly.

Contents of order.

Every such provisional order shall empower the promoters therein specified to make the Tramway upon the gauge and in manner therein described, and shall contain such provisions as (subject to the requirements of this Act) the Board of Trade, according to the nature of the application and the facts and circumstances of each case, think fit to submit to Parliament for confirmation in manner provided by this Act; but so that any such provisional order shall not contain any provision for empowering the promoters or any other person to acquire lands otherwise than by agreement, or to acquire any lands, even by agreement, except to an extent therein limited, or to construct a Tramway elsewhere than along or across a road, or upon land taken by agreement.

Construction of tramways in towns.

9. Every Tramway in a town which is hereafter authorised by provisional order shall be constructed and maintained as nearly as may be in the middle of the road; and no Tramway shall be authorised by any provisional order to be so laid that for a distance of 30ft. or upwards a less space than 9ft. and 6in. shall intervene between the outside of the footpath on either side of the road and the nearest rail of the Tramway if one-third of the owners or one-third of the occupiers of the houses, shops, or warehouses abutting upon the part of the road where such less space shall intervene as aforesaid shall in the prescribed manner and at the prescribed time express their dissent from any Tramway being so laid.

Nature of traffic and tolls to be specified in order.

10. Every such provisional order shall specify the nature of the traffic for which such Tramway is to be used, and the tolls and charges which may be demanded and taken by the promoters in respect of the same, and shall contain such regulations relating to such traffic and such tolls and charges as the Board of Trade shall deem necessary and proper.

Costs of order.

11. The costs of and connected with the preparation and making of each provisional order shall be paid by the promoters, and the Board of Trade may require the promoters to give security for such costs before they proceed with the provisional order.

Promoters to deposit in bank £4 per cent. on estimate.

12. After a provisional order is ready, and before the same is delivered by the Board of Trade, the promoters, unless they are a Local Authority, shall within the prescribed time and in the prescribed manner, and subject to the prescribed conditions as to interest, repayment, or forfeiture, pay, as a deposit, into the prescribed bank, the sum of money prescribed, which shall not be less than £4 per centum on the amount of the estimate by the promoters of the expense of the construction of the Tramway, or deposit in such bank any security of the prescribed nature the then value of which is not less than such sum of money.

Publication of order.

13. When a provisional order has been made as aforesaid and delivered to the promoters, the promoters shall forthwith publish the same by deposit and advertisement, according to the regulations contained in Part IV. of the Schedule (B) to this Act.

Confirmation of order by Parliament.

14. On proof to the satisfaction of the Board of Trade of the completion of such publication as aforesaid, the Board of Trade shall, as soon as they conveniently can after the expiration of 7 days from the completion of such publication, procure a Bill to be introduced into either House of Parliament in relation to any provisional order which shall have been published as aforesaid not later than the 25th of April in any year, for an Act to confirm the provisional order, which shall be set out at length in the schedule to the Bill; and until confirmation, with or without amendment, by Act o Parliament, a provisional order under this Act shall not have any operation.

If while any such Bill is pending in either House of Parliament a petition is presented against any provisional order comprised therein, the Bill, so far as it relates to the order petitioned against, may be referred to

a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a Special Act.

The Act of Parliament confirming a provisional order under this Act shall be deemed a Public General Act.

Incorporation of general Acts.

15. The provisions of the "Lands Clauses Acts" shall be incorporated with every provisional order under this Act, save where the same are expressly varied or excepted by any such provisional order, and except as to the following provisions, namely:—

(1.) With respect to the purchase and taking of lands otherwise than by agreement:

(2.) With respect to the entry upon lands by the promoters of the undertaking.

For the purposes of such incorporation a provisional order under this Act shall be deemed the Special Act.

Power of Board of Trade to revoke, &c., an order.

16. The Board of Trade on the application of any promoters empowered by a provisional order may from time to time revoke, amend, extend, or vary such provisional order by a further provisional order.

Every application for such further provisional order shall be made in like manner and subject to the like conditions as the application for the former provisional order.

Every such further provisional order shall be made and confirmed in like manner in every respect as the former provisional order, and until such confirmation such further provisional order shall not have any operation.

Power to authorise joint work.

17. Subject and according to the provisions of this Act, the Board of Trade may, on a joint application, or on two or more separate applications, settle and make a provisional order empowering two or more Local Authorities, respectively, jointly to construct the whole, or separately to construct parts, of a Tramway, and jointly or separately to own the whole or parts thereof; and all the provisions of this Act which relate to the construction of Tramways shall extend and apply to the construction of the whole and the separate parts of such Tramway as last aforesaid; and the form of the provisional order may be adapted to the circumstances of the case.

Cesser of powers at expiration of prescribed time.

18. If the promoters, empowered by any provisional order under this Act to make a Tramway, do not, within 2 years from the date of the same, or within any shorter period prescribed therein, complete the Tramway and open it for public traffic; or,

If within one year from the date of the provisional order, or within such shorter time as is prescribed in the same, the works are not substantially commenced; or,

If the works having been commenced are suspended without a reason sufficient in the opinion of the Board of Trade to warrant such suspension;

the powers given by the provisional order to the promoters for constructing such Tramway, executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as is then completed, unless the time be prolonged by the special direction of the Board of Trade; and as to so much of the same as is then completed the Board of Trade may allow the said powers to continue and to be exercised if they shall think fit, but failing such permission the same shall cease to be exercised, and where such permission is withheld then so much of the said Tramway as is then completed shall be deemed to be a Tramway to which all the provisions of this Act relating to the discontinuance of Tramways after proof of such discontinuance shall apply, and may be dealt with accordingly.

A notice purporting to be published by the Board of Trade in the London or Edinburgh *Gazette*, accordingly as the district to which it relates is situate in England or Scotland, to the effect that a Tramway has not been completed and opened for public traffic, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement, or suspension.

Local authority may lease or take tolls.

19. When a Tramway has been completed under the authority of a provisional order by any Local Authority, or where any Local Authority has under the provisions of this Act acquired possession of any Tramway, such authority may, with the consent of the Board of Trade, and subject to the provisions of this Act, by lease, to be approved of by the Board of Trade, demise to any person, persons, Corporation, or Company the right of user by such person, persons, Corporation, or Company of the Tramway, and of demanding and taking in respect of the same the tolls and charges authorised; or such authority may leave such Tramway open to be used by the public, and may in respect of such user demand and take the tolls and charges authorised; but nothing in this Act contained shall authorise any Local Authority to place or run carriages upon such Tramway, and to demand and take tolls and charges in respect of the use of such carriages.

Notice of the intention to make such lease shall be published by the Local Authority by advertisement, and a copy of such lease shall be deposited according to the regulations contained in Part I. of the Schedule (C) to this Act annexed; and unless such notice is given, and such copy deposited, such lease shall not be approved of by the Board of Trade.

Every such lease shall be made for a term or for terms not exceeding in the whole 21 years.

On the determination of any lease made under this Act, the Local Authority may from time to time, with the consent of the Board of Trade, by lease, demise such rights for such further term or terms, not exceeding in any case 21 years, as the said Board may approve.

Every such lease shall imply a condition of re-entry if at any time after the making of the same the lessees discontinue the working of the Tramway leased, or of any part thereof, for the space of 3 calendar

months (such discontinuance not being occasioned by circumstances beyond the control of such lessees, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control).

The person, persons, Corporation, or Company to whom any such lease may be made are in this Act referred to as "lessees."

How expenses to be defrayed.

20. Where the Local Authority in any district are the promoters of any Tramway, they shall pay all expenses incurred by them in applying for and obtaining a provisional order, and carrying into effect the purposes of such provisional order, out of the local rate, and any such expenses shall be deemed to be purposes for which such local rate may be made, and to which the same may be applied.

Where the local rate is limited by law to a certain amount, and is by reason of such limitation insufficient for the payment of such expenses, the Board of Trade may, by the provisional order, extend the limit of such local rate to such amount as they shall think fit, and prescribe for the payment of such expenses.

Such Local Authority may, for the purposes of such provisional order, borrow and take up at interest, on the credit of such local rate, any sums of money necessary for defraying any such expenses; and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, such Local Authority may mortgage to the persons by or on behalf of whom such sums are advanced such local rate; but the exercise of the above-mentioned power shall be subject to the following regulations:

(1.) The money so borrowed shall not exceed such sum as may be sanctioned by the Board of Trade:

(2.) The money may be borrowed for such time, not exceeding 30 years, as such Local Authority, with the sanction of the Board of Trade, shall determine; and, subject as aforesaid to the repayment within 30 years, such Local Authority may either pay off the moneys so borrowed by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of exchequer bills or other Government securities, such sum as will be sufficient to pay off the moneys so borrowed, or a part thereof, at such times as the local authority may determine.

10 Vict., c. 16, §§ 75—88.

The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall apply to any mortgage executed under the foregoing provisions of this section, and for the purposes of such application the said provisions shall be incorporated with this Act.

For the purposes of such incorporation, the terms "The Special Act," and "the Commissioners," shall be construed to mean respectively a provisional order under this Act, and the Local Authority.

Such Local Authority shall keep separate accounts of all moneys paid by them in applying for, obtaining, and carrying into effect any such provisional order, and in the repayment of moneys borrowed, and of all moneys received by them by way of rent or tolls in respect of the Tramway authorised thereby.

When, after payment of all charges incurred under the authority of this Act, and necessary for giving effect to such provisional order, there shall be remaining in the hands of such Local Authority any of the moneys received by them by way of rent or tolls in respect of the Tramway authorised by such provisional order, such moneys shall be applied by them to the purposes for which the local rate may be by them applied.

[§ 21 relates to the Metropolis only.]

Part II.

Construction of Tramways.

As to incorporation of parts of this Act with provisional order and special Acts.

22. Part II. and Part III. of this Act shall apply to every Tramway which is hereafter authorised by any provisional order or Act of Parliament, and shall be incorporated with such provisional order or Act, and all the said provisions of this Act, save so far as they shall be expressly varied or excepted by any such provisional order or Act, shall apply to the undertaking authorised thereby, so far as the same shall be applicable to such undertaking, and shall, with the provisions of every other Act or part of any Act which shall be incorporated therewith, form part of the said provisional order or Act, and be construed therewith as forming one provisional order or Act, as the case may be.

"Special Act:"

23. In Part II. and Part III. of this Act, the term "Special Act" shall be construed to mean any Act of Parliament which shall be hereafter passed or any provisional order authorising the construction of a Tramway, and with which the said parts of this Act shall be incorporated as aforesaid:

"Promoters."

24. The term "the promoters" shall mean any person, persons, Corporation, Company, or Local Authority authorised by Special Act to construct a Tramway.

Mode of formation of tramways.

25. Every Tramway which is hereafter authorised by Special Act shall be constructed on such gauge as may be prescribed by such Special Act, and if no guage is thereby prescribed, on such guage as will admit of the use upon such Tramways of carriages constructed for use upon railways of a guage of 4ft. 8½in., and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic, in the prescribed manner.

Power to break up streets, &c.

26. The promoters from time to time, for the purpose of making, forming, laying down, maintaining, and renewing any Tramway duly authorised, or any part or parts thereof respectively, may open and break up any road, subject to the following regulations:

(1.) They shall give to the Road Authority notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given 7 days at least before the commencement of the work:

(2.) They shall not open, or break up, or alter the level of any road, except under the superintendence and to the reasonable satisfaction of the Road Authority, unless that Authority refuses or neglects to give superintendence at the time specified in the notice, or discontinues the same during the work:

(3.) They shall pay all reasonable expenses to which the Road Authority is put on account of such superintendence:

(4.) They shall not, without the consent of the Road Authority, open or break up at any one time a greater length than 100 yards of any road which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length the promoters shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than 100 yards.

Where the carriageway over any bridge forms part of or is a road within the jurisdiction of a Road Authority but such bridge is vested in some person or persons, Corporation, or Company, distinct from such Road Authority, any work which the promoters may be empowered to construct, and which affects or in anywise interferes with the structural works of such bridge, shall be constructed under the superintendence (at the cost of the promoters) and to the reasonable satisfaction of such person, persons, Corporation, or Company, unless after notice to be given by the promoters 7 days at least before the commencement of such work such superintendence is refused or withheld.

Where the carriageway in or upon which any Tramway is proposed to be formed or laid down is crossed by any Railway or Tramway on the level, any work which the promoters may be empowered to construct, and which affects or in anywise interferes with such Railway or Tramway, or the traffic thereon, shall be constructed and maintained under the superintendence (at the cost of the promoters) and to the reasonable satisfaction of the person, Corporation, or Company owning such Railway or Tramway, unless after notice to be given by the promoters 7 days at least before the commencement of such work such superintendence is refused or withheld.

Completion of works and reinstatement of road.

27. When the promoters have opened or broken up any portion of any road, they shall be under the following further obligations; namely,

(1.) They shall, with all convenient speed, and in all cases within 4 weeks at the most (unless the Road Authority otherwise consents in writing) complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the Tramway) fill in the ground and make good the surface, and, to the satisfaction of the Road Authority, restore the portion of the road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby:

(2.) They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night:

(3.) They shall bear or pay all reasonable expenses of the repair of the road for 6 months after the same is restored, as far as those expenses are increased by the opening or breaking up.

If the promoters aforesaid fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy against them) be liable to a penalty not exceeding £20, and to a further penalty not exceeding £5 for each day during which any such failure continues after the first day on which such penalty is incurred.

Repair of part of road where tramway is laid.

28. The promoters shall, at their own expense, at all times maintain and keep in good condition and repair, with such materials and in such manner as the Road Authority shall direct, and to their satisfaction, so much of any road whereon any Tramway belonging to them is laid as lies between the rails of the Tramway and (where 2 Tramways are laid by the same promoters in any road at a distance of not more than 4ft. from each other) the portion of the road between the Tramways, and in every case so much of the road as extends 18in. beyond the rails of and on each side of any such Tramway. If the promoters abandon their undertaking or any part of the same, and take up any Tramway or any part of any Tramway belonging to them, they shall with all convenient speed, and in all cases within 6 weeks at the most (unless the Road Authority otherwise consents in writing), fill in the ground and make good the surface, and, to the satisfaction of the Road Authority, restore the portion of the road upon which such Tramway was laid to as good a condition as that in which it was before such Tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work; and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night: provided always, that if the promoters fail to comply with the provisions of this section, the Road Authority, if they think fit, may themselves at any time, after 7 days notice to the promoters, open and break up the road, and do the works necessary for the repair and maintainance or restoration of the road, to the extent in this section above mentioned, and the expense incurred by the Road Authority in so doing shall be repaid to them by the promoters.

Road authority and promoters may contract for paving roads on which are tramways.

29. The Road Authority on the one hand and the promoters on the other hand may from time to time enter into and carry into effect, and from time to time alter, renew, or vary, contracts, agreements, or arrangements with respect to the paving and keeping in repair of the whole or any portion of the roadway of any road on which the promoters shall lay any Tramway, and the proportion to be paid by either of them of the expense of such paving and keeping in repair.

Provision as to gas and water companies.

30. For the purpose of making, forming, laying down, maintaining, repairing or renewing any of their Tramways, the promoters may from time to time, where and as far as it is necessary, or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connexion with the same, alter the position of any mains or pipes for the supply of gas or water, or any tube, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Act, and also subject to the following restrictions; (that is to say,)

(1.) Before laying down a Tramway in a road in which any mains or pipes, tubes, wires, or apparatus may be laid, the promoters shall, whether they contemplate altering the position of any such mains or pipes, wires, or apparatus, or not, give 7 days days notice to the Company, persons, or person to whom such maines or pipes, tubes, wires, or apparatus may belong or by whom they are controlled, of their intention to lay down or alter the Tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such Company or person that the construction of the Tramway as proposed would endanger any such main or pipe, tube, wire, or apparatus, or interfere with or impede the supply of water or gas or the telegraphic or other communication, such Company or person (as the case may be) may give notice to the promoters to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus in such manner as may be considered necessary, and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences between the promoters and other Companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the Company or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such Company or person or of their Surveyor or Engineer if they or he think fit to attend, after receiving not less than 48 hours notice for that purpose, which notice the promoters are hereby required to give:

(2.) The promoters shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to or controlled by any such Company or person, or do anything to impede the passage of water or gas or the telegraphic or other communication into or through such mains or pipes, without the consent of such Company or person, or in any other manner than such Company or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced, shall at the expense of the promoters have been first made and laid down in lieu thereof and ready for use, and to the satisfaction of the Surveyor or Engineer of such water or gas or other Company, or of such person, or, in case of disagreement between such Surveyor or Engineer and the promoters, as an Engineer appointed by the Board of Trade shall direct:

(3.) The promoters shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas or other Company, or relating to telegraphs:

(4.) The promoters shall make good all damage done by them to property belonging to or controlled by any such Company or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property, or with the private service pipes of any person supplied by any such Company or person with water or gas:

(5.) If by any such operations as aforesaid the promoters interrupt the supply of water or gas in or through any main or main pipe they shall be liable to a penalty not exceeding £20 for every day upon which such supply shall be so interrupted.

Protection of sewers, &c.

31. Where in any district any Tramway or any work connected therewith interferes with any sewer, drain, watercourse, subway, defence, or work in such district, or in any way affects the sewerage or drainage of such district, the promoters shall not commence any Tramway or work until they shall have given to the proper authority 14 days previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such authority with all necessary particulars relating thereto, nor until such authority shall have signified their approval of the same, unless such authority do not signify their approval, disapproval, or other directions within 14 days after service of the said notice and particulars as aforesaid, and the promoters shall comply with and conform to all reasonable directions and regulations of the said authority in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such authority shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to, by or by reason of the Tramways, and shall save harmless the said authority against all and every the expense to be occasioned thereby; and all such works shall be done under the direction, superintendence, and control of the Engineer or other officer or officers of the said authority, at the reasonable costs, charges, and expenses in all respects of the promoters; and when any new, altered, or substituted work as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the promoters, under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said authority and be maintained by them as any sewers or works.

Rights of authorities and companies, &c., to open roads.

32. Nothing in this Act shall take away or abridge any power to open or break up any road along or across which any Tramway is laid, or any other power vested in any Local Authority or Road Authority for any of the purposes for which such authority is respectively constituted, or in any Company, body, or person for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power every such Local Authority, Road Authority, Company, body, or person shall be subject to the following restrictions; (that is to say,)

(1.) They shall cause as little detriment or inconvenience to the promoters and lessees as circumstances admit:

(2.) Before they commence any work whereby the traffic on the Tramway will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the promoters and lessees, if there be any, notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given 18 hours at least before the commencement of the work:

(3.) They shall not be liable to pay to the promoters or lessees any compensation for injury done to the Tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid:

(4.) Whenever for the purpose of enabling them to execute such work the Local Authority or the Road Authority shall so require, the promoters or lessees shall either stop traffic on the Tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: provided that such work shall always be completed by the Local Authority or the Road Authority, as the case may be, with all reasonable expedition:

(5.) Any Company, body, or person shall not execute such work so far as it immediately affects the Tramway except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work; and they shall execute such work at their own expense, and to the reasonable satisfaction of the promoters: provided that any additional expense imposed upon them by reason of the existence of the Tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such Tramway shall be borne by the promoters.

Difference between promoters and road authority, &c.

33. If any difference arises between the promoters or lessees on the one hand and any Local Authority or Road Authority, or any Gas or Water Company, or any Company, body, or person to whom any sewer, drain, tube, wires, or apparatus for telegraphic or other purposes may belong, or any other Company, on the other hand, with respect to any interference or control exercised, or claimed to be exercised, by them or him, or on their or his behalf, or by the promoters or lessees by virtue of this Act, in relation to any Tramway or work, or in relation to any work or proceeding of the Local Authority, Road Authority, body, Company, or person, or with respect to the propriety of or the mode of execution of any work relating to any Tramway, or with respect to the amount of any compensation to be made by or to the promoters or lessees, or on the question whether any work is such as ought reasonably to satisfy the Local Authority, Road Authority, body, Company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an Engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

PART III.

GENERAL PROVISIONS.

Carriages.

Power for promoters to use flange-wheeled carriages, &c.

34. The promoters of Tramways authorised by Special Act and their lessees may use on their Tramways carriages with flange wheels or wheels suitable only to run on the rail prescribed by such Act; and, subject to the provisions of such Special Act and of this Act, the promoters and their lessees shall have the exclusive use of their Tramways for carriages with flange wheels or other wheels suitable only to run on the prescribed rail.

All carriages used on any Tramway shall be moved by the power prescribed by the Special Act, and where no such power is prescribed, by animal power only.

No carriage used on any Tramway which is hereafter authorised by Special Act shall extend beyond the outer edge of the wheels of such carriage more than 11in. on each side.

Licenses to use Tramways.

Licenses to use tramways may be granted by Board of Trade.

35. If at any time after any Tramway or part of any Tramway shall have been for 3 years opened for public traffic in any district it shall be represented in writing to the Board of Trade by the Local Authority of such district or by 20 inhabitant ratepayers of such district, or by the Road Authority of any road in which such Tramway or part of a Tramway is laid, that the public are deprived of the full benefit of the Tramway, the Board of Trade may (if they consider that, primâ facie, the case is one for inquiry) direct an inquiry by a

referee under this Act into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction, the Board may from time to time grant licenses to any company or person to use such Tramway in addition to the promoters or their lessees, for such traffic as is authorised by the Special Act, with carriages to be approved by the Board, subject to the following provisions, conditions, and restrictions; (that is to say,)

(1.) The license shall be for any period not less than one year nor more than 3 years from the date of the license, but shall be renewable by the Board, if they upon inquiry think fit:

(2.) The license shall be to use the whole of such Tramway for the time being opened for public traffic, or such part or parts of such Tramway as the Board, having reference to the cause for granting the license, shall think right:

(3.) The license shall direct the number of carriages which the licensee or licensees shall run upon such Tramway, and the mode in which and times at which such carriages shall be run:

(4.) The licenses shall specify the tolls to be paid to the promoters or to their lessees by the licensee or licensees for the use of the Tramways:

(5.) The licensee or licensees, and their officers and servants, shall permit one person duly authorised for that purpose by the promoters, or by their lessees, to ride free of charge in or upon each carriage of the licensee or licensees run upon the Tramways for the whole or any part of the journey:

(6.) The Board of Trade may at any time after the granting of any license revoke, alter, or modify the same for good cause shown to them.

Default in payment of tolls.

36. If on demand any licensee fail to pay the tolls due in respect of any passengers carried in any carriage it shall be lawful for the promoters or their lessees, to whom the same are payable, to detain and sell such carriage, or if the same shall have been removed from the Tramway or premises of such promoters or lessees, to detain and sell any other carriages on such Tramway or premises belonging to such licensee, and out of the moneys arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus (if any) of such moneys and such of the carriages as shall remain unsold to the person entitled thereto.

Account of passengers carried.

37. Every licensee shall on demand give to an officer or servant authorised in that behalf by the promoters or their lessees entitled to be paid tolls by such licensee, an exact account in writing signed by such licensee of the number of passengers conveyed by any and every carriage used by him on the Tramways.

Penalty for not giving account of passengers carried.

38. If any such licensee fails to give such account to such officer or servant demanding the same as aforesaid, or if any such licensee with intent to avoid the payment of any tolls gives a false account, he shall for every such offence forfeit to the promoters, or to their lessees entitled to be paid tolls by such licensee, a sum not exceeding £5, and such penalty shall be in addition to any tolls payable in respect of the passengers carried by any such carriage.

Disputes as to amount of toll.

39. If any dispute arise concerning the amount of the tolls due to the promoters or to their lessees from any licensee, or concerning the charges occasioned by any detention or sale of any carriage under the provisions herein contained, the same shall be settled in England by 2 Justices, and in Scotland by the Sheriff or 2 Justices, and it shall be lawful for the promoters or their lessees in the meanwhile to detain the carriage, or (if the case so require) the proceeds of the sale thereof.

Owners of carriages liable for damage done by their servants.

40. Every licensee shall be answerable for any trespass or damage done by his carriages or horses, or by any of the servants or persons employed by him, to or upon the Tramway, or to or upon the property of any other person, and, without prejudice to the right of action against the licensee or any other person, every such servant or other person may lawfully be convicted of such trespass or damage in England before 2 Justices, and in Scotland before the Sheriff or 2 Justices, either by the confession of the party offending or by the oath of some credible witness; and upon such conviction every such licensee shall pay to the promoters, lessees, or persons injured, as the case may be, the damage, to be ascertained by such Justices, so that the same do not exceed £50.

Discontinuance of Tramways.

Tramways to be removed in certain cases.

41. If at any time after the opening of any Tramway in any district for traffic the promoters discontinue the working of such Tramway, or of any part thereof, for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of such promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Board of Trade, the said Board, if they think fit, may by order declare that the powers of the promoters in respect of such Tramway or the part thereof so discontinued shall, from the date of such order, be at an end, and thereupon the said powers of the promoters shall cease and determine, unless the same are purchased by the Local Authority in manner by this Act provided. Where any such order has been made, the road authority of such district may at any time after the expiration of 2 months from the date of such order, under the authority of a certificate to that effect by the Board of Trade, remove the Tramway or part of the Tramway so discontinued, and the promoters shall pay to the Road Authority the cost of such removal and of the making good of the road by the Road Authority, such cost to be certified by the Clerk for the time being, or by some other authorised officer of the Road Authority, whose certificate shall be final and conclusive; and if the promoters fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, the Road Authority may, without any previous

notice to the promoters (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the Tramway or part of Tramway removed, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the Road Authority may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost certified as aforesaid and of the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the Road Authority to the promoters.

Insolvency of Promoters.

Proceedings in case of insolvency of promoters.

42. If at any time after the opening of any Tramway in any district for traffic, it appears to the Local Authority or the Road Authority of such district that the promoters of such Tramway are insolvent, so that they are unable to maintain such Tramway, or work the same with advantage to the public, and such Road Authority makes a representation to that effect to the Board of Trade, the Board of Trade may direct an inquiry by a referee into the truth of the representation, and if the referee shall find that the promoters are so insolvent as aforesaid, the Board of Trade may, by order, declare that the powers of the promoters shall, at the expiration of 6 calendar months from the making of the order, be at an end, and the powers of the promoters shall cease and determine at the expiration of the said period, unless the same are purchased by the Local Authority in manner by this Act provided; and thereupon such Road Authority may remove the Tramway in like manner and subject to the same provisions as to the payment of the costs of such removal, and to the same remedy for recovery of such costs, in every respect as in cases of removal under the next preceding section.

Purchase of Tramways.

Future purchase of undertaking by local authority.

43. Where the promoters of a Tramway in any district are not the Local Authority, the Local Authority, if, by resolution passed at a special meeting of the members constituting such Local Authority, they so decide, may within 6 months after the expiration of a period of 21 years from the time when such promoters were empowered to construct such Tramway, and within 6 months after the expiration of every subsequent period of 7 years, or within 3 months after any order made by the Board of Trade under either of the two next preceding sections, with the approval of the Board of Trade, by notice in writing require such promoters to sell, and thereupon such promoters shall sell to them their undertaking, or so much of the same as is within such district, upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking, or any compensation for compulsory sale, or other consideration whatsoever) of the Tramway, and all lands, buildings, works, materials, and plant of the promoters suitable to and used by them for the purposes of their undertaking within such district, such value to be in case of difference determined by an Engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference to be borne and paid as the referee directs. And when any such sale has been made, all the rights, powers, and authorities of such promoters in respect to the undertaking sold, or where any order has been made by the Board of Trade under either of the next preceding sections, all the rights, powers, and authorities of such promoters previous to the making of such order in respect to the undertaking sold, shall be transferred to, vested in, and may be exercised by the authority to whom the same has been sold, in like manner as if such Tramway was constructed by such authority under the powers conferred upon them by a provisional order under this Act, and in reference to the same they shall be deemed to be the promoters.

No such resolution shall be valid unless a month's previous notice of the meeting, and of the purpose thereof, has been given in manner in which notices of meetings of such Local Authority are usually given, nor unless two-thirds of the members constituting such Local Authority are present and vote at the meeting, and a majority of those present and voting concur in the resolution; provided that if in Scotland the Local Authority be the Road Trustees, it shall not be necessary that two-thirds of such trustees shall be present at the meeting, but the resolution shall not be valid unless two-thirds of the members present vote in favour of such resolution, and unless the said resolution is confirmed in like manner at another meeting called as aforesaid and held not less than 3 weeks and not more than 6 weeks thereafter; and it shall be lawful for the chairman of any such meeting, with the consent of a majority of the members present, to adjourn the same from time to time.

The Local Authority in any district may pay the purchase money and all expenses incurred by them in the purchase of any undertaking under the authority of this section out of the like rate, and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for, obtaining, and carrying into effect any provisional order obtained by them under this Act.

Where the local rate is limited by law to a certain amount, and is by reason of such limitation insufficient for the payment of such purchase money and expenses, the Board of Trade may by provisional order extend the limit of such local rate to such amount as they shall think fit and prescribe for the payment of such purchase money and expenses.

Every such provisional order shall be confirmed in like manner as a provisional order under the authority of Part I. of this Act, and until such confirmation such provisional order shall not have any operation.

Subject and according to the preceding provisions of this section, 2 or more Local Authorities may jointly purchase any undertaking or so much of the same as is within their districts.

Power of sale.

44. Where any Tramway in any district has been opened for traffic for a period of 6 months the promoters may, with the consent of the Board of Trade, sell their undertaking to any person, persons, corporation, or company, or to the Local Authority of such district; and when any such sale has been made all the rights, powers, authorities, obligations, and liabilities of such promoters in respect to the undertaking sold shall be transferred to, vested in, and may be exercised by, and shall attach to the person, persons, corporation, company, or Local Authority to whom the same has been sold, in like manner as if such Tramway was constructed by such person, persons, corporation, company, or Local Authority under the powers conferred upon them by Special Act, and in reference to the same they shall be deemed to be the promoters.

Provided always, that a Local Authority shall not purchase any undertaking under the provisions of this section unless they shall decide to make such purchase by resolution passed at a special meeting of the members constituting such Local Authority, which resolution shall be made in the same manner and shall be subject to the same conditions as to validity as resolutions made in regard to the purchases by the next preceding section authorised.

Where any purchase is made by any Local Authority under the provisions of this section, such Local Authority may pay the purchase money and all expenses incurred by them in making such purchase out of the like funds, and for such purposes shall have all and the like powers and be subject to all the like conditions as if such purchase were made under the authority of the next preceding section.

Tolls.

Tolls, &c.

45. The promoters or lessees of a Tramway authorised by Special Act may demand and take, in respect of such Tramway, tolls and charges not exceeding the sums specified in such Special Act, subject and according to the regulations therein specified. A list of all the tolls and charges authorised to be taken shall be exhibited in a conspicuous place inside and outside each of the carriages used upon the Tramways.

Bye Laws.

Bye-laws.

46. Subject to the provisions of the Special Act authorising any Tramway and this Act,

The Local Authority of any district in which the same is laid down may, from time to time, make regulations as to the following matters:

The rate of speed to be observed in travelling upon the Tramway:

The distances at which carriages using the Tramway shall be allowed to follow one after the other:

The stopping of carriages using the Tramway:

The traffic on the road in which the Tramway is laid.

Regulations.

The promoters of any Tramway and their lessees may from time to time make regulations,—

For preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them:

For regulating the travelling in or upon any carriage belonging to them.

And for better enforcing the observance of all or any of such regulations, it shall be lawful for such Local Authority and promoters respectively to make bye-laws for all or any of the aforesaid purposes, and from time to time repeal or alter such bye-laws, and make new bye-laws, provided that such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect.

Notice of the making of any bye-law under the provisions of this Act shall be published by the Local Authority or the promoters making the same by advertisement, according to the regulations contained in Part II. of the Schedule (C.) to this Act annexed, and unless such notice is published in manner aforesaid such bye-law shall be disallowed by the Board of Trade.

No such bye-law shall have any force or effect which shall be disallowed by the Board of Trade within 2 calendar months after a true copy of such bye-law shall have been laid before the Board, and a true copy of every such proposed bye-law shall, not less than 2 calendar months before such bye-law shall come into operation, be sent to the Board of Trade, and shall be delivered to the promoters of such Tramway if the same was made by the Local Authority, and to such Local Authority if made by the promoters.

Penalties may be imposed in bye-laws.

47. Any such bye-law may impose reasonable penalties for offences against the same, not exceeding 40*s.* for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence 10*s.* for every day during which the offence continues; but all bye-laws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Power to local authority to license drivers, &c.

48. The Local Authority shall have the like power of making and enforcing rules and regulations, and of granting licenses with respect to all carriages using the Tramways, and to all drivers, conductors, and other persons having charge of or using the same, and to the standings for the same, as they are for the time being entitled to make, enforce, and grant with respect to hackney carriages, and the drivers and other persons having the charge thereof, and to the standings for the same in the streets and district of or under the control of the Local Authority: provided always, that in any district in which any of the powers aforesaid in relation to hackney carriages and the matters aforesaid in connexion therewith are vested in any authority other than the Local Authority of such district, such authority shall have and may exercise the powers by this section conferred upon the Local Authority.

Offences.

Obstructing promoters.

49. If any person wilfully obstructs any person acting under the authority of any promoters in the lawful exercise of their powers in setting out or making, forming, laying down, repairing, or renewing a Tramway, or defaces or destroys any mark made for the purposes of setting out the line of the Tramway, or damages or destroys any property of any promoters, lessees, or licensees, he shall for every such offence be liable to a penalty not exceeding £5.

Wilful injury or obstruction to tramways, &c.

50. If any person, without lawful excuse (the proof whereof shall lie on him), wilfully does any of the following things; (namely,)

Interferes with, removes, or alters any part of a Tramway or of the works connected therewith;

Places or throws any stones, dirt, wood, refuse, or other material on any part of a Tramway;

Does or causes to be done anything in such manner as to obstruct any carriage using a Tramway, or to endanger the lives of persons therein or thereon;

Or knowingly aids or assists in the doing of any such thing; he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding £5.

Penalty on passengers practising frauds.

51. If any person travelling or having travelled in any carriage on any Tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding 40*s*.

Transient offenders.

52. It shall be lawful for any officer or servant of the promoters or lessees of any Tramway, and all persons called by him to his assistance, to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding section is mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a Justice, or until he be otherwise discharged by due course of law.

Dangerous goods on a tramway.

53. No person shall be entitled to carry or to require to be carried on any Tramway any goods which may be of a dangerous nature, and if any person send by any Tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding £20 for every such offence, and it shall be lawful for such promoters or lessees to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Using tramways with carriages with flange wheels, &c.

54. If any person (except under a lease from or by agreement with the promoters, or under license from the Board of Trade, as by this Act provided), uses a Tramway or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rail of such Tramway, such person shall for every such offence be liable to a penalty not exceeding £20.

Miscellaneous.

Promoters or lessees to be responsible for damages.

55. The promoters or lessees, as the case may be, shall be answerable for all accident, damages, and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Recovery of tolls, penalties, &c.

56. All tolls, penalties, and charges under this Act, or under any bye-law made in pursuance of this Act, may be recovered and enforced as follows; in England before 2 Justices of the Peace in manner directed by the Act of the session of the 11th and 12th years of the reign of Her present Majesty, c. 43, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same, and in Scotland before the Sheriff or 2 Justices as penalties under "The Railways Clauses Consolidation (Scotland) Act, 1845."

Right of user only.

57. Notwithstanding anything in this Act contained the promoters of any Tramway shall not acquire or be deemed to acquire any right other than that of user of any road along or across which they lay any Tramway, nor shall anything contained in this Act exempt the promoters of any Tramway laid along any turnpike road, or any other person using such Tramway, from the payment of such tolls as may be levied in respect of the use of such road by the trustees thereof.

Arrangements between turnpike trustees and promoters.

58. The Trustees of any turnpike road and the promoters of any Tramway proposed to be laid or laid along the same may, with the approval of the Board of Trade, enter into agreements with each other for the payment of a composition to such Trustees in respect of the user of such road for such Tramway and the conveyance of traffic thereon, and may with the same approval alter such agreements from time to time.

Rights of owners, &c., of mines.

59. Nothing in this Act shall limit or interfere with the rights of any owner, lessee, or occupier of any mines or minerals lying under or adjacent to any road along or across which any Tramway shall be laid to work such mines and minerals, nor shall any such owner, lessee, or occupier be liable to make good or pay compensation for any damage which may be occasioned to such Tramway by the working in the usual and ordinary course of their mines or minerals.

Powers of street authorities to widen, &c., roads.

60. Nothing in this Act shall take away or affect any power which any Road Authority, or the owners, Commissioners, Undertakers, or Lessees of any Railway, Tramway, or inland navigation, may have by law to widen, alter, divert, or improve any road, Railway, Tramway, or inland navigation.

Power for authorities to regulate traffic.

61. Nothing in this Act shall limit the powers of the Local Authority or police in any district to regulate the passage of any traffic along or across any road along or across which any Tramways are laid down, and such authority or police may exercise their authority as well on as off the Tramway, and with respect as well to the traffic of the promoters or of lessees as to the traffic of other persons.

Right of the public to use roads.

62. Nothing in this Act or in any bye-law made under this Act shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any Tramway is laid, whether on or off the Tramway, with carriages not having flange wheels or wheels suitable only to run on the rail of the Tramway.

Inquiries before referee of Board of Trade.

63. Every inquiry which by this Act the Board of Trade are empowered to make or direct shall be made in accordance with the following provisions:

(1.) The inquiry shall be held in public before an officer to be appointed in that behalf by the Board, herein-after called the referee, and whose appointment shall be by writing, which shall specify all the matters referred to him:

(2.) Ten days notice at the least shall be given by the referee to the parties upon whose representation the Board of Trade shall have directed the inquiry, of the time and place at which the inquiry is to be commenced:

(3.) The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time as may be necessary to such time and place as he may think fit:

(4.) The referee by summons shall, on the application of any party interested in the inquiry, require the attendance before himself, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him, and every person summoned shall attend the referee, and answer all questions touching the matter to be inquired into, and any person who wilfully disobeys any such summons or refuses to answer any question put to him by such referee for the purposes of the said inquiry shall be liable to a penalty not exceeding £5: provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him, and no person shall be required in any case in obedience to any such summons to travel more than 10 miles from his place of abode:

(5.) The referee may and shall administer an oath, or an affirmation where an affirmation in lieu of an oath would be admitted in a Court of Justice, to any person tendered or summoned as a witness on the inquiry:

(6.) Any person who upon oath or affirmation wilfully gives false evidence before the referee shall be deemed guilty of perjury:

(7.) The referee shall make his report to the Board of Trade, in writing, and shall deliver copies of the report upon request to all or any of the parties to the inquiry.

Rules for carrying Act into effect.

64. The Board of Trade may from time to time make, and, when made, may rescind, annul, or add to, rules with respect to the following matters:

(1.) The proceedings to be had before the Board under this Act:

(2.) The payment of money or lodgment of securities by way of deposits, the repayment and forfeiture of the same, the investment of the same, the amount and payment of interest or dividends from time to time accruing due on such deposits:

(3.) The plans and sections of any works to be deposited by promoters under this Act:

(4.) As to any other matter or thing in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within 3 weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within 3 weeks after the beginning of the then next session of Parliament.

292

SCHEDULE A.

Part I.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.
	England and Wales.	
The City of London and the liberties thereof.	The Mayor, Aldermen, and Commons of the City of London.	The Consolidated Sewers Rate.
The metropolis (1).	The Metropolitan Board of Works.	The Metropolitan Consolidated Rate.
Boroughs (2).	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or other property applicable to the purposes of a borough rate, or the borough rate.
Any place not included in the above descriptions, and under the jurisdiction of Commissioners, Trustees, or other persons intrusted by any Local Act with powers of improving, cleansing, or paving any town.	The Commissioners, Trustees, or other persons intrusted by the Local Act with powers of improving, cleansing, or paving the town.	Any rate leviable by such Commissioners, Trustees, or other persons, or other funds applicable by them to the purposes of improving, cleansing, or paving the town.
Any place not included in the above descriptions, and within the jurisdiction of Local Board constituted in pursuance of the "Public Health Act, 1848," and the "Local Government Act, 1858," or one of such Acts.	The Local Board.	General district rate.
Any place or parish not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The Vestry, select Vestry, or other body of persons, acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a Vestry or select Vestry.	The poor rate.

[The next following portion of this Schedule refers only to Scotland and the Metropolis, and is therefore omitted.]

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Part III.

Approval of Application by Local Authority for a Provisional Order.

The approval of any intended application for a provisional order by a Local Authority shall be in manner following; that is to say,

A resolution approving of the intention to make such application shall be passed at a special meeting of the members constituting such Local Authority.

Such special meeting shall not be held unless a month's previous notice of the same, and of the purpose thereof, has been given in manner in which notices of meetings of such Local Authority are usually given.

Such resolution shall not be passed unless two-thirds of the members constituting such Local Authority are present and vote at such special meeting and a majority of those present and voting concur in the resolution; provided that if in Scotland the Local Authority be the Road Trustees, it shall not be necessary that two-thirds of such Trustees shall be present at the meeting, but the resolution shall not be valid unless two-thirds of the members present vote in favour of such resolution, and unless the said resolution is confirmed in like manner at another meeting called as aforesaid and held not less than 3 weeks and not more then 6 weeks thereafter. Where any such resolution relating to the Metropolis as the same is defined in Part I. of this Schedule, or to any district in Scotland of which Road Trustees are the Local Authority, has been passed in manner aforesaid, the intended application to which such resolution relates shall be deemed to be approved.

SCHEDULE B.

Provisional Orders.

Part I.

Advertisement in October or November of intended application.

(1.) Every advertisement is to contain the following particulars:

1. The objects of the intended application.
2. A general description of the nature of the proposed works, if any.
3. The names of the townlands, parishes, townships, and extra-parochial places in which the proposed works, if any, will be made.

(1.) "The metropolis" shall include all parishes and places in which the Metropolitan Board of Works have power to levy a main drainage rate, except the City of London and the liberties thereof.

(2.) "Borough" shall mean any place for the time being subject to an Act passed in the session holden in the 5th and 6th years of the reign of King William IV., c. 76, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales."

4. The times and places at which the deposit under Part II. of this Schedule will be made.
5. An office, either in London or at the place to which the intended application relates, at which printed copies of the draft provisional order, when deposited, and of the provisional order, when made, will be obtainable as herein-after provided.

(2.) The whole notice is to be included in one advertisement, which is to be headed with a short title descriptive of the undertaking.

(3.) The advertisement is to be inserted once at least in each of 2 successive weeks in some one and the same newspaper published in the district affected by the proposed undertaking, where the proposed works (if any) will be made; or if there be no such newspaper, then in some one and the same newspaper published in the county in which every such district, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(4.) The advertisement is also, in every case, to be inserted once at least in the London or Edinburgh *Gazette*, accordingly as the district is situate in England or Scotland.

Part II.

Deposit on or before 30th November.

(1.) The promoters are to deposit—

1. A copy of the advertisement published by them.
2. A proper plan and section of the proposed works, if any, such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf.

(2.) The documents aforesaid are to be deposited for public inspection—

In England, in the office of the Clerk of the Peace for every county, riding, or division, and of the parish Clerk of every parish and the office of the Local Authority of every district in or through which any such undertaking is proposed to be made; in Scotland, in the office of the principal Sheriff Clerk for every county, district, or division which will be affected by the proposed undertaking, or in which any proposed new work will be made.

(3.) The documents aforesaid are also to be deposited at the office of the Board of Trade.

Part III.

Deposit on or before 23rd December.

(1.) The promoters are to deposit at the office of the Board of Trade—

1. A memorial signed by the promoters, headed with a short title descriptive of the undertaking (corresponding with that at the head of the advertisement), addressed to the Board of Trade, and praying for a provisional order.
2. A printed draft of the provisional order as proposed by the promoters, with any schedule referred to therein.
3. An estimate of the expense of the proposed works, if any, signed by the persons making the same.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of not more than 1*s.* each.

(3.) The memorial of the promoters (to be written on foolscap paper, bookwise, with quarter margin) is to be in the following form, with such variations as circumstances require:

[*Short title of undertaking.*]

To the Board of Trade,

The memorial of the promoters of [*short title of undertaking*]:

Showeth as follows;

1. Your memorialists have published, in accordance with the requirements of the "Tramways Act, 1870," the following advertisement:

[*Here advertisement to be set out verbatim.*]

2. Your memorialists have also deposited, in accordance with the requirements of the said Act, copies of the said advertisement and [*here state deposit of the several matters required by Act*].

Your memorialists, therefore, pray that a provisional order may be made in the terms of the draft proposed by your memorialists, or in such other terms as may seem meet.

A.B.
C.D.
Promoters.

PART IV.

Deposit and advertisement of Provisional Order when made.

(1.) The promoters are to deposit printed copies of the provisional order, when settled and made, for public inspection in the offices of Clerks of the Peace and Sheriff Clerks, where the documents required to be deposited by them under Part II. of this schedule were deposited.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement, such copies to be there furnished to all persons applying for them at the price of not more than each.

(3.) They are also to publish the provisional order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published, or, in case the same shall no longer be published, in some other newspaper published in the district.

SCHEDULE C.

PART I.

Notice and Deposit of Lease by Local Authority.

One month before any lease is submitted to the Board of Trade, notice of the intention to make such lease shall be given by advertisement.

(1.) Every advertisement is to contain—

1. The term of the lease.
2. The rent reserved.
3. A general description of the covenants and conditions contained therein.
4. The place where the same is deposited for public inspection.

(2.) The advertisement is to be inserted once at least in each of 2 successive weeks in some one and the same newspaper published in the district affected by the proposed lease; or if there be no such newspaper, then in some one and the same newspaper published in the county in which such district, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(3.) The advertisement is also, in every case, to be inserted once at least in the London or Edinburgh *Gazette*, accordingly as the district to which it relates is situate in England or Scotland.

Deposit.

A copy of such lease shall be deposited for public inspection during office hours at the office of the Local Authority or at some other convenient place within the district to which such lease relates.

PART II.

Notice of Bye-Laws.

Within one month after the making of any bye-law notice of the making of the same, and a copy of such bye-law, shall be published by advertisement in manner following:

(1.) The advertisement is to be inserted once at least in each of 2 successive weeks in some one and the same newspaper published in the district affected by such bye-law; or if there be no such newspaper, then in some one and the same newspaper published in the county in which such district, or some part thereof, is situate: or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(2.) The advertisement is also, in every case, to be inserted once at least in the London or Edinburgh *Gazette* accordingly as the district to which it relates is situate in England or Scotland.

34 VICT., c. 3.

An Act to empower Committees on Bills confirming or giving effect to Provisional Orders to award costs, and examine witnesses on oath. (28th February, 1871.)

BE it enacted, &c.,

1. The Act of the 33rd and 34th Victoria, c. 1, is hereby repealed. — Act repealed

2. Any select Committee of either House of Parliament to which any Bill for confirming or giving effect to provisional orders has been referred, in relation to any provisional order therein contained, may award costs, in like manner and under the same conditions under which costs may be awarded by any select Committee under the Act of the 28th and 29th Victoria, c. 27; and the provisions of the said Act, so far as they are applicable, shall have effect accordingly. — Select Committees on Provisional Order Bills may award costs.

3. Any select Committee of the House of Commons to which any Bill for confirming or giving effect to provisional orders has been referred, in relation to any provisional order therein contained, may examine witnesses upon oath upon any matter relating to such order, and for that purpose may administer an oath to any such witness. — House of Commons Committee may examine witnesses on oath.

4. For the purpose of this Act, the words "Provisional Order" shall include provisional certificates, schemes, and orders in the nature of provisional orders, made under the authority of any statute, and requiring to be confirmed, sanctioned, or carried into effect by Act of Parliament. — Interpretation.

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34 VICT., c. 13.

An Act to facilitate Gifts of Land for Public Parks, Schools, and Museums. (25th May, 1871.)

WHEREAS it is expedient to facilitate gifts of land for the purpose of forming public parks, schools, and museums: Be it therefore enacted, &c.,

1. This Act may be cited as the "Public Parks, Schools, and Museums Act, 1871." — Short title.

2. This Act shall not extend to Scotland or Ireland.

Interpretation: "Public park:"

3. In the construction of this Act, the words "public park" shall include any park, garden, or other land dedicated or to be dedicated to the recreation of the public;

"Elementary school:"

The words "elementary school" shall mean a school or department of a school at which elementary education is the principal part of the education there given, and shall not include any school or department of a school at which the ordinary payments in respect of the instruction from each scholar exceed 9*d.* a week;

"School-house:"

The word "school-house" shall include the teachers' dwelling-house, and the playground (if any), and the offices and all premises belonging to or required for a school;

"Public museum."

And the words "public museum" shall include any buildings used or to be used for the preservation of any collection of paintings or other works of art, or of any objects of natural history, or of any mechanical or philosophical inventions, instruments, models, or designs, and dedicated or to be dedicated to the recreation of the public, together with all libraries, reading-rooms, laboratories, and other offices and premises used or to be used in connexion therewith.

Gifts, &c., of land or of money to be laid out in land exempted from Mortmain Acts.

4. From and after the passing of this Act all gifts and assurances of land of any tenure, and whether made by deed or by will or codicil, for the purposes only of a public park, a school-house for an elementary school, or a public museum, and all bequests of personal estate to be applied in or towards the purchase of land for all or any of the same purposes only, shall be valid notwithstanding the statute of the 9th George II. c. 36, and other statutes commonly known as the Statutes of Mortmain.

Proviso as to time.

5. Provided, that every will or codicil containing any such gift or assurance and every deed containing any such gift or assurance and made otherwise than for full and valuable consideration, shall in order to enable such gift or assurance to take effect under this Act, be made 12 calendar months at least before the death of the testator or grantor, and shall be enrolled in the books of the Charity Commissioners within 6 calendar months next after the time when the same will, codicil, or deed shall come into operation.

Will, &c., to be enrolled.

Limit of land.

6. Nothing in this Act shall authorise any gift by will or codicil of more than 20 acres of land for any one public park, or of more than 2 acres of land for any one public museum, or of more than one acre of land for any one school-house.

Not to invalidate, &c., any gift, &c., otherwise valid.

7. Nothing in this Act contained shall invalidate or impose any restriction or condition upon any gift or assurance which would have been valid and free from such restriction or condition if this Act had not been passed.

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34 & 35 VICT., c. 41.

An Act to amend the Gasworks Clauses Act, 1847.
(13th July, 1871.)

WHEREAS it is expedient that the provisions contained in the "Gasworks Clauses Act, 1847," should be amended: Be it therefore enacted, &c.,

10 & 11 Vict. c. 15. and this Act to be construed together.

1. The "Gasworks Clauses Act, 1847," and this Act, shall be construed together as one Act, and the provisions of this Act shall be held to repeal and supersede such of the provisions of that Act as are inconsistent with this Act.

Short title.

2. This Act may be cited as "The Gasworks Clauses Act, 1871."

Application of Act

3. The provisions of this Act shall apply to every gas undertaking authorised by any Special Act hereafter passed, or by any provisional order made under the authority of the "Gas and Water Works Facilities Act, 1870," save where the said provisions are expressly varied or excepted by any such Special Act or provisional order;

And every such Special Act and provisional order is in this Act included in the term "the Special Act."

Interpretation.

4. Terms used in this Act have the same meanings respectively as the same terms have when used in the "Gasworks Clauses Act, 1847," and in the "Gas and Water Works Facilities Act, 1870."

The term "prescribed" in this Act shall mean prescribed by the Special Act:

The term "premises" in this Act shall include house and building:

And the expression "superior courts" or "court of competent jurisdiction" in this Act, or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

General Provisions.

Prohibition as to erection of gasworks.

5. The Undertakers shall not manufacture gas, or any residual products, except upon lands described in the Special Act, and they shall not store gas, except upon those lands, without the previous consent in writing of the owner, lessee, and occupier of every dwelling-house situate within 300 yards of the limits of the site where such gas is intended to be stored.

Superfluous lands

6. The Undertakers may sell and dispose of any lands which are vested in them, or which they are authorised to purchase, or which they may hereafter acquire, and which shall not be required for the purposes of the undertaking, and the provisions of "The Lands Clauses Consolidation Act, 1845," §§ 128 to 132 (both sections inclusive), shall apply to any such sale;

And the Undertakers may also from time to time sell and dispose of any works, buildings, or erections on any lands belonging to them which shall not be required for the purposes of the undertaking.

Receipts of guardians, &c.

7. If any money be payable to a shareholder in a gas undertaking, being a minor, idiot, or lunatic, the receipt of his or her respective guardian or committee shall be a sufficient discharge to the Undertakers for the same.

Appointment of receiver.

8. The mortgagees of the Undertakers may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, in England and Ireland by the appointment of a receiver, and in Scotland by the appointment of a judicial factor;

And in order to authorise the appointment of a receiver or judicial factor in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than in the whole £1000, or such sum as shall be specified in the Special Act.

Indictments for nuisance.

9. Nothing in this or the Special Act shall exonerate the Undertakers from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

Easements, &c.

10. Persons empowered by "The Lands Clauses Consolidation Act, 1845," 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," grant to the Undertakers any easement, right, or privilege, not being an easement of water, required for the purposes of the Special Act, in, over, or affecting any such lands; and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easement, rights, or privileges as aforesaid.

Supply of Gas to Owners and Occupiers of Premises.

Undertakers to furnish sufficient gas.

11. The Undertakers shall, upon being required so to do by the owner or occupier of any premises situate within 25 yards from any main of the Undertakers, or such other distance as may be prescribed, give and continue to give a supply of gas for such premises, under such pressure in the main as may be prescribed, and they shall furnish and lay any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,)

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such pipe as may be laid for a greater distance than 30ft. from any pipe of the Undertakers, although not on such property, shall be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of gas shall—

Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice), upon which such supply is required to commence;

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least 2 years, of such an amount that the rent payable for the same shall not be less than £20 per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them for the purpose of such supply; and

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers and in respect of gas to be supplied by them.

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing, require the owner or occupier of such premises, within 7 days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or

in case any security given has become invalid, or is insufficient, and in case any such owner or occupier fails to comply with the terms of such notice, the Undertakers may, if they please, discontinue to supply gas for such premises so long as such failure continues.

Quality of gas.

12. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce at the testing place provided in conformity with this Act a light equal in intensity to that produced by the prescribed number of sperm candles of 6 in the pound, and such gas shall as to its purity not exhibit any trace of sulphuretted hydrogen when tested in accordance with the rules prescribed in that behalf in Part II. of the Schedule A to this Act annexed.

Undertakers may require use of meters.

13. Every consumer of gas supplied by the Undertakers shall, if required to do so by them, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the 22nd and 23rd years of the reign of Her present Majesty, intituled "An Act for regulating Measures used in Sales of Gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers:

Provided always, that where the provisions of the said Act are in force no meter shall be used unless the same shall be a legal meter within the meaning of the said Act, and that elsewhere the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules contained in the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Undertakers to supply meters.

14. The Undertakers shall supply to any owner or occupier of premises within the limits of the Special Act requiring the same a meter for registering gas supplied by them:

Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same.

Restriction as to meters.

15. No consumer shall connect any meter with any pipe through which gas is supplied by the Undertakers to such meter, or disconnect any meter from any such pipe, unless he shall have given to the Undertakers not less than 24 hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding 40*s*.

Security.

16. Where any owner or occupier is required by the Special Act to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by 2 Justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the Justices shall be final and binding on all parties.

Consumer to keep meter in order.

17. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the Undertakers is registered in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter.

The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if the meter be found in proper order, but otherwise at the expense of the consumer.

Power to the Undertakers to let meters.

18. The Undertakers may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter, as may be agreed upon between the hirer and the Undertakers, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Undertakers for gas, and such meters and fittings shall not be subject to distress, or to the landlord's remedy for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the persons in whose possession the same may be.

Undertakers to keep meter let for hire in repair.

19. The Undertakers shall at all times, at their own expense, keep all meters let for hire by them to any consumer in proper order for correctly registering gas, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues.

The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

Register of a gas meter to be *prima facie* evidence.

20. The register of the meter shall be *primâ facie* evidence of the quantity of gas consumed, and in respect of which any rent is charged and sought to be recovered by the Undertakers:

Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference may be determined, upon the application of either party, by 2 Justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the Justices shall be final and binding on all parties.

Power to enter buildings to ascertain gas consumed.

21. Any officer appointed by the Undertakers may at all reasonable times enter any building or land lighted with gas supplied by the Undertakers, in order to inspect the meters, fittings, and works for the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied;

And if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall for every such offence forfeit to the Undertakers a sum not exceeding £5.

Power to remove meter and fittings.

22. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises, it shall be lawful for the Undertakers, their agents or workmen, after 24 hours notice in writing, under the hand of the secretary or other properly authorised officer of the Undertakers, to the occupier, or if unoccupied, then to the owner or lessee, or to the agent of the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of 9 in the morning and 4 in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal.

Recovery of charges.

23. In case of any person who shall have been supplied with gas by the Undertakers shall neglect or refuse to pay the amount due in respect of such supply, any Justice may issue his summons to such person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid;

And if on the appearance of such person, or in default of appearance after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, any Justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person, for the recovery of the amount which may be proved before such Justice to be due from such person, together with such costs, including the cost of cutting off the gas, if the same shall have been cut off by the Undertakers, as to such Justice shall seem just and reasonable.

Supply of Gas to Local Authorities.

Supply of gas to public lamps.

24. The Undertakers shall supply gas to any public lamps within the distance of 50 yards from any of the mains of the Undertakers in such quantities as the Local Authority of each district or the Trustees of any turnpike road or any Highway Board within the limits of the Special Act may from time to time require to be supplied.

And the price to be charged by the Undertakers and to be paid to them for all gas so supplied shall be settled by agreement between the Local Authorities and the Undertakers, and in case of difference by arbitration, regard being had to the circumstances of the case and the prices charged to private consumers in the district.

Option to use meters.

25. The gas supplied to the public lamps within the limits of the Special Act shall be consumed by meter, at the option either of the Local Authority of the district or the Undertakers, and in case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and be paid for by the party requiring it.

If the gas is supplied to the public lamps in any district by average meter indication, the Undertakers, shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps in such district with proper self-acting pressure regulators and burners to the satisfaction of the Local Authority of such district; and the average amount of the indications of all the meters attached to the public lamps within such district under the control of the Local Authority shall except as herein-after mentioned, be deemed to be the amount consumed by each such lamp in such district.

Governors for street lamps.

26. In case gas is supplied to the public lamps in any district by the Undertakers, they or the Local Authority of such district may, at their own expense, cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or such Local Authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same.

Differences between Undertakers and local authority.

27. Any difference which may arise between the Undertakers and any Local Authority in relation to the supply or consumption of gas to or by such Local Authority shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

Testing of Gas.

Testing place.

28. The Undertakers shall cause to be provided, at the place prescribed and within the prescribed time, a testing place, with apparatus therein, for the purposes following, or such of them as may be prescribed by the Special Act; that is to say,—

1. For testing the illuminating power of the gas supplied:
2. For testing the presence of sulphuretted hydrogen in the gas supplied.

The said apparatus shall be in accordance with the regulations prescribed in part I. of the Schedule A to this Act annexed, or according to such rules as may from time to time be substituted in lieu thereof by any Special Act, and shall be so situated and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep and maintain such testing place and apparatus in good repair and working order.

Appointment and powers of gas examiners.

29. The Local Authority of any district within the limits of the Special Act, where the gas is not supplied by such Local Authority, may after the passing of the Special Act from time to time appoint, or may appoint and keep appointed, a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Act;

And such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on any or every day between the hours of 5 o'clock and 10 o'clock in the afternoon from the 1st day of October to the 31st day of March, both inclusive, and on any or every day between the hours of 8 o'clock and 11 o'clock in the afternoon from the 1st day of April to the 30th day of September, both inclusive.

Justices may appoint gas examiner.

30. Where no such gas examiner is appointed, or where the testing of the gas is imperfectly attended to by the Local Authority, 2 Justices, on the application of consumers of the gas of the Undertakers, not being less than 5, by order in writing may appoint some competent and impartial person to be gas examiner, and such person may at any time within the hours aforesaid, on producing the said order, enter on the premises of the Undertakers, and there test the illuminating power and purity of the gas supplied by them.

Representation of Undertakers.

31. The Undertakers may, if they think fit, on each occasion of the testing of the gas by the gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

Mode of testing.

32. Any tests taken in pursuance of this Act shall be taken in accordance with the rules prescribed in Part II. of the Schedule A to this Act annexed.

Report of gas examiner.

33. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity of the gas has been conducted, make and deliver a report of the results of his testing to the Local Authority or Justices by whom he was appointed and to the Undertakers, and such report shall be receivable in evidence.

Access to testing place.

34. The Undertakers shall give to the gas examiner and to his assistants, and to every Local Authority within the limits of the Special Act, and their agents, access to the testing place, and shall afford all facilities for the proper execution of this Act;

And in case the Undertakers make default in complying with any of the provisions of this section they shall for every such default be liable to a penalty not exceeding £5 to the Local Authority or to the persons making the application.

Accounts.

Accounts, &c.

35. The Undertakers shall fill up and forward to the Local Authority of every district within the limits of the Special Act, on or before the 25th day of March in each year, an annual statement of accounts, made up to the 31st day of December then next preceeding, as near as may be in the form and containing the particulars specified in the Schedule B to this Act annexed.

The Undertakers shall keep copies of such annual statement at their office, snd sell the same to any applicant at a price not exceeding 1*s.* for each such copy.

The Board of Trade, with the consent of the Undertakers, may alter the said forms for the purpose of adapting them to the circumstances of the undertaking, or of better carrying into effect the objects of this section.

In case the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding 40*s.* for each day during which such default continues.

Penalties.

Failure to supply gas.

36. Whenever the Undertakers neglect or refuse to give a supply of gas to any owner or occupier of premises within the limits of the Special Act entitled to the same, under such pressure as is prescribed, they shall be liable to a penalty not exceeding 40*s.* for each day during which such default continues.

Whenever the Undertakers neglect or refuse to supply gas as by this Act required to all or any of the public lamps in accordance with the provisions of this Act, they shall be liable to a penalty not exceeding 40*s.* for each default.

If it shall be proved to the satisfaction of any 2 Justices, not being shareholders in the undertaking, after hearing the parties, that on any day the gas supplied by the Undertakers is under less pressure, of less illuminating power, or of less purity than it ought to be according to the provisions of this or the Special Act, the Undertakers shall in every such case forfeit and pay to the Local Authority or other persons making application for testing the gas such sum not exceeding £20 as the Justices shall determine.

Cost of experiment to be paid according to event.

Penalties imposed on the Undertakers for one and the same offence by several Acts of Parliament shall not be cumulative, and for such purpose the Special Act and the Acts incorporated therewith shall be deemed several Acts.

Penalties not cumulative.

37. Where the gas examiner is appointed by the Justices as aforesaid, the costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceedings before the Justices, shall be ascertained by such Justices, and in the event of any penalty being imposed on the Undertakers shall be paid, together with such penalty, by the Undertakers, but in the event of no penalty being imposed the costs shall be in the discretion of the Justices.

Injuring meters.

38. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipes, meter, or fittings belonging to the Undertakers, 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 Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender for every such offence forfeit and pay to the Undertakers a sum not exceeding £5, and the Undertakers may in addition thereto recover the amount of any damage by them sustained;

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 Undertakers, or altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers 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 Undertakers, when such meter is under the custody or control of the consumer, shall be *primâ 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.

Recovery of Gas Rents.

Incoming tenants not to pay arrears of rents, &c.

39. In case any consumer of gas supplied by the Undertakers leaves the premises where such gas has been supplied to him without paying the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Recovery of rents, &c.

40. If any person supplied with gas or with any gas meter or fittings by the Undertakers neglects to pay to the Undertakers the rent due for such gas or the rent or money due to the Undertakers for the hire or fixing of such meter, or any expenses lawfully incurred by the Undertakers in cutting off the gas from the premises of such person, the Undertakers may recover the sum so due in like manner as a penalty under this Act.

Recovery of sums due

41. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Legal Proceedings.

Summonses and warrants.

42. Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof or in the schedule thereto, several names and several sums.

Warrant of distress to include costs.

43. Any Justice who issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the Justice, and shall be included in the warrant of distress for the recovery of such money.

Summary proceedings.

44. All offences and penalties under this Act, and all money forfeited, and all money and costs by this Act directed to be recovered as penalties, may be prosecuted and recovered in manner directed by "The Gasworks Clauses Act, 1847," with respect to the recovery of penalties.

Service of notices.

45. Every notice which the Undertakers are by this Act required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last known place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Undertakers, and cannot after due inquiry be found or ascertained, then by being affixed for 3 days to some conspicuous part of the premises to which such notice relates.

Justices.

46. No Justice or Judge of any County Court or Quarter Sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act.

SCHEDULE A.

PART I.

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas* shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be such as shall be prescribed.

The candles used for testing the gas shall be sperm candles of 6 to the pound, and 2 candles shall be used together.

2. *The apparatus—*

(a.) *For testing the presence in the gas of sulphuretted hydrogen.*—A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing 60 grains of crystallized acetate of lead dissolved in one fluid ounce of water.

PART II.

Rules as to mode of testing gas.

I. *Mode of testing for illuminating power.*

The gas in the photometer is to be lighted at least 15 minutes before the testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include 10 observations of the photometer made at intervals of a minute.

The consumption of the gas is to be carefully adjusted to 5 cubic feet per hour.

The candles are to be lighted at least 10 minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be 120 grains each per hour. Before and after making each set of 10 observations of the photometer the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference.

The average of each set of 10 observations is to be taken as representing the illuminating power of that testing.

II. *Mode of testing.*

(*a.*) *For sulphuretted hydrogen.*—The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of 3 minutes, or such longer period as may be prescribed; and if any discolouration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

SCHEDULE B.

Form of Annual Accounts.

[Omitted to save space.]

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34 & 35 VICT., c. 70.

An Act for constituting a Local Government Board,(a) and vesting therein certain functions of the Secretary of State and Privy Council concerning the Public Health and Local Government, together with the powers and Duties of the Poor Law Board.

(14th August, 1871.)

WHEREAS it is expedient to concentrate in one department of the Government as herein-after provided the supervision of the laws relating to the Public Health, the Relief of the Poor, and Local Government: Be it enacted, &c.,

Preliminary.

Short title.

1. This Act may be cited as "The Local Government Board Act, 1871."

Establishment of Local Government Board.

Establishment of Local Government Board.

2. A Board shall be established, to be called the Local Government Board, and from and after the establishment of such Board the Poor Law Board shall cease to exist, and all powers and duties vested in or

(*a*) See note to § 7, *post*.

imposed on the *Poor Law Board*[a] by the several Acts of Parliament relating to the relief of the poor and any other Acts, or vested in or imposed on *one of Her Majesty's Principal Secretaries of State*[a] by the enactments in that behalf mentioned in the first part of the schedule annexed hereto, so far as such powers and duties relate to England, or vested in or imposed on Her Majesty's most honourable *Privy Council*[a] by the enactment in that behalf specified in the second part of the said schedule, shall be transferred to and imposed on the said Local Government Board,

And, except as otherwise provided by this Act, shall be exercised and performed by such Board in like manner and form, and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

Constitution of Local Government Board.

3. The Local Government Board shall consist of a President to be appointed by Her Majesty, and to hold office during the pleasure of Her Majesty, and of the following ex-officio members, that is to say, the Lord President of Her Majesty's most honourable Privy Council, all Her Majesty's Principal Secretaries of State for the time being, the Lord Privy Seal, and the Chancellor of the Exchequer.

The Local Government Board shall be deemed to be established from and after the date of the first appointment of a President under this Act.

The Local Government Board may appoint in writing such Secretaries, Assistant Secretaries, Inspectors, auditors, clerks, messengers, and other officers as the Board may, with the sanction of the Treasury, determine.

No payment shall be made in respect of their duties under this Act to the ex-officio members of the Local Government Board, but there shall be paid out of the monies provided by Parliament to the President, Secretaries, and other officers of the Board such salaries as the Treasury may from time to time determine: provided, that the appointment of any officer to a new office made by the Local Government Board in pursuance of this section shall be deemed to be temporary only until the salary of such office has been provided for by Parliament.

President and one secretary may sit in Parliament.

4. The President and one of the Secretaries of the Local Government Board shall at the same time be capable of being elected to and of voting in the Commons House of Parliament, and the office of President shall be deemed to be an office included in Schedule H of the "Representation of the People Act, 1867"[b]; in Schedule H of the "Representation of the People (Scotland) Act, 1868"[c]; and in Schedule E of the "Representation of the People (Ireland) Act 1868"[d].

Seal, style, and acts of Board.

5. The Local Government Board may adopt an official seal, and describe themselves generally by the style and title of "The Local Government Board," and, save as herein-after provided, any act to be done or instrument to be executed by or on behalf of the Local Government Board may be done or executed in the name of that Board by the President or by any member of the Local Government Board, or by a Secretary or Assistant Secretary, if such Secretary or Assistant Secretary is authorised to do or execute the same by any general order of the Local Government Board.

A rule, order, or regulation made by the Local Government Board shall be valid if it is made under the seal of the Board, and signed by the President or one of the ex-officio members of the Board, and countersigned by a Secretary or Assistant Secretary; and the production of such *primâ facie* evidence of any of the said rules, order, or regulations as is required by the "Documentary Evidence Act, 1868"[e], with respect to the rules, orders, or regulations of the Poor Law Board, shall, until the contrary is shown, be a sufficient proof that any such rule, order, or regulation of the Local Government was duly made.

Transfer of officers.

6. All officers, clerks, and other persons employed in or about the execution of the powers and duties by this Act transferred to the Local Government Board shall, from and after the establishment of the Local Government Board, be attached to and under the control of the Local Government Board.

The officers, clerks, and persons so attached shall in other respects hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties as if this Act had not passed.

The Local Government Board may, by order, distribute the business to be performed under the Local Government Board amongst the several officers and persons transferred to the Board by this Act in such manner as the Local Government Board may think expedient.

Construction of Acts and documents; and power of Board.

7. In the construction of and for the purposes of any Act[f] of Parliament, contract, or other document passed, entered into, or made before the establishment of the Local Government Board, but so far only as may be necessary for exercising the powers and discharging the duties by this Act transferred to and imposed on the Local Government Board, the name of such Board shall, according to circumstances, be deemed to be substituted for the Poor Law Board, one of Her Majesty's Principal Secretaries of State, or Her Majesty's most honourable Privy Council, as the case may require; and any act or thing which might, if this Act had not passed, have been done by the Poor Law Board, or by one of Her Majesty's Principal Secretaries of State, or by Her Majesty's most honourable Privy Council, so far as relates to the powers and duties hereby transferred, may be done by the Local Government Board.

(a) See note to § 7 (*post*).
(b) 30 & 31 Vict., c. 102.
(c) 31 & 32 Vict., c. 48.
(d) 31 & 32 Vict., c. 49.
(e) 31 & 32 Vict., c. 37.
(f) This is a wider expression than any found in § 2 (*ante*).

Duplicate returns to be sent to the Board.

8. Where under an Act, whether passed before or after the passing of this Act, any return relative to any rate, toll, tax, or due raised in England (other than such as is raised for the public revenue of the United Kingdom) is required to be sent to one of Her Majesty's Secretaries of State or any other department of the Government, a duplicate of such return shall in like manner be sent to the Local Government Board, and any person failing to send the same shall be subject to the like penalties as a person neglecting to send any return under the Act of the session of the 23rd and 24th years of the reign of Her present Majesty, c. 51.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

Part I.

Powers and Duties of Secretary of State.

Subject.	Act.
Registration of Births, Deaths, and Marriages	6 & 7 W. IV. c. 86. 7 W. IV. & 1 Vict. c. 22.
Public Health Local Government	11 & 12 Vict. c. 63. 21 & 22 Vict. c. 98. 24 & 25 Vict. c. 61. 26 [& 27] Vict. c. 17.
Drainage. Sanitary Matters	28 & 29 Vict. c. 75. 29 & 30 Vict. c. 90. 30 & 31 Vict. c. 113. 31 & 32 Vict. c. 115. 32 & 33 Vict. c. 100.
Baths and Wash-houses	9 & 10 Vict. c. 74. 10 & 11 Vict. c. 61.
Public Improvements Towns Improvement Artizans and Labourers Dwellings Returns. Local Taxation	23 & 24 Vict. c. 30. 10 & 11 Vict. c. 34. 31 & 32 Vict c. 130. 23 & 24 Vict. c. 51. And any Acts amending the said Acts, and conferring powers on the said Secretary of State.

Part II.

Powers and Duties of Privy Council.

Subject.	Act.
Prevention of Disease	11 & 12 Vict. c. 63. 18 & 19 Vict. c. 116. sections one, three, five, and six, of 21 & 22 Vict. c. 97. 22 & 23 Vict c. 3. 23 & 24 Vict c. 77. 29 & 30 Vict. c. 90. 31 & 32 Vict. c. 115.
Vaccination	30 & 31 Vict. c. 84. And any Acts amending the said Acts, and conferring powers on the said Privy Council.

34 & 35 VICT., c. 71.

An Act to amend the Public Libraries Act, 1855. *(14th August, 1871.)*

[Act omitted for reasons stated in the Introduction to Part V.]

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34 & 35 VICT., c. 105.

An Act for the safe keeping of Petroleum and other substances of a like nature. *(21st August, 1871.)*

WHEREAS it is expedient to consolidate and amend the law relating to the safe keeping of Petroleum and other substances of a like nature: Be it enacted, &c.,

1. This Act may be cited as "The Petroleum Act, 1871." Short title.

2. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after assigned to them; (that is to say,) Interpretation.

The term "borough" means— "Borough:"

In England any place for the time being subject to the provisions of the Act of the session of the 5th and 6th years of the reign of King William IV., c. 76, "to provide for the regulation of Municipal Corporations in England and Wales," and the Acts amending the same;

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The term "person" includes a body corporate: "Person:"

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State: "Secretary of State:"

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The term "harbour" means any harbour properly so called, whether natural or artificial, and any port, haven, estuary, tidal river or other river, canal or inland navigation navigated by sea-going ships, and any dock, pier, jetty, or other works in or at which ships do or can ship or unship goods or passengers. "Harbour:"

306

"Harbour authority:" The term "harbour authority" includes any persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty or invested with the power of improving, maintaining, or managing any harbour:

"Ship:" The term "ship" includes every description of vessel used in navigation, whether propelled by oars or otherwise:

"Summary Jurisdiction Acts:" The term "Summary Jurisdiction Acts" means as follows:

As to England, the Act of the session of the 11th and 12th years of the reign of Her present Majesty, c. 43, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same;

* * * * * * * * *

"Court of Summary Jurisdiction:" The term "Court of Summary Jurisdiction" means and includes any Justice or Justices of the Peace, * * * * Metropolitan Police Magistrate, Stipendiary or other Magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to, or to proceedings before whom the provisions of the Summary Jurisdiction Acts are or may be made applicable:

Definition of "petroleum." **3.** For the purposes of this Act the term "Petroleum" includes any rock oil, Rangoon oil, Burmah oil, oil made from Petroleum, coal, schist, shale, peat, or other bituminous substance, and any products of petroleum, or any of the above-mentioned oils; and the term "Petroleum to which this Act applies," means such of the Petroleum so defined as, when tested in manner set forth in Schedule One to this Act, gives off an inflammable vapour at a temperature of less than 100 degrees of Fahrenheit's thermometer.

Bye-laws as to ships carrying petroleum. **4.** Every harbour authority shall frame and submit for confirmation to the Board of Trade bye-laws for regulating the place or places at which ships carrying Petroleum to which this Act applies are to be moored in the harbour over which such authority has jurisdiction, and are to land their cargo, and for regulating the time and mode of, and the precautions to be taken on, such landing. The harbour authority shall publish the bye-laws so framed with a notice of the intention of such authority to apply for the confirmation thereof. The Board of Trade may confirm such bye-laws with or without any omission, addition, or alteration, or may disallow the same.

Every such bye-law when confirmed shall be published by the harbour authority, and may be from time to time altered or repealed by a bye-law made in like manner. Bye-laws under this section shall be published in such manner as the Board of Trade may from time to time direct.

If at any time it appears to the Board of Trade that there is no bye-law for the time being in force under this section in any harbour the Board of Trade may, by notice, require the harbour authority of such harbour to frame and submit to them a bye-law for the purposes of this section, and if such harbour authority make default in framing a bye-law and obtaining the confirmation thereof within the time limited by such notice the Board of Trade may make a bye-law for the purposes of this section, and such bye-law shall have the same effect as if it had been framed by the harbour authority and confirmed by the Board of Trade.

Where any ship or cargo is moored, landed, or otherwise dealt with in contravention of any bye-law for the time being in force under this Act in any harbour, the owner and master of such ship, or the owner of such cargo, as the case may be, shall each incur a penalty not exceeding £50 for each day during which such contravention continues, and it shall be lawful for the Harbour Master or any other person acting under the orders of the harbour authority of such harbour to cause such ship or cargo to be removed, at the expense of the owner thereof, to such place as may be in conformity with the said bye-law, and all expenses incurred in such removal may be recovered in the same manner in which penalties are by this Act made recoverable.

Notice by owner, &c., of ship carrying petroleum. **5.** The owner or master of every ship carrying a cargo any part of which consists of Petroleum to which this Act applies, on entering any harbour within the United Kingdom, shall give notice of the nature of such cargo to the harbour authority having jurisdiction over such harbour.

If such notice is not given the owner and master of such ship shall each incur a penalty not exceeding the sum of £500, unless it is shown to the satisfaction of the Court before which the case is tried that neither the owner nor the master knew the nature of the goods to which the proceedings relate, nor could with reasonable diligence have obtained such knowledge.

Label on vessels containing petroleum. **6.** Where any Petroleum to which this Act applies—

(*a.*) Is kept at any place except during the 7 days next after it has been imported; or,

(*b.*) Is sent or conveyed by land or water between any two places in the United Kingdom; or,

(*c.*) Is sold or exposed for sale;

the vessel containing such petroleum shall have attached thereto a label in conspicuous characters, stating the description of the Petroleum, with the addition of the words "highly inflammable," and with the addition—

(*a.*) In the case of a vessel kept, of the name and address of the consignee or owner:

(*b.*) In the case of a vessel sent or conveyed, of the name and address of the sender:

(*c.*) In the case of a vessel sold or exposed for sale, of the name and address of the vendor.

All Petroleum to which this Act applies which is kept, sent, conveyed, sold, or exposed for sale, in contravention, of this section shall, together with the vessel containing the same, be forfeited, and in addition thereto

the person keeping, sending, selling, or exposing for sale the same shall for each offence be liable to a penalty not exceeding £5.

Regulations as to storage of petroleum.

7. Save as herein-after mentioned, after the passing of this Act Petroleum to which this Act applies shall not be kept, except in pursuance of a license given by such local authority as is in this Act mentioned.

All Petroleum kept in contravention of this section shall, together with the vessel containing the same, be forfeited, and in addition thereto the occupier of the place in which such Petroleum is so kept shall be liable to a penalty not exceeding £20 a day for each day during which such Petroleum is so kept.

This section shall not apply to any Petroleum kept either for private use or for sale, provided the following conditions are complied with:

(1.) That it is kept in separate glass, earthenware, or metal vessels, each of which contains not more than a pint, and is securely stopped:

(2.) That the aggregate amount kept, supposing the whole contents of the vessels to be in bulk, does not exceed three gallons.

Definition of local authority.

8. The following bodies shall respectively be the local authority to grant licenses under this Act in the districts herein-after mentioned; (that is to say,)

* * * * * * * * *

(3.) In any borough in England or Ireland, except as hereafter in this section mentioned, the Mayor, Aldermen, and Burgesses acting by the Council:

(4.) In any place in England or Ireland, except as hereafter in this section mentioned, within the jurisdiction of any Trustees or Improvement Commissioners appointed under the provisions of any local or general Act of Parliament, and not being a borough or comprising any part of a borough, the trustees or commissioners:

(5.) In any place in England (except as hereafter in this section mentioned) within the jurisdiction of a Local Board constituted under "The Local Government Act, 1858," and not being any of the districts before mentioned or comprising any part of any such district, the Local Board:

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(8.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority:

(9.) In any place in which there is no local authority as before in this section defined, in England or Ireland, the Justices in petty sessions assembled. * * * *

Mode of granting licenses.

9. Licenses in pursuance of this Act shall be valid if signed by 2 or more of the persons constituting the local authority, or executed in any other way in which other licenses, if any, granted by such authority are executed. Licenses may be granted for a limited time and may be subject to renewal or not in such manner as the local authority think necessary.

There may be annexed to any such license such conditions as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which Petroleum to which this Act applies is to be stored, the facilities for the testing of such Petroleum from time to time, the mode of carrying such Petroleum within the district of the licensing authority, and generally as to the safe keeping of such Petroleum as may seem expedient to the local authority.

Any licensee violating any of the conditions of his license shall be deemed to be an unlicensed person. There may be charged in respect of each license granted in pursuance of this Act such sum, not exceeding 5*s*., as the local authority may think fit to charge.

Appeal in case of refusal to license an applicant.

10. If on any application for a license under this Act the local authority refuse the license, or grant the same only on conditions with which the applicant is dissatisfied, the local authority shall, if required by the applicant, deliver to him in writing under the hand or hands of one or more of the persons constituting the local authority, a certificate of the grounds on which they refused the license or annexed conditions to the grant thereof.

The applicant within 10 days from the time of the delivery of the certificate may transmit the same to a Secretary of State, * * * * together with a memorial, praying that notwithstanding such refusal the license may be granted, or that the conditions may not be imposed, or may be altered or modified in such manner and to such extent as may be set forth in such memorial.

It shall be lawful for the Secretary of State, * * * * if he think fit, on consideration of such memorial and certificate, and, if he think it necessary or desirable, after due inquiry and a report by such person as he may appoint for that purpose, to grant the license prayed for, either absolutely or with such conditions as he thinks fit, or to alter or modify the conditions imposed by the local authority; and the license so granted, or altered and modified, as the case may be, when certified under the hand of a Secretary of State, * * * * shall be to all intents as valid as if granted by the local authority.

Testing of petroleum by officer of local authority.

11. Any officer authorised by the local authority may purchase any Petroleum from any dealer in it, or may, on producing a copy of his appointment, purporting to be certified by the clerk or some member of the local authority, or producing some other sufficient authority, require the dealer to show him every or any

place, and all or any of the vessels in which any Petroleum in his possession is kept, and to give him samples of such Petroleum on payment of the value of such samples.

When the officer has by either of the means aforesaid taken samples of Petroleum, he may declare in writing to the dealer that he is about to test the same, or cause the same to be tested, in manner set forth in Schedule One to this Act, and it shall be lawful for him to test the same or cause the same to be tested, at any convenient place at such reasonable time as he may appoint, and the dealer or any person appointed by him may be present at the testing, and if it appear to the officer or other person so testing that the Petroleum from which such samples have been taken is Petroleum to which this Act applies, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against a dealer in Petroleum in pursuance of this Act; but it shall be lawful for a dealer proceeded against to give evidence in proof that such certificate is incorrect, and thereupon the Court before which any such proceedings may be taken may, if such Court think fit, appoint some person skilled in testing Petroleum to examine the samples to which such certificate relates, and to declare whether such certificate is correct or incorrect.

Any expenses incurred in testing any Petroleum of such dealer in pursuance of this section shall, if such dealer be convicted of keeping, sending, conveying, selling, or exposing for sale, Petroleum in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid by the local authority out of any funds for the time being in their hands, and in case the local authority are the Justices, out of the county rate.

Penalty for refusing information and obstructing officer.

12. Any dealer who refuses to show to any officer authorised by the local authority every or any place or all or any of the vessels in which Petroleum in his possession is kept, or to give him such assistance as he may require for examining the same, or to give to such officer samples of such Petroleum on payment of the value of such samples, or who wilfully obstructs the local authority, or any officer of the local authority, in the execution of this Act, shall incur a penalty not exceeding £20.

Search for petroleum. See 23 & 24 Vict. c. 139. s. 25.

13. Where any Court of Summary Jurisdiction is satisfied by information on oath that there is reasonable ground to believe that any Petroleum to which this Act applies is being kept, sent, conveyed, or exposed for sale within the jurisdiction of such Court in contravention of this Act, at any place, whether a building or not, or in any ship or vehicle, such Court shall grant a warrant by virtue whereof it shall be lawful for any person named in such warrant to enter the place, ship, or vehicle named in such warrant, and every part thereof, and examine the same and search for Petroleum therein, and take samples of any Petroleum found therein, and if any Petroleum to which this Act applies be found therein, which is kept, sent, conveyed, or exposed for sale in contravention of this Act, to seize and remove such Petroleum, and the vessel containing the same, and to detain such Petroleum and vessel until some Court of Summary Jurisdiction has determined whether the same are or not forfeited, the proceedings for which forfeiture shall be commenced forthwith after the seizure.

Any person seizing any Petroleum to which this Act applies in pursuance of this section shall not be liable to any suit for detaining the same, or for any loss or damage incurred in respect of such Petroleum, otherwise than by any wilful act or neglect while the same is so detained.

If any Petroleum to which this Act applies is seized in pursuance of this section in any ship or vehicle, the person seizing the same may use for the purposes of the removal thereof, during 24 hours after the seizure, the said ship or vehicle, with the tackle, beasts, and accoutrements belonging thereto, and if he do so shall pay to the owner thereof a reasonable recompense for the use thereof, and the amount of such recompense shall, in case of dispute, be settled by the Court of Summary Jurisdiction before whom proceedings for the forfeiture are taken, and may be recovered in like manner as penalties under this Act may be recovered.

Any person who, by himself or by any one in his employ or acting by his direction or with his consent, refuses or fails to admit into any place occupied by or under the control of such person, any person demanding to enter in pursuance of this section, or in any way obstructs or prevents any person in or from making any such search, examination, or seizure, or taking any such samples as authorised by this section, shall be liable to pay a penalty not exceeding £20, and to forfeit all Petroleum to which this Act applies which is found in his possession or under his control.

Application of Act to other substances.

14. Her Majesty may from time to time make, revoke, and vary orders in Council directing this Act or any part thereof to apply to any substance, and this Act, or the part thereof specified in the order shall, during the continuance of the order, apply to such substance, and shall be construed and have effect as if throughout it such substance had been included in the definition of Petroleum to which this Act applies, subject to the following qualifications:

(1.) The quantity of any substance to which this Act is directed by order in Council to apply, which may be kept without a license, shall be such quantity only as is specified in that behalf in such order, or if no such quantity is specified no quantity may be kept without a license:

(2.) The label on the vessel containing such substance shall be such as may be specified in that behalf in the order.

Proceedings for penalties, &c.

15. In England and Ireland all offences and penalties under this Act, and all monies and costs directed by this Act to be recovered as penalties, may be prosecuted and recovered in manner provided by the "Summary Jurisdiction Acts."

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Provided as follows:

(1.) A Court of Summary Jurisdiction shall not impose a penalty exceeding £50, but any such Court may impose that or any less penalty for any one offence, notwithstanding the offence involves a penalty of higher amount.

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(3.) The "Court of Summary Jurisdiction," when hearing and determining an information or complaint, shall be constituted in some one of the following manners; (that is to say,)

(*a*) In England, either of 2 or more Justices of the Peace in petty sessions sitting at a place appointed for holding petty sessions, or of one of the Magistrates herein-after mentioned, sitting alone or with others at some court or other place appointed for the administration of Justice; that is to say, the Lord Mayor, or any Alderman of the City of London, a Metropolitan Police Magistrate, a Stipendiary Magistrate, or some other Officer or Officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one Justice of the Peace.

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(4.) The description of any offence under this Act in the words of such Act shall be sufficient in law.

(5.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

(6.) No conviction or order made in pursuance of this Act shall be quashed for want of form or be removed by *Certiorari* or otherwise, either at the instance of the Crown or of any private party, into any superior court. Moreover, no warrant of commitment shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been convicted.

(7.) All forfeitures may be sold or otherwise disposed of in such manner as the Court may direct.

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Reservation of previous powers.

16. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any Local or Harbour Authority by Act of Parliament, law, or custom, and every Local Authority and Harbour Authority may exercise such other powers in the same manner as if this Act had not passed.

And nothing in this Act contained shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

Repeal.

17. The Acts mentioned in Schedule Two[a] to this Act are hereby repealed to the extent in that schedule mentioned.

Provided that such repeal shall not affect any Order in Council made, or any license granted, under any Act hereby repealed or any liability or penalty incurred in respect of any offence committed before the passing of this Act, or any remedy or proceeding for enforcing such liability or penalty, and every such order, so far as relates to the matters provided for by this Act, and every such license, shall have effect as if it had been made or granted under this Act.

18. This Act shall continue in force until the 1st day of October, 1872, and no longer.[b]

SCHEDULES.

SCHEDULE ONE.

Directions for testing Petroleum to ascertain the temperature at which it gives off inflammable vapour.

The vessel which is to hold the oil shall be of thin sheet iron; it shall be 2in. deep and 2in. wide at the opening, tapering slightly towards the bottom; it shall have a flat rim, with a raised edge ¼in. high round the top; it shall be supported by this rim in a tin vessel 4¼in. deep and 4½in. in diameter; it shall also have a thin wire stretched across the opening, which wire shall be so fixed to the edge of the vessel that it shall be a ¼in. above the surface of the flat rim. The thermometer to be used shall have a round bulb about ¼in. in diameter, and is to be graduated upon the scale of Fahrenheit, every 10 degrees occupying not less than ½in. upon the scale.

The inner vessel shall be filled with the petroleum to be tested, but care must be taken that the liquid does not cover the flat rim. The outer vessel shall be filled with cold, or nearly cold, water; a small flame shall be applied to the bottom of the outer vessel, and the thermometer shall be inserted into the oil so that the bulb shall be immersed about 1½in. beneath the surface. A screen of pasteboard or wood shall be placed round the apparatus, and shall be of such dimensions as to surround it about two-thirds, and to reach several inches above the level of the vessels.

(*a*) Omitted as unnecessary.

(*b*) Extended by subsequent Acts.

When heat has been applied to the water until the thermometer has risen to about 90 degrees Fahrenheit, a very small flame shall be quickly passed across the surface of the oil on a level with the wire. If no pale blue flicker or flash is produced, the application of the flame is to be repeated for every rise of 2 or 3 degrees in the thermometer. When the flashing point has been noted, the test shall be repeated with a fresh sample of the oil, using cold, or nearly cold, water as before, withdrawing the source of heat from the outer vessel when the temperature approaches that noted in the first experiment, and applying the flame test at every rise of 2 degrees in the thermometer.

SCHEDULE TWO.

[Omitted as unnecessary.]

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35 & 36 VICT., c. 38.

An Act for the better Protection of Infant Life.
(25th July, 1872.)

WHEREAS it is expedient to make better provision for the protection of infants intrusted to persons to be nursed or maintained for hire or reward in that behalf: Be it enacted, &c.,

Interpretation.

1. The term "Summary Jurisdiction Acts" means as follows:

As to England, the Act of the session of the 11th and 12th years of the reign of Her present Majesty, c. 43, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same.

* * * * * * * * *

The term "court of summary jurisdiction" means and includes any Justice or Justices of the Peace, Sheriff or Sheriff Substitute, Metropolitan Police Magistrate, Stipendiary or other Magistrate or authority, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to, or to proceedings before whom the provisions of the Summary Jurisdiction Acts are or may be made applicable:

In this Act the words "local rate," "local jurisdiction," and "local authority," mean, in reference to the districts mentioned in the first column of the First Schedule annexed hereto, the rate, jurisdiction, and authority mentioned in the 2nd, 3rd, and 4th columns of the said schedule, and such schedule and the notes thereto annexed shall be deemed to be part of this Act.

Houses of persons receiving infants for nursing to be registered.

2. From and after the commencement of this Act it shall not be lawful for any person to retain or receive for hire or reward in that behalf more than one infant, and in case of twins more than 2 infants, under the age of one year for the purpose of nursing or maintaining such infants apart from their parents for a longer period than 24 hours, except in a house which has been registered as herein provided.

Register to be kept by local authority.

3. The Local Authority shall cause a register to be kept in which shall be entered the name of every person applying to register any house for the purposes of this Act, and the situation of every such house, and the Local Authority shall from time to time make bye-laws for fixing the number of infants who may be received into each house so registered; the registration shall remain in force for one year; no fee shall be charged for registration. Every person who receives or retains any infant in contravention to the provisions of this Act shall be guilty of an offence against this Act.

Local authority may refuse to register.

4. The Local Authority may refuse to register any house, unless they are satisfied that such house is suitable for the purposes for which it is to be registered, and unless they are satisfied by the production of certificates that the person applying to be registered is of good character, and able to maintain such infants.

Registered persons to keep a register of infants and to produce it.

5. The person registered as aforesaid shall immediately enter in a register to be kept by him the name, sex, and age of each infant under his care, and the date at which and the names and addresses of the persons from whom they were received, and shall also enter in the said register the time when and the names and addresses of the person by whom every such infant received and retained as aforesaid shall be removed, immediately after the removal of such infant, and shall produce the said register when required to do so by the Local Authority; and in the event of his refusing so to produce the said register or neglecting to enter in a register the name, sex, and age of each of the said infants, and the date at which and the names and addresses of the persons from whom they were received and by whom they were removed respectively, shall be liable to a penalty not exceeding £5. The person registered shall be entitled to receive gratuitously from the Local Authority a book of forms for the registration of infants; such register may be in the form contained in the Second Schedule to this Act.

Forgery of certificate, &c.

6. If any person shall make false representations with a view to being registered under this Act, or shall forge any certificate for the purpose of this Act, or make use of any forged certificate, knowing it to be forged, or shall falsify any register kept in pursuance of this Act, he shall be guilty of an offence against this Act.

Local authority may strike off register.

7. If it shall be proved to the satisfaction of the Local Authority that any person whose house has been so registered as aforesaid has been guilty of serious neglect, or is incapable of providing the infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of infants, it shall be lawful for the Local Authority to strike his name and house off the register.

Inquest to be held on death of infant.

8. The person registered as aforesaid shall within 24 hours after the death of every infant so retained or received cause notice thereof to be given to the coroner for the district within which the said infant died, and the said coroner shall hold an inquest on the body of every such infant unless a certificate under the hand of a registered medical practitioner shall be produced to him by the person so registered certifying that such registered medical practitioner has personally attended or examined such infant, and specifying the cause of its death, and the said coroner shall be satisfied by such certificate that there is no ground for holding such inquest. If the person so registered shall neglect to give notice as aforesaid he shall be guilty of an offence under this Act.

Punishment for offence.

9. Every person guilty of an offence under this Act shall be liable to imprisonment for not more than 6 months, with or without hard labour, or to a penalty not exceeding £5, as a court of summary jurisdiction may award, and shall in addition be liable to have his name and house struck off the register.

Expenses.

10. All expenses incurred in and about the execution of this Act shall be defrayed out of the local rate.

Offence how to be prosecuted.

11. Any offence under this Act may be prosecuted before a court of summary jurisdiction in manner provided by the "Summary Jurisdiction Acts:" provided as follows:

The description of any offence under this Act in the words of such Act, or as near thereto as may be, shall be sufficient in law:

Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor:

The court of summary jurisdiction, when hearing, trying, determining, and adjudging an information or complaint in respect of any offence or matter arising under this Act, shall be constituted either of 2 or more Justices of the Peace in petty sessions, or of some Magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one Justice of the Peace.

Application of penalties.

12. Any monies arising from fees or fines under this Act shall be paid to the account of the local rate, and be applied to the purposes to which that rate is applicable.

Exceptions.

13. The provisions of this Act shall not extend to the relatives or guardians of any infant retained or received as aforesaid, nor to institutions established for the protection or care of infants, nor to any person receiving any infant for the purpose of nursing or maintaining such infant under the provisions of any Act for the relief of the poor.

[§ **14** relates to Scotland only.]

Commencement of Act.

15. This Act shall commence on the 1st day of November, 1872.

Short title.

16. This Act may be cited as "The Infant Life Protection Act, 1872."

THE FIRST SCHEDULE REFERRED TO IN THE FOREGOING ACT.

England.

District.	Local Rate.	Local Jurisdiction.	Local Authority.
Counties, except the metropolis and city of London.	The County rate or rate in the nature of a county rate.	Petty sessional division.	Justices in petty sessions.
The metropolis.	Rate or fund applicable to the payment of the general expenses of the board.	Area of the metropolis.	The Metropolitan Board of Works.
City of London and the liberties thereof.	Consolidated sewers rate.	Area of the city of London and the liberties thereof.	Common Council.
Boroughs.	The borough fund or borough rate.	Area of Borough.	Council.

"County" shall not include a county of a city or county of a town, but shall include any riding, division, parts, or liberty of a county having a separate commission of the peace.

Where a county or liberty of a county having a separate commission of the peace is not divided into petty sessional divisions, such county or liberty of a county shall itself for the purposes of this Act be deemed to be a petty sessional division of the county by which it is constituted or in which it is geographically situate.

"The metropolis" shall include all parishes and places in which the Metropolitan Board of Works have power to levy a main drainage rate, exclusive of the city of London and the liberties thereof.

"Borough" shall mean any place for the time being subject to an Act passed in the session holden in the 5th and 6th years of the reign of King William IV., c. 76, intituled "An Act made to provide for the Regulation of Municipal Corporations in England and Wales," and having a separate court of quarter sessions.

Every place that is not, according to the foregoing definitions, a borough, a county, or part of the metropolis, or city of London, or the liberties thereof, shall be deemed to form part of the county, as hereinbefore defined, to the county rate of which it is assessed, or if not so assessed, of the county within which it is situate.

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THE SECOND SCHEDULE REFERRED TO IN THE FOREGOING ACT.

Register of Infants.

Date at which received.	Name.	Sex.	Age.	Name and Address of Person from whom received.	Date at which removed.	Name and address of Person by whom removed.

35 & 36 VICT., c. 61.

An Act to regulate the use of Steam Whistles in certain Manufactories. (6th August, 1872.)

BE it enacted, &c.,

1. This Act shall not apply to Scotland.

2. No person shall use or employ in any manufactory, or any other place, any Steam Whistle or Steam Trumpet for the purpose of summoning or dismissing workmen or persons employed without the sanction of the sanitary authority, and every person offending against this section shall be liable to a penalty not exceeding £5, and to a further penalty not exceeding 40*s.* for every day during which such offence continues: Use of steam whistles, &c.

Provided always, that the sanitary authority, in case they have sanctioned the use of any such instrument as aforesaid, may at any time revoke such sanction, on giving one month's notice to the person using the same:

Provided also, that it shall be lawful for the Local Government Board, on representation made to them by any person that he is prejudicially affected by such sanction, to revoke the same, and such revocation shall have the same force and effect as if it had been made by the sanitary authority.

3. "Sanitary authority," means the authority at the time being empowered to execute the "Nuisance Removal Acts," as defined and extended by the "Sanitary Act, 1866."(a) Definition.

4. All offences and penalties under this Act may be prosecuted and recovered in England in manner directed by the Act of the session of the 11th and 12th years of the reign of Her present Majesty, c. 43, and any Acts amending the same. Legal procedure.

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35 & 36 VICT., c. 91.

An Act to authorise the application of Funds of Municipal Corporations and other governing bodies in certain cases. (10th August, 1872.)

WHEREAS by the Act passed in the session holden in the 20th and 21st years of the reign of Her Majesty, intituled an Act to amend the Acts concerning the Municipal Corporations, the Trustees acting under any Act of Parliament for supplying any Borough, or any district within or in certain cases beyond the limits of a Borough, with water or gas, or having powers for providing or maintain- 20 & 21 Vict. c. 50.

(a) Now the Urban and Rural Sanitary Authorities, created by the "Public Health Act, 1872."

ing any cemetery or market in or for any Borough, or otherwise improving the same, are authorised and empowered to transfer to the Body Corporate of such Borough all their rights, estates, properties, and liabilities.

And whereas by the 92nd section of the Act passed in the session holden in the 5th and 6th years of the reign of King William IV., c. 76, to provide for the regulation of Municipal Corporations in England and Wales, in each Borough the annual proceeds of all property and hereditaments belonging to the Body Corporate, and fines and rates levied in the Borough, and directed to form the Borough fund, and such fund is directed to be applied in the payment of certain salaries and certain expenses and the expenses necessarily incurred in carrying into effect the provisions of the said Act, and the surplus (if any) of such fund is directed to be applied, under the direction of the Council, for the public benefit of the inhabitants and the improvement of the Borough:

And whereas the "Public Health Act, 1848," "The Local Government Act, 1858," and various Local Acts of Parliament, have conferred powers of improving, cleansing, paving, lighting, and otherwise governing places or districts upon Boards of Health, Commissioners, Trustees, or other persons:

And whereas it is expedient to extend the powers of governing bodies so as to enable them to apply the borough or other funds under the control of such governing body towards such costs, charges, and expenses as may be incurred for the purposes and in the manner herein provided: Be it therefore enacted, &c.,

Interpretation.

1. The term "governing body" in this Act shall mean the Council of any municipal Borough, the Board of Health, Local Board, Commissioners, Trustees, or other body acting under any general or local Act of Parliament for the management, improvement, cleansing, paving, lighting, and otherwise governing places or districts, and the term "district" shall mean the Borough, place, township, or district within which the governing body may for the time being have jurisdiction:

Provided, however, that in the Borough of Cambridge, in any matters affecting the constitution, power, or functions of the Board of Cambridge Improvement Commissioners, as defined in the several Acts of Parliament relating thereto, the term "governing body" shall mean such Board of Improvement Commissioners, and not the Council of the Borough of Cambridge.

Costs of Parliamentary and other proceedings for benefit of inhabitants to be a charge on local funds.

2. When in the judgment of a governing body in any district it is expedient for such governing body to promote or oppose any local and personal Bill or Bills in Parliament, or to prosecute or defend any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the district, it shall be lawful for such governing body to apply the borough fund, borough rate, or other the public funds or rates under the control of such governing body to the payment of the costs and expenses attending the same; and when there are several funds or rates under the control of the governing body, such governing body shall determine out of which fund or funds, rate or rates, such expense shall be payable, and in what proportions:

Provided that nothing in this Act contained shall authorise any governing body to promote any Bill in Parliament for the establishment of any gas or water works to compete with any existing gas or water company established under any Act of Parliament:

Provided that no powers contained in this clause shall apply in any case where the promotion of or opposition to a Bill by a governing body has been decided by a Committee of either House of Parliament to be unreasonable or vexatious.

No payment to a member.

3. No payment to any member of a governing body for acting as counsel or agent in promoting or opposing any such Bill shall be charged as aforesaid.

Costs of promoting or opposing Bills to require special sanction.

4. No expense in relation to promoting or opposing any Bill or Bills in Parliament shall be charged as aforesaid unless incurred in pursuance of a resolution of an absolute majority of the whole number of the governing body at a meeting of the governing body, after 10 clear days notice by public advertisement of such meeting and of the purpose thereof in some local newspaper published or circulating in the district, such notice to be in addition to the ordinary notices required for summoning such meeting, nor unless such resolution shall have been published twice in some newspaper or newspapers circulating in the district and shall have received, in respect of matters within the jurisdiction of the Local Government Board, the approval of such Board,(a) and in respect of other matters, the approval of one of Her Majesty's Secretaries of State, and in case of the promotion of a Bill in Parliament no further expense shall be incurred or charged as aforesaid after the deposit of the Bill, unless the propriety of such promotion shall be confirmed by such absolute majority at a further special meeting to be held in pursuance of a similar notice not less than 14 days after the deposit of the Bill in Parliament:

Provided further, that no expense in promoting or opposing any Bill in Parliament shall be charged as aforesaid unless such promotion or opposition shall have had the consent of the owners and ratepayers of that district, to be expressed by resolution in the manner provided in the "Local Government Act, 1858,"(b) for the adoption of that Act.

Approval of Local Government Board &c., necessary.

5. The approval of the Local Government Board or one of Her Majesty's Principal Secretaries of State, as the case may be, shall not be given to any such resolution as aforesaid until the expiration of 7 days after the second publication thereof, as provided by this Act, and in the meantime any ratepayer within

(a) See the requirements of the Local Government Board as to this matter set out in Part III., "Official Documents" (*ante*).

(b) See "Public Health Act, 1875."

the district of the governing body may give notice in writing to the Local Government Board or Secretary of State objecting to such approval.

Costs to be examined.

6. All costs, charges, and expenses incurred under the provisions of this Act shall, before the same become chargeable, be examined and allowed by some person to be authorised by one of Her Majesty's Principal Secretaries of State or by the Local Government Board, as the case may be.

Local inquiry.

7. The Local Government Board, or one of Her Majesty's Principal Secretaries of State, shall have power to direct a local inquiry to be held upon any application under this Act, by any person or persons whom they may respectively nominate for the purpose, and to charge the costs and expenses of such local inquiry upon the governing body or the person by whom such application shall be made.

Saving clause.

8. Nothing in this Act shall extend or be construed to alter or affect any special provision which is or shall be contained in any other Act for the payment of the costs, charges, and expenses intended to be provided for by this Act, or to take away or diminish any rights or powers now possessed or enjoyed by any governing body, or which are or shall be vested in or exerciseable by the inhabitants of any district under any General or Special Act.

Repeal.

9. The 142nd section of the "Towns Improvement Clauses Act, 1847," is hereby repealed so far as the same is inconsistent with the provisions of this Act.

Proviso as to Provisional Orders.

10. The provisions of this Act shall not extend to applications for any Bill in Parliament for any object which would, for the time being, be attainable by provisional order.

11. This Act shall not extend or apply to Ireland or the city of London or the metropolitan area as defined by the "Metropolitan Local Management Act, 1855."

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36 & 37 VICT., c. 33.

An Act to facilitate the Proof of Bye-laws and Proceedings of Municipal Corporations in England and Wales. *(7th July, 1873.)*

WHEREAS it is expedient to facilitate the proof of the bye-laws and proceedings of Municipal Corporations in England and Wales: Be it therefore enacted, &c.,

Short title.

1. This Act may be cited for all purposes as the "Municipal Corporations Evidence Act, 1873."

Proof of bye-laws.

2. The production of a written or printed copy of any bye-laws made by the Council of a Borough, either under the "Municipal Corporations Act" of the 5th and 6th of William IV., c. 73, or under any present or future general or Local Act of Parliament, authenticated by the common seal of the Borough, shall be evidence, until the contrary is proved, of the due making and existence of such bye-laws, and, if so stated in such copy, of the same bye-laws having been approved and confirmed by the authority whose approval or confirmation is or shall be required to the making or enforcing of such bye-laws in all legal proceedings, without further proof of the making of such bye-laws, or of such approval or confirmation, or of the said common seal.

Proofs of proceedings of council and committees.

3. Any minute of proceedings at meetings of the Council, or of committees of the Council, if signed by any person purporting to be the Mayor of the Borough or the Chairman of a meeting of the Council or committee of the Council, either at the meeting of the Council or committee of the Council at which such proceedings took place, or at the next ensuing meeting of the Council or committee of the Council, shall be receivable in evidence in all legal proceedings, without further proof:

And, until the contrary is proved, every meeting of the Council or committee of the Council in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held,

and all the members thereof to have been duly qualified, and, when such proceedings are proceedings of committees, that such committees have been duly and regularly constituted, and had power to deal with the matters referred to in such proceedings.

Forgery of seal or signatures.

4. If any person shall forge the seal or signatures of any document in this Act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall upon conviction be liable to imprisonment for any term not exceeding 3 years nor less than one year with hard labour.

Interpretation.

5. The word "borough" in the construction of this Act shall mean city, borough, or town corporate.

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36 & 37 VICT., c. 89.

An Act to extend and amend the provisions of the "Gas and Water Works Facilities Act, 1870." (5th August, 1873.)

BE it enacted, &c.,

Short title.

1. This Act may be cited for all purposes as "The Gas and Water Works Facilities Act, 1870, Amendment Act, 1873."

Interpretation.

2. In this Act the several words and expressions to which by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have the same respective meanings as in the said Act:

The expression "Special Act," shall mean and include any Local and Personal Act conferring powers upon any Local Authority, Corporation, Commissioners, Company, Companies, or persons, for the construction and maintenance, or the maintenance and continuance of gasworks, and the manufacture and supply of Gas in any district, and any Act amending the same, and shall include any Provisional Order made and confirmed under the authority of the "Gas and Water Works Facilities Act, 1870," so far as such Act or Provisional Order is in force:

The expression "Undertakers" in relation to a Special Act shall mean the Local Authority, Corporation, Commissioners, Company, Companies, or persons acting in execution of such Special Act:

The expression "prescribed" shall mean prescribed by the Special Act.

Cases to which Act applies.

3. This Act shall apply where the amendment of any Special Act in force in any district is required by the Undertakers or, subject as is in this Act herein-after provided, by the Local Authority of such district in relation to all or any of the matters following:

(1.) The illuminating power of the gas to be supplied;

(2). The maximum price of the gas to be supplied;

(3). The pressure at which the gas is to be supplied;

and such matters or any one or more of them, as the case may be, shall for the purposes of this Act be deemed to be included in the term "amendment of a Special Act."

Board of Trade Provisional Orders.

4. Subject to the provisions of this Act, Provisional Orders making an amendment of a Special Act, may be obtained on the application of the Undertakers, or of the Local Authority of any district in which the same is in force, made previous to the 15th day of February, 1874.

Notices and deposit of documents.

5. The Undertakers or Local Authority intending to make an application for a Provisional Order in pursuance of this Act shall proceed as follows:—

(1.) During the 30 days immediately preceding their application they shall publish notice of their intention to make such application by advertisement, according to the regulations contained in Part I. of the Schedule to this Act:

(2.) On or before the 5th day after the last publication of such advertisement they shall deposit the documents described in Part II. of the said Schedule, according to the regulations therein contained.

Power of Board of Trade.

6. The Board of Trade shall consider the application, and inquire as to the propriety of proceeding upon such application, and they shall consider any objection thereto that may be lodged with them on or before such day as they from time to time appoint, and shall determine whether or not the application may be proceeded with.

Board of Trade Provisional Order.

7. Where, with a view to prevent undue loss to any Undertakers arising from unusual increase in the cost of production of Gas, or to the prevention of undue accumulation of profits by Undertakers, it appears to the Board of Trade expedient and proper that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, and it has been proved to their satisfaction that all the requirements of this Act have been in all respects complied with, the Board of Trade may settle and make a Provisional Order accordingly;

Provided that the operation of such Provisional Order shall be limited to such period (not exceeding 2 years) as the Board shall therein prescribe:

Provided also, that where any addition shall be made by any such Provisional Order to the maximum price of Gas prescribed by the Special Act, provision shall be made by such Provisional Order that the Undertakers being a person, company, or companies carrying on business under the Special Act for his or their own pecuniary benefit, shall not divide more than at the rate of 5 per cent. per annum on their ordinary capital for any half year in which they shall have charged more than the maximum price prescribed by the Special Act, or if such Undertakers shall not have paid a dividend of 5 per cent. on such capital for each of the two financial years next preceding the application, more than such sum as shall have been the average amount of the dividend in such 2 years, and before allowing any such addition the Board of Trade shall ascertain the amount of dividend paid on such capital during the said 2 years, the contracts, if any, for coal still in force, the present and former prices received by them for coke and residual products, the amount of gas unaccounted for and lost during each of the said 2 years, and their charges for gas during the same period.

Provisional Orders to be taken as valid.

8. Every Provisional Order made by the Board of Trade under the authority of this Act shall be signed by a Secretary or Assistant Secretary of the Board of Trade, and shall take effect from a day subsequent to the date of the signing of the same to be named therein (in this Act referred to as the commencement of such Provisional Order), and every such Order purporting to be so signed shall be conclusive evidence of every fact and circumstance necessary to authorise the making thereof, and shall be deemed and taken to all intents and purposes whatsoever to have been made in pursuance of and in conformity with the provisions of this Act; and so long as such Provisional Order shall continue in force, it shall be of the same force and effect as an Act of Parliament.

Provided always, that where an application under this Act has been made by any Undertakers for the grant of a Provisional Order for the amendment of a Special Act, it shall be lawful for the Local Authority of the district in which such Special Act is in force, at any time before the 15th February, 1874, to apply to the Board of Trade for the grant of a Provisional Order for the amendment of such Special Act with respect to the illuminating power or the maximum price of the Gas to be supplied by the Undertakers, or with respect to the pressure at which such Gas is to be supplied.

Provided also, that at any time during the continuance of any Provisional Order granted to any Undertakers it shall be lawful for the Local Authority of the district in which the same is in force to apply to the Board of Trade to revoke or amend such Provisional Order, and the Board of Trade may revoke or amend the same accordingly.

Publication of Order.

9. When a Provisional Order has been made as aforesaid, and delivered to the persons who applied for the same, they shall, before the day named for the commencement of such Provisional Order, deposit and publish the same by advertisement according to the regulations contained in Part III. of the Schedule to this Act.

Confirmation of Order by Parliament.

10. The Board of Trade shall, as soon as they conveniently can after the making of any Provisional Order under the Authority of this Act, procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order, which shall be set out at length in the Schedule to such Bill.

If, while any such Bill is pending in either House of Parliament, a petition is presented against any Provisional Order comprised therein, the Bill, so far as it relates to the order petitioned against, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a Local and Personal Act.

In case either House of Parliament shall refuse to confirm any Provisional Order under this Act, notice of such refusal shall forthwith be given by the Board of Trade to the persons who applied for the same, and to the Local Authority of any district to which such Provisional Order relates, and the Board of Trade shall cause a copy of such notice to be published as an advertisement, once in the local newspaper in which the original advertisement of the intended application was published, or in such other newspaper circulating in such district as the Board of Trade may think proper.

Every such notice shall be signed by a Secretary or Assistant Secretary of the Board of Trade and from and after the expiration of a day to be named therein the Provisional Order to which it relates shall cease to have any operation:

Provided always, that such notice shall not affect any act, matter, or thing done or suffered or any liability incurred under such Provisional Order, nor the effect and validity of such Provisional Order, previous to the day named in such notice.

The production of a copy of such notice purporting to be signed in manner by this section prescribed shall be evidence of the facts stated therein.

The Act of Parliament confirming any Provisional Order under this Act shall be deemed a Public General Act.

Costs of Order.

11. The costs of and connected with the preparation and making of a Provisional Order, and all proceedings in relation thereto, shall be paid by the persons applying for the same, and the Board of Trade may require them to give security for such costs before they proceed with the Provisional Order.

Such costs incurred by Undertakers, being a Company, Companies, or person carrying on business under the Special Act for their or his own pecuniary benefit, shall, if the same be not obtained, be paid out of the sum applicable to dividend, and if the same be obtained, shall be charged to ordinary expenses of management; and such costs incurred by any other Undertakers may be paid by them out of any funds which may from time to time be in their hands, and which may be applicable to the purposes of the Special Act; and such costs incurred by any Local Authority may be paid by them out of the borough rate or district rate leviable by them for the purposes for which they are constituted by any General or Special Acts.

Power of Board of Trade to revoke, &c., an Order.

12. Where under the "Gas and Water Works Facilities Act, 1870," or this Act, the Board of Trade have made any Provisional Order, they may from time to time revoke, amend, extend, or vary such Provisional Order by a further Provisional Order.

Every application for such further Provisional Order shall be made in like manner and subject to the like conditions as the application for the former Provisional Order.

Every such further Provisional Order shall be made and confirmed in like manner in every respect as the former Provisional Order.

Inquiries by Board of Trade.

13. Where, in relation to any application for a Provisional Order under the "Gas and Waterworks Facilities Act 1870," or under this Act, it is in the opinion of the Board of Trade expedient that an inquiry should be held, they may order and direct such inquiry to be held at such time and place as they may think proper, subject to the provisions following:

1. The inquiry shall be held in public before an officer or officers to be appointed in that behalf by the Board of Trade, herein-after called the Commissioner or Commissioners:
2. Ten days notice at the least shall be given by the Commissioner or Commissioners of the time and place at which the inquiry is to be commenced:
3. The inquiry shall be commenced at the time and place so appointed, and the Commissioner or Commissioners may adjourn the inquiry from time to time as may be necessary to such time and place as he or they may think fit:
4. The Commissioner or Commissioners by summons shall, on the application of any party interested in the inquiry, require the attendance before him or them, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him or them, and every person summoned shall attend the Commissioner or Commissioners, and answer all questions touching the matter to be inquired into, and any person who wilfully disobeys any such summons or refuses to answer any question put to him by the Commissioner or one of the Commissioners for the purposes of the said inquiry shall, on summary conviction before 2 Justices, * * * * be liable to a penalty not exceeding £5:

   Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him, and no person shall be required in any case in obedience to any such summons to travel more than 10 miles from his place of abode:
5. The Commissioner or Commissioners shall make a report to the Board of Trade in writing, and shall deliver copies of the report upon request to all or any of the parties to the inquiry.

Rules.

14. The Board of Trade may from time to time make, and, when made, may rescind, annul, or add to, rules with respect to the following matters:

The proceedings to be had before the Board under the "Gas and Water Works Facilities Act, 1870," or this Act; and

As to any other matter or thing in respect of which it may be expedient to make rules for the purpose of carrying the said Act or this Act into execution.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by the said Act or this Act and shall be of the same force as if enacted in the said Act or this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within 3 weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within 3 weeks after the beginning of the then next session of Parliament.

15. This Act shall not apply to any place within the Metropolis as the same is defined in "The Metropolis Management Act, 1855."

SCHEDULE.

Part I.

Advertisement of Intended Application.

(1.) Every advertisement is to contain the following particulars:

The objects of the intended application.

The name of an office, either in London or at the place to which the intended application relates, at which printed copies of the draft Provisional Order when deposited, and of the Provisional Order when made, will be obtainable as herein-after provided.

(2.) The advertisement is to be inserted twice at least in some one and the same newspaper published in the district affected by the proposed Provisional Order; or if there be no such newspaper, then in some one and the same newspaper published in the county in which such district, or some part thereof is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county. Such advertisements shall be so published that there shall be an interval of not less than 10 days between each publication.

Part II.

(1.) The documents to be deposited at the office of the Board of Trade:—

1. A copy of each of the newspapers containing the advertisement.
2. A memorial signed by the persons applying for a Provisional Order, addressed to the Board of Trade, and praying for a Provisional Order.
3. A printed draft of the Provisional Order as proposed, with any schedule referred to therein.

(2.) A sufficient number of such printed copies are to be deposited at the office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of not more than 1*s.* each.

(3.) The said memorial (to be written on foolscap paper, bookwise, with quarter margin) is to be in the following form, with such variations as circumstances require:—

[*Short title of Undertaking.*]

To the Board of Trade,

The memorial of of :

Showeth as follows;

(1.) Your memorialists have published in accordance with the requirements of the "Gas and Water Works Facilities Act, 1870, Amendment Act, 1873," the following advertisement:

[*Here advertisement to be set out verbatim.*]

(2.) Your memorialists have also deposited, in accordance with the requirements of the said Act, copies of the said advertisement and [*Here state deposit of the several matters required by Act.*]

Your memorialists, therefore, pray that a Provisional Order may be made in the terms of the draft proposed by your memorialists, or in such other terms as may seem meet.

A.B.
C.D.
E.F.

Part III.

Deposit and Advertisement of Provisional Order when Made.

(1.) The Provisional Order shall be published as an advertisement once in the local newspaper in which the original advertisement of the intended application was published, or in such other newspaper circulating in the district to which such Provisional Order relates as the Board of Trade shall direct.

(2.) A sufficient number of printed copies of the Provisional Order shall be deposited at the office named in that behalf in the advertisement, such copies to be there furnished to all persons applying for them at the price of not more than 1*s.* each.

37 & 38 VICT., c. 59.

An Act to facilitate the erection of Dwellings for Working Men on land belonging to Municipal Corporations. *(7th August, 1874.)*

WHEREAS it is expedient to encourage the erection of dwelling-houses suitable for persons employed in manual labour, and to afford increased facilities for the acquisition of sites for such dwelling-houses: Be it therefore enacted, &c.,

Short title.

1. This Act may be cited as the "Working Men's Dwellings Act, 1874."

2. This Act shall not extend to Scotland or Ireland.

Interpretation.

3. In this Act—

"Corporation" means a Municipal Corporation for the time being subject to the Act of the session of the 5th and 6th years of the reign of King William IV., c. 76, "to provide for the regulation of Municipal Corporations in England and Wales" (in this Act called the "Municipal Corporations Act") acting by the Council of the Borough:

"Working Men's Dwellings" means buildings suitable for the habitation of persons employed in manual labour and their families, but so that the use of part of a building for purposes of retail trade or other purposes, approved by a Corporation, shall not prevent the building from being deemed a dwelling:

"The Treasury" means the Commissioners of Her Majesty's Treasury, or 2 of them.

Power to annex conditions as to building, &c.

4. Where a Corporation determine that any land belonging to them shall be converted into sites for Working Men's Dwellings, and on a representation to the Treasury of the circumstances of the case, under § 94 of the "Municipal Corporations Act," obtain the approval of the Treasury to the Corporation making for that purpose grants or leases for terms of 999 years, or any shorter term, of parts of that land, then the following provisions shall have effect and apply:

(1.) The Corporation may make on the land any roads, drains, walls, fences, or other works requisite for converting the same into building land, at an expense not exceeding such sum as the Treasury approve:

(2.) The Corporation may insert in any grant or lease of any part of the land (in this Act referred to as the site) provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the building, and prohibiting the division of the site or building, and any addition to or alteration of the character of the building, without the consent of the Corporation, and for the re-vesting of the site in the Corporation, or their re-entry thereon, on breach of any provision in the grant or lease:

(3.) Every provision as aforesaid shall be valid in law to all intents, and binding on the parties:

(4.) A grant or lease by the Corporation of the site, and any subsequent conveyance or assignment thereof, in the respective form set forth in the schedule to this Act, or to the like effect, with such variations and additions as circumstances require, shall be good and effectual in law to all intents; and terms used in those forms shall have the same meaning as in this Act.

Costs.

5. All costs and expenses incurred or authorised by a Corporation in carrying into execution or otherwise in pursuance of this Act, shall be paid out of the borough fund and borough rate, or by money borrowed by the Corporation under the "Municipal Corporation Mortgages, &c., Act, 1860."

SCHEDULE.

A.

FORM OF GRANT BY CORPORATION.

"The Working Men's Dwellings Act, 1874."

Borough of Grant No.

The Mayor, Aldermen, and Burgesses of the Borough of by virtue and in pursuance of the above-mentioned Act, and in consideration of paid to them by *A.B.* of

hereby grant to the said *A.B.* (herein referred to as the grantee), and his heirs, the site following (that is to say) [*insert description*] with the appurtenances, subject to the following conditions (that is to say);

1. The grantee shall build on the site one working-man's or working-men's dwelling (and no more) according to the plan and specification deposited in the office of the Town Clerk, numbered , and under the superintendence and to the satisfaction of the Corporation.

2. The grantee, his heirs and assigns, shall always maintain and repair the building, and shall not sell or alienate the site or building in divisions or separate parts, and, in case of the taking down or destruction of the building, shall not rebuild it except in manner approved by the Corporation.

3. The grantee, his heirs or assigns, shall not add to or alter the character of the building without the consent of the Corporation.

4. If at any time the grantee, his heirs or assigns, fail to fully observe and perform any stipulation of this grant, the Corporation may, if they think fit, declare that the site is re-vested in the Corporation; and thereupon the same, with the dwelling and other buildings thereon, shall become and be vested in the Corporation, as if this grant had not been made.

In witness whereof, &c., this day of 187 .

(*Corporate Seal.*)

B.

Form of Transfer of Grant.

"The Working Men's Dwellings Act, 1874."

Borough of . Transfer No. . Grant No.

A.B. of , by virtue and in pursuance of the above-mentioned Act, and in consideration of paid to him by *C.D.* of , hereby grants and transfers to the said *C.D.* and his heirs the site comprised in the within-written[a] grant [*or* the grant No. under the said Act, dated the day of 187 [b]] with the appurtenances and with the dwelling and other buildings thereon, subject to the conditions on which that site is held immediately before the execution of this transfer.

In witness whereof, &c., this day of 18 .

A.B. (L.S.)

C.

Form of Lease by Corporation.

"The Working Men's Dwellings Act, 1874."

Borough of . Lease No. .

The Mayor, Aldermen, and Burgesses of the Borough of by virtue and in pursuance of the above-mentioned Act, and in consideration of the sum of paid to them by *A.B.* of and of the rent and stipulations in this lease reserved and contained, and to be by him, his executors, administrators, or assigns, paid and performed, hereby lease to the said *A.B.* (herein referred to as the lessee), his executors and administrators, the site following (that is to say) [*insert description*] with the appurtenances, for the term of [999] years from the day of , at the yearly rent (clear of all deductions) of , payable by 2 equal half-yearly payments on the day of and the day of in every year, the first thereof to be made on the day of , and the last thereof to be made in advance on the day of next before the end of the term, and so that on the term being determined by re-entry a proportionate part of the rent for the fraction of the current half-year up to the re-entry be repayable.

And the lessee hereby covenants with the Corporation that he, his executors, administrators, or assigns, will during the term pay the rent on the days and in manner aforesaid, and will pay all taxes, rates, and outgoings for the time being payable by the tenant in respect of the premises.

And this lease is made subject to the following conditions (that is to say):

1. The lessee shall build on the site one working-man's or working-men's dwelling (and no more) according to the plan and specification deposited in the office of the Town Clerk, and numbered , under the superintendence and to the satisfaction of the Corporation.

2. The lessee, his executors, administrators, and assigns, shall always during the term maintain and repair the building, and shall not sell or alienate the site or building in divisions or separate parts, and, in case of the taking down or destruction of the building, shall not rebuild it except in manner approved by the Corporation.

3. The lessee, his executors, administrators, or assigns, shall not add to or alter the character of the building without the consent in writing of the Corporation.

(*a*) In case of transfer by indorsement. (*b*) In case of transfer by separate deed.

4. If at any time the lessee, his executors, administrators, or assigns, fail to duly pay the rent hereby reserved, or to fully observe and perform any stipulation herein contained, the Corporation may, if they think fit, re-enter on any part of the site in the name of the whole, and thereupon the term of years shall absolutely cease.

In witness whereof, &c., this day of 187 .

(Corporate Seal.)

A.B. (L.S.)

D.

FORM OF ASSIGNMENT OF LEASE.

"The Working Men's Dwellings Act, 1874."

Borough of Transfer No. , Lease No. .

A.B. of (herein referred to as the assignor) by virtue and in pursuance of the above-mentioned Act, and in consideration of paid to him by *C.D.* of , hereby assigns to the said *C.D.* (herein referred to as the assignee), his executors and administrators, the site comprised in the within-written lease[a] [*or* the lease No. under the said Act, dated the day of 187 [b]], with the appurtenances, and with the dwelling and other buildings thereon, for the residue of the term of years, at the rent and subject to the stipulations and conditions at and subject to which that site is held immediately before the execution of this assignment.

And the assignee for himself, his executors and administrators, covenants with the assignor, his executors and administrators, that the assignee, his executors or administrators, will pay the yearly rent and observe and perform the stipulations and conditions aforesaid, and will at all times keep the assignor, his executors and administrators, indemnified in respect thereof.

In witness whereof, &c., this day of 187 .

A.B. (L.S.)

C.D. (L.S.)

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38 & 39 VICT., c. 36.

An Act for facilitating the Improvement of the Dwellings of the Working Classes in Large Towns. *(29th June, 1875.)*

WHEREAS various portions of many Cities and Boroughs are so built, and the buildings thereon are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants:

And whereas there are in such portions of Cities and Boroughs as aforesaid a great number of houses, courts, and alleys, which, by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation, and fevers and diseases are constantly generated there, causing death and loss of health, not only in the courts and alleys but also in other parts of such Cities and Boroughs:

(a) In case of assignment by indorsement. (b) In case of assignment by separate deed.

And whereas it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the power of any one owner to make such alterations as are necessary for the public health:

And whereas it is necessary for the public health that many of such houses, courts, and alleys should be pulled down, and such portions of the said Cities and Boroughs should be reconstructed:

And whereas in connection with the reconstruction of those portions of such Cities and Boroughs it is expedient that provision be made for dwellings for the working class who may be displaced in consequence thereof:

Be it enacted, &c.:

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Artizans and Labourers Dwellings Improvement Act, 1875."

Application of Act to certain districts and description of Local Authority.

2. This Act shall apply * * to

* * * * * * * * *

(3.) Urban Sanitary Districts in England containing, according to the last published Census, for the time being a population of 25,000 and upwards;

* * * * * * * * *

and the Local Authority shall be as follows; that is to say,—

* * * * * * * * *

(3.) As respects each Urban Sanitary district, the Urban Sanitary Authority of that district.

Part I.

Unhealthy Areas.

1. *Scheme by Local Authority.*

Local Authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.

3. Where an official representation as herein-after mentioned is made to the Local Authority that any houses, courts, or alleys within a certain area under the jurisdiction of the Local Authority are unfit for human habitation, or that diseases indicating a generally low condition of health amongst the population have been from time to time prevalent in a certain area within the jurisdiction of the Local Authority, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement or the bad condition of the streets and houses or groups of houses within such area, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, or to one or more of such causes, and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area, cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses, the Local Authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency or their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.

Provided always, that no person being beneficially interested in any lands within such area shall vote as member of the Local Authority upon such resolution, or upon any question relating to the purchase or taking of lands in which he is so interested.

If any person votes in contravention of this proviso, he shall, on summary conviction, incur a penalty not exceeding £20; but the fact of his giving such vote shall not invalidate any resolution passed by the Local Authority.

Provided always, that any number of such areas may be included in one improvement scheme.

Official representation by whom to be made.

4. An official representation shall mean * * * a representation made to the Local Authority by the Medical Officer of Health of such authority. A Medical Officer acting in pursuance of this Act shall make such representation whenever he sees cause to make the same; and if 2 or more Justices of the Peace acting within the jurisdiction for which he is Medical Officer, or 12 or more persons liable to be rated to any rate out of the proceeds of which the expenses of the Local Authority under this Act are made payable, complain to him of the unhealthiness of any area within such jurisdiction, it shall be the duty of the officer forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the area is an unhealthy area or not an unhealthy area, for the purposes of this Act.

Requisites of improvement scheme of Local Authority.

5. The improvement scheme of a Local Authority shall be accompanied by maps, particulars, and estimates; it may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the Local Authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes; it may also provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; also it shall distinguish the lands proposed to be taken compulsorily, and shall provide

for the accommodation of at the least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof; it shall also provide for proper sanitary arrangements. It may also provide for such scheme or any part thereof being carried out and effected by the person entitled to the first estate of freehold in any property subject to the scheme or with the concurrence of such person, under the superintendence and control of the Local Authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the Local Authority and such person.

2. *Confirmation of Scheme.*

Improvement scheme by Provisional Order to be confirmed by Parliament.

Publication of notices.

6. Upon the completion of an improvement scheme the Local Authority shall—

Publish, during 3 consecutive weeks in the month of September, or October, or November, in some one and the same newspaper circulating within the jurisdiction of the Local Authority, an advertisement stating the fact of a scheme having been made, the limits of the area to which the scheme relates, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and,

Service of notices.

During the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands, such notice to be served—

(*a.*) By delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises; or,

(*b.*) By leaving the same at the usual or last known place of abode of such person as aforesaid; or,

(*c.*) By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such person.

One notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

Petition to Secretary of State or Local Government Board.

Upon compliance with the provisions contained in this section with respect to the publication of an advertisement and the service of notices, the Local Authority shall present a petition, if such authority be * * * an Urban Sanitary Authority, to the Local Government Board, praying that an order may be made confirming such scheme. The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the * * * Local Government Board, * * * (in this Act referred to as the confirming authority), may from time to time require:

If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case, they shall direct a local inquiry to be held in, or in the vicinity of, the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme:

After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the limits of the area to which the scheme relates, and authorising such scheme to be carried into execution. Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the Local Authority to serve a copy of any Provisional Order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this Act to be served, except tenants for a month or a less period than a month.

A Provisional Order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any Provisional Order made in pursuance of this Act, when confirmed by Parliament, with such modifications as may seem fit to Parliament, shall be deemed to be a Public General Act of Parliament, and is in this Act referred to as the confirming Act.

The confirming authority may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

All costs, charges, and expenses incurred by the confirming authority in relation to any Provisional Order under this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the Local Authority under this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times

and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding £5 in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

Any order made by the confirming authority in pursuance of this section may be made a rule on one of Her Majesty's superior courts, and be enforced accordingly.

Costs to be awarded in certain cases.

7. Where any Bill for confirming a Provisional Order authorising an improvement scheme is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill as the Committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the 28th and 29th years of the reign of Her present Majesty, c. 27.

The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

Inquiry on refusal of Local Authority to make an improvement scheme.

8. Where an official represention is made to the Local Authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, such Local Authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the Local Authority, and any matters connected therewith on which the confirming authority may desire to be informed.

3. *Execution of Scheme by Local Authority.*

Duty of Local Authority to carry scheme, when confirmed, into execution.

9. When the confirming Act authorising any improvement scheme of a Local Authority under this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. They may sell or let all or any part of the area to which such scheme relates to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the Local Authority, and for the re-vesting of the land in the Local Authority, or their re-entry thereon, on breach of any provision in the grant or lease. The Local Authority may also engage with any body of trustees, society or societies, persons or person, to carry the whole or any part of such scheme into effect upon such terms as the Local Authority may think expedient, but the Local Authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes, the Local Authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

Provided also, that in any case in which the Local Authority erect any dwellings out of funds to be provided under this Act, they shall, unless the confirming authority shall otherwise determine, sell and dispose of all such dwellings within 10 years from the time of the completion thereof.

The Local Authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with the person entitled to the first estate of freehold in any land comprised in an improvement scheme for the carrying out of the scheme in respect of such land by such person.

Completion of scheme on failure by Local Authority.

10. If within 5 years after the removal of any buildings on the land set aside by any Provisional Order as sites for working men's dwellings the Local Authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the Local Authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

Notice to occupiers by placards.

11. The Local Authority shall, not less than 13 weeks before taking any 15 houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon

or within a reasonable distance of such houses, and the Local Authority shall not take any such houses until they have obtained a certificate of a Justice of the Peace that it has been proved to his satisfaction that the Local Authority have made known, in manner required by this section, their intention to take such houses.

Power of confirming authority to modify authorised scheme.

12. The confirming authority, on application from the Local Authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme, and that due provision has been made or secured for the accommodation in suitable dwellings of as many persons of the working class as may be displaced in the area to which such scheme relates, either in manner provided by the scheme or in some other manner, or will be more advantageously made or secured under the proposed alteration, may permit the Local Authority to modify any part of an improvement scheme authorised by the confirming Act which it may appear inexpedient to carry into execution in accordance with such Act.

A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, within one month after the next meeting of Parliament: Provided always, that if such modification or alteration shall require a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or shall affect injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, it must be made by a Provisional Order to be confirmed by Act of Parliament in the manner provided in § 6 of this Act on the completion of an improvement scheme.

Part II.

Provisions ancillary to Improvement Scheme.

As to Local Authority.

1. *Medical Officer.*

[§ 13 applies to the Metropolis only.]

Provision in case of absence of Medical Officer of Health.

14. In case of the illness or unavoidable absence of the Medical Officer of Health, the * * * Local Authority * * * may (subject to the approval of the confirming authority) appoint a duly qualified Medical Practitioner, who shall for the period of 6 calendar months, or any less period to be named in the appointment, have and perform all the powers and duties of a Medical Officer of Health under this Act.

Inquiry on default of Medical Officer in certain cases.

15. Where 12 or more ratepayers have complained to a Medical Officer of the unhealthiness of any area within the jurisdiction of such officer, and the Medical Officer has failed to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and, upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a Medical Officer to inspect such area and to make representation to the confirming authority, stating the facts of the case; and whether, in his opinion, the area is an unhealthy area or not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the Local Authority, and if it state that the area is an unhealthy area the Local Authority shall proceed therein in the same manner as if it were an official representation made to that authority.

The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part of such costs to be paid by the appellants where the officer appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the Local Authority were such officer is of opinion that the area is an unhealthy area.

Any order made by the confirming authority in pursuance of this section may be made a rule of one of Her Majesty's superior courts, and be enforced accordingly.

2. *Local Inquiry.*

Proceedings on local inquiry.

16. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the Local Authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme.

Notice of inquiry to be publicly given.

17. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry.

Power to administer oath.

18. The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as they think expedient.

3. *Acquisition of Land.*

Acquisition of land.

19. The clauses of the "Lands Clauses Consolidation Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but save as aforesaid the said "Lands Clauses Consolidation Act, 1845,"

and the "Lands Clauses Consolidation Acts Amendment Act, 1860," as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and taking of lands in England, and shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof.

* * * * * * * * *

Subject * * * to the provisions following; that is to say,

(1.) The Act shall authorise the taking by agreement any lands which the Local Authority may require for the purpose of carrying into effect the scheme authorised by any confirming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:

(2.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, and all circumstances affecting such value, without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands which in the opinion of the arbitrator have been included in a scheme as falling under the description of property named in the third section of this Act:

(3.) In the construction of the said "Lands Clauses Consolidation Acts," and the provisions in the said schedule, this Act shall be deemed to be the Special Act, and the Local Authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be 3 years after the passing of the confirming Act.

Extinction of rights of way and other easements.

20. Upon the purchase by the Local Authority of any lands required for the purpose of carrying into effect any scheme authorised by a confirming Act, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the Local Authority, subject to this provision, that compensation shall be paid by the Local Authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

4. *Expenses.*

Formation of improvement fund for purposes of this Act.

21. A separate account shall be kept by the Local Authority of their receipts and expenditure in respect of any transactions under this Act. Their receipts shall form a fund (in this Act referred to as "The Dwelling-house Improvement Fund"), and their expenditure shall be made out of such fund.

The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act.

In settling any accounts of the Local Authority in respect of any transactions under this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this Act; and any balances of profit made by the Local Authority under this Act shall be applicable to any purposes to which the local rates are for the time being applicable.

* * * * * * * * *

The "local rates" shall in the case of an Urban Sanitary Authority mean all or any rates or rate levied throughout the district of such authority, and out of which the Local Authority is authorised to pay any expenses incurred under the Sanitary Acts, as defined by the "Public Health Act, 1872." * * *

The Local Authority may carry to the account of the Dwelling-house Improvement Fund any moneys or the produce of any property, which moneys or produce are or is legally applicable to purposes similar to the purposes of this Act; and in case of doubt as to whether, in any particular case, the purposes are similar to the purposes of this Act, it shall be lawful for the confirming authority to decide such question, and such decision shall be conclusive.

Power of borrowing money for the purposes of the Act.

22. Any Local Authority under this Act may for the purposes of this Act borrow any moneys on the security of any lands, houses, or other property acquired by them under this Act, and may mortgage such lands, houses, or other property to any person advancing such moneys, and it shall not be in any way incumbent or the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every Local Authority borrowing on the credit of such lands, houses, or other property as aforesaid may pay out of local rates the interest of any moneys so borrowed by them.

Any Local Authority under this Act borrowing any moneys on the security of any lands, houses, or other property as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

An Urban Sanitary Authority shall have the same power of borrowing on the credit of the local rates such sums of money as they may require for the purposes of this Act as they have under § 40 of the "Public Health Act, 1872," * * * for sanitary purposes.

* * * * * * * * *

The Public Works Loan Commissioners, * * * acting with the consent of the Treasury, may, on the recommendation of the confirming authority, lend to any Local Authority any money required by them for purposes of this Act, * * * on the security of the local rates. Such loans shall be repaid within such period, not exceeding 50 years, as may be recommended by the confirming authority, and shall bear interest at the rate of 3½ per cent. per annum, or such higher rate as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the Exchequer.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

* * * * * * * * *

Audit of accounts.

The accounts of an Urban Sanitary Authority under this Act shall be audited in the same manner and with the same power in the officers auditing the same in which the accounts of that authority in its character of Sanitary Authority are for the time being required to be audited by law.

Part III.

General Provisions.

Provision where Local Authority has no seal.

24. Any petition or document proceeding from a Local Authority may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the Local Authority, or in such other manner as the confirming authority may require.

Notices.

Service of notice on the Local Authority.

25. Any notice required to be served upon the Local Authority may be lawfully served by delivering the same to the Clerk of the Local Authority, or leaving the same at his office with some person employed there by him.

Power of confirming authority as to advertisements and notices.

26. The confirming authority may from time to time by order prescribe the forms of advertisements and notices under this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this Act.

Power of confirming authority to dispense with notices in certain cases.

27. The confirming authority may, on the consideration of any petition of a Local Authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to them as required by this Act, where reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority, either unconditionally or upon such condition as to the publication of other advertisements and the service of other notices or otherwise as the confirming authority may think fit, due care being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.

Authentication of notices served by the Local Authority.

28. Any notice served by the Local Authority for the purposes of this Act may be signed by the Clerk of the Local Authority.

Penalties.

Penalty for obstructing officers in execution of Act.

29. Where any person obstructs the Officer of Health or any officer of the Local or confirming Authority acting in the performance of anything which the Local or confirming Authority are by this Act required or authorised to do, every person so offending shall, on summary conviction, for every such offence forfeit a sum not exceeding £20.

Saving Clauses.

Relation of local Acts to general Acts.

30. Where in any place to which this Act applies, any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the Local Authority either instead of or in concurrence with this Act; provided that the Local Authority of any place to which this Act applies shall not, by reason of any local Act within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

Definitions.

Definitions of terms of Act.

31. The expressions herein-after mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,

* * * * * * * * *

"Person" shall include a body of persons, corporate or unincorporate: "Person."

"Lands" shall include messuages, lands, tenements, and hereditaments of any tenure, and any right over land: "Lands."

* * * * * * * * *

"The Treasury" shall mean the Lords Commissioners of the Treasury, or any 2 of them: "The Treasury."

"This Act" includes any confirming Act as herein-before defined. "This Act."

SCHEDULE.

Provisions with respect to the Purchase and taking of Lands in England otherwise than by Agreement, and otherwise amending the "Lands Clauses Act, 1845."

Deposit of Maps and Plans.

(1.) The Local Authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their Clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily (which lands are herein-after referred to as the scheduled lands), together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

(2.) The maps made by the Local Authority shall be upon such scale and be framed in such manner as, may be prescribed by the confirming authority.

(3.) The Local authority shall deposit such maps and schedules at the office of the confirming authority and shall deposit and keep copies of such maps and schedules at the office of the Local Authority.

Appointment of Arbitrator.

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the Local Authority, to appoint an arbitrator between the Local Authority and the persons interested in such of the scheduled lands, or lands injuriously affected by the execution of such scheme, so far as compensation for the same has not been made the subject of agreement.

Proceedings on Arbitration.

(5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration; that is to say,

"I *A.B.* do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the 'Artizans and Labourers Dwellings Improvement Act, 1875.'

"*A.B.*

"Made and subscribed in the presence of ."

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a misdemeanor.

(6.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the Local Authority shall publish once in each of 3 successive weeks the following particulars:—

(*a.*) The appointment of the arbitrator:

(*b.*) The deposit at the office of the Local Authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same:

(*c.*) A requisition directing the owners of or parties by this Act enabled to sell and convey or release any of the said scheduled lands, or any lands injuriously affected by the execution of the scheme of the Local Authority or any interest in such lands, to deliver to the arbitrator, on or before a day fixed by the arbitrator and named in such requisition (and being a day not earlier than 21 days from the date of the insertion of the last of such notices), a short statement in writing of the nature of their respective claims.

(7.) The arbitrator shall, after the expiration of the period within which such claims are required to be delivered to him as aforesaid, and so far as such claims may not be settled by agreement, proceed to inquire into and adjudicate according to the basis provided in this Act upon the compensation to be paid in respect of the scheduled lands, and of the several interests in such lands, and the compensation to be made for injury to any lands as are mentioned in his appointment injuriously affected by the execution of the scheme of the Local Authority.

(8.) The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the Local Authority in respect of the several interests in the said scheduled lands, and also, where any inquiry relates to injury to any lands injuriously affected by the execution of the scheme of the Local Authority, the compensation payable in respect of such injury.

(9.) The provisional award shall be deposited at the office of the confirming authority, and a copy shall be deposited at the office of the Local Authority.

(10.) The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have made a claim before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of 3 successive weeks, stating that a copy of the provisional award has been deposited at the office of the Local Authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place, or times and places, for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than 21 days after the last day of publication of the said notice).

(11.) The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by any person interested therein, or adjourn the further hearing thereof, if the arbitrator see fit, to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands or interests as aforesaid, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

(12.) When the arbitrator has heard and determined all such objections, and made such enquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall confirm such award under his hand and seal accordingly; and thereupon such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

(13.) Such final award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the Local Authority, and the Local Authority shall thereupon publish once in each of 3 successive weeks notice of the deposit having been made at the office of the Local Authority of a copy of the award so confirmed, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the Local Authority, on or before a day to be named in such notice (such day not being earlier than 21 days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the Local Authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence 20 years previous to the date of the claim, except there has been an absolute conveyance on sale within 20 years, and more than 10 years, previous to the claim when the abstract shall commence with such conveyance.

Payment of Purchase Money.

(14.) Within 30 days from the delivery of such statement and abstract as aforesaid to the Local Authority, the Local Authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

(15.) Every such certificate shall be prepared by and at the costs of the Local Authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the Local Authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16.) The Local Authority shall, 30 days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17.) If the Local Authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the Local Authority in any of Her Majesty's superior courts of law at Westminster, or in any court to which the jurisdiction of such courts may be transferred, for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the Local Authority, authorised to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the Local Authority entering on any such lands as aforesaid.

(18.) When and so soon as the Local Authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his

executors, administrators, or assigns, it shall be lawful for the Local Authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19.) In every case in which any moneys are paid by any Local Authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the Local Authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the costs of the Local Authority.

(20.) If it appear to the Local Authority, from any such statement and abstract as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the Local Authority, then and in every such case the amount to be paid by the Local Authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of "The Lands Clauses Consolidation Act, 1845," as amended by "The Court of Chancery Funds Act, 1872," with "respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title."

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the Local Authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the Local Authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the Local Authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-mentioned clauses of "The Lands Clsuses Consolidation Act, 1845," as amended by "The Court of Chancery Funds Act, 1872," and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the Local Authority from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement herein-before mentioned, if they think fit, so as the same be obtained at the cost of the Local Authority.

(23.) If from any reason whatever the Local Authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the Local Authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the Local Authority, be enforced by any party or parties, by application to the High Court of Chancery, or any court to which the jurisdiction of the High Court of Chancery may be transferred, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the Local Authority by such application as aforesaid.

Entry on Lands on making Deposit.

(24.) Where the Local Authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the Local Authority, at any time, after the arbitrator has framed his provisional award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the Local Authority, and mentioned in such provisional award, to enter upon and use such lands for the purposes of the improvement scheme of the Local Authority; and the arbitrator shall, upon the request of the Local Authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the Local Authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or sums to be paid by the Local Authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, nothwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the Local Authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of £5 per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of this Act, such compensation is required to be paid into the said Bank, then until the same, with such interest is paid into such Bank accordingly; and where under this provision

interest is payable on any compensation money the certificate to be delivered by the Local Authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25.) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the Bank in similar cases, or to such account as may be directed by any order of the Court of Chancery, or of any court to whom the powers of the Court of Chancery may be transferred, and remain in the Bank by way of security to the parties interested in the lands which have been so entered upon, for the payment of the money to become payable by the Local Authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the Local Authority, be ordered to be invested in Bank Annuities or Government securities, and accumulated; and upon such payment as aforesaid by the Local Authority it shall be lawful for the Court of Chancery, or any other court to which the jurisdiction of the Court of Chancery may be transferred, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the Local Authority, or, in default of such payment as aforesaid by the Local Authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

Appeal.

(26.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds £500, and

Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court, and such amount exceeds £500, also

Where the Local Authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the Local Authority to any person in respect of any estate or interest in lands, and such amount exceed the sum of £500;

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within 10 days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

(1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate:

(2.) Where moneys have been paid into court, at the date of the payment into court:

(3.) Where the Local Authority appeals, at the date of the making of the final award.

(27.) Where a notice has been given under this Act of an appeal to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the "Lands Clauses Consolidation Act, 1845," and all the provisions of that Act contained in §§ 38 to 57, both inclusive, shall be deemed to apply, except §§ 47 and 51: Provided also, that,—

(1.) Where the Local Authority appeals, that authority shall be deemed to be the plaintiff, and the party entitled to compensation to be the defendant; and

(2.) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the Local Authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues tried in the Court of Queen's Bench, or any court to which the jurisdiction of the Court of Queen's Bench may be transferred; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the Local Authority the costs of the trial to be taxed and ascertained in manner aforesaid.

(3.) Where the Local Authority is the appellant,—

(1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the Local Authority shall pay to the other party such sum not exceeding £20 for the costs of the trial as the Sheriff or other Officer before whom the same is tried shall direct; and,

(2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator the Local Authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid.

(4.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

Costs of Arbitration.

(28.) The salary or remuneration, travelling and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirmiug authority in carrying the provisions of this Act into execution, shall be paid by the Local Authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the Local Authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the Local Authority to the Crown, and shall be recoverable accordinly. Further, any such certificate may be made a rule of one of the superior courts of law on the application of any party named therein, and may be enforced accordingly.

(29.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the Local Authority; and if within 7 days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from such Local Authority, with interest at the rate of 5 per cent. for any time during which the same remains unpaid after such 7 days as aforesaid, but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the Local Authority in respect of such claim before the appointment of the arbitrator.

Miscellaneous.

(30.) The arbitrator may call for the production of any documents in the possession or power of the Local Authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses, and the witnesses for the Local Authority, on oath, and administer the oaths necessary for that purpose.

(31.) If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the Local Authority shall publish notice of such appointment in the *London Gazette*.

(32.) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the Local Authority, and where no other form of service is prescribed all notices required to be served or given by the Local Authority under this schedule or otherwise upon any persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

ARRANGEMENT OF CLAUSES.

PART I.

Preliminary.

Clause.
1. Short title.
2. Extent of Act.
3. Division of Act into parts.
4. Definitions.

PART II.

AUTHORITIES FOR EXECUTION OF ACT.

Constitution of Districts and Authorities.

5. Urban and rural sanitary districts.
6. Description of urban districts and urban authorities.
7. Incorporation of local boards and improvement commissioners.
8. Election of local boards.
9. Description of rural districts and rural authorities.
10. Powers and duties of urban authorities.
11. Powers and duties of rural authorities.
12. Vesting of property in local authorities.

PART III.

SANITARY PROVISIONS.

Sewerage and Drainage.

Regulations as to Sewers and Drains.

13. Sewers vested in local authority.
14. Power to purchase sewers.
15. Maintenance and making of sewers.

Clause.

16. Powers for making sewers.
17. Sewage to be purified before being discharged into streams.
18. Alteration and discontinuance of sewers.
19. Cleansing sewers.
20. Map of system of sewerage.
21. Power of owners and occupiers within district to drain into sewers of local authority.
22. Use of sewers by owners and occupiers without district.
23. Power of local authority to enforce drainage of undrained houses.
24. Power of local authority to require houses to be drained into new sewers.
25. Penalty on building house without drains in urban district.
26. Penalty on unauthorised building over sewers and under streets in urban district.

Disposal of Sewage.

27. Powers for disposing of sewage.
28. Power to agree for communication of sewers with sewers of adjoining district.
29. Power to deal with land appropriated to sewage purposes.
30. Contribution to works under agreement for supply or distribution of sewage.
31. Application of 27 & 28 Vict. c. 114. to works for supply of sewage.

As to Sewage Works without District.

32. Notice to be given before commencing sewage works without district.
33. In case of objection, works not to be commenced without sanction of Local Government Board.
34. Inspector to hold inquiry and report to Local Government Board.

PRIVIES, WATERCLOSETS, &C.

35. Penalty on building houses without privy accommodation.
36. Power of local authority to enforce provision of privy accommodation for houses.
37. As to earthclosets.
38. Privy accommodation for factories.

Clause.

39. Public necessaries.
40. Drains, privies, &c. to be properly kept.
41. Examination of drains, privies, &c. on complaint of nuisance.

Scavenging and Cleansing.

Regulations as to Streets and Houses.

42. Local authority to provide for cleansing of streets and removal of refuse.
43. Penalty on neglect of local authority to remove refuse, &c.
44. Power of local authority to make byelaws imposing duty of cleansing, &c. on occupier.
45. Power to provide receptacles for deposit of rubbish.
46. Houses to be purified, on certificate of officer of health, or of two medical practitioners.
47. Penalty in respect of certain nuisances on premises.

Offensive Ditches and Collections of Matter.

48. Provision for obtaining order for cleansing offensive ditches lying near to or forming the boundaries of districts.
49. Removal of filth on certificate of inspector of nuisances.
50. Periodical removal of manure from mews and other premises.

Water Supply.

Powers of Local Authority in relation to Supply of Water.

51. General powers for supplying district with water.
52. Restriction on construction of waterworks by local authority.
53. As to construction of reservoirs.
54. Power of carrying mains.
55. As to supply of water.
56. Power to charge water rates and rents.
57. Incorporation of certain provisions of Waterworks Clauses Acts.
58. Power to supply water by measure.
59. Register of meter to be evidence.
60. Penalty for injuring meters.
61. Power to supply water to authority of adjoining district.
62. Local authority may require houses to be supplied with water in certain cases.
63. Powers of water company for supplying water to local authority.

Clause.

64. Vesting of public cisterns, &c. in local authority.
65. Water for public baths, or trading or manufacturing purposes.
66. Duty of urban authority to provide fire-plugs.
67. Agreements with universities.

Provisions for Protection of Water.

68. Penalty for causing water to be corrupted by gas washings.
69. Local authority may take proceedings to prevent pollution of streams.
70. Power to close polluted wells, &c.

Regulation of Cellar Dwellings and Lodging-houses.

Occupation of Cellar Dwellings.

71. Prohibition of occupying cellar dwellings.
72. Existing cellar dwellings only to be let or occupied on certain conditions.
73. Penalty on persons offending against enactment.
74. Definition of occupying as a dwelling.
75. Power to close cellars in case of two convictions.

Common Lodging-houses.

76. Registers of common lodging-houses to be kept.
77. All common lodging-houses to be registered, and to be kept only by registered keepers.
78. Local authority may refuse to register houses.
79. Notice of registration to be affixed to houses.
80. Byelaws to be made by local authority.
81. Power to local authority to require supply of water to houses.
82. Limewashing of houses.
83. Power to order reports from keepers of houses receiving vagrants.
84. Keepers to give notice of fever, &c. therein.
85. As to inspection.
86. Offences by keepers of houses.
87. Evidence as to family in proceedings.
88. Conviction for third offence to disqualify persons from keeping common lodging-house.
89. Interpretation of "common lodging-house."

Byelaws as to Houses let in Lodgings.

Clause.

90. Local Government Board may empower local authority to make byelaws as to lodging-houses.

Nuisances.

91. Definition of nuisances.
92. Duty of local authority to inspect district for detection of nuisances.
93. Information of nuisances to local authority.
94. Local authority to serve notice requiring abatement of nuisance.
95. On non-compliance with notice complaint to be made to justice.
96. Power of court of summary jurisdiction to make order dealing with nuisance.
97. Order of prohibition in case of house unfit for human habitation.
98. Penalty for contravention of order of court.
99. Appeal against order.
100. In certain cases order may be addressed to local authority.
101. Power to sell manure, &c.
102. Power of entry of local authority.
103. Penalty for disobedience of order.
104. Costs and expenses of execution of provisions relating to nuisances.
105. Power of individual to complain to justice of nuisance.
106. Power of officer of police to proceed in certain cases against nuisances.
107. Local authority may take proceedings in superior court for abatement of nuisances.
108. Power to proceed where cause of nuisance arises without district.
109. Provision in case of two convictions for overcrowding.
110. Provision as to ships.
111. Provisions of Act relating to nuisances not to affect other remedies.

Offensive Trades.

112. Restriction on establishment of offensive trade in urban district.

Clause.

113. Byelaws as to offensive trades in urban district.

114. Duty of urban authority to complain to justice of nuisance arising from offensive trade.

115. Power to proceed where nuisance arises from offensive trade carried on without district.

Unsound Meat, &c.

116. Power of medical officer of health to inspect meat, &c.

117. Power of justice to order destruction of unsound meat, &c.

118. Penalty for hindering officer from inspecting meat, &c.

119. Search warrant may be granted by a justice.

Infectious Diseases and Hospitals.

Provisions against Infection.

120. Duty of local authority to cause premises to be cleansed and disinfected.

121. Destruction of infected bedding, &c.

122. Provision of means of disinfection.

123. Provision of conveyance for infected persons.

124. Removal of infected persons without proper lodging to hospital by order of justice.

125. Removal to hospital of infected persons brought by ships.

126. Penalty on exposure of infected persons and things.

127. Penalty on failing to provide for disinfection of public conveyance.

128. Penalty on letting houses in which infected persons have been lodging.

129. Penalty on persons letting houses making false statements as to infectious disease.

130. Power of Local Government Board to make regulations.

Hospitals.

131. Power of local authority to provide hospitals.

132. Recovery of costs of maintenance of patient in hospital.

133. Power to provide temporary supply of medicine.

Prevention of Epidemic Diseases.

134. Power of Local Government Board to make regulations for prevention of diseases.

Clause.

135. Publication of regulations and orders.
136. Local authority to see to the execution of regulations.
137. Power of entry.
138. Poor law medical officer entitled to costs of attendance on board vessels.
139. Local Government Board may combine local authorities.
140. Penalty for violating or obstructing the execution of regulations.

Mortuaries, &c.

141. Power of local authority to provide mortuaries.
142. Justice may in certain cases order removal of dead body to mortuary.
143. Power of local authority to provide places for post-mortem examinations.

PART IV.

LOCAL GOVERNMENT PROVISIONS.

Highways and Streets.

As to Highways.

144. Powers of surveyors of highways and of vestries under 5 & 6 W. 4. c. 50. vested in urban authority.
145. Inhabitants of urban district not liable to rates for roads without district.
146. Power of urban authority to agree as to making of new public roads.
147. Power of urban authority to construct or adopt public bridges, &c. over or under canals, &c.
148. Power of urban authority to enter into agreements with turnpike trustees as to repair, &c. of roads.

Regulation of Streets and Buildings.

149. Vesting of streets, &c. in urban authority.
150. Power to compel paving, &c. of private streets.

Clause.

151. Exemption from expenses under last section of incumbent of church, &c.
152. Power to declare private streets when sewered, &c. to be highways.
153. Power to require gas and water pipes to be moved.
154. Power to purchase premises for improvement of streets.
155. Power to regulate line of buildings.
156. Buildings not to be brought forward.
157. Power to make byelaws respecting new buildings, &c.
158. As to commencement of works and removal of works made contrary to byelaws.
159. What to be deemed a new building.
160. Incorporation of certain provisions of 10 & 11 Vict. c. 34.

Lighting Streets, &c.

161. Powers of urban authority for lighting their district.
162. Power for sale of undertaking of gas company to urban authority.
163. Watching and Lighting Act (3 & 4 W. 4. c. 90.) to be superseded by this Act.

Public Pleasure Grounds, &c.

164. Urban authority may provide places of public recreation.
165. Urban authority may provide public clocks.

Markets and Slaughter-houses.

166. Urban authority may provide markets.
167. Incorporation of provisions of 10 & 11 Vict. c. 14. as to markets.
168. Power for sale of undertaking of market company to urban authority.
169. Power to provide slaughter-houses.
170. Notice to be affixed on slaughter-houses.

Police Regulations.

171. Incorporation of certain provisions of 10 & 11 Vict. c. 89.

172. Urban authority may make byelaws for licensing horses, boats, &c. for hire.

PART V.

GENERAL PROVISIONS.

Contracts.

173. Power of local authorities to contract.
174. Provisions to contracts by urban authority.

Purchase of Lands.

175. Power to purchase lands.
176. Regulations as to purchase of land.
177. Power to let lands.
178. Provision for lands belonging to the Duchy of Lancaster.

Arbitration.

179. Mode of reference to arbitration.
180. Regulations as to arbitration.
181. Claims under twenty pounds may be referred to court of summary jurisdiction.

Byelaws.

182. Authentication and alteration of byelaws.
183. Power to impose penalties on breach of byelaws.
184. Confirmation of byelaws.
185. Byelaws to be printed, &c.
186. Evidence of byelaws.
187. Byelaws made under s. 90 of 5 & 6 W. 4. c. 76. to be submitted to Local Government Board.
188. As to regulations of local authority.

Officers and Conduct of Business of Local Authorities.

Officers of Local Authorities.

189. Appointment of officers of urban authority.
190. Appointment of officers of rural authority.
191. As to medical officer of health, &c.
192. Offices tenable by same persons.

Clause.

193. Officers not to contract with local authority.
194. Officers intrusted with money to give security.
195. Officers to account.
196. Summary proceedings against defaulting officers.

Mode of conducting Business.

197. Urban authority to provide offices.
198. Proceedings, &c. of urban authority being the council of a borough.
199. Meetings, &c. of urban authority not being the council of a borough.
200. Power of urban authority to appoint committees.
201. Power of rural authority to delegate their powers and duties to a committee.
202. Power of rural authority to form parochial committees.
203. Casual vacancies in committees may be filled.
204. Meetings and proceedings of committees.
205. Inspectors may attend meetings of certain authorities.
206. Local authority to report.

PART VI.

RATING AND BORROWING POWERS, &c.

EXPENSES OF URBAN AUTHORITY AND URBAN RATES.

207. Mode of defraying expenses of urban authority.
208. Power in certain cases by provisional order to alter mode.

General District Rate.

209. District fund account.
210. Making general district rate.
211. Assessment, &c. of general district rate.
212. Inspection of poor rate books for purposes of assessment.

Private Improvement Rate.

213. Power to make private improvement rates.
214. Proportion of private improvement rate may be deducted from rent.
215. Redemption of private improvement rates.

Highway Rate.

Clause.

216. Costs of repairs of highways.

217. Certain acts not required to be done in case of highway rate made by urban authority.

General Provisions as to Urban Rates.

218. Estimate to be prepared before making rates.

219. Rates to be open to inspection.

220. Description of owner or occupier in rates.

221. Rates may be amended.

222. Publication and collection of rates.

223. Evidence of rates.

224. Power to make deduction from rate in certain cases.

225. Power to reduce or remit rates.

226. Saving for existing agreements.

227. Limit in local Act not to apply to rate for purposes of this Act.

228. Quota of rates to be paid by the universities, &c.

Expenses of Rural Authority.

229. Expenses of rural authority.

230. Mode of raising contributions in rural district.

231. Remedy for nonpayment by overseers of amount required by precept of rural authority.

232. As to private improvement expenses.

Borrowing Powers.

233. Power to borrow on credit of rates.

234. Regulations as to exercise of borrowing powers.

235. Power to borrow on credit of sewage land and plant.

236. Form of mortgage.

237. Register of mortgages.

238. Transfer of mortgages.

239. Receiver may be appointed in certain cases.

240. Rentcharge may be granted in respect of advances made for private improvements.

241. Rentcharges to be registered.

Clause.

242. Power of Public Works Loan Commissioners to lend to local authority.

243. Power of Public Works Loan Commissioners to lend to local authority on recommendation of Local Government Board.

244. Borrowing powers of joint boards and certain other authorities.

Audit.

Audit of Accounts of Local Authorities.

245. Accounts of local authorities.

246. Audit where urban authority are a town council.

247. Audit where urban authority are not a town council.

248. Audit of accounts of rural authority.

249. Taxation of bill of solicitor or attorney.

250. Auditor to audit accounts of officers.

PART VII.

LEGAL PROCEEDINGS.

Prosecution of Offences and Recovery of Penalties, &c.

251. Summary proceedings for offences, penalties, &c.

252. General provisions as to summary proceedings.

253. Restriction on recovery of penalties.

254. Application of penalties.

255. Proceedings in certain cases against nuisances.

256. Summary proceedings for recovery of rates.

257. Recovery of expenses by local authority from owners.

258. Justices may act though members of local authority or liable to contribute.

259. Appearance of local authorities in legal proceedings.

260. Name of local authority need not be proved.

261. Demands below 50*l.* may be recovered in county courts.

262. Proceedings not to be quashed for want of form.

263. False evidence punishable as perjury.

264. Notice of action against local authority, &c.

265. Protection of local authority and their officers from personal liability.

Notices.

Clause.

266. Notices, &c. may be printed or written.

267. Service of notices.

Appeal.

268. Appeal in certain cases to Local Government Board.

269. Appeal to quarter sessions.

PART VIII.

Alteration of Areas and Union of Districts.

Alteration of Areas.

270. Powers of Local Government Board in relation to alteration of areas.

271. Local Government Board may by provisional order constitute local government district.

272. Local Government Board may by order constitute local government district in pursuance of a resolution of owners and ratepayers.

273. Objection to resolution.

274. Appeal to Local Government Board in case of alleged invalidity of vote.

275. General provisions as to orders.

276. Local Government Board may invest rural authority with powers of urban authority.

277. Power of rural authority to form special drainage districts.

278. Power to settle disputes as to boundaries of districts.

Union of Districts.

279. Formation of united district.

280. Governing body of united district.

281. Contents of provisional order forming united district.

282. Meetings and proceedings of joint boards.

283. Expenses of joint board.

284. Payment of contributions to joint board.

285. Power to execute works in adjoining districts, and to combine for execution of works.

286. Districts may be united for appointing a medical officer of health.

Port Sanitary Authority.

Clause.

287. Constitution of port sanitary authority.
288. Jurisdiction of port sanitary authority.
289. Delegation of powers by port sanitary authority.
290. Expenses of port sanitary authority.
291. Provision as to port of London.
292. Proceedings for raising a sum for payment of debt within district of a defaulting authority.

PART IX.

Local Government Board.

Inquiries by Board.

293. Power of Board to direct inquiries.
294. Orders as to costs of inquiries.
295. Orders of Board under this Act.
296. Power of inspectors of Local Government Board.

Provisional Orders by Board.

297. As to provisional orders made by Local Government Board.
298. Costs of provisional orders.

Power of Board to enforce performance of Duty by defaulting Local Authority.

299. Proceedings on complaint to Board of default of local authority.
300. Further provision for recovery of expenses.
301. Power of Board to borrow to defray expenses of performing duty of defaulting authority.
302. Recovery of principal and interest.

Powers of Board in relation to Local Acts, &c.

303. Power to repeal and alter local Acts.
304. Settlement of differences arising out of transfer of powers or property to local authority.

PART X.

Miscellaneous and Temporary Provisions.

Miscellaneous.

Clause.

305. Entry on lands for purposes of Act.
306. Penalty on obstructing execution of Act.
307. Penalty on damaging works, &c. of local authority.
308. Compensation in case of damage by local authority.
309. Compensation in certain cases to officers.
310. Provision where improvement Act district or local government district becomes a borough.
311. Power of local boards to change name.
312. As to election of certain improvement commissioners, &c.
313. Substitution in other Acts of provisions of this Act for provisions of repealed Acts.
314. Byelaws as to hop-pickers.
315. As to byelaws inconsistent with this Act.
316. As to construction of incorporated Acts.
317. Construction of schedules.

Temporary Provisions.

318. As to clerk and treasurer of certain authorities.
319. As to special district rates.
320. Division of expenses between landlord and tenant in certain cases.
321. Validity of certain securities.
322. As to certain turnpike trustees.
323. As to main sewerage districts and joint sewerage boards.
324. As to audit of certain accounts.
325. As to certain orders under section 20 of 35 & 36 Vict. c. 79.

PART XI.

Saving Clauses and Repeal of Acts.

Saving Clauses.

326. Provision as to the sanitary authorities existing at the passing of this Act and their officers, &c.
327. Saving for works and property of certain authorities, and for navigation and water rights, &c.

Clause.

328. Reference to arbitration in case of works not within preceding section.
329. Effect of arbitration.
330. Provision as to transfer of powers, &c.
331. Provision as to alteration of sewers.
332. Saving for water rights generally.
333. Arbitration as to alteration of sewers injuriously affecting supply of water, &c.
334. Saving for mines, &c.
335. Saving for collegiate bodies and Government departments.
336. Saving for Metropolitan Board of Works.
337. Saving for payment in certain cases to local authority.
338. Saving for acts of authorities under certain local Acts.
339. Saving for certain local boards.
340. Saving for proceedings under local Acts.
341. Powers of Act to be cumulative.

Oxford.

342. Constitution of local board of the Oxford district.

Repeal of Acts.

343. Repeal of Acts in schedule V.

SCHEDULES.

CHAPTER 55.

An Act for consolidating and amending the Acts relating to Public Health in England. [11th August 1875.] A.D. 1875.

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:

PART I.

Preliminary.

1. This Act may be cited as The Public Health Act, 1875. Short title.

2. This Act shall not extend to Scotland or Ireland, nor (save as by this Act is expressly provided) to the metropolis. Extent of Act.

3. This Act is divided into parts, as follows: Division of Act into parts.

Part I.—Preliminary.
Part II.—Authorities for Execution of Act.
Part III.—Sanitary Provisions.
Part IV.—Local Government Provisions.
Part V.—General Provisions.
Part VI.—Rating and Borrowing Powers, &c.
Part VII.—Legal Proceedings.
Part VIII.—Alteration of Areas and Union of Districts.
Part IX.—Local Government Board.
Part X.—Miscellaneous and Temporary Provisions.
Part XI.—Saving Clauses and Repeal of Acts.

4. In this Act, if not inconsistent with the context, the following words and expressions have the meanings herein-after respectively assigned to them; that is to say, Definitions.

"Borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of

A.D. 1875.

King William the Fourth, chapter seventy-six, intituled "An "Act to provide for the Regulation of Municipal Corporations "in England and Wales," and any Act amending the same:

"The metropolis" means the city of London and all parishes and places mentioned in schedules A, B, and C to the Metropolis Management Act, 1855:

"Local Government District" means any area subject to the jurisdiction of a local board constituted in pursuance of the Local Government Acts before the passing of this Act, or in pursuance of this Act, and "local board" means any board so constituted:

"Improvement Act district" means any area for the time being subject to the jurisdiction of any improvement commissioners as herein-after defined:

"Improvement Commissioners" means any commissioners trustees or other persons invested by any local Act with powers of town government and rating:

"Parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

"Union" means a union of parishes incorporated or united for the relief or maintenance of the poor under any public or local Act of Parliament, and includes any parish subject to the jurisdiction of a separate board of guardians:

"Guardians" means any persons or body of persons by whom the relief of the poor is administered in any union:

"Person" includes any body of persons, whether corporate or unincorporate:

"Local authority" means urban sanitary authority and rural sanitary authority:

"Surveyor" includes any person appointed by a rural authority to perform any of the duties of surveyor under this Act:

"Lands" and "Premises" include messuages buildings lands easements and hereditaments of any tenure:

"Owner" means 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:

"Rackrent" means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises; and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let

from year to year, free from all usual tenant's rates and taxes, and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent:

"Street" includes any highway (not being a turnpike road), and any public bridge (not being a county bridge), and any road lane footway square court alley or passage whether a thoroughfare or not:

"House" includes schools, also factories and other buildings in which more than twenty persons are employed at one time:

"Drain" means any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed:

"Sewer" includes sewers and drains of every description, except drains to which the word "drain" interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a local authority under this Act:

"Slaughter-house" includes the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle horses or animals of any description for sale:

"Water company" means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit:

"Waterworks" includes streams springs wells pumps reservoirs cisterns tanks aqueducts cuts sluices mains pipes culverts engines and all machinery lands buildings and things for supplying or used for supplying water, also the stock in trade of any water company:

"Bakehouse Regulation Act" means 26 & 27 Vict. c. 40. (Bakehouse Regulation Act, 1863):

"Artizans and Labourers Dwellings Act" means 31 & 32 Vict. c. 130. (Artizans and Labourers Dwellings Act, 1868):

"Baths and Wash-houses Acts" means 9 & 10 Vict. c. 74. (An Act to encourage the establishment of Public Baths and Wash-houses); 10 & 11 Vict. c. 61. (An Act to amend the Act for the establishment of Public Baths and Wash-houses):

A.D. 1875.

"Labouring Classes Lodging Houses Acts" means 14 & 15 Vict. c. 34. (Labouring Classes Lodging Houses Act, 1851); 29 & 30 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1866); 30 & 31 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1867):

"Sanitary Acts" means all the above-mentioned Acts and the Acts mentioned in part I. of schedule V. to this Act:

"Sanitary purposes" means any object or purposes of the Sanitary Acts:

"Court of quarter sessions" means the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which the matter requiring the cognizance of general or quarter sessions arises:

"Court of summary jurisdiction" means any justice or justices of the peace, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

"Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate "the performance of the duties of justices of the peace out of "sessions within England and Wales with respect to summary "convictions and orders," and any Act amending the same.

PART II.

AUTHORITIES FOR EXECUTION OF ACT.

Constitution of Districts and Authorities.

Urban and rural sanitary districts.

5. For the purposes of this Act England, except the Metropolis, shall consist of districts to be called respectively—

(1.) Urban sanitary districts, and

(2.) Rural sanitary districts,

(in this Act referred to as urban and rural districts); and such urban and rural districts shall respectively be subject to the jurisdiction of local authorities, called urban sanitary authorities and rural sanitary authorities (in this Act referred to as urban and rural authorities), invested with the powers in this Act mentioned.

Description of urban districts and

6. Urban districts shall consist of the places in that behalf mentioned in the first column of the table in this section con-

A.D. 1875.

urban authorities.

tained, and urban authorities shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

Urban district.	Urban authority.
Borough constituted such either before or after the passing of this Act.	The Mayor, Aldermen, and Burgesses acting by the Council.
Improvement Act district constituted such before the passing of this Act, and having no part of its area situated within a borough or local government district.	The Improvement Commissioners.
Local government district constituted such either before or after the passing of this Act, having no part of its area situated within a borough, and not coincident in area with a borough or Improvement Act district.	The Local Board.

Provided that—

(1.) Any borough, the whole of which is included in and forms part of a Local Government district or Improvement Act district, and any Improvement Act district which is included in and forms part of a Local Government district, and any Local Government district which is included in and forms part of an Improvement Act district, shall for the purposes of this Act be deemed to be absorbed in the larger district in which it is included, or of which it forms part; and the improvement commissioners or local board, as the case may be, of such larger district, shall be the urban authority therein; and

(2.) Where an Improvement Act district is coincident in area with a Local Government district, the improvement commissioners, and not a local board, shall be the urban authority therein; and

(3.) Where any part of an Improvement Act district is situated within a borough or Local Government district, or where any part of a Local Government district is situated within a borough, the remaining part of such Improvement Act district or of such Local Government district so partly situated within a borough shall for the purposes of this Act continue subject to the like jurisdiction as it would have been subject to if this Act had not been passed, unless and until the Local Government Board by provisional order otherwise directs.

For the purposes of this Act, the boroughs of Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport Isle of

A.D. 1875.

Wight, shall not be deemed to be boroughs, and the borough of Cambridge shall be deemed to be an Improvement Act district, and the borough of Oxford to be included in the Local Government district of Oxford. So much of the borough of Folkestone as is not included within the Local Government district of Sandgate shall be an urban district, and shall be under the jurisdiction, for the purposes of this Act, of the authority for executing "The Folkestone Improvement Act, 1855."

Incorporation of local boards and improvement commissioners.

7. Every local board, and any improvement commissioners being an urban authority and not otherwise incorporated, shall continue to be or be a body corporate, designated (in the case of local boards and improvement commissioners being urban sanitary authorities at the time of the passing of this Act) by such name as they then bear, and (in the case of local boards constituted after the passing of this Act) by such name as they may with the sanction of the Local Government Board adopt; with a perpetual succession and a common seal, and with power to sue and be sued in such name, and to hold lands without any license in mortmain for the purposes of this Act.

Election of local boards.

8. The members of local boards shall be elective; and the number and qualification of members of local boards, the qualification of electors, the mode and expenses of election, and the proceedings incident thereto, the retirement and disqualification of members, the proceedings in case of lapse of a local board, and all other matters relating to the election of members of local boards, shall be governed by the rules contained in schedule II. to this Act.

Description of rural districts and rural authorities.

9. The area of any union which is not coincident in area with an urban district, nor wholly included in an urban district (in this section called a rural union), with the exception of those portions (if any) of the area which are included in any urban district, shall be a rural district, and the guardians of the union shall form the rural authority of such district: Provided that—

(1.) An ex-officio guardian resident in any parish or part of a parish belonging to such union, which parish or part of a parish forms or is situated in an urban district, shall not act or vote in any case in which guardians of such union act or vote as members of the rural authority, unless he is the owner or occupier of property situated in the rural district of a value sufficient to qualify him as an elective guardian for the union:

(2.) An elective guardian of any parish belonging to such union, and forming or being wholly included within an urban district, shall not act or vote in any case in which guar-

dians of such union act or vote as members of the rural authority:

(3.) Where part of a parish belonging to a rural union forms or is situated in an urban district, the Local Government Board may by order divide such parish into separate wards, and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the parish situated within the rural district; but until such order has been made the guardian or guardians of such parish may act and vote as members of the rural authority in the same manner as if no part of such parish formed part of or was situated in an urban district.

Where the number of elective guardians who are not by this section disqualified from acting and voting as members of the rural authority is less than five, the Local Government Board may from time to time by order nominate such number of persons as may be necessary to make up that number from owners or occupiers of property situated in the rural district of a value sufficient to qualify them as elective guardians for the union, and the persons so nominated shall be entitled to act and vote as members of the rural authority but not further or otherwise.

Subject to the provisions of this Act, all statutes orders and legal provisions applicable to any board of guardians shall apply to them in their capacity of rural authority under this Act for purposes of this Act; and it is hereby declared that the rural authority are the same body as the guardians of the union or parish for or within which such authority act.

Powers and duties of urban authorities.

10. In addition to the powers rights duties capacities liabilities and obligations exerciseable by or attaching to an urban authority under this Act, every urban authority shall within their district (to the exclusion of any other authority which may have previously exercised or been subject to the same) have exercise and be subject to all the powers rights duties capacities liabilities and obligations within such district exerciseable or attaching by and to the local authority under the Bakehouse Regulation Act, and the Artizans and Labourers Dwellings Act, or any Acts amending the same.

Where the Baths and Wash-houses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any urban authority, such authority shall have all powers rights duties capacities liabilities and obligations in relation to such Acts exerciseable by or attaching to the council incorporated commissioners local board improvement commissioners and other

A.D. 1875.

commissioners or persons acting in the execution of the said Acts or any of them.

Where the Baths and Wash-houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts; and where the Labouring Classes Lodging Houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts.

Where any local Act other than an Act for the conservancy of any river is in force within the district of an urban authority, conferring on any commissioners trustees or other persons powers for purposes the same as or similar to those of this Act (but not for their own pecuniary benefit), all the powers rights duties capacities liabilities and obligations of such commissioners trustees or other persons in relation to such purposes shall be transferred and attach to the said urban authority.

Powers and duties of rural authorities.

11. In addition to the powers rights duties capacities liabilities and obligations exerciseable by or attaching to a rural authority under this Act, every rural authority shall, within their district, (to the exclusion of any other authority which may have previously exercised or been subject to the same) have exercise and be subject to all the powers rights duties capacities liabilities and obligations within such district exerciseable by or attaching to the local authority under the Bakehouse Regulation Act, or any Acts amending the same.

Vesting of property in local authorities.

12. From and after the passing of this Act all such property real and personal, including all interests rights and easements in to and out of property real and personal (including things in action), as belongs to or is vested in, or would but for this Act have belonged to or been vested in the council of any borough, or any improvement commissioners or local board as the urban sanitary authority of any district under the Sanitary Acts, or any board of guardians as the rural sanitary authority of any district under those Acts, shall continue vested or vest in such council, improvement commissioners, or local board, or board of guardians as the local authority of their district under this Act, subject to all debts liabilities and obligations affecting the same property.

All debts liabilities and obligations incurred by any authority whose powers rights duties liabilities capacities and obligations are under this Act exerciseable by or attached to a local authority may be enforced against the local authority to the same extent and in the same manner as they might have been enforced against the authority which incurred the same.

A.D. 1875.

PART III.
SANITARY PROVISIONS.
Sewerage and Drainage.
Regulations as to Sewers and Drains.

Sewers vested in local authority.

13. All existing and future sewers within the district of a local authority, together with all buildings works materials and things belonging thereto,

Except

(1.) Sewers made by any person for his own profit, or by any company for the profit of the shareholders; and

(2.) Sewers made and used for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; and

(3.) Sewers under the authority of any commissioners of sewers appointed by the Crown,

shall vest in and be under the control of such local authority.

Provided that sewers within the district of a local authority which have been or which may hereafter be constructed by or transferred to some other local authority or by or to a sewage board or other authority empowered under any Act of Parliament to construct sewers shall (subject to any agreement to the contrary) vest in and be under the control of the authority who constructed the same or to whom the same have been transferred.

Power to purchase sewers.

14. Any local authority may purchase or otherwise acquire from any person any sewer, or any right of making or of user or other right in or respecting a sewer (with or without any buildings works materials or things belonging thereto), within their district, and any person may sell or grant to such authority any such sewer right or property belonging to him; and any purchase money paid by such authority in pursuance of this section shall be subject to the same trusts (if any) as the sewer right or property sold was subject to.

But any person who, previously to the purchase of a sewer by such authority, has acquired a right to use such sewer shall be entitled to use the same, or any sewer substituted in lieu thereof, to the same extent as he would or might have done if the purchase had not been made.

Maintenance and making of sewers.

15. Every local authority shall keep in repair all sewers belonging to them, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act.

Powers for making sewers.

16. Any local authority may carry any sewer through across or under any turnpike road, or any street or place laid out as or

A.D. 1875.

intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after giving reasonable notice in writing to the owner or occupier (if on the report of the surveyor it appears necessary), into through or under any lands whatsoever within their district.

They may also (subject to the provisions of this Act relating to sewage works without the district of the local authority) exercise all or any of the powers given by this section without their district for the purpose of outfall or distribution of sewage.

Sewage to be purified before being discharged into streams.

17. Nothing in this Act shall authorise any local authority to make or use any sewer drain or outfall for the purpose of conveying sewage or filthy water into any natural stream or watercourse, or into any canal pond or lake until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse or in such canal pond or lake.

Alteration and discontinuance of sewers.

18. Any local authority may from time to time enlarge lessen alter the course of cover in or otherwise improve any sewer belonging to them, and may discontinue close up or destroy any such sewer that has in their opinion become unnecessary, on condition of providing a sewer as effectual for the use of any person who may be deprived in pursuance of this section of the lawful use of any sewer: Provided that the discontinuance closing up or destruction of any sewer shall be so done as not to create a nuisance.

Cleansing sewers.

19. Every local authority shall cause the sewers belonging to them to be constructed covered ventilated and kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied.

Map of system of sewerage.

20. An urban authority may, if they think fit, provide a map exhibiting a system of sewerage for effectually draining their district, and any such map shall be kept at their office, and shall at all reasonable times be open to the inspection of the ratepayers of their district.

Power of owners and occupiers within district to drain into sewers of local authority.

21. The owner or occupier of any premises within the district of a local authority shall be entitled to cause his drains to empty into the sewers of that authority on condition of his giving such notice as may be required by that authority of his intention so to do, and of complying with the regulations of that authority in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any person who may be appointed by that authority to superintend the making of such communications.

Any person causing a drain to empty into a sewer of a local authority without complying with the provisions of this section

shall be liable to a penalty not exceeding twenty pounds, and the local authority may close any communication between a drain and sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them under this section.

Use of sewers by owners and occupiers without district.

22. The owner or occupier of any premises without the district of a local authority may cause any sewer or drain from such premises to communicate with any sewer of the local authority on such terms and conditions as may be agreed on between such owner or occupier and such local authority, or as in case of dispute may be settled, at the option of the owner or occupier, by a court of summary jurisdiction or by arbitration in manner provided by this Act.

Power of local authority to enforce drainage of undrained houses.

23. Where any house within the district of a local authority is without a drain sufficient for effectual drainage, the local authority shall by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make a covered drain or drains emptying into any sewer which the local authority are entitled to use, and which is not more than one hundred feet from the site of such house; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place not being under any house as the local authority direct; and the local authority may require any such drain or drains to be of such materials and size, and to be laid at such level, and with such fall as on the report of their surveyor may appear to them to be necessary.

If such notice is not complied with, the local authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by them in so doing from the owner, or may by order declare the same to be private improvement expenses.

Provided that where, in the opinion of the local authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section, than in constructing a new sewer and causing such drains to empty therein, the local authority may construct such new sewer, and require the owners or occupiers of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned from such owners, or may by order declare the same to be private improvement expenses.

A.D. 1875.

Power of local authority to require houses to be drained into new sewers.

24. Where any house within the district of a local authority has a drain communicating with any sewer, which drain though sufficient for the effectual drainage of the house is not adapted to the general sewerage system of the district, or is in the opinion of the local authority otherwise objectionable, the local authority may, on condition of providing a drain or drains as effectual for the drainage of the house, and communicating with such other sewer as they think fit, close such first-mentioned drain, and may do any works necessary for that purpose, and the expenses of those works, and of the construction of any drain or drains provided by them under this section, shall be deemed to be expenses properly incurred by them in the execution of this Act.

Penalty on building house without drains in urban district.

25. It shall not be lawful in any urban district newly to erect any house or to rebuild any house which has been pulled down to or below the ground floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, and at such level, and with such fall as on the report of the surveyor may appear to the urban authority to be necessary for the effectual drainage of such house; and the drain or drains so to be constructed shall empty into any sewer which the urban authority are entitled to use, and which is within one hundred feet of some part of the site of the house to be built or rebuilt; but if no such means of drainage are within that distance, then shall empty into such covered cesspool or other place, not being under any house, as the urban authority direct.

Any person who causes any house to be erected or rebuilt or any drain to be constructed in contravention of this section shall be liable to a penalty not exceeding fifty pounds.

Penalty on unauthorised building over sewers and under streets in urban district.

26. Any person who in any urban district, without the written consent of the urban authority,—

(1.) Causes any building to be newly erected over any sewer of the urban authority; or,

(2.) Causes any vault arch or cellar to be newly built or constructed under the carriageway of any street,

shall forfeit to the urban authority the sum of five pounds and a further sum of forty shillings for every day during which the offence is continued after written notice in this behalf from the urban authority; and the urban authority may cause any building vault arch or cellar erected or constructed in contravention of this section to be altered pulled down or otherwise dealt with as they may think fit, and may recover in a summary manner any expenses incurred by them in so doing from the offender.

Disposal of Sewage.

Powers for disposing of sewage.

27. For the purpose of receiving storing disinfecting distributing or otherwise disposing of sewage any local authority may—

(1.) Construct any works within their district, or (subject to the provisions of this Act as to sewage works without the district of the local authority) without their district; and

(2.) Contract for the use of purchase or take on lease any land buildings engines materials or apparatus either within or without their district; and

(3.) Contract to supply for any period not exceeding twenty-five years any person with sewage, and as to the execution and costs of works either within or without their district for the purposes of such supply:

Provided that no nuisance be created in the exercise of any of the powers given by this section.

Power to agree for communication of sewers with sewers of adjoining district.

28. The local authority of any district may, by agreement with the local authority of any adjoining district, and with the sanction of the Local Government Board, cause their sewers to communicate with the sewers of such last-mentioned authority, in such manner and on such terms and subject to such conditions as may be agreed on between the local authorities, or, in case of dispute, may be settled by the Local Government Board: Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the first-mentioned authority into the sewers of the last-mentioned authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned authority to pass into their sewers so as to be discharged into the sewers of the last-mentioned authority without the consent of such last-mentioned authority.

Power to deal with land appropriated to sewage purposes.

29. Any local authority may deal with any lands held by them for the purpose of receiving storing disinfecting or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding twenty-one years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land and disposing of the produce thereof; subject to this restriction, that in dealing with land for any of the above purposes, provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance.

Contribution to works under agreement for supply or

30. Where any local authority agree with any person as to the supply of sewage and as to works to be made for the purpose of such supply, they may contribute to the expense of carrying into execution by such person all or any of the purposes of such

A.D. 1875.

distribution of sewage.

agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such local authority, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested.

Application of 27 & 28 Vict. c. 114. to works for supply of sewage.

31. The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an "improvement of land" authorised by "The Improvement of Land Act, 1864," and the provisions of that Act shall apply accordingly.

As to Sewage Works without District.

Notice to be given before commencing sewage works without district.

32. A local authority shall, three months at least before commencing the construction or extension of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the work is to be made.

Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the parishes, and the turnpike roads and streets, and other lands (if any) through across under or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, and on the trustees, surveyors of highways, or other persons having the care of such roads or streets.

In case of objection, works not to be commenced without sanction of Local Government Board.

33. If any such owner, lessee, or occupier, or any such overseer, trustee, surveyor, or other person as aforesaid, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the local authority at any time within the said three months, the intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as herein-after mentioned, unless such objection is withdrawn.

Inspector to hold inquiry and report to Local Government Board.

34. The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

Penalty on building houses without privy accommodation.

35. It shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the ground floor, without a sufficient watercloset earthcloset or privy and an ashpit furnished with proper doors and coverings.

Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not exceeding twenty pounds.

Power of local authority to enforce provision of privy accommodation for houses.

36. If a house within the district of a local authority appears to such authority by the report of their surveyor or inspector of nuisances to be without a sufficient watercloset earthcloset or privy and an ashpit furnished with proper doors and coverings, the local authority shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide a sufficient watercloset earthcloset or privy and an ashpit furnished as aforesaid, or either of them, as the case may require.

If such notice is not complied with, the local authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses: Provided that where a watercloset earthcloset or privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the local authority a watercloset earthcloset or privy may be so used, they need not require the same to be provided for each house.

As to earthclosets.

37. Any enactment in force within the district of any local authority requiring the construction of a watercloset shall be deemed to be satisfied by the construction, with the approval of the local authority, of an earthcloset.

Any local authority may, as respects any house in which any earthcloset is in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to any watercloset in such house, on such terms as may be agreed on between such authority and the person providing or required to provide such supply of water.

Any local authority may themselves undertake or contract with any person to undertake a supply of dry earth or other deodorising substance to any house within their district for the purpose of any earthcloset.

In this Act the term "earthcloset" includes any place for the reception and deodorization of fœcal matter constructed to the satisfaction of the local authority.

A.D. 1875.

Privy accommodation for factories.

38. Where it appears to any local authority by the report of their surveyor that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture trade or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of waterclosets earthclosets or privies and ashpits for the separate use of each sex.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which the default is continued.

Public necessaries.

39. Any urban authority may, if they think fit, provide and maintain, in proper and convenient situations, urinals waterclosets earthclosets privies and ashpits, and other similar conveniences for public accommodation.

Drains, privies, &c. to be properly kept.

40. Every local authority shall provide that all drains waterclosets earthclosets privies ashpits and cesspools within their district be constructed and kept so as not to be a nuisance or injurious to health.

Examination of drains, privies, &c. on complaint of nuisance.

41. On the written application of any person to a local authority, stating that any drain watercloset earthcloset privy ashpit or cesspool on or belonging to any premises within their district is a nuisance or injurious to health (but not otherwise), the local authority may, by writing, empower their surveyor or inspector of nuisances, after twenty-four hours written notice to the occupier of such premises, or in case of emergency without notice, to enter such premises, with or without assistants, and cause the ground to be opened, and examine such drain watercloset earthcloset privy ashpit or cesspool. If the drain watercloset earthcloset privy ashpit or cesspool on examination is found to be in proper condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the local authority. If the drain watercloset earthcloset privy ashpit or cesspool on examination appear to be in bad condition, or to require alteration or amendment, the local authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises requiring him forthwith or within a reasonable time therein specified to do the necessary works; and if such notice is not complied with, the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default, and the local authority may, if they think fit, execute such works, and may recover in a summary

manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses.

Scavenging and Cleansing.

Regulations as to Streets and Houses.

Local authority to provide for cleansing of streets and removal of refuse.

42. Every local authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for—

The removal of house refuse from premises;

The cleansing of earthclosets privies ashpits and cesspools;

either for the whole or any part of their district: Moreover every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district.

All matters collected by the local authority or contractor in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by an urban authority shall be carried to the account of the fund or rate applicable by them for the general purposes of this Act; and any profits thus made by a rural authority in respect of any contributory place shall be carried to the account of the fund or rate out of which expenses incurred under this section by that authority in such contributory place are defrayed.

If any person removes or obstructs the local authority or contractor in removing any matters by this section authorised to be removed by the local authority, he shall for each offence be liable to a penalty not exceeding five pounds: Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any such matters which are produced on his own premises and are intended to be removed for sale or for his own use, and are in the meantime kept so as not to be a nuisance.

Penalty on neglect of local authority to remove refuse, &c.

43. If a local authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets privies ashpits and cesspools fail, without reasonable excuse, after notice in writing from the occupier of any house within their district requiring them to remove any house refuse or to cleanse any earthcloset privy ashpit or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case

A.D. 1875.

may be, within seven days, the local authority shall be liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period.

Power of local authority to make byelaws imposing duty of cleansing, &c. on occupier.

44. Where the local authority do not themselves undertake or contract for—

The cleansing of footways and pavements adjoining any premises,

The removal of house refuse from any premises,

The cleansing of earthclosets privies ashpits and cesspools belonging to any premises,

they may make byelaws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises.

An urban authority may also make byelaws for the prevention of nuisances arising from snow filth dust ashes and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.

Power to provide receptacles for deposit of rubbish.

45. Any urban authority may, if they see fit, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust ashes and rubbish; they may also provide fit buildings and places for the deposit of any matters collected by them in pursuance of this part of this Act.

Houses to be purified, on certificate of officer of health, or of two medical practitioners.

46. Where, on the certificate of the medical officer of health or of any two medical practitioners, it appears to any local authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing cleansing or purifying of any house or part thereof would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash cleanse or purify the same, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the local authority may, if they think fit, cause such house or part thereof to be whitewashed cleansed or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

Penalty in respect of certain nuisances on premises.

47. Any person who in any urban district—

(1.) Keeps any swine or pigstye in any dwelling-house, or so as to be a nuisance to any person; or

(2.) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after written notice to him from the urban authority to remove the same; or

(3.) Allows the contents of any watercloset privy or cesspool to overflow or soak therefrom,

shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for every day during which the offence is continued, and the urban authority shall abate or cause to be abated every such nuisance, and may recover in a summary manner the expenses incurred by them in so doing from the occupier of the premises on which the nuisance exists.

Offensive Ditches and Collections of Matter.

Provision for obtaining order for cleansing offensive ditches lying near to or forming the boundaries of districts.

48. Where any watercourse or open ditch lying near to or forming the boundary between the district of any local authority and any adjoining district is foul and offensive, so as injuriously to affect the district of such local authority, any justice having jurisdiction in such adjoining district may, on the application of such local authority, summon the local authority of such adjoining district to appear before a court of summary jurisdiction to show cause why an order should not be made by such court for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to be necessary; and such court, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such court may seem reasonable.

Removal of filth on certificate of inspector of nuisances.

49. Where in any urban district it appears to the inspector of nuisances that any accumulation of manure dung soil or filth or other offensive or noxious matter ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within twenty-four hours from the service thereof, the manure dung soil or filth or matter referred to shall be vested in and be sold or disposed of by the urban authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any) shall be paid on demand to the owner of the matter removed.

A.D. 1875.

The expenses of removal by the urban authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the urban authority in a summary manner from the person to whom the accumulation belongs, or from the occupier of the premises, or (where there is no occupier) from the owner.

Periodical removal of manure from mews and other premises.

50. Notice may be given by any urban authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews stables or other premises; and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding twenty shillings for each day during which such manure or other refuse matter is permitted to accumulate.

Water Supply.

Powers of Local Authority in relation to Supply of Water.

General powers for supplying district with water.

51. Any urban authority may provide their district or any part thereof, and any rural authority may provide their district or any contributory place therein, or any part of any such contributory place, with a supply of water proper and sufficient for public and private purposes, and for those purposes or any of them may—

(1.) Construct and maintain waterworks, dig wells, and do any other necessary acts; and

(2.) Take on lease or hire any waterworks, and (with the sanction of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights powers and privileges of any water company; and

(3.) Contract with any person for a supply of water.

Restriction on construction of waterworks by local authority.

52. Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the local authority shall give written notice to every water company within whose limits of supply the local authority are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the local authority.

It shall not be lawful for the local authority to construct any waterworks within such limits if and so long as any such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the local authority; and any difference as to whether the water which any such com-

pany are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which it is required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

As to construction of reservoirs.

53. At least two months before commencing to construct under the provisions of this Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the local authority shall give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the reservoir is to be constructed.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the local authority at any time within the said two months, the intended work shall not be commenced without the sanction of the Local Government Board, after such inquiry as herein-after mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing with such modifications (if any) as they may deem necessary the intended work.

Power of carrying mains.

54. Where a local authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their district as they have and are subject to for carrying sewers within or without their district respectively by the law for the time being in force.

As to supply of water.

55. A local authority shall provide and keep in any waterworks constructed or purchased by them a supply of pure and wholesome water; and where a local authority lay any pipes for the supply of any of the inhabitants of their district, the water may be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district or part of the district supplied.

Power to charge water rates and rents.

56. Where a local authority supply water to any premises they may charge in respect of such supply a water rate to be assessed on the net annual value of the premises ascertained in the manner by this Act prescribed with respect to general district rates; moreover they may enter into agreements for supplying water on

A.D. 1875.

such terms as may be agreed on between them and the persons receiving the supply, and shall have the same powers for recovering water rents or other payments accruing under such agreements as they have for recovering water rates.

Incorporation of certain provisions of Waterworks Clauses Acts.

57. For the purpose of enabling any local authority to supply water there shall be incorporated with this Act the Waterworks Clauses Act, 1863, and the following provisions of the Waterworks Clauses Act, 1847; (namely,)

"With respect" (where the local authority have not the control of the streets) "to the breaking up of streets for the purpose of laying pipes"; and

"With respect to the communication pipes to be laid by the undertakers"; and

"With respect to the communication pipes to be laid by the inhabitants"; and

"With respect to waste or misuse of the water supplied by the undertakers"; and

"With respect to the provision for guarding against fouling the water of the undertakers"; and

"With respect to the payment and recovery of the water rates."

Provided,—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts or parts of districts where the local authority lay any pipes for the supply of any of the inhabitants thereof; and

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by a court of summary jurisdiction; and

That section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner "of any such house, or of the agent of such owner," were omitted therefrom; and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner.

Power to supply water by measure.

58. A local authority may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them; they shall at all times at their own expense keep all meters and other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in

default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The local authority shall for the purposes aforesaid have access to and be at liberty at all reasonable times to remove test inspect and replace any such meter or other instrument.

Register of meter to be evidence.

59. Where water is supplied by measure by any local authority, the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed; and if the local authority and the consumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a court of summary jurisdiction, and such court may order by which of the parties the costs of the proceedings before them shall be paid, and its decision shall be final and binding.

Penalty for injuring meters.

60. If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a local authority, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the local authority, he shall (without prejudice to any other right or remedy of the local authority) be liable to a penalty not exceeding forty shillings, and the local authority may in addition thereto recover the amount of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration prevention abstraction or use shall be evidence that the consumer has fraudulently effected the same.

Power to supply water to authority of adjoining district.

61. Any local authority for the time being supplying water within their own district may, with the sanction of the Local Government Board, supply water to the local authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of dispute, may be settled by arbitration in manner provided by this Act.

Local authority may require houses to be supplied with water in certain cases.

62. Where on the report of the surveyor of a local authority it appears to such authority that any house within their district is without a proper supply of water, and that such a supply of water can be furnished thereto at a cost not exceeding the water rate authorised by any local Act in force within the district, or where there is not any local Act so in force at a cost not exceeding twopence a week, or at such other cost as the Local Government Board may, on the application of the local authority, determine under all the circumstances of the case to be reasonable, the local authority shall give notice in writing to the owner, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose.

A.D. 1875.

If such notice is not complied with within the time specified, the local authority may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district; and water rates may be made and levied on the premises by the authority or company which furnishes the supply and may be recovered as if the owner or occupier of the premises had demanded a supply of water and were willing to pay water rates for the same, and any expenses incurred by the local authority in doing any such works may be recovered in a summary manner from the owner of the premises, or may by order of the local authority be declared to be private improvement expenses.

Powers of water company for supplying water to local authority.

63. Any water company may contract to supply water or may lease their waterworks to any local authority; and the directors of any water company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any local authority, on such terms as may be agreed on between the company and the local authority, all the rights powers and privileges, and all or any of the waterworks premises and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

Vesting of public cisterns, &c. in local authority.

64. All existing public cisterns pumps wells reservoirs conduits aqueducts and works used for the gratuitous supply of water to the inhabitants of the district of any local authority shall vest in and be under the control of such authority, and such authority may cause the same to be maintained and plentifully supplied with pure and wholesome water, or may substitute maintain and plentifully supply with pure and wholesome water other such works equally convenient; they may also (subject to the provisions of this Act) construct any other such works for supplying water for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.

Water for public baths, or trading or manufacturing purposes.

65. Any local authority may, if they think fit, supply water from any waterworks purchased or constructed by them to any public baths or wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the local authority and the persons desirous of being so supplied; moreover, any local authority may, if they think fit,

construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

Duty of urban authority to provide fire-plugs.

66. Every urban authority shall cause fire-plugs and all necessary works machinery and assistance for securing an efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or person; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

Agreements with universities.

67. In the Oxford or Cambridge district the local authority may supply water to any hall college or premises of the university within such district, on such terms with respect to the mode of paying for such supply as may from time to time be agreed on between such university, or any hall or college thereof, and the local authority.

Provisions for Protection of Water.

Penalty for causing water to be corrupted by gas washings.

68. Any person engaged in the manufacture of gas who—

(1.) Causes or suffers to be brought or to flow into any stream reservoir aqueduct pond or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,

(2.) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream reservoir aqueduct pond or place for water is fouled,

shall forfeit for every such offence the sum of two hundred pounds, and, after the expiration of twenty-four hours notice from the local authority or the person to whom the water belongs in that behalf, a further sum of twenty pounds for every day during which the offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in any of the superior courts, in the case of water belonging to or under the control of the local authority by the local authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, by the local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

A.D. 1875.

Local authority may take proceedings to prevent pollution of streams.

69. Any local authority, with the sanction of the Attorney General, may, either in their own name or in the name of any other person, with the consent of such person, take such proceedings by indictment bill in Chancery action or otherwise, as they may deem advisable for the purpose of protecting any watercourse within their jurisdiction from pollutions arising from sewage either within or without their district; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by such authority in the execution of this Act.

Power to close polluted wells, &c.

70. On the representation of any person to any local authority that within their district the water in any well tank or cistern, public or private, or supplied from any public pump, and used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, is so polluted as to be injurious to health, such authority may apply to a court of summary jurisdiction for an order to remedy the same; and thereupon such court shall summon the owner or occupier of the premises to which the well tank or cistern belongs if it be private, and in the case of a public well tank cistern or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well tank cistern or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analysed at the cost of the local authority applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may on the application of the local authority authorise them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner from the person on whom the order is made.

Expenses incurred by any rural authority in the execution of this section, and not recovered by them as aforesaid, shall be special expenses.

Regulation of Cellar Dwellings and Lodging Houses.

Occupation of Cellar Dwellings.

Prohibition of occupying cellar dwellings.

71. It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling any cellar (including for the purposes

of this Act in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act.

Existing cellar dwellings only to be let or occupied on certain conditions.

72. It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling, any cellar whatsoever, unless the following requisitions are complied with; (that is to say,)

Unless the cellar is in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, and is at least three feet of its height above the surface of the street or ground adjoining or nearest to the same; and

Unless there is outside of and adjoining the cellar and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part; and

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor thereof; and

Unless there is appurtenant to the cellar the use of a watercloset earthcloset or privy and an ashpit, furnished with proper doors and coverings, according to the provisions of this Act; and

Unless the cellar has a fireplace with a proper chimney or flue, and an external window of at least nine superficial feet in area clear of the sash frame, and made to open in a manner approved by the surveyor (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame).

Provided that in any area adjoining a cellar there may be steps necessary for access to such cellar, if the same be so placed as not to be over across or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the cellar to which such area adjoins, if the same be so placed as not to be over across or opposite to any such external window.

Penalty on persons offending against enactment.

73. Any person who lets occupies or knowingly suffers to be occupied for hire or rent, any cellar contrary to the provisions of this Act shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same continues to be so let or occupied after notice in writing from the local authority in this behalf.

A.D. 1875.

Definition of occupying as a dwelling.

74. Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

Power to close cellars in case of two convictions.

75. Where two convictions against the provisions of any Act relating to the occupation of a cellar as a separate dwelling place have taken place within three months (whether the persons so convicted were or were not the same) a court of summary jurisdiction may direct the closing of the premises so occupied for such time as it may deem necessary, or may empower the local authority permanently to close the same, and to defray any expenses incurred by them in the execution of this section.

Common Lodging-houses.

Registers of common lodging-houses to be kept.

76. Every local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of such authority, and the situation of every such house, and the number of lodgers authorised under this Act by such authority to be received therein.

A copy of any entry in such register, certified by the clerk of the local authority to be a true copy, shall be received in all courts and on all occasions as evidence, and shall be sufficient proof of the matter registered, without production of the register or of any document or thing on which the entry is founded; and a certified copy of any such entry shall be supplied gratis by the clerk to any person applying at a reasonable time for the same.

All common lodging-houses to be registered, and to be kept only by registered keepers.

77. A person shall not keep a common lodging-house or receive a lodger therein unless the house is registered in accordance with the provisions of this Act; nor unless his name as the keeper thereof is entered in the register kept under this Act: Provided that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

Local authority may refuse to register houses.

78. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the local authority; and the local authority may refuse to register as the keeper of a common lodging-house a person who does not produce to the local authority a certificate of character, in such form as the local authority direct, signed by three inhabitant householders of the parish respectively rated to the relief of the poor of the parish within which the lodging-house is situate for property of the yearly rateable value of six pounds or upwards.

Notice of registration to be affixed to houses.

79. The keeper of every common lodging-house shall, if required in writing by the local authority so to do, affix and keep undefaced and legible a notice with the words "Registered Common Lodging-house" in some conspicuous place on the outside of such house.

The keeper of any such house who, after requisition in writing from the local authority, refuses or neglects to affix or renew such notice, shall be liable to a penalty not exceeding five pounds, and to a further penalty of ten shillings for every day that such refusal or neglect continues after conviction.

Byelaws to be made by local authority.

80. Every local authority shall from time to time make byelaws—

(1.) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein; and,

(2.) For promoting cleanliness and ventilation in such houses; and,

(3.) For the giving of notices and the taking precautions in the case of any infectious disease; and,

(4.) Generally for the well ordering of such houses.

Power to local authority to require supply of water to houses.

81. Where it appears to any local authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may by notice in writing require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, the local authority may remove such house from the register until it is complied with.

Limewashing of houses.

82. The keeper of a common lodging-house shall, to the satisfaction of the local authority, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year, and shall if he fails to do so be liable to a penalty not exceeding forty shillings.

Power to order reports from keepers of houses receiving vagrants.

83. The keeper of a common lodging-house in which beggars or vagrants are received to lodge shall from time to time, if required in writing by the local authority so to do, report to the local authority, or to such person as the local authority direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the local authority to the person so ordered to report, which schedules he shall fill up with the information required and transmit to the local authority.

Keepers to give notice of fever, &c. therein.

84. The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate

A.D. 1875.

notice thereof to the medical officer of health of the local authority, and also to the poor law relieving officer of the union or parish in which the common lodging-house is situated.

As to inspection.

85. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall, at all times when required by any officer of the local authority, give him free access to such house or any part thereof; and any such keeper or person who refuses such access shall be liable to a penalty not exceeding five pounds.

Offences by keepers of houses.

86. Any keeper of a common lodging-house who—

(1.) Receives any lodger in such house without the same being registered under this Act; or

(2.) Fails to make a report, after he has been furnished by the local authority with schedules for the purpose in pursuance of this Act, of the persons resorting to such house; or

(3.) Fails to give the notices required by this Act where any person has been confined to his bed in such house by fever or other infectious disease,

shall be liable to a penalty not exceeding five pounds, and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which the offence continues.

Evidence as to family in proceedings.

87. In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

Conviction for third offence to disqualify persons from keeping common lodging-house.

88. Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if it thinks fit, adjudge that he shall not at any time within five years after the conviction, or within such shorter period after the conviction as the court thinks fit, keep a common lodging-house without the previous license in writing of the local authority, which license the local authority may withhold or grant on such terms and conditions as they think fit.

Interpretation of "common lodging-house."

89. For the purposes of this Act the expression "common lodging house" includes, in any case in which only part of a house is used as a common lodging house, the part so used of such house.

Byelaws as to Houses let in Lodgings.

Local Government Board may

90. The Local Government Board may, if they think fit, by notice published in the London Gazette, declare the following

enactment to be in force within the district or any part of the district of any local authority, and from and after the publication of such notice such authority shall be empowered to make byelaws for the following matters; (that is to say,)

empower local authority to make byelaws as to lodging-houses.

(1.) For fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied:

(2.) For the registration of houses so let or occupied:

(3.) For the inspection of such houses:

(4.) For enforcing drainage and the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses:

(5.) For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof:

(6.) For the giving of notices and the taking of precautions in case of any infectious disease.

This section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging houses.

Nuisances.

91. For the purposes of this Act,—

Definition of nuisances.

1. Any premises in such a state as to be a nuisance or injurious to health:
2. Any pool ditch gutter watercourse privy urinal cesspool drain or ashpit so foul or in such a state as to be a nuisance or injurious to health:
3. Any animal so kept as to be a nuisance or injurious to health:
4. Any accumulation or deposit which is a nuisance or injurious to health:
5. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family:
6. Any factory, workshop, or workplace (not already under the operation of any general Act for the regulation of factories or bakehouses), not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases vapours dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein:

A.D. 1875.

7. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill factory dyehouse brewery bakehouse or gas-work, or in any manufacturing or trade process whatsoever; and

Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance,

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act: Provided—

First. That a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health:

Secondly. That where a person is summoned before any court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

Duty of local authority to inspect district for detection of nuisances.

92. It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act in order to abate the same; also to enforce the provisions of any Act in force within their district requiring fireplaces and furnaces to consume their own smoke.

Information of nuisances to local authority.

93. Information of any nuisance under this Act in the district of any local authority may be given to such local authority by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such authority, or by the relieving officer, or by any constable or officer of the police force of such district.

Local authority to serve notice requiring abatement of nuisance.

94. On the receipt of any information respecting the existence of a nuisance the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided—

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

Secondly. That where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act default or sufferance of the owner or occupier of the premises, the local authority may themselves abate the same without further order.

On non-compliance with notice complaint to be made to justice.

95. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice is, in the opinion of the local authority, likely to recur on the same premises, the local authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction.

Power of court of summary jurisdiction to make order dealing with nuisance.

96. If the court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court shall make an order on such person requiring him to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

The court may by their order impose a penalty not exceeding five pounds on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

Order of prohibition in case of

97. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human

A.D. 1875.

house unfit for human habitation.

habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

Penalty for contravention of order of court.

98. Any person not obeying an order to comply with the requisitions of the local authority or otherwise to abate the nuisance, shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding ten shillings per day during his default; and any person knowingly and wilfully acting contrary to an order of prohibition shall be liable to a penalty not exceeding twenty shillings per day during such contrary action; moreover, the local authority may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a summary manner the expenses incurred by them from the person on whom the order is made.

Appeal against order.

99. Where any person appeals against an order to the court of quarter sessions in manner provided by this Act no liability to penalty shall arise, nor shall any proceedings be taken or work be done under such order, until after the determination of such appeal, unless such appeal ceases to be prosecuted.

In certain cases order may be addressed to local authority.

100. Whenever it appears to the satisfaction of the court of summary jurisdiction that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, then the order of the court may be addressed to and executed by the local authority.

Power to sell manure, &c.

101. Any matter or thing removed by the local authority in abating any nuisance under this Act may be sold by public auction; and the money arising from the sale may be retained by the local authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

Power of entry of local authority.

102. The local authority, or any of their officers, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act in force within the district requiring fireplaces and furnaces to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance

arising in respect of any business, then at any hour when such business is in progress or is usually carried on.

Where under this Act a nuisance has been ascertained to exist, or an order of abatement or prohibition has been made, the local authority or any of their officers shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

Where an order of abatement or prohibition has not been complied with, or has been infringed, the local authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to abate the same.

If admission to premises for any of the purposes of this section is refused, any justice on complaint thereof on oath by any officer of the local authority (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the local authority, or their officer, into the premises during the hours aforesaid, and if no person having custody of the premises can be found, the justice shall, on oath made before him of that fact, by order under his hand authorise the local authority or any of their officers to enter such premises during the hours aforesaid.

Any order made by a justice for admission of the local authority or any of their officers on premises shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done.

Penalty for disobedience of order.

103. Any person who refuses to obey an order of a justice for admission of the local authority or any of their officers on any premises shall be liable to a penalty not exceeding five pounds.

Costs and expenses of execution of provisions relating to nuisances.

104. All reasonable costs and expenses incurred in making a complaint, or giving notice, or in obtaining any order of the court or any justice in relation to a nuisance under this Act, or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the local authority, or if no order is made, but the nuisance is proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and

A.D. 1875.

expenses may be recovered from any person who is for the time being owner of such premises: Provided that such costs and expenses shall not exceed in the whole one year's rackrent of the premises.

Such costs and expenses, and any penalties incurred in relation to any such nuisance, may be recovered in a summary manner or in any county or superior court; and the court shall have power to divide costs expenses and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

Any costs and expenses recoverable under this section by a local authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent:

Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses, on application to him by the local authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie on such occupier:

Provided also, that nothing herein contained shall affect any contract between any owner or occupier of any house building or other property whereby it is or may be agreed that the occupier shall pay or discharge all rates dues and sums of money payable in respect of such house building or other property, or to affect any contract whatsoever between landlord and tenant.

Power of individual to complain to justice of nuisance.

105. Complaint may be made to a justice of the existence of a nuisance under this Act on any premises within the district of any local authority by any person aggrieved thereby, or by any inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal, and otherwise, as in the case of a complaint relating to a nuisance made to a justice by the local authority:

Provided that the court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the

premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for the purposes of such examination:

Provided also, that the court may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

Any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the local authority authorised under the provisions of this Act relating to nuisances to enter any premises and do any acts thereon.

Power of officer of police to proceed in certain cases against nuisances.

106. Where it is proved to the satisfaction of the Local Government Board that a local authority have made default in doing their duty in relation to nuisances under this Act, the Local Government Board may authorise any officer of police acting within the district of the defaulting authority to institute any proceeding which the defaulting authority might institute with respect to such nuisances, and such officer may recover in a summary manner or in any county or superior court any expenses incurred by him, and not paid by the person proceeded against, from the defaulting authority:

But such officer of police shall not be at liberty to enter any house or part of a house used as the dwelling of any person without such person's consent, or without the warrant of a justice, for the purpose of carrying into effect this enactment.

Local authority may take proceedings in superior court for abatement of nuisances.

107. Any local authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in any superior court of law or equity to enforce the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties from or for the punishment of any persons offending against the provisions of this Act relating to nuisances, and may order the expenses of and incident to all such proceedings to be paid out of the fund or rate applicable by them to the general purposes of this Act.

Power to proceed where cause of nuisance arises without district.

108. Where a nuisance under this Act within the district of a local authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences, as if such act or default were committed or took place wholly within

A.D. 1875.

their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

This section shall extend to the metropolis so far as to authorise proceedings to be taken under it by any nuisance authority in the metropolis in respect of any nuisance within the area of their jurisdiction caused by an act or default committed or taking place within the district of a local authority under this Act; or by any such local authority in respect of any nuisance within their district caused by an act or default committed or taking place within the jurisdiction of any such nuisance authority.

In this section "nuisance authority" means the local authority in the metropolis for the execution of the Nuisances Removal Act for England, 1855, and the Acts amending the same.

Provision in case of two convictions for overcrowding.

109. Where two convictions against the provisions of any Act relating to the overcrowding of a house have taken place within a period of three months (whether the persons convicted were or were not the same) a court of summary jurisdiction may on the application of the local authority of the district in which the house is situated direct the closing of the house for such period as the court may deem necessary.

Provision as to ships.

110. For the purpose of the provisions of this Act relating to nuisances, any ship or vessel lying in any river harbour or other water within the district of a local authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any river harbour or other water not within the district of a local authority shall be deemed to be within the district of such local authority as may be prescribed by the Local Government Board, and where no local authority has been prescribed, then of the local authority whose district nearest adjoins the place where such ship or vessel is lying.

The master or other officer in charge of any such ship or vessel shall be deemed for the purpose of the said provisions to be the occupier of such ship or vessel.

This section shall not apply to any ship or vessel under the command or charge of any officer bearing Her Majesty's commission, or to any ship or vessel belonging to any foreign government.

Provisions of Act relating to nuisances not to affect other remedies.

111. The provisions of this Act relating to nuisances shall be deemed to be in addition to and not to abridge or affect any right remedy or proceeding under any other provisions of this Act or under any other Act, or at law or in equity:

Provided that no person shall be punished for the same offence both under the provisions of this Act relating to nuisances, and under any other law or enactment.

Offensive Trades.

Restriction on establishment of offensive trade in urban district.

112. Any person who, after the passing of this Act, establishes within the district of an urban authority, without their consent in writing, any offensive trade; that is to say, the trade of—

Blood boiler, or
Bone boiler, or
Fellmonger, or
Soap boiler, or
Tallow melter, or
Tripe boiler, or
Any other noxious or offensive trade business or manufacture,

shall be liable to a penalty not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on a business so established shall be liable to a penalty not exceeding forty shillings for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

Byelaws as to offensive trades in urban district.

113. Any urban authority may from time to time make byelaws with respect to any offensive trades established with their consent either before or after the passing of this Act, in order to prevent or diminish the noxious or injurious effects thereof.

Duty of urban authority to complain to justice of nuisance arising from offensive trade.

114. Where any candle-house melting-house melting-place or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling burning or crushing bones, or any manufactory building or place used for any trade business process or manufacture causing effluvia, is certified to any urban authority by their medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of such urban authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, such urban authority shall direct complaint to be made before a justice, who may summon the person by or on whose behalf the trade so complained of is carried on to appear before a court of summary jurisdiction.

The court shall inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or in-

A.D. 1875.

jurious to the health of any of the inhabitants of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier,) shall be liable to a penalty not exceeding five pounds nor less than forty shillings, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of two hundred pounds:

Provided, that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem to be practicable and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or if such person gives notice of appeal to the court of quarter sessions in manner provided by this Act.

Any urban authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in any superior court of law or equity against any person in respect of the matters alleged in such certificate.

Power to proceed where nuisance arises from offensive trade carried on without district.

115. Where any house building manufactory or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house building manufactory or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a court having jurisdiction in the district where the house building manufactory or place is situated.

This section shall extend to the metropolis so far as to authorise proceedings to be taken under it by any nuisance authority in the metropolis in respect of any house building manufactory or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants within the area of their jurisdiction, and is situated within the district of a local authority under this Act; or by any urban authority in respect of any house building manufactory or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants of their district, and is situated within the jurisdiction of any such nuisance authority.

In this section "nuisance authority" means the local authority in the metropolis for the execution of the Nuisances Removal Act for England, 1855, and the Acts amending the same.

Unsound Meat, &c.

Power of medical officer of health to inspect meat, &c.

116. Any medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk appears to such medical officer or inspector to be diseased or unsound or unwholesome or unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with by a justice.

Power of justice to order destruction of unsound meat, &c.

117. If it appears to the justice that any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk so seized is diseased or unsound or unwholesome or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding twenty pounds for every animal carcase or fish or piece of meat flesh or fish, or any poultry or game, or for the parcel of fruit vegetables corn bread or flour or for the milk so condemned, or, at the discretion of the justice, without the infliction of a fine, to imprisonment for a term of not more than three months.

The justice who, under this section, is empowered to convict the offender may be either the justice who may have ordered the article to be disposed of or destroyed, or any other justice having jurisdiction in the place.

Penalty for hindering officer from inspecting meat, &c.

118. Any person who in any manner prevents any medical officer of health or inspector of nuisances from entering any premises and inspecting any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such medical officer

A.D. 1875.

or inspector or his assistant, when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding five pounds.

Search warrant may be granted by a justice.

119. On complaint made on oath by a medical officer of health, or by an inspector of nuisances, or other officer of a local authority, any justice may grant a warrant to any such officer to enter any building or part of a building in which such officer has reason for believing that there is kept or concealed any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk which is intended for sale for the food of man, and is diseased unsound or unwholesome, or unfit for the food of man; and to search for seize and carry away any such animal or other article in order to have the same dealt with by a justice under the provisions of this Act.

Any person who obstructs any such officer in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

Infectious Diseases and Hospitals.

Provisions against Infection.

Duty of local authority to cause premises to be cleansed and disinfected.

120. Where any local authority are of opinion, on the certificate of their medical officer of health or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house or part thereof requiring him to cleanse and disinfect such house or part thereof and articles within a time specified in such notice.

If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty of not less than one shilling and not exceeding ten shillings for every day during which he continues to make default; and the local authority shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner.

Where the owner or occupier of any such house or part thereof is from poverty or otherwise unable, in the opinion of the local authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on

such owner or occupier, with his consent cleanse and disinfect such house or part thereof and articles, and defray the expenses thereof.

Destruction of infected bedding, &c.

121. Any local authority may direct the destruction of any bedding clothing or other articles which have been exposed to infection from any dangerous infectious disorder, and may give compensation for the same.

Provision of means of disinfection.

122. Any local authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding clothing or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of charge.

Provision of conveyance for infected persons.

123. Any local authority may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious disorder, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

Removal of infected persons without proper lodging to hospital by order of justice.

124. Where any suitable hospital or place for the reception of the sick is provided within the district of a local authority, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed, by order of any justice, to such hospital or place at the cost of the local authority; and any person so suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the local authority.

An order under this section may be addressed to such constable or officer of the local authority as the justice or local authority making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

Removal to hospital of infected persons brought by ships.

125. Any local authority may make regulations (to be approved of by the Local Government Board) for removing to any hospital to which such authority are entitled to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within their district by any ship or boat who are infected with a dangerous infectious disorder, and such regulations may

A.D. 1875.

impose on offenders against the same reasonable penalties not exceeding forty shillings for each offence.

Penalty on exposure of infected persons and things.

126. Any person who—

(1.) While suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street public place shop inn or public conveyance or enters any public conveyance without previously notifying to the owner conductor or driver thereof that he is so suffering; or

(2.) Being in charge of any person so suffering, so exposes such sufferer; or

(3.) Gives lends sells transmits or exposes, without previous disinfection, any bedding clothing rags or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding five pounds; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding clothing rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder; and if he fails to do so he shall be liable to a penalty not exceeding five pounds; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Penalty on letting houses in which infected persons have been lodging.

128. Any person who knowingly lets for hire any house room or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house room or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn.

Penalty on persons letting houses making false statements as to infectious disease.

129. Any person letting for hire or showing for the purpose of letting for hire any house or part of a house, who on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within six weeks previously having been therein any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

Power of Local Government Board to make regulations.

130. The Local Government Board may from time to time make alter and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic endemic or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas rivers and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regulations so made shall be published in the London Gazette, and such publication shall be for all purposes conclusive evidence of such regulations.

Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any regulation made under this section shall be liable to a penalty not exceeding fifty pounds.

Hospitals.

Power of local authority to provide hospitals.

131. Any local authority may provide for the use of the inhabitants of their district hospitals or temporary places for the reception of the sick, and for that purpose may—

Themselves build such hospitals or places of reception; or

Contract for the use of any such hospital or part of a hospital or place of reception; or

Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

Two or more local authorities may combine in providing a common hospital.

Recovery of cost of maintenance

132. Any expenses incurred by a local authority in maintaining in a hospital, or in a temporary place for the reception of the sick

A.D. 1875.

of patient in hospital.

(whether or not belonging to such authority), a patient who is not a pauper, shall be deemed to be a debt due from such patient to the local authority, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

Power to provide temporary supply of medicine.

133. Any local authority may, with the sanction of the Local Government Board, themselves provide or contract with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district.

Prevention of Epidemic Diseases.

Power of Local Government Board to make regulations for prevention of diseases.

134. Whenever any part of England appears to be threatened with or is affected by any formidable epidemic endemic or infectious disease, the Local Government Board may make and from time to time alter and revoke regulations for all or any of the following purposes; (namely),

(1.) For the speedy interment of the dead; and

(2.) For house to house visitation; and

(3.) For the provision of medical aid and accommodation, for the promotion of cleansing ventilation and disinfection, and for guarding against the spread of disease;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority, and to apply to any vessels, whether on inland waters or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for executing the office of the Lord High Admiral for the time being, for the period in such order mentioned; and may by any subsequent order abridge or extend such period.

Publication of regulations and orders.

135. All regulations and orders so made by the Local Government Board shall be published in the London Gazette, and such publication shall be conclusive evidence thereof for all purposes.

Local authority to see to the execution of regulations.

136. The local authority of any district within which or part of which regulations so issued by the Local Government Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts matters and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, the local authority may from time to time direct any prosecution or legal

proceedings for or in respect of the wilful violation or neglect of any such regulation.

Power of entry.

137. The local authority and their officers shall have power of entry on any premises or vessel for the purpose of executing or superintending the execution of any regulations so issued by the Local Government Board as aforesaid.

Poor law medical officer entitled to costs of attendance on board vessels.

138. Whenever, in compliance with any regulation so issued by the Local Government Board as aforesaid, any poor law medical officer performs any medical service on board any vessel he shall be entitled to charge extra for such service, at the general rate of his allowance for services for the union or place for which he is appointed; and such charges shall be payable by the captain of such vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.

Where such services are rendered by any medical practitioner who is not a poor law medical officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid. In case of dispute in respect of such charges, such dispute may, where the charges do not exceed twenty pounds, be determined by a court of summary jurisdiction; and such court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises for attendance on patients of the like class as those in respect of whom the charge is made.

Local Government Board may combine local authorities.

139. The Local Government Board may, if they think fit, by order authorise or require any two or more local authorities to act together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

Penalty for violating or obstructing the execution of regulations.

140. Any person who—

(1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or,

(2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation,

shall be liable to a penalty not exceeding five pounds.

Mortuaries, &c.

Power of local authority to pro-

141. Any local authority may, and if required by the Local Government Board shall, provide and fit up a proper place for the

A.D. 1875.

reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such byelaws, of any dead body which may be received into a mortuary.

vide mortuaries.

Justice may in certain cases order removal of dead body to mortuary.

142. Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house or room, any justice may, on a certificate signed by a legally qualified medical practitioner, order the body to be removed, at the cost of the local authority, to any mortuary provided by such authority, and direct the same to be buried within a time to be limited in such order; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the relieving officer to bury such body at the expense of the poor rate, but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial.

Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Power of local authority to provide places for post-mortem examinations.

143. Any local authority may provide and maintain a proper place (otherwise than at a workhouse or at a mortuary) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of such place; and where any such place has been provided, a coroner or other constituted authority may order the removal of the body to and from such place for carrying out such post-mortem examination, such costs of removal to be paid in the same manner and out of the same fund as the costs and fees for post-mortem examinations when ordered by the coroner.

PART IV.

LOCAL GOVERNMENT PROVISIONS.

Highways and Streets.

As to Highways.

Powers of surveyors of highways and of vestries under

144. Every urban authority shall within their district exclusively of any other person execute the office of and be surveyor of highways, and have exercise and be subject to all the powers authorities

duties and liabilities of surveyors of highways under the law for the time being in force, save so far as such powers authorities or duties are or may be inconsistent with the provisions of this Act; every urban authority shall also have exercise and be subject to all the powers authorities duties and liabilities which by the Highway Act, 1835, or any Act amending the same, are vested in and given to the inhabitants in vestry assembled of any parish within their district. A.D. 1875. 5 & 6 W. 4. c. 50. vested in urban authority.

All ministerial acts required by any Act of Parliament to be done by or to the surveyor of highways may be done by or to the surveyor of the urban authority, or by or to such other person as they may appoint.

145. The inhabitants within any urban district shall not in respect of any property situated therein be liable to the payment of highway rate or other payment, not being a toll, in respect of making or repairing roads or highways without such district: Provided, that any person who in any place after the passing of this Act ceases under or by virtue of any provision of this Act, or of any order made thereunder, to be surveyor of highways within such place, may recover any highway rate made in respect of such place, and remaining unpaid at the time of his so ceasing to be such surveyor, as if he had not ceased to be such surveyor; and the money so recovered shall be applied, in the first place, in reimbursing himself any expenses incurred by him as such surveyor, and in discharging any debts legally owing by him on account of the highways within his jurisdiction; and the surplus (if any) shall be paid by him to the treasurer of the urban authority, and carried to the fund or rate applicable to the repair of highways within their district. Inhabitants of urban district not liable to rates for roads without district.

146. Any urban authority may agree with any person for the making of roads within their district for the public use through the lands and at the expense of such person, and may agree that such roads shall become and the same shall accordingly become on completion highways maintainable and repairable by the inhabitants at large within their district; they may also, with the consent of two thirds of their number, agree with such person to pay, and may accordingly pay, any portion of the expenses of making such roads. Power of urban authority to agree as to making of new public roads.

147. Any urban authority may agree with the proprietors of any canal railway or tramway to adopt and maintain any existing or projected bridge viaduct or arch within their district, over or under any such canal railway or tramway, and the approaches thereto, and may accordingly adopt and maintain such bridge viaduct or arch and approaches as parts of public streets or roads Power of urban authority to construct or adopt public bridges, &c. over or under canals, &c.

A.D. 1875.

maintainable and repairable by the inhabitants at large within their district; or such authority may themselves agree to construct any such bridge viaduct or arch at the expense of such proprietors; they may also, with the consent of two thirds of their number, agree to pay, and may accordingly pay, any portion of the expenses of the construction or alteration of any such bridge viaduct or arch, or of the purchase of any adjoining lands required for the foundation and support thereof, or for the approaches thereto.

Power of urban authority to enter into agreements with turnpike trustees as to repair, &c. of roads.

148. Any urban authority may by agreement with the trustees of any turnpike road, or with any person liable to repair any street or road, or any part thereof, or with the surveyor of any county bridge, take on themselves the maintenance repair cleansing or watering of any such street or road or any part thereof, or of any road over any county bridge, and the approaches thereto, or of any part of the said streets or roads within their district, and may remove any turnpike gates toll gates or bars which may be situated within their district, and may erect other turnpike gates toll gates or bars in lieu thereof, on such terms as the urban authority and such trustees or person or surveyor as aforesaid may agree on:

Provided—

That where any mortgage debt is charged on the tolls of any such turnpike road, no agreement shall be made for the removal of any of the toll gates or bars thereon, unless with the previous consent in writing of a majority of at least two thirds in value of the mortgagees; and

That where the terms arranged include any annual or other payments from such urban authority to the trustees of any such turnpike road, then the payments may be secured on any fund or rate applicable by such authority to any of the purposes of this Act in the same manner as other charges on any such fund or rate are authorised by this Act.

Any executors administrators guardians trustees or committee of the estate of any idiot or lunatic, who are as such for the time being entitled to any money charged or secured on the tolls of any such turnpike road, may consent to any such agreement as aforesaid, as fully as if they respectively were so entitled in their own right, discharged of all trusts in respect thereof; and all executors administrators guardians trustees and committees so consenting are hereby severally indemnified for so doing.

Regulation of Streets and Buildings.

Vesting of streets, &c. in urban authority.

149. All streets, being or which at any time become highways repairable by the inhabitants at large within any urban district,

and the pavements stones and other materials thereof, and all buildings implements and other things provided for the purposes thereof, shall vest in and be under the control of the urban authority.

The urban authority shall from time to time cause all such streets to be levelled paved metalled flagged channelled altered and repaired as occasion may require; they may from time to time cause the soil of any such street to be raised lowered or altered as they may think fit, and may place and keep in repair fences and posts for the safety of foot passengers.

Any person who without the consent of the urban authority wilfully displaces or takes up or who injures the pavement stones materials fences or posts of or the trees in any such street shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding five shillings for every square foot of pavement stones or other materials so displaced taken up or injured; he shall also be liable in the case of any injury to trees to pay to the local authority such amount of compensation as the court may award.

Power to compel paving, &c. of private streets.

150. Where any street within any urban district (not being a highway repairable by the inhabitants at large) or the carriageway footway or any other part of such street is not sewered levelled paved metalled flagged channelled and made good or is not lighted to the satisfaction of the urban authority, such authority may, by notice addressed to the respective owners or occupiers of the premises fronting adjoining or abutting on such parts thereof as may require to be sewered levelled paved metalled flagged or channelled, or to be lighted, require them to sewer level pave metal flag channel or make good or to provide proper means for lighting the same within a time to be specified in such notice.

Before giving such notice the urban authority shall cause plans and sections of any structural works intended to be executed under this section, and an estimate of the probable cost thereof, to be made under the direction of their surveyor, such plans and sections to be on a scale of not less than one inch for eighty-eight feet for a horizontal plan, and on a scale of not less than one inch for ten feet for a vertical section, and, in the case of a sewer, showing the depth of such sewer below the surface of the ground: such plans sections and estimate shall be deposited in the office of the urban authority, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time specified in such notice; and a reference to such plans and sections in such notice shall be sufficient without requiring any copy of such plans and sections to be annexed to such notice.

A.D. 1875.

If such notice is not complied with, the urban authority may, if they think fit, execute the works mentioned or referred to therein; and may recover in a summary manner the expenses incurred by them in so doing from the owners in default, according to the frontage of their respective premises, and in such proportion as is settled by the surveyor of the urban authority, or (in case of dispute) by arbitration in manner provided by this Act; or the urban authority may by order declare the expenses so incurred to be private improvement expenses.

The same proceedings may be taken, and the same powers may be exercised, in respect of any street or road of which a part is or may be a public footpath or repairable by the inhabitants at large as fully as if the whole of such street or road was a highway not repairable by the inhabitants at large.

Exemption from expenses under last section of incumbent of church, &c.

151. The incumbent or minister of any church chapel or place appropriated to public religious worship, which is now by law exempt from rates for the relief of the poor, shall not be liable to any expenses under the last preceding section, as the owner or occupier of such church chapel or place or of any churchyard or burial ground attached thereto, nor shall any such expenses be deemed to be a charge on such church chapel or other place, or on such churchyard or burial ground, or to subject the same to distress execution or other legal process; and the urban authority may, if they think fit, undertake any works from the expenses of which any such incumbent or minister is hereby exempted.

Power to declare private streets when sewered, &c. to be highways.

152. When any street within any urban district not being a highway repairable by the inhabitants at large has been sewered levelled paved flagged metalled channelled and made good and provided with proper means of lighting to the satisfaction of the urban authority, such authority may, if they think fit, by notice in writing put up in any part of the street, declare the same to be a highway, and thereupon the same shall become a highway repairable by the inhabitants at large; and every such notice shall be entered among the proceedings of the urban authority.

Provided that no such street shall become a highway so repairable, if within one month after such notice has been put up the proprietor or the majority in number of proprietors of such street, by notice in writing to the urban authority, object thereto, and in ascertaining such majority joint proprietors shall be reckoned as one proprietor.

Power to require gas and water

153. Where for any purpose of this Act any urban authority deem it necessary to raise sink or otherwise alter the situation of any water

or gas pipes mains plugs or other waterworks or gasworks laid in or under any street, they may by notice in writing require the owner of the pipes mains plugs or works to raise sink or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice; the expenses of or connected with any such alteration shall be paid by the urban authority; and if such notice is not complied with the urban authority may themselves make the alteration required:

pipes to be moved.

Provided—

That no such alteration shall be required or made which will permanently injure any such pipes mains plugs or works or prevent the water or gas from flowing as freely and conveniently as usual; and

That where under any local Act of Parliament the expenses of or connected with the raising sinking or otherwise altering the situation of any water or gas pipes mains plugs or other waterworks or gasworks, are directed to be borne by the owner of such pipes or works, his liability in that respect shall continue in the same manner and under the same conditions in all respects as if this Act had not been passed.

154. Any urban authority may purchase any premises for the purpose of widening opening enlarging or otherwise improving any street, or (with the sanction of the Local Government Board) for the purpose of making any new street.

Power to purchase premises for improvement of streets.

155. When any house or building situated in any street in an urban district, or the front thereof, has been taken down, in order to be rebuilt or altered, the urban authority may prescribe the line in which any house or building, or the front thereof, to be built or rebuilt in the same situation shall be erected, and such house or building, or the front thereof, shall be erected in accordance therewith.

Power to regulate line of buildings.

The urban authority shall pay or tender compensation to the owner or other person immediately interested in such house or building for any loss or damage he may sustain in consequence of his house or building being set back or forward, the amount of such compensation, in case of dispute, to be settled by arbitration in manner provided by this Act.

156. It shall not be lawful in any urban district, without the written consent of the urban authority, to bring forward any house or building forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of the house or building on either side of the same.

Buildings not to be brought forward.

A.D. 1875.

Any person offending against this enactment shall be liable to a penalty not exceeding forty shillings for every day during which the offence is continued after written notice in this behalf from the urban authority.

Power to make byelaws respecting new buildings, &c.

157. Every urban authority may make byelaws with respect to the following matters; (that is to say,)

(1.) With respect to the level width and construction of new streets, and the provisions for the sewerage thereof:

(2.) With respect to the structure of walls foundations roofs and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health:

(3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings:

(4.) With respect to the drainage of buildings, to waterclosets earthclosets privies ashpits and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation:

And they may further provide for the observance of such byelaws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the urban authority, and as to the power of such authority (subject to the provisions of this Act) to remove alter or pull down any work begun or done in contravention of such byelaws: Provided that no byelaw made under this section shall affect any building erected in any place (which at the time of the passing of this Act is included in an urban sanitary district) before the Local Government Acts came into force in such place, or any building erected in any place (which at the time of the passing of this Act is not included in an urban sanitary district) before such place becomes constituted or included in an urban district, or by virtue of any order of the Local Government Board subject to this enactment.

The provisions of this section and of the two last preceding sections shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament.

As to commencement of works and removal of works made con-

158. Where a notice plan or description of any work is required by any byelaw made by an urban authority to be laid before that authority, the urban authority shall, within one month after the same has been delivered or sent to their surveyor or clerk, signify

in writing their approval or disapproval of the intended work to the person proposing to execute the same; and if the work is commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any byelaw of the urban authority, the urban authority may cause so much of the work as has been executed to be pulled down or removed. A.D. 1875. Contrary to byelaws.

Where an urban authority incur expenses in or about the removal of any work executed contrary to any byelaw, such authority may recover in a summary manner the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed, at their discretion.

Where an urban authority may under this section pull down or remove any work begun or executed in contravention of any byelaw, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any byelaw to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the byelaw was broken.

159. For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building. What to be deemed a new building.

160. The provisions of the Towns Improvement Clauses Act, 1847, with respect to the following matters; that is to say, Incorporation of certain provisions of 10 & 11 Vict. c. 34.

(1.) With respect to naming the streets and numbering the houses; and

(2.) With respect to improving the line of the streets and removing obstructions; and

(3.) With respect to ruinous or dangerous buildings; and

(4.) With respect to precautions during the construction and repair of the sewers streets and houses,

shall, for the purpose of regulating such matters in urban districts, be incorporated with this Act.

Notices for alterations under the sixty-ninth, seventieth, and seventy-first sections, directions under the seventy-third section,

A.D. 1875.

and orders under the seventy-fourth section of the said Towns Improvement Clauses Act, may, at the option of the urban authority, be served on owners instead of occupiers, or on owners as well as occupiers, and the cost of works done under any of these sections may, when notices have been so served on owners, be recovered from owners instead of occupiers; and when such cost is recovered from occupiers so much thereof may be deducted from the rent of the premises where the work is done as is allowed in the case of private improvement rates under this Act.

Lighting Streets, &c.

Powers of urban authority for lighting their district. 12 & 13 Vict. c. 94. s. 8.

161. Any urban authority may contract with any person for the supply of gas, or other means of lighting the streets markets and public buildings in their district, and may provide such lamps lamp posts and other materials and apparatus as they may think necessary for lighting the same.

Where there is not any company or person (other than the urban authority) authorised by or in pursuance of any Act of Parliament, or any order confirmed by Parliament, to supply gas for public and private purposes, supplying gas within any part of the district of such authority, such authority may themselves undertake to supply gas for such purposes or any of them throughout the whole or any part of their district; and if there is any such company or person so supplying gas, but the limits of supply of such company or person include part only of the district, then the urban authority may themselves undertake to supply gas throughout any part of the district not included within such limits of supply.

Where an urban authority may under this Act themselves undertake to supply gas for the whole or any part of their district, a provisional order authorising a gas undertaking may be obtained by such authority under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any Act amending the same; and in the construction of the said Act the term "the undertakers" shall be deemed to include any such urban authority: Provided that for the purposes of this Act the Local Government Board shall throughout the said Act be deemed to be substituted for the Board of Trade.

Power for sale of undertaking of gas company to urban authority.

162. For the purpose of supplying gas within their district or any part thereof either for public or private purposes any urban authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of

a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such authority, on such terms as may be agreed on between such authority and the company, all the rights powers and privileges and all or any of the lands premises works and other property of the company, but subject to all liabilities attached to the same at the time of such purchase.

Watching and Lighting Act (3 & 4 W. 4. c. 90.) to be superseded by this Act.

163. Where in any place which after the passing of this Act becomes constituted or included in an urban district, or which by virtue of any order of the Local Government Board becomes subject to this enactment, the Act passed in the fourth year of the reign of King William the Fourth, intituled "An Act to "repeal an Act of the eleventh year of His late Majesty King "George the Fourth, for the lighting and watching of parishes "in England and Wales, and to make other provisions in lieu "thereof," has been adopted, the said Act shall be superseded by this Act, and all lamps lamp posts gas pipes fire engines hose and other property vested in the inspectors for the time being under the said Act shall vest in the authority having under this Act jurisdiction in such place.

Public Pleasure Grounds, &c.

Urban authority may provide places of public recreation.

164. Any urban authority may purchase or take on lease lay out plant improve and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

Any urban authority may make byelaws for the regulation of any such public walk or pleasure ground, and may by such byelaws provide for the removal from such public walk or pleasure ground of any person infringing any such byelaw by any officer of the urban authority or constable.

Urban authority may provide public clocks.

165. Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and may from time to time

A.D. 1875.

alter and remove any such clocks to such other like situation as they may consider expedient.

Markets and Slaughter-houses.

Urban authority may provide markets.

166. Where an urban authority are a local board or improvement commissioners they shall have power, with the consent of the owners and ratepayers of their district, expressed by resolution passed in manner provided by schedule III. to this Act, and where the urban authority are a town council they shall have power, with the consent of two thirds of their number, to do the following things, or any of them, within their district:

To provide a market place, and construct a market house and other conveniences, for the purpose of holding markets:

To provide houses and places for weighing carts:

To make convenient approaches to such market:

To provide all such matters and things as may be necessary for the convenient use of such market:

To purchase or take on lease land, and public or private rights in markets and tolls for any of the foregoing purposes:

To take stallages rents and tolls in respect of the use by any person of such market:

But no market shall be established in pursuance of this section so as to interfere with any rights powers or privileges enjoyed within the district by any person without his consent.

Incorporation of provisions of 10 & 11 Vict. c. 14. as to markets.

167. For the purpose of enabling any urban authority to establish or to regulate markets, there shall be incorporated with this Act the provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets; that is to say,

With respect to the holding of the market or fair, and the protection thereof; and

With respect to the weighing goods and carts; and

With respect to the stallages rents and tolls:

Provided that all tolls leviable by an urban authority in pursuance of this section shall be approved by the Local Government Board.

An urban authority may with respect to any market belonging to them make byelaws for any of the purposes mentioned in section forty-two of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to markets, and printed copies of any byelaws so made shall be conspicuously exhibited in the market.

Power for sale of undertaking

168. Any urban authority may purchase, and the directors of any market company, in pursuance, in the case of a company registered

under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any urban authority, on such terms as may be agreed on between the company and the urban authority, all the rights powers and privileges and all or any of the markets premises and things which at the time of such purchase are the property of the company, but subject to all liabilities attached to the same at the time of such purchase.

Sale of market company to urban authority.

169. Any urban authority may, if they think fit, provide slaughter-houses, and they shall make byelaws with respect to the management and charges for the use of any slaughter-houses so provided.

Power to provide slaughter-houses.

For the purpose of enabling any urban authority to regulate slaughter-houses within their district the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses shall be incorporated with this Act.

Nothing in this section shall prejudice or affect any rights powers or privileges of any persons incorporated by any local Act passed before the passing of the Public Health Act, 1848, for the purpose of making and maintaining slaughter-houses.

170. The owner or occupier of any slaughter-house licensed or registered under this Act shall, within one month after the licensing or registration of the premises, affix, and shall keep undefaced and legible on some conspicuous place on the premises, a notice with the words "Licensed slaughter-house," or "Registered slaughter-house," as the case may be.

Notice to be affixed on slaughter-houses.

Any person who makes default in this respect, or who neglects or refuses to affix or renew such notice after requisition in writing from the urban authority, shall be liable to a penalty not exceeding five pounds for every such offence, and of ten shillings for every day during which such offence continues after conviction.

Police Regulations.

171. The provisions of the Towns Police Clauses Act, 1847, with respect to the following matters, (namely,)

Incorporation of certain provisions of 10 & 11 Vict. c. 89.

(1.) With respect to obstructions and nuisances in the streets; and

(2.) With respect to fires; and

(3.) With respect to places of public resort; and

A.D. 1875.

(4.) With respect to hackney carriages; and

(5.) With respect to public bathing;

shall, for the purpose of regulating such matters in urban districts, be incorporated with this Act.

The expression in the provisions so incorporated "the superintendent constable," and the expression "any constable or other officer appointed by virtue of this or the special Act," shall, for the purposes of this Act, respectively include any superintendent of police, and any constable or officer of police acting for or in the district of any urban authority; and the expression "within the prescribed distance" shall for the purposes of this Act mean within any urban district.

Notwithstanding anything in the provisions so incorporated, a license granted to the driver of any hackney carriage in pursuance thereof shall be in force for one year only from the date of the license, or until the next general licensing meeting where a day for such meeting is appointed.

Urban authority may make byelaws for licensing horses, boats, &c. for hire.

172. Any urban authority may license the proprietors drivers and conductors of horses ponies mules or asses standing for hire within the district in like manner and with the like incidents and consequences as in the case of proprietors and drivers of hackney carriages, and may make byelaws for regulating stands and fixing rates of hire, and as to the qualification of such drivers and conductors, and for securing their good and orderly conduct while in charge.

Any urban authority may also license the proprietors of pleasure boats and vessels, and the boatmen or other persons in charge thereof, and may make byelaws for regulating the numbering and naming of such boats and vessels, and the number of persons to be carried therein, and the mooring places for the same, and for fixing rates of hire, and the qualification of such boatmen or other persons in charge, and for securing their good and orderly conduct while in charge.

PART V.

GENERAL PROVISIONS.

Contracts.

Power of local authorities to contract.

173. Any local authority may enter into any contracts necessary for carrying this Act into execution.

Provisions to contracts by urban authority.

174. With respect to contracts made by an urban authority under this Act, the following regulations shall be observed; (namely,)

(1.) Every contract made by an urban authority whereof the value or amount exceeds fifty pounds shall be in writing and sealed with the common seal of such authority:

(2.) Every such contract shall specify the work materials matters or things to be furnished had or done, the price to be paid, and the time or times within which the contract is to be performed, and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed:

(3.) Before contracting for the execution of any works under the provisions of this Act, an urban authority shall obtain from their surveyor an estimate in writing, as well of the probable expense of executing the work in a substantial manner as of the annual expense of repairing the same; also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise:

(4.) Before any contract of the value or amount of one hundred pounds or upwards is entered into by an urban authority ten days public notice at the least shall be given, expressing the nature and purpose thereof and inviting tenders for the execution of the same; and such authority shall require and take sufficient security for the due performance of the same:

(5.) Every contract entered into by an urban authority in conformity with the provisions of this section, and duly executed by the other parties thereto, shall be binding on the authority by whom the same is executed and their successors and on all other parties thereto and their executors administrators successors or assigns to all intents and purposes: Provided that an urban authority may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty is mentioned in any such contract, or in any bond or otherwise, for such sums of money or other recompense as to such authority may seem proper.

Purchase of Lands.

Power to purchase lands.

175. Any local authority may for the purposes and subject to the provisions of this Act purchase or take on lease sell or exchange any lands, whether situated within or without their district; they may also buy up any water-mill dam or weir which interferes with the proper drainage of or the supply of water to their district.

Any lands acquired by a local authority in pursuance of any powers in this Act contained and not required for the purpose for which they were acquired shall (unless the Local Government Board otherwise direct) be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards discharge, by means of a sinking fund or otherwise, of any principal moneys which have been borrowed by such authority on the security of the fund or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of such fund or rate.

Regulations as to purchase of land.

176. With respect to the purchase of lands by a local authority for the purposes of this Act, the following regulations shall be observed; (that is to say,)

(1.) The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, shall be incorporated with this Act, except the provisions relating to access to the special Act, and except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845:

(2.) The local authority, before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, shall

Publish once at the least in each of three consecutive weeks in the month of November, in some local newspaper circulated in their district, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require; and shall further

Serve a notice in the month of December on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an

answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands:

(3.) On compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition under their seal to the Local Government Board. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners lessees and occupiers of lands who have assented dissented or are neuter in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such lands, be allowed to put in force the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Local Government Board requires:

(4.) On the receipt of such petition and on due proof of the proper advertisements having been published and notices served the Local Government Board shall take such petition into consideration, and may either dismiss the same, or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners lessees and occupiers thereof:

(5.) After the completion of such inquiry the Local Government Board may, by provisional order, empower the local authority to put in force, with reference to the lands referred to in such order, the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as the Board may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served:

Provided that the notices by this section required to be given in the months of November and December may be given in the months of September and October or of October and November, but in either of such last-mentioned cases an inquiry preliminary to the provisional order to which such notices refer shall not be held until the expiration of one month from the last day of the second of the

A.D. 1875.

two months in which the notices are given; and any notices or orders by this section required to be served on a number of persons having any right in over or on lands in common may be served on any three or more of such persons on behalf of all such persons.

Power to let lands.

177. Any local authority may, with the consent of the Local Government Board, let for any term any lands which they may possess, as and when they can conveniently spare the same.

Provision for lands belonging to the Duchy of Lancaster.

178. The Chancellor and Council of the Duchy of Lancaster for the time being may, if they think fit, (but subject and without prejudice to the rights of any lessee tenant or occupier,) from time to time contract with any local authority for the sale of, and may (subject as aforesaid) absolutely sell and dispose of, for such sum as to the said Chancellor and Council may appear sufficient consideration, the whole or any part of any lands belonging to Her Majesty her heirs or successors in right of the said duchy, or any right interest or easement in through over or on any such lands which for the purposes of this Act such local authority from time to time deem it expedient to purchase; and on payment of the purchase money, as provided by the Duchy of Lancaster Lands Act, 1855, the said Chancellor and Council may grant and assure to the said authority, under the seal of the said duchy, in the name of Her Majesty her heirs or successors the subject of such contract or sale, and such money shall be dealt with as if such subject had been sold under the authority of the Duchy of Lancaster Lands Act, 1855.

Arbitration.

Mode of reference to arbitration.

179. In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred.

Regulations as to arbitration.

180. With respect to arbitrations under this Act, the following regulations shall be observed; (that is to say,)

(1.) Every appointment of an arbitrator under this Act when made on behalf of the local authority shall be under their common seal, and on behalf of any other party under his hand, or if such party be a corporation aggregate under their common seal:

A.D. 1875.

(2.) Every such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same:

(3.) After the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation:

(4.) If for the space of fourteen days after any matter by this Act authorised or directed to be settled by arbitration has arisen, and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties:

(5.) If before the determination of any matter so referred any arbitrator dies or refuses or becomes incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead; and if such party fails so to do for the space of seven days after notice in writing from the other party in that behalf, the remaining arbitrator may proceed ex parte; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made:

(6.) If a single arbitrator dies or becomes incapable to act before the making of his award, or fails to make his award within twenty-one days after his appointment, or within such extended time, if any, as may have been duly appointed by him for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Act, as if no former reference had been made:

(7.) Where there is more than one arbitrator, the arbitrators shall, before they enter on the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire dies or becomes incapable to act, the arbitrators shall forthwith appoint another person in his stead; and if the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the Local Government Board shall, on the application of any such party, appoint an umpire:

(8.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed,

A.D. 1875.

or within such extended time (if any) as may have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire:

(9.) The time for making an award by arbitrators under this Act shall not in any case be extended beyond the period of two months from the date of the submission, and the time for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him:

(10.) Before any arbitrator or umpire enters on a reference under this Act he shall make and subscribe the following declaration before a justice of the peace; (that is to say,)

'I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Public Health Act, 1875.

A.B.'

(11.) Such declaration shall be annexed to the award when made; and any arbitrator or umpire who wilfully acts contrary to such declaration shall be guilty of a misdemeanour:

(12.) Any arbitrator arbitrators or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath:

(13.) The costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or (in case the matters referred are determined by an umpire) of the umpire:

(14.) Any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto:

(15.) The award of arbitrators or of an umpire under this Act shall be final and binding on all parties to the reference.

Claims under twenty pounds may be referred to court of summary jurisdiction.

181. All questions referable to arbitration under this Act may, when the amount in dispute is less than twenty pounds, be determined at the option of either party before a court of summary jurisdiction, but the court may, if it thinks fit, require that any work in respect of which the claim of the local authority is made and the particulars of the claim be reported on to them by any competent surveyor, not being the surveyor of the local authority; and the court may determine the amount of costs incurred in that behalf, and by whom such costs or any part of them shall be paid.

BYELAWS.

Authentication and alteration of byelaws.

182. All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal; and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.

Power to impose penalties on breach of byelaws.

183. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

Confirmation of byelaws.

184. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the Local Government Board shall not require confirmation allowance or approval by any other authority.

A.D. 1875.

Byelaws to be printed, &c.

185. All byelaws made by a local authority under this Act, or for purposes the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same; a copy of any byelaws made by a rural authority shall also be transmitted to the overseers of every parish to which such byelaws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours.

Evidence of byelaws.

186. A copy of any byelaws made under this Act by a local authority (not being the council of a borough), signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws without further or other proof.

Byelaws made under s. 90 of 5 & 6 W. 4. c. 76. to be submitted to Local Government Board.

187. Byelaws made by the council of any borough under the provisions of section ninety of the Act of the sixth year of King William the Fourth, chapter seventy-six, for the prevention and suppression of certain nuisances, shall not be required to be sent to a Secretary of State, nor shall they be subject to the disallowance in that section mentioned; but all the provisions of this Act relating to byelaws shall apply to the byelaws so made as if they were made under this Act.

As to regulations of local authority.

188. The provisions of this Act relating to byelaws shall not apply to any regulations which a local authority is by this Act authorised to make; nevertheless, any local authority may cause any regulations made by them under this Act to be published in such manner as they see fit.

Officers and Conduct of Business of Local Authorities.

Officers of Local Authorities.

Appointment of officers of urban authority.

189. Every urban authority shall from time to time appoint fit and proper persons to be medical officer of health, surveyor, inspector of nuisances, clerk, and treasurer: Provided that if any such authority is empowered by any other Act in force within their district to appoint any such officer, this enactment shall be deemed to be satisfied by the employment under this Act of the officer so appointed, with such additional remuneration as they think fit, and no second appointment shall be made under this Act. Every urban authority shall also appoint or employ such assistants collectors and other officers and servants as may be necessary and

proper for the efficient execution of this Act, and may make regulations with respect to the duties and conduct of the officers and servants so appointed or employed.

Subject, in the case of officers any portion of whose salary is paid out of moneys voted by Parliament, to the powers of the Local Government Board under this Act, the urban authority may pay to the officers and servants so appointed or employed such reasonable salaries wages or allowances as the urban authority may think proper; and, subject as aforesaid, every such officer and servant appointed under this Act shall be removable by the urban authority at their pleasure.

Appointment of officers of rural authority.

190. Every rural authority shall from time to time appoint fit and proper persons to be medical officer or officers of health, and inspector or inspectors of nuisances; they shall also appoint such assistants and other officers and servants as may be necessary and proper for the efficient execution of this Act.

There may be awarded to the clerk and treasurer of the guardians of any union, in respect of the additional duties of such officers under this Act, such remuneration as the rural authority may, with the approval of the Local Government Board, determine. If the clerk of the union is unable or unwilling to undertake such additional duties, the assistant clerk of the union shall be appointed to discharge the same, with such remuneration as aforesaid.

As to medical officer of health, &c.

191. A person shall not be appointed medical officer of health under this Act unless he is a legally qualified medical practitioner; and the Local Government Board shall have the same powers as it has in the case of a district medical officer of a union with regard to the qualification appointment duties salary and tenure of office of a medical officer of health or other officer of a local authority any portion of whose salary is paid out of moneys voted by Parliament, and may by order prescribe the qualification and duties of other medical officers of health appointed under this Act.

The same person may, with the sanction of the Local Government Board, be appointed medical officer of health or inspector of nuisances for two or more districts, by the local authorities of such districts; and the Local Government Board shall by order prescribe the mode of such appointment, and the proportions in which the expenses of such appointment and the salary and charges of such officer shall be borne by such authorities.

Any district medical officer of a union may, with the sanction of the Local Government Board and subject to such conditions as the said Board may prescribe, be appointed a medical officer of

A.D. 1875.

health; and a medical officer of health may exercise any of the powers with which an inspector of nuisances is invested by this Act.

In case of illness or incapacity of the medical officer of health a local authority may appoint and pay a deputy medical officer, subject to the approval of the Local Government Board.

Offices tenable by same persons.

192. The same person may be both surveyor and inspector of nuisances; but neither the person holding the office of treasurer, nor his partner, nor any person in the service or employ of them or either of them, shall be eligible to hold or shall in any manner assist or officiate in the office of clerk; and neither the person holding the office of clerk, nor his partner, nor any person in the service or employ of them or either of them, shall be eligible to hold or shall in any manner assist or officiate in the office of treasurer.

Any person offending against this enactment shall forfeit and pay the sum of one hundred pounds, which may be recovered by any person, with full costs of suit, by action of debt.

Officers not to contract with local authority.

193. Officers or servants appointed or employed under this Act by the local authority shall not in anywise be concerned or interested in any bargain or contract made with such authority for any of the purposes of this Act.

If any such officer or servant is so concerned or interested, or, under colour of his office or employment, exacts or accepts any fee or reward whatsoever other than his proper salary wages and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall forfeit and pay the sum of fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt.

Officers intrusted with money to give security.

194. Before any officer or servant of a local authority enters on any office or employment under this Act by reason whereof he will or may be intrusted with the custody or control of money, the local authority by whom he is appointed shall take from him sufficient security for the faithful execution of such office or employment, and for duly accounting for all moneys which may be intrusted to him by reason thereof.

Officers to account.

195. Every officer and servant appointed or employed under this Act by a local authority shall, when and in such manner as may be required by such authority, make out and deliver to them a true and perfect account in writing of all moneys received by him for the purposes of this Act, stating how, and to whom, and for what purpose such moneys have been disposed of, and shall, together with such account, deliver the vouchers or receipts for all payments

made by him, and pay over to the treasurer all moneys owing by him on the balance of accounts.

And every such officer or servant employed in the collection of any rate made under this Act shall, within seven days after he has received any moneys on account of any such rate, pay over the same to the treasurer, and shall, as and when the local authority may direct, deliver a list signed by him and containing the names of all persons who have neglected or refused to pay any such rate, and the sums respectively due from them.

Summary proceedings against defaulting officers.

196. If any officer or servant appointed or employed under this Act by a local authority—

Fails to render accounts, or to produce and deliver up vouchers and receipts, or to pay over any moneys, as and when required by this Act, or

Fails within five days after written notice in that behalf from the local authority to deliver up to the local authority all books papers writings property and things in his possession or power, relating to the execution of this Act, or belonging to such authority,

the local authority may complain to any justice, and such justice shall thereupon summon the party charged to appear before a court of summary jurisdiction.

On the appearance of the party charged, or on proof that the summons was personally served on him, or left at his last known place of abode or business, if it appears to the court that he has failed to render any such accounts, or to pay over such moneys, or to produce and deliver up any such vouchers or receipts books papers writings property or things as aforesaid in accordance with the provisions of this Act, and that he still fails or refuses so to do, the court may commit the offender to gaol, there to remain without bail until he has rendered such accounts, paid over such moneys, and produced and delivered up all such vouchers receipts books papers writings property and things in respect of which the charge was made: Provided that a person shall not be imprisoned under this section for a period exceeding six months.

No proceeding under this section shall be construed to relieve or discharge any surety of the offender from any liability whatever.

Mode of conducting Business.

Urban authority to provide offices.

197. Every urban authority shall from time to time provide and maintain such offices as may be necessary for transacting their business, and that of their officers and servants under this Act.

A.D. 1875.

Proceedings, &c. of urban authority being the council of a borough.

198. Where an urban authority are the council of a borough they shall, subject to the provisions of this Act, exercise and execute their powers authorities and duties under this Act according to the laws for the time being in force with respect to municipal corporations in England.

Meetings, &c. of urban authority not being the council of a borough.

199. Every urban authority (not being the council of a borough) shall hold an annual meeting, and other meetings for the transaction of business under this Act once at least in each month, and at such other times as may be necessary for properly executing their powers and duties under this Act.

Meetings of local boards shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in schedule I. to this Act; and any improvement commissioners may, if they think fit, adopt all or any of such rules.

Power of urban authority to appoint committees.

200. Every urban authority may from time to time appoint out of their own number so many persons as they may think fit, for any purposes of this Act which in the opinion of such authority would be better regulated and managed by means of a committee: Provided that a committee so appointed shall in no case be authorised to borrow any money, to make any rate, or to enter into any contract, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

Power of rural authority to delegate their powers and duties to a committee.

201. A rural authority may, at any meeting specially convened for the purpose, delegate for the current year of their office all their powers to a committee consisting wholly of their own members; provided that one third at least of such committee shall consist of ex-officio guardians, but in case an adequate number of such ex-officio guardians does not exist, then the number deficient shall be made up of elected guardians; and any such committee shall have the powers by this Act vested in the rural authority by which it was formed, and shall be deemed to be during such year of office as aforesaid the rural authority of the district.

Power of rural authority to form parochial committees.

202. A rural authority (including any committee so formed as aforesaid) may, at any meeting specially convened for the purpose, form for any contributory place within their district a parochial committee consisting wholly of members of such authority or committee, or partly of such members and partly of such other persons liable to contribute to the rate levied for the relief of the poor in such contributory place, and qualified in such other manner (if any) as the authority forming such parochial committee may determine.

A rural authority (including any committee so formed as aforesaid) may from time to time add to or diminish the number of the

members, or otherwise alter the constitution of any parochial committee formed by it, or dissolve any parochial committee.

A parochial committee shall be subject to any regulations and restrictions which may be imposed by the authority which formed it: Provided that no jurisdiction shall be given to a parochial committee beyond the limits of the contributory place for which it is formed, and that no powers shall be delegated to a parochial committee except powers which the rural authority could exercise within such contributory place.

A parochial committee shall be deemed to be the agents of the authority which formed it, and the appointment of such committee shall not relieve that authority from any obligation imposed on it by Act of Parliament or otherwise.

A parochial committee may be empowered by the authority which formed it to incur expenses to an amount not exceeding such amount as may be prescribed by such authority; it shall report its expenditure to such authority as and when directed by such authority, and the amount so reported, if legally incurred, shall be discharged by such authority.

Casual vacancies in committees may be filled.

203. Any casual vacancy occurring by death resignation disqualification, or otherwise in any committee may be filled up within six weeks, by the authority which formed such committee, out of qualified persons.

Meetings and proceedings of committees.

204. Meetings of any committee appointed under this Act shall be held, and the proceedings thereat shall be conducted (so far as such meetings and proceedings are not regulated by the authority appointing the committee), in accordance with the rules as to meetings and proceedings contained in schedule I. to this Act.

Inspectors may attend meetings of certain authorities.

205. Inspectors of the Local Government Board may attend any meetings of a rural authority or of an urban authority (being a local board) when and as directed by the Local Government Board.

The local authority of the district of Oxford shall not, for the purposes of this section, be deemed to be a local board.

Local authority to report.

206. Every local authority shall make an annual report, in such form and at such time as the Local Government Board may from time to time direct, of all works executed, and of all sums received and disbursements made by them under and for the purposes of this Act during the preceding year, and shall send a copy to the Local Government Board: An urban authority shall also publish a copy in some local newspaper circulating in their district.

PART VI.

RATING AND BORROWING POWERS, &c.

Expenses of Urban Authority and Urban Rates.

Mode of defraying expenses of urban authority.

207. All expenses incurred or payable by an urban authority in the execution of this Act, and not otherwise provided for, shall be charged on and defrayed out of the district fund and general district rate leviable by them under this Act, subject to the following exceptions; (namely,)

That if in any district the expenses incurred by an urban authority (being the council of a borough) in the execution of the Sanitary Acts were at the time of the passing of this Act payable out of the borough fund or borough rate, then the expenses incurred by that authority in the execution of this Act shall be charged on and defrayed out of the borough fund or borough rate; and

That if in any district the expenses incurred by an urban authority (being improvement commissioners) in the execution of the Sanitary Acts were at the time of the passing of this Act payable out of any rate in the nature of a general district rate leviable by them as such commissioners throughout the whole of their district, then the expenses incurred by that authority in the execution of this Act shall be charged on and defrayed out of such rate; and for the purposes of this section the council of the borough of Folkestone shall be deemed to be improvement commissioners; and

That where at the time of the passing of this Act the expenses incurred by an urban authority in the execution of certain purposes of the Sanitary Acts were payable out of the borough fund and borough rate, and the expenses incurred by such authority in the execution of the other purposes of the said Acts were payable out of a rate or rates leviable by that authority throughout the whole of their district for paving sewering or other sanitary purposes, then the expenses incurred by that authority in the execution of the same or similar purposes respectively under this Act shall respectively be charged on and defrayed out of the borough fund and borough rate, and out of the rate or rates leviable as aforesaid.

Power in certain cases by provisional order to alter mode.

208. Where at the time of the passing of this Act the expenses incurred by an urban authority for sanitary purposes are payable otherwise than in the manner provided by the Local Government

Acts, the Local Government Board may, on the application of such authority, or of any ten persons rated to the relief of the poor within the district, declare by provisional order that the expenses of such authority incurred in the execution of this Act shall be defrayed out of a district fund and general district rate to be levied by them under this Act, subject to the provisions of this Act with respect to the mode of defraying in certain cases the expenses of the repair of highways. A.D. 1875.

General District Rate.

209. In the district of every urban authority whose expenses under this Act are directed to be defrayed out of the district fund and general district rate there shall be continued or established a fund called the district fund: a separate account called "the district fund account" of all moneys carried under this Act to the account of that fund shall be kept by the treasurer of the urban authority; and such moneys shall be applied by the urban authority in defraying such of the expenses chargeable thereon under this Act as they may think proper. District fund account.

210. For the purpose of defraying any expenses chargeable on the district fund which that fund is insufficient to meet, the urban authority shall from time to time, as occasion may require, make by writing under their common seal, and levy in addition to any other rate leviable by them under this Act, a rate or rates to be called "general district rates." Making general district rate.

Any such rate may be made and levied either prospectively in order to raise money for the payment of future charges and expenses, or retrospectively in order to raise money for the payment of charges and expenses incurred at any time within six months before the making of the rate: in calculating the period of six months during which the rate may be made retrospectively, the time during which any appeal or other proceeding relating to such rate is pending shall be excluded.

Public notice of intention to make any such rate, and of the time when it is intended to make the same, and of the place where a statement of the proposed rate is deposited for inspection, shall be given by the urban authority in the week immediately before the day on which the rate is intended to be made, and at least seven days previously thereto; but in case of proceedings to levy or recover any rate it shall not be necessary to prove that such notice was given.

A.D. 1875.

Assessment, &c. of general district rate.

211. With respect to the assessment and levying of general district rates under this Act the following provisions shall have effect; (namely,)

(1.) General district rates shall be made and levied on the occupier of all kinds of property for the time being by law assessable to any rate for the relief of the poor, and shall be assessed on the full net annual value of such property, 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 making of the assessment under this Act, subject to the following exceptions regulations and conditions; (namely,)

(*a.*) The owner, instead of the occupier, may at the option of the urban authority be rated in cases—

Where the rateable value of any premises liable to assessment under this Act does not exceed the sum of ten pounds; or

Where any premises so liable are let to weekly or monthly tenants; or

Where any premises so liable are let in separate apartments, or where the rents become payable or are collected at any shorter period than quarterly:

Provided that in cases where the owner is rated instead of the occupier he shall be assessed on such reduced estimate as the urban authority deem reasonable of the net annual value, not being less than two thirds nor more than four fifths of the net annual value; and where such reduced estimate is in respect of tenements whether occupied or unoccupied, then such assessment may be made on one half of the amount at which such tenements would be liable to be rated if the same were occupied and the rate were levied on the occupiers:

(*b.*) The owner of any tithes, or of any tithe commutation rentcharge, or the occupier of any land used as arable meadow or pasture ground only, or as woodlands market gardens or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same

in the proportion of one fourth part only of such net annual value thereof:

(*c.*) If within any urban district or part of such district any kind of property is exempted from rating by any local Act in respect of all or any of the purposes for which general district rates may be made under this Act, the same kind of property shall, in respect of the same purposes, and to the same extent within the parts to which the exemption applies (but not further or otherwise), be exempt from assessment to any general district rates under this Act unless the Local Government Board by provisional order otherwise direct.

(2.) If at the time of making any general district rate any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the rate, but the rate shall not be charged on any person in respect of the same while they continue to be unoccupied; and if any such premises are afterwards occupied during any part of the period for which the rate was made and before the same has been fully paid, the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy may be in proportion to the remainder of the said period shall be collected recovered and paid in the same manner in all respects as if the premises had been occupied at the time when the rate was made:

(3.) If any owner or occupier assessed or liable to any such rate ceases to be owner or occupier of the premises in respect whereof he is so assessed or liable, before the end of the period for which the rate was made, and before the same is fully paid off, he shall be liable to pay only such part of the rate as may be in proportion to the time during which he continues to be such owner or occupier; and in every such case if any person afterwards become owner or occupier of the premises during part of the said period, he shall pay such part of the rate as may be in proportion to the time during which he continues to be such owner or occupier, and the same shall be recovered from him in the same manner as if he had been originally assessed or liable:

A.D. 1875.

(4.) The urban authority may divide their district or any street therein into parts for all or any of the purposes of this Act, and from time to time abolish or alter any such divisions, and may make a separate assessment on any such part for all or any of the purposes for which the same is formed; and every such part, so far as relates to the purposes in respect of which such separate assessment is made, shall be exempt from any other assessment under this Act: Provided that if any expenses are incurred or to be incurred in respect of two or more parts in common the same shall be apportioned between them in a fair and equitable manner.

Inspection of poor rate books for purposes of assessment.

212. For the purpose of assessing general district rates any person appointed by the urban authority may inspect take copies of or make extracts from, any valuation list or rate for the relief of the poor within the district, or any book relating to the same.

Any officer having the custody of any such rate or book who refuses to permit such inspection, or the taking of such copies or extract, shall be liable to a penalty not exceeding five pounds.

Private Improvement Rate.

Power to make private improvement rates.

213. Whenever an urban authority have incurred or become liable to any expenses which by this Act are or by such authority may be declared to be private improvement expenses, such authority may, if they think fit, make and levy on the occupier of the premises in respect of which the expenses have been incurred, in addition to all other rates, a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding five pounds per centum per annum, in such period not exceeding thirty years as the urban authority may in each case determine.

Provided that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge on and be paid by the owner for the time being of the premises so long as the same continue to be unoccupied.

Proportion of private improvement rate may be deducted from rent.

214. Where the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rackrent, he shall be entitled to deduct three fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a

rent less than the rackrent he shall be entitled to deduct from the rent so payable by him such proportion of three fourths of the rate as his rent bears to the rackrent; and if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof.

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of private improvement rates.

215. At any time before the expiration of the period for which any private improvement rate is made, the owner or occupier of the premises assessed thereto may redeem the same, by paying to the urban authority the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same:

Provided that money paid in redemption of any private improvement rate shall not be applied by the urban authority otherwise than in defraying expenses incurred by them in works of private improvement or in discharging the principal of any moneys borrowed by them to meet those expenses, whether by means of a sinking fund or otherwise.

Highway Rate.

Costs of repairs of highways.

216. In any urban district where the expenses under this Act of the urban authority are charged on and defrayed out of the district fund and general district rates, and no other mode of providing for repair of highways is directed by any local Act, the cost of repair of highways shall be defrayed as follows; (that is to say,)

(1.) Where the whole of the district is rated for works of paving water supply and sewerage, or for works for such of these purposes as are provided for in the district, the cost of repair of highways shall be defrayed out of the general district rate:

(2.) Where parts of the district are not rated for works of paving water supply and sewerage, or for such of these purposes as are provided for in the district, the cost of repair of highways in those parts shall be defrayed out of a highway

A.D. 1875.

rate to be separately assessed and levied in those parts by the urban authority as surveyor of highways, and the cost of such repair in the residue of the district shall be defrayed out of the general district rate:

(3.) Where no public works of paving water supply and sewerage are established in the district, the cost of repair of highways in the district shall be defrayed out of a highway rate, to be levied throughout the whole district by the urban authority as surveyor of highways:

Provided that where part of a parish is included within an urban district, and the excluded part was, before the constitution of that district, liable to contribute to the highway rates for such parish, such excluded part shall (unless in the case of an urban district constituted before the passing of this Act a resolution deciding that such excluded part should be formed into a separate highway district has been passed in pursuance of the Local Government Act 1858 Amendment Act 1861), or unless such excluded part has been included in a highway district under the Highway Acts, for all purposes connected with the repairs of highways and the payment of highway rates, be considered to be and be treated as forming part of such district.

Provided also, that in the case of an urban district constituted after the passing of this Act a meeting of owners and ratepayers of the excluded part (to be convened and conducted in the manner provided by schedule III. to this Act) may decide that such excluded part shall be a highway parish, and thereupon the excluded part shall for all purposes connected with highways, surveyors of highways, and highway rates, be considered and treated as a parish maintaining its own highways; but the requisition for holding any such meeting shall be made within six months after the constitution of the urban district.

The court of quarter sessions may by order direct that for any such excluded part a waywarden or waywardens shall be elected, and may invest any waywarden elected in pursuance of any such order with all or any of the powers of waywardens under the Highway Acts.

Certain acts not required to be done in case of highway rate made by urban authority.

217. It shall not be necessary for the urban authority, in the case of any highway rate made by them, to do the following acts or any of them; (that is to say,)

To lay such rate before any justices, or obtain their allowance;

To annex thereto the signature of such urban authority;

To lay the same before the parishioners assembled in vestry;

To verify before any justices any accounts kept by them of such highway rates;

and all such accounts shall be audited in all respects in the same way as the other accounts of the urban authority. A.D. 1875.

General Provisions as to Urban Rates.

Estimate to be prepared before making rates.

218. Every urban authority, before proceeding to make a general district rate or private improvement rate under this Act, shall cause an estimate to be prepared of the money required for the purposes in respect of which the rate is to be made, showing—

The several sums required for each of such purposes; and

The rateable value of the property assessable; and

The amount of rate which for those purposes it is necessary to make on each pound of such value;

and the estimate so made shall forthwith, after being approved of by the urban authority, be entered in the rate book, and be kept at their office, open to public inspection during office hours thereat; but it shall not be deemed part of the rate, nor in any respect affect the validity of the same.

Rates to be open to inspection.

219. Any person interested in or assessed to any rate made under this Act may inspect the same, and any estimate made previously thereto, and may take copies of or extracts therefrom without fee or reward; any person who, having the custody of any such estimate or rate, refuses to allow or does not permit such inspection, or such copies or extracts to be taken, shall be liable to a penalty not exceeding five pounds.

Description of owner or occupier in rates.

220. Where the name of any owner or occupier liable to be rated under this Act is not known to the urban authority it shall be sufficient to assess and designate him in the rate as "the owner" or "the occupier" of the premises in respect of which the assessment is made, without further description.

Rates may be amended.

221. An urban authority may from time to time amend any rate made in pursuance of this Act, by inserting therein the name of any person claiming and entitled to have his name inserted, or by inserting the name of any person who ought to have been assessed, or by striking out the name of any person who ought not to have been assessed, or by raising or reducing the sum at which any person has been assessed, if it appears to the urban authority that he has been under-rated or over-rated, or by making any other alteration which will make the rate conformable to the provisions of this Act; and no such amendment shall be held to avoid the rate.

Provided, that any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on

A.D. 1875.

the rate originally made, and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment; and an amended rate shall not be payable by any person the amount of whose rate is increased by the amendment, or whose name is thereby newly inserted until seven days after such notice has been given to him.

Publication and collection of rates.

222. All rates made or collected under this Act shall be published in the same manner as poor rates, and shall commence and be payable at such time or times, and shall be made in such manner and form, and be collected by such persons, and either together or separately, or with any other rate or tax, as the urban authority may from time to time appoint: Provided that no publication shall be required of any private improvement rate.

Evidence of rates.

223. The production of the books purporting to contain any rate or assessment made under this Act shall, without any other evidence whatever, be received as primâ facie evidence of the making and validity of the rates mentioned therein.

Power to make deduction from rate in certain cases.

224. Where it appears to an urban authority that any premises were sufficiently drained before the construction of any new sewer laid down by them, they may deduct from the amount of rates otherwise chargeable in respect of such premises such a sum for such time as they may under all the circumstances of the case deem just.

Power to reduce or remit rates.

225. An urban authority may reduce or remit the payment of any rate on account of the poverty of any person liable to the payment thereof.

Saving for existing agreements.

226. Nothing in this part of this Act shall alter or affect any lease contract or agreement made or entered into between the landlord and tenant of any premises.

Limit in local Act not to apply to rate for purposes of this Act.

227. Any limit imposed on or in respect of any rate by any local Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses incurred by an urban authority in the execution of this Act.

Quota of rates to be paid by the Universities, &c.

228. Nothing in this Act shall be deemed to alter or interfere with any liability existing at the time of the passing of this Act of the Universities of Oxford and Cambridge respectively to contribute towards the expenses of paving and pitching repairing lighting and cleansing under the powers of any local Act under which the Oxford and Cambridge commissioners respectively act, the several streets and places within the jurisdiction of such commissioners respectively.

If any difference arises between either of the said universities and the urban authority with respect to the proportion and manner in which the university shall contribute towards any expenses under this Act, and to which the university is not liable under any such local Act, the same shall be settled by arbitration in manner provided by this Act.

All rates, contributions, and sums of money which may become payable under this Act by the said universities respectively, and their respective halls and colleges, may be recovered from such universities halls and colleges in the same manner in all respects as rates contributions and sums of money may now be recovered from them by virtue of any such local Act.

Expenses of Rural Authority.

Expenses of rural authority.

229. The expenses incurred by a rural authority in the execution of this Act shall be divided into general expenses and special expenses.

General expenses (other than those chargeable on owners and occupiers under this Act) shall be the expenses of the establishment and officers of the rural authority, the expenses in relation to disinfection, the providing conveyance for infected persons, and all other expenses not determined by this Act or by order of the Local Government Board to be special expenses.

Special expenses shall be the expenses of the construction maintenance and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place, and maintaining any necessary works for that purpose, if and so far as the expenses of such supply and works are not defrayed out of water rates or rents under this Act, the charges and expenses arising out of or incidental to the possession of property transferred to the rural authority in trust for any contributory place, and all other expenses incurred or payable by the rural authority in or in respect of any contributory place within the district, and determined by order of the Local Government Board to be special expenses.

Where the rural authority make any sewers or provide any water supply or execute any other work under this Act for the common benefit of any two or more contributory places within their district, they may apportion the expense of constructing any such work, and of maintaining the same, in such proportions as they think just, between such contributory places, and any expense so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place.

A.D. 1875.

The overseers of any contributory place, if aggrieved by any such apportionment, may, within twenty-one days after notice has been given to them of the apportionment, send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive on all parties concerned.

General expenses shall be payable out of a common fund to be raised out of the poor rate of the parishes in the district according to the rateable value of each contributory place in manner in this Act mentioned.

Special expenses shall be a separate charge on each contributory place.

The following areas situated in a rural district shall be contributory places for the purposes of this Act; that is to say,

(1.) Every parish not having any part of its area within the limits of a special drainage district formed in pursuance of the Sanitary Acts or of this Act, or of an urban district; and

(2.) Every such special drainage district as aforesaid; and

(3.) In the case of a parish wholly situated in a rural district, and part of which forms or is part of any such special drainage district as aforesaid, such portion of that parish as is not comprised within such special drainage district; and

(4.) In the case of a parish a part of which is situated within an urban district, such portion of that parish as is not comprised within such urban district, or within any such special drainage district as aforesaid.

Mode of raising contributions in rural district.

230. For the purpose of obtaining payment from the several contributory places within their district of the sums to be contributed by them, the rural authority shall issue their precept to the overseers of each such contributory place requiring such overseers to pay, within a time limited by the precept, the amount specified in such precept to the rural authority or to some person appointed by them, care being taken to issue separate precepts in respect of contributions for general expenses and special expenses, or to make such expenses respectively separate items in any precept including both classes of expenses.

Where a contributory place is part of a parish as defined by this Act, the overseers of such parish shall for the purposes of this Act be deemed to be the overseers of such contributory place, and where any part of a contributory place is part of a parish the overseers of such parish shall for the like purposes be deemed to be the overseers of such part of such contributory place.

A.D. 1875.

The overseers shall comply with the requisitions of such precept by paying the contribution required in respect of general expenses out of the poor rate of their respective parishes, and with respect to special expenses by raising the contribution required by the levy (in the case of an entire parish on the whole of such parish, and in the case of a contributory place or part of a contributory place forming part of a parish, by the levy on such place, or such part thereof, exclusive of the rest of the parish) of a separate rate in the same manner as if it were a rate for the relief of the poor, with this exception; (namely,)

That the owner of any tithes, or of any tithe commutation rent-charge, or the occupier of any land used as arable meadow or pasture ground only, or as woodlands market gardens or nursery grounds, and the occupier of any land covered with water, or used as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall, where a special assessment is made for the purpose of such rate, be assessed in respect of one fourth part only of the rateable value thereof, or where no special assessment is made, shall pay in respect of the said property one fourth part only of the rate in the pound payable in respect of houses and other property:

Provided that where the amount required by any precept or precepts from a contributory place in respect of special expenses is less than ten pounds, or is so small that a rate less than one penny in the pound would be required to raise the same, the overseers shall not assess and levy any special rate for the same, but shall pay the amount as if it formed part of the contribution required from them in respect of general expenses.

A separate rate under this section shall, as respects the powers of the overseers in relation to making assessing and levying such rate, and as respects the appeal against such rate, and all other incidents thereof except the purposes to which it is applicable, and such exemption as aforesaid, and except the allowance of justices, which shall not be required, be subject to the same provisions as apply in law to a rate levied for the relief of the poor; and the overseers of a parish shall have the same powers of levying such separate rate in a contributory place or part of a contributory place forming part of their parish, as they would have if such contributory place or such part thereof formed the whole of their parish.

Where a contribution for general expenses is required from a contributory place or part of a contributory place which is part of a parish, the overseers shall from time to time levy such increase of rate from the contributory place or such part thereof

A.D. 1875.

as may be sufficient to recoup the parish for the sum it has paid on account of the contributory place or such part thereof in respect of general expenses under this Act, and carry the same to the general account of the parish, and such increase of rate shall be raised in such contributory place or part of a contributory place by an addition to the poor rate, or by a separate rate to be assessed made allowed published collected and levied in the same manner as a poor rate. The officers ordinarily employed in the collection of the poor rate shall, if required by the overseers, collect any separate rate made under this section, and receive out of such separate rate such remuneration for the additional duty as the overseers with the consent of the vestry may determine.

The overseers shall at the expiration of their term of office pay any surplus in their hands arising from any separate rate levied in pursuance of this Act, above the amount for which the rate was made, to the rural authority or to such person as they may appoint, to the credit of the contributory place within which or within part of which such rate was made, and such surplus shall go in reduction of the next call that may be made on such contributory place or such part thereof for the purpose of defraying the expenses incurred by the rural authority.

Remedy for nonpayment by overseers of amount required by precept of rural authority.

231. If the amount required by any precept of a rural authority to be paid by the overseers of any parish is not paid in manner directed by such precept, and within the time therein specified for that purpose, the rural authority shall have the like remedy for recovery from the overseers of such amount as is not paid as guardians have for the time being for recovery from overseers of contributions of parishes, and for that purpose the precept of the rural authority requiring the payment shall be conclusive evidence of the amount thereof.

As to private improvement expenses.

232. Whenever a rural authority have incurred or become liable to any expenses which by this Act are, or by such authority may be declared to be private improvement expenses, such authority may make and levy a private improvement rate in the same manner as private improvement rates may be made and levied by an urban authority; and all the provisions of this Act applicable to private improvement rates leviable by an urban authority shall apply accordingly to any private improvement rate leviable by a rural authority.

Borrowing Powers.

Power borrow on credit of rates.

233. Any local authority may, with the sanction of the Local Government Board, for the purpose of defraying any costs charges

and expenses incurred or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or re-borrow, and take up at interest, any sums of money necessary for defraying any such costs charges and expenses, or for discharging any such loans as aforesaid.

An urban authority may borrow or re-borrow any such sums on the credit of any fund or all or any rates or rate out of which they are authorised to defray expenses incurred by them in the execution of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.

A rural authority may borrow or re-borrow any such sums, if applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied or intended to be applied to special expenses of such authority, on the credit of any rate or rates out of which such expenses are payable, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund rate or rates.

Regulations as to exercise of borrowing powers.

234. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; (namely,)

(1.) Money shall not be borrowed except for permanent works, (including under this expression any works of which the cost ought in the opinion of the Local Government Board to be spread over a term of years):

(2.) The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the local authority under the Sanitary Acts and this Act, in the whole the assessable value for two years of the premises assessable within the district in respect of which such money may be borrowed:

(3.) Where the sum proposed to be borrowed with such balances (if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board:

(4.) The money may be borrowed for such time, not exceeding sixty years, as the local authority, with the sanction of the Local Government Board, determine in each case;

A.D. 1875.

and, subject as aforesaid, the local authority shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will with accumulations in the way of compound interest be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned:

(5.) A local authority may at any time apply the whole or any part of a 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:

(6.) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the rate-payers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

Power to borrow on credit of sewage land and plant.

235. Where any local authority are possessed of any land works or other property for the purposes of disposal of sewage pursuant to this Act, they may borrow any moneys on the credit of such lands works or other property, and may mortgage such lands works or other property to any person advancing such moneys, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands works or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under this Act; but it shall not be in any way incumbent on the mortgagees to see to the

application of such moneys, nor shall they be responsible for any misapplication thereof.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a local authority by this Act. Any local authority may pay out of any rates leviable by them for purposes of this Act the interest on any moneys borrowed by such authority in pursuance of this section.

Form of mortgage.

236. Every mortgage authorised to be made under this Act shall be by deed, truly stating the date consideration and the time and place of payment, and shall be sealed with the common seal of the local authority, and may be made according to the form contained in schedule IV. to this Act, or to the like effect.

Register of mortgages.

237. There shall be kept at the office of the local authority a register of the mortgages on each rate, and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto, as stated in the deed. Every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding five pounds.

Transfer of mortgages.

238. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfers may be according to the form contained in schedule IV. to this Act, or to the like effect.

There shall be kept at the office of the local authority a register of the transfers of mortgage charged on each rate, and within thirty days after the date of such deed of transfer, if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk of the local authority, who shall, on payment of a sum not exceeding five shillings, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer; and until such entry is made the local authority shall not be in any manner responsible to the transferee.

On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the

original mortgage and the principal and interest secured thereby; and any transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

If the clerk of the local authority wilfully neglects or refuses to make in the register any entry by this section required to be made, he shall be liable to a penalty not exceeding twenty pounds.

Receiver may be appointed in certain cases.

239. If at the expiration of six months from the time when any principal money or interest has become due on any mortgage of rates made under this Act, and after demand in writing, the same is not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction; and such court may, after hearing the parties, appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and of collection, are fully paid.

On such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them:

Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application is made by two or more mortgagees or other persons to whom there may be due, after such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

Rentcharge may be granted in respect of advances made for private improvements.

240. Where any person has advanced money for any expenses which by this Act are, or by the local authority may be declared to be private improvement expenses, the local authority, on being satisfied by the report of their surveyor or otherwise that the money advanced by such person has been duly expended, may issue a grant in the form in schedule IV. to this Act to such person of a yearly rentcharge issuable out of the premises, in respect whereof such advance has been made, or out of such part thereof, to be specified in such grant, as the local authority may think proper and sufficient.

Such rentcharge shall be personal estate, and shall begin to accrue from the day of completion of the works on which the money

advanced has been expended, and shall be payable by equal half-yearly payments during a term not exceeding thirty years, in such manner that the whole of the sum advanced, with the costs of preparing the said grant, together with interest thereon respectively, at a rate not exceeding six pounds per centum per annum on the sum from time to time remaining unpaid, shall be repaid at the end of the said term.

The provisions of this Act with respect to deduction from the rent of a proportion of private improvement rates, and with respect to redemption of private improvement rates, shall, mutatis mutandis, apply to rentcharges granted under this section.

Rentcharges to be registered.

241. Rentcharges issued in pursuance of this Act, and transfers thereof, shall be registered in the same manner respectively as mortgages and transfers are required to be registered under the provisions of this Act.

Power of Public Works Loan Commissioners to lend to local authority.

242. The Public Works Loan Commissioners may, if they see fit, on the application of any local authority, make any loan to such authority for any of the purposes of this Act on the security of any fund or rate applicable to any of the purposes of this Act, without requiring any further or other security.

Power of Public Works Loan Commissioners to lend to local authority on recommendation of Local Government Board.

243. The Public Works Loan Commissioners may, on the application of any local authority and on the recommendation of the Local Government Board, make any loan to such authority in pursuance of any powers of borrowing conferred by this Act, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of this Act, and without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum, or such other rate as may, in the judgment of the Commissioners of the Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer:

Provided,—

(1.) That in determining the time when a loan under this section shall be repayable, the Local Government Board shall have regard to the probable duration and continuing utility of the works in respect of which the same is required:

(2.) That this section shall not extend to any loan required for the purpose of defraying expenses incurred by the Local Government Board in the performance of the duty of a defaulting local authority after the passing of the Public Health Act, 1872.

A.D. 1875.

In the case of a loan made before the passing of the Public Health Act, 1872, to any local authority in pursuance of any powers conferred by the Sanitary Acts, the Public Works Loan Commissioners may reduce the interest payable thereon to the rate of not less than three and a half per centum per annum.

Borrowing powers of joint boards and certain other authorities.

244. Joint boards and port sanitary authorities under this Act, and the local board of health of any main sewerage district and any joint sewerage board constituted under any of the Sanitary Acts and existing at the time of the passing of this Act shall, for the purposes of their constitution, have like powers of borrowing on the credit of any fund or rate applicable by them to purposes of this Act or on the credit of sewage land and plant as are by this Act conferred on local authorities, and in the exercise of those powers shall be subject to the like restrictions; and the Public Works Loan Commissioners may make any loan to any of the above-mentioned authorities which they may make to a local authority under this Act.

Audit.

Audit of Accounts of Local Authorities.

Accounts of local authorities.

245. Accounts of the receipts and expenditure under this Act of every local authority shall be made up in such form and to such day in every year as the Local Government Board may appoint.

Audit where urban authority are a town council.

246. Where an urban authority are the council of a borough the accounts of the receipts and expenditure under this Act of such authority shall be audited and examined by the auditors of the borough, and shall be published in like manner, and at the same time as the municipal accounts, and the auditors shall proceed in the audit after like notice and in like manner, shall have like powers and authorities, and perform like duties, as in the case of auditing the municipal accounts.

Each of such auditors shall in respect of each audit be paid such reasonable remuneration, not being less than two guineas for every day in which they are employed in such audit, as such authority from time to time appoint. Any order of such authority for the payment of any money may be removed by certiorari, and like proceedings may be had thereon as under section forty-four of the Act of the first year of Her Majesty, chapter seventy-eight, with respect to orders of the council of a borough for payments out of the borough fund.

A.D. 1875.

Audit where urban authority are not a town council.

247. Where an urban authority are not the council of a borough the following regulations with respect to audit shall be observed; (namely,)

(1.) The accounts of the receipts and expenditure under this Act of such authority shall be audited and examined once in every year, as soon as can be after the twenty-fifth day of March, by the auditor of accounts relating to the relief of the poor for the union in which the district of such authority or the greater part thereof is situate, unless such auditor is a member of the authority whose accounts he is appointed to audit, in which case such accounts shall be audited by such auditor of any adjoining union as may from time to time be appointed by the Local Government Board:

(2.) There shall be paid to such auditor in respect of each audit under this Act, such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as such authority from time to time appoint, together with his expenses of travelling to and from the place of audit:

(3.) Before each audit such authority shall, after receiving from the auditor the requisite appointment, give at least fourteen days notice of the time and place at which the same will be made, and of the deposit of accounts required by this section, by advertisement in some one or more of the local newspapers circulated in the district; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of such notice on any proceeding whatsoever:

(4.) A copy of the accounts duly made up and balanced, together with all rate books account books deeds contracts accounts vouchers and receipts mentioned or referred to in such accounts, shall be deposited in the office of such authority, and be open, during office hours thereat, to the inspection of all persons interested for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without fee or reward; and any officer of such authority duly appointed in that behalf neglecting to make up such accounts and books, or altering such accounts and books, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable to a penalty not exceeding five pounds:

A.D. 1875.

(5.) For the purpose of any audit under this Act, every auditor may, by summons in writing, require the production before him of all books deeds contracts accounts vouchers receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books deeds contracts accounts vouchers receipts documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do, or to produce any such books deeds contracts accounts vouchers receipts documents or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury:

(6.) Any ratepayer or owner of property in the district may be present at the audit, and may make any objection to such accounts before the auditor; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances:

(7.) Any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person, and on application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made:

(8.) Any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said court, in the same manner and subject to the same conditions as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor; and the said court shall have the same powers with

respect to allowances disallowances and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors; or in lieu of such application any person so aggrieved may appeal to the Local Government Board, which Board shall have the same powers in the case of the appeal as it possesses in the case of appeals against allowances disallowances and surcharges by the said poor law auditors:

(9.) Every sum certified to be due from any person by an auditor under this Act shall be paid by such person to the treasurer of such authority within fourteen days after the same has been so certified, unless there is an appeal against the decision; and if such sum is not so paid, and there is no such appeal, the auditor shall recover the same from the person against whom the same has been certified to be due by the like process and with the like powers as in the case of sums certified on the audit of the poor rate accounts, and shall be paid by such authority all such costs and expenses, including a reasonable compensation for loss of time incurred by him in such proceedings, as are not recovered by him from such person:

(10.) Within fourteen days after the completion of the audit, the auditor shall report on the accounts audited and examined, and shall deliver such report to the clerk of such authority, who shall cause the same to be deposited in their office, and shall publish an abstract of such accounts in some one or more of the local newspapers circulated in the district.

Where the provisions as to audit of any local Act constituting a board of improvement commissioners are repugnant to or inconsistent with those of this Act, the audit of the accounts of such improvement commissioners shall be conducted in all respects in accordance with the provisions of this Act.

Audit of accounts of rural authority.

248. The accounts under this Act of every rural authority shall be audited by the same persons and in every respect in the same manner as the accounts of guardians are audited under the Acts for the relief of the poor for the time being in force.

The accounts of the overseers collecting or paying any money for the purposes of this Act shall be audited in the same manner as the accounts of overseers collecting or paying any money for the purposes of the Acts relating to the relief of the poor for the time being in force.

A.D. 1875.

An auditor shall, with respect to the accounts audited under this section, have the like powers and be subject to the like obligations in every respect as in the case of an audit under the Acts relating to the relief of the poor, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit.

Taxation of bill of solicitor or attorney.

249. On the application of any local authority whose accounts are required by this Act to be audited to the clerk of the peace of the county in which the district of such authority is wholly or in part situated, the said clerk or his deputy shall tax any bill due to any solicitor or attorney in respect of legal business performed on behalf of such authority; and the allowance of any sum on such taxation shall be primâ facie evidence of the reasonableness of the amount, but not of the legality of the charge.

The clerk of the peace shall be allowed for such taxation a remuneration after the rate to be fixed by the master of the Crown Office, and declared by an order of the Local Government Board.

If any such bill is not taxed by the clerk of the peace or some other duly authorised taxing officer before being presented to the auditors or auditor, the decision of the auditors or auditor upon the reasonableness and the legality of the charge shall be final.

Auditor to audit accounts of officers.

250. The accounts under this Act of officers or assistants of any local authority who are required to receive moneys or goods on behalf of such authority shall be audited by the auditors or auditor of the accounts of such authority, with the same powers incidents and consequences as in the case of such last-mentioned accounts.

PART VII.

LEGAL PROCEEDINGS.

Prosecution of Offences and Recovery of Penalties, &c.

Summary proceedings for offences, penalties, &c.

251. All offences under this Act, and all penalties forfeitures costs and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of

two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

General provisions as to summary proceedings.

252. Any complaint or information made or laid in pursuance of this Act shall be made or laid within six months from the time when the matter of such complaint or information respectively arose.

The description of any offence under this Act in the words of this Act shall be sufficient in law.

Any exception exemption proviso excuse or qualification whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and, if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

Restriction on recovery of penalties.

253. Proceedings for the recovery of any penalty under this Act shall not, except as in this Act is expressly provided, be had or taken by any person other than by a party aggrieved, or by the local authority of the district in which the offence is committed, without the consent in writing of the Attorney General: Provided that such consent shall not be required to proceedings which are by the provisions of this Act relating to nuisances or offensive trades authorised to be taken by a local authority in respect of any act or default committed or taking place without their district, or in respect of any house building manufactory or place situated without their district.

Application of penalties.

254. Where the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the informer, and the remainder to the local authority of the district in which the offence was committed: Provided, that if the local authority are the informer they shall be entitled to the whole of the penalty recovered; and all penalties or sums recovered by them on account of any penalty shall be paid over to their treasurer, and shall by him be carried to the account of the fund applicable by such authority to the general purposes of this Act.

Proceedings in certain cases against nuisances.

255. Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the local authority or other complainant to institute proceedings against any one of such persons, or to include all or any two or more of such persons in one proceeding; and any

A.D. 1875.

one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of such court, contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to such court may appear fair and reasonable.

Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

Whenever in any proceeding under the provisions of this Act relating to nuisances, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

Nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

Summary proceedings for recovery of rates.

256. If any person assessed to any rate made under this Act by any urban authority fails to pay the same when due and for the space of fourteen days after the same has been lawfully demanded in writing, or if any person quits or is about to quit any premises without payment of any such rate then due from him in respect of such premises, and refuses to pay the same after lawful demand thereof in writing, any justice may summon the defaulter to appear before a court of summary jurisdiction to show cause why the rate in arrear should not be paid; and if the defaulter fails to appear, or if no sufficient cause for nonpayment is shown, the court may make an order for payment of the same, and, in default of compliance with such order, may by warrant cause the same to be levied by distress of the goods and chattels of the defaulter.

The costs of the levy of arrears of any rate may be included in the warrant for such levy.

Recovery of expenses by local authority from owners.

257. Where any local authority have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the local authority, such expenses may be recovered, together with interest at a rate not exceeding five pounds per centum per annum, from the date of service of a

demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a charge on the premises in respect of which they were incurred. In all summary proceedings by a local authority for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Where such expenses have been settled and apportioned by the surveyor of the local authority as payable by such owner, such apportionment shall be binding and conclusive on such owner, unless within three months from service of notice on him by the local authority or their surveyor of the amount settled by the surveyor to be due from such owner, he shall by written notice dispute the same.

The local authority may, by order, declare any such expenses to be payable by annual instalments within a period not exceeding thirty years, with interest at a rate not exceeding five pounds per centum per annum, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered in a summary manner from the owner or occupier for the time being of such premises, and may be deducted from the rent of such premises, in the same proportions as are allowed in the case of private improvement rates under this Act.

Justices may act though members of local authority or liable to contribute.

258. No justice of the peace shall be deemed incapable of acting in cases arising under this Act by reason of his being a member of any local authority, or by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund, out of which any expenses incurred by such authority are under this Act to be defrayed.

Appearance of local authorities in legal proceedings.

259. Any local authority may appear before any court, or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such authority, and their clerk, or any officer or member so authorised shall be at liberty to institute and carry on any proceeding which the local authority is authorised to institute and carry on under this Act.

Name of local authority need not be proved.

260. In any proceeding instituted by or against a local authority under this Act it shall not be necessary for the plaintiff to prove the corporate name of the local authority or the constitution or limits

A.D. 1875.

of their district: Provided that this section shall not abridge or prejudice the right of any defendant to take or avail himself of any objection which he might have taken or availed himself of if this Act had not been passed.

Demands below 50*l.* may be recovered in county courts.

261. Proceedings for the recovery of demands below fifty pounds, which local authorities are empowered to recover in a summary manner, may, at the option of the local authority, be taken in the county court as if such demands were debts within the cognizance of such courts.

Proceedings not to be quashed for want of form.

262. No rate order conviction or thing made or done or relating to the execution of this Act shall be vacated quashed or set aside for want of form, or (unless otherwise expressly provided by this Act) be removed or removable by certiorari or any other writ or process whatsoever into any of the superior courts: Provided that nothing in this section shall prevent the removal of any case stated for the opinion of a superior court, or of any rate order conviction or thing to which such special case relates.

False evidence punishable as perjury.

263. Any person who on any examination on oath, under any of the provisions of this Act, wilfully and corruptly gives false evidence shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury.

Notice of action against local authority,&c.

264. A writ or process shall not be sued out against or served on any local authority, or any member thereof, or any officer of a local authority, or person acting in his aid, for anything done or intended to be done or omitted to be done under the provisions of this Act, until the expiration of one month after notice in writing has been served on such local authority member officer or person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and unless such notice is proved the jury shall find for the defendant.

Every such action shall be commenced within six months next after the accruing of the cause of action, and not afterwards, and shall be tried in the county or place where the cause of action occurred, and not elsewhere.

Any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff his attorney or agent, at any time within one month after service of such notice, and, in case the same be not accepted, may plead such tender in bar; and in case amends have not been tendered as aforesaid, or in case the

amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial, pay into court under plea such sum of money as he may think proper; and if upon issue joined, or upon any plea pleaded for the whole action, the jury find generally for the defendant, or if the plaintiff be nonsuited or judgment be given for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly.

Protection of local authority and their officers from personal liability.

265. No matter or thing done, and no contract entered into by any local authority or joint board or port sanitary authority, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bonâ fide for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever; and any expense incurred by any such authority member officer or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

Provided that nothing in this section shall exempt any member of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorised or joined in authorising.

Notices.

Notices, &c. may be printed or written.

266. Notices orders and other such documents under this Act may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the local authority the signature thereof by the clerk to the local authority or their surveyor or inspector of nuisances shall be sufficient authentication.

Service of notices.

267. Notices orders and any other documents required or authorised to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be

A.D. 1875.

sufficient to prove that the notice order or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

Appeal.

Appeal in certain cases to Local Government Board.

268. Where any person deems himself aggrieved by the decision of the local authority in any case in which the local authority are empowered to recover in a summary manner any expenses incurred by them, or to declare such expenses to be private improvement expenses, he may, within twenty-one days after notice of such decision, address a memorial to the Local Government Board, stating the grounds of his complaint, and shall deliver a copy thereof to the local authority; the Local Government Board may make such order in the matter as to the said Board may seem equitable, and the order so made shall be binding and conclusive on all parties.

Any proceedings that may have been commenced for the recovery of such expenses by the local authority shall, on the delivery to them of such copy as aforesaid, be stayed; and the Local Government Board may, if it thinks fit, by its order, direct the local authority to pay to the person so proceeded against such sum as the said Board may consider to be a just compensation for the loss damage or grievance thereby sustained by him.

Appeal to quarter sessions.

269. Where any person deems himself aggrieved by any rate made under the provisions of this Act, or by any order conviction judgment or determination of or by any matter or thing done by any court of summary jurisdiction, such person may appeal therefrom, subject to the conditions and regulations following:

(1.) The appeal shall be made to the next court of quarter sessions for the county division or place in which the cause of appeal has arisen, holden not less than twenty-one days after the demand of the rate or the decision of the court from which the appeal is made:

(2.) The appellant shall, within fourteen days after the cause of appeal has arisen, give notice to the other party and to the authority or court of summary jurisdiction by whose act he deems himself aggrieved, of his intention to appeal, and of the ground thereof:

(3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two

sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow:

(4.) Where the appellant is in custody the justice may, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:

(5.) On appeals under this Act against any rate the court of appeal shall have the same power to amend or quash any rate or assessment, and to award costs between the parties to the appeal, as is or may by law be vested in any court of quarter sessions with respect to amending or quashing any rate or assessment, or awarding costs, on appeals with respect to rates for the relief of the poor; and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded on the last-mentioned appeals: Provided that, notwithstanding the quashing of any rate appealed against, all moneys charged by such rate shall, if the court of appeal think fit so to order, be levied as if no appeal had been made, and such moneys, when paid, shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made:

(6.) In the case of other appeals the court of appeal may if it thinks fit adjourn the appeal, and on the hearing thereof may confirm reverse or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just:

(7.) The decision of the court of appeal shall be binding on all parties: Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court.

PART VIII.

Alteration of Areas and Union of Districts.

Alteration of Areas.

Powers of Local Government Board in relation to alteration of areas.

270. The following enactments shall be made as to alteration of areas:

(1.) The Local Government Board, by provisional order, may dissolve any local government district, and may merge any such district in some other urban or rural district or districts; or it may by provisional order declare the whole or any portion of a local government or a rural district immediately adjoining a local government district to be included in such last-mentioned district; or it may by provisional order declare any portion of a local government district immediately adjoining a rural district to be included in such rural district; and thereupon the included area shall, for the purposes of this Act, be deemed to form part of the district in which it is included by such order; and the remaining part (if any) of the local government district or rural district affected by such order shall continue subject to the like jurisdiction as it would have been subject to if such order had not been made unless and until the Local Government Board by provisional order otherwise directs:

(2.) In the case of a borough comprising within its area the whole of an improvement Act district, or having an area co-extensive with such district, the Local Government Board by provisional order may dissolve such district and transfer to the council of the borough all or any of the jurisdiction and powers of the improvement commissioners of such district remaining vested in them at the time of the passing of this Act:

(3.) The Local Government Board may by order dissolve any special drainage district constituted either before or after the passing of this Act in which a loan for the execution of works has not been raised, and merge it in the parish or parishes in which it is situated, and the Local Government Board may by provisional order dissolve any such district in which a loan has been raised for the execution of works, and merge it in the parish or parishes in which it is situated.

Local Government Board may by provisional order constitute local government district.

271. The Local Government Board may, by provisional order, declare any rural district, or any portion of any rural district or districts, to be a local government district; and from and after the commencement of the order, the district or portion of the district or districts therein referred to shall become a local government district, and shall be subject to the jurisdiction of a local board, to be elected in manner provided by schedule II. to this Act.

The Local Government Board may, by any order constituting a local government district under this section, divide such district into wards for the election of members of the local board.

Local Government Board may by order constitute local government district in pursuance of a resolution of owners and ratepayers.

272. The owners and ratepayers of any place situated in any rural district or districts, and having a known and defined boundary, may, by a resolution passed in manner provided by schedule III. to this Act, declare that it is expedient that such place should be constituted a local government district; and the Local Government Board may, if it thinks fit, by order made not less than six weeks after the receipt of a copy of such resolution by the said Board, declare such place to be a local government district, and from and after the commencement of such order such place shall become a local government district, and be subject to the jurisdiction of a local board to be elected in manner provided by schedule II. to this Act.

A petition may be presented to the Local Government Board from any place so situated as aforesaid, and not having a known and defined boundary, to settle its boundary for the purposes of this Act; the petition shall state the proposed boundaries of the place, shall be signed by one tenth of the persons rated to the relief of the poor and resident within such boundaries, and shall be supported by such evidence as the Local Government Board may require. The Local Government Board may, after local inquiry as to the genuineness of the petition, and as to the propriety of the proposed boundaries, either dismiss the petition altogether or make order as to the boundaries of the place, and may also make order as to the costs of the proceedings in relation thereto, and the persons by whom such costs are to be borne.

Any place the boundaries of which have been settled in pursuance of the foregoing provisions shall thenceforth, for the purposes of this Act, be deemed to be a place with a known and defined boundary.

Objection to resolution.

273. Where not less than one twentieth of the owners and ratepayers of any place (such twentieth to be one twentieth in number

A.D. 1875.

of the owners and ratepayers of the place taken together, or the owners and ratepayers in respect of one twentieth of the rateable property in the place,) in which a resolution has been passed declaring that it is expedient that such place should be constituted a local government district, are desirous that such district should not be constituted, or that any part of such place should be excluded therefrom, they may present a petition to the Local Government Board objecting to such resolution, and specifying the grounds of their objection.

Such petition shall be subscribed by the owners and ratepayers presenting the same, and shall be presented within six weeks from the date of the passing of the resolution objected to, and shall, where the exclusion of part of the place is prayed for, state the part of the place proposed to be excluded, accompanied with an explanatory plan.

The Local Government Board may after local inquiry make order with respect to the matter in question, and such order shall be binding on the place in respect of which it is made.

Appeal to Local Government Board in case of alleged invalidity of vote.

274. Any owner or ratepayer who disputes the validity of the vote for the adoption of the resolution may appeal, within six weeks from the declaration of the decision of the meeting, to the Local Government Board, setting forth the grounds on which he disputes the validity of the vote; and the Local Government Board may, on such appeal, after local inquiry, make such order as to the said Board seems fit as to the validity or invalidity of the vote, and any other questions arising on the appeal.

But no objection shall be made, at any trial or in any legal proceeding, to the validity of the vote for the adoption of the resolution, or to any order made in pursuance thereof, or to any proceedings on which such order was founded, unless the objector gives fourteen days notice to the other parties interested in such trial or proceeding of his intention to make the same, specifying fully the nature of the objection to be made; and no objection whatever in respect of the matters mentioned in this section shall be admissible at any trial or in any legal proceeding after the expiration of six months from the date of the constitution of the district.

General provisions as to orders.

275. Every order made by the Local Government Board under this part of this Act shall specify a day on which such order shall come into operation (in this Act referred to as the commencement of the order); and from and after the commencement of the order all the powers rights duties capacities liabilities obligations and

property which under this Act are exerciseable by or attaching to or vested in the local authority having, under this Act, jurisdiction in any district or part of a district which is by such order included in some other district, shall (so far as the same relate to the district or part of a district so included) pass to and vest in the local authority of such other district: Provided that in the case of the constitution of a new local government district, all the powers rights duties capacities liabilities obligations and property which under this Act are exerciseable by or attaching to or vested in any local authority or authorities having, under this Act, jurisdiction in the area so constituted a local government district, shall continue to be exerciseable by attached to and vested in such authority or authorities, until the day of the first meeting of the local board for the district so constituted.

Any order made in pursuance of this part of this Act may, if necessary, provide for the settlement of any differences, or the adjustment of any accounts or apportionment of any liabilities arising between districts parishes or other places in consequence of the exercise of any powers conferred by this part of this Act, and may direct the persons by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and where any local government district is diminished or increased in extent under this part of this Act, the order shall prescribe the number of members to be elected for the district when altered.

The Local Government Board may include in the same order provisions for the dissolution of one district, and for the inclusion of the whole or any part of such district in any other district or districts.

Local Government Board may invest rural authority with powers of urban authority.

276. The Local Government Board may, on the application of the authority of any rural district, or of persons rated to the relief of the poor, the assessment of whose hereditaments amounts at the least to one tenth of the net rateable value of such district, or of any contributory place therein, by order to be published in the London Gazette or in such other manner as the Local Government Board may direct, declare any provisions of this Act in force in urban districts to be in force in such rural district or contributory place, and may invest such authority with all or any of the powers rights duties capacities liabilities and obligations of an urban authority under this Act, and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of the district, or manner during at and in which such powers rights duties liabilities capacities and obligations are to be exercised and attach:

A.D. 1875.

Provided that an order of the Local Government Board made on the application of one tenth of the persons rated to the relief of the poor in any contributory place shall not invest the rural authority with any new powers beyond the limits of such contributory place.

Power of rural authority to form special drainage districts.

277. It shall be lawful for a rural authority, by resolution to be approved by the Local Government Board, but not otherwise, to constitute any portion of the area within their jurisdiction a special drainage district, for the purpose of charging thereon exclusively the expenses of works of sewerage water supply or of other works, which by this Act are or by order of the Local Government Board may be declared to be special expenses, and thereupon such area shall become a separate contributory place.

Power to settle disputes as to boundaries of districts.

278. On the application of any urban authority (being a local board or improvement commissioners), the Local Government Board may, by order after local inquiry, settle any dispute as to the boundaries of the district of such authority; such order shall be published in some local newspaper circulating in the district to which it relates, and from and after its commencement shall be conclusive on the question determined by it.

Union of Districts.

Formation of united district.

279. Where, on the application of the local authorities of any urban or rural districts, or of any of such authorities, it appears to the Local Government Board that it would be for the advantage of such districts, or any of them, or any parts thereof, or of any contributory places in any rural district or districts, to be formed into a united district for all or any of the purposes following; (that is to say,)

(1.) The procuring a common supply of water; or

(2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; or

(3.) For any other purposes of this Act;

the Local Government Board may by provisional order form such districts or contributory places into a united district.

All costs charges and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act.

Governing body of united district.

280. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of

elective members as the Local Government Board may by the provisional order forming the district determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to hold lands for the purposes of its constitution, without any license in mortmain.

Contents of provisional order forming united district.

281. The provisional order forming a united district under this Act shall define the purposes for which such united district is formed, and the powers rights duties capacities liabilities and obligations under this Act which the joint board is authorised to exercise or perform, or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to their meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a joint board the local authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations, which the joint board is authorised to exercise or perform or is made subject to; nevertheless, the joint board may delegate to the local authority of any component district the exercise of any of its powers or the performance of any of its duties.

Meetings and proceedings of joint boards.

282. Meetings of any joint board shall be held and the proceedings thereat shall be conducted (so far as such meetings and proceedings are not regulated by the order forming the joint board) in accordance with the rules as to meetings and proceedings contained in schedule I. to this Act.

Expenses of joint board.

283. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund, to be contributed by the component districts or contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be ascertained according to the valuation list in force for the time being.

Payment of contributions to joint board.

284. For the purpose of obtaining payment from component districts of the sums to be contributed by them, the joint board shall issue their precept to the local authority of each component district, stating the sum to be contributed by such authority, and requiring such authority, within a time limited by the precept,

A.D. 1875.

to pay the sums therein mentioned to the joint board, or to such person as the joint board may direct.

Any sum mentioned in a precept addressed by a joint board to a local authority as aforesaid shall be a debt due from that authority, and may be recovered accordingly, such contribution in the case of a rural authority being deemed to be general expenses.

If any local authority makes default in complying with the precept addressed to it, the joint board may, instead of instituting proceedings for the recovery of a debt, or in addition to such proceedings as to any part of a debt which may for the time being be unpaid, proceed in a summary manner as in this Act mentioned to raise within the district of the defaulting authority such sum as may be sufficient to pay the sum due.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural district, and the joint board were the authority thereof.

Power to execute works in adjoining districts, and to combine for execution of works.

285. Any local authority may, with the consent of the local authority of any adjoining district, execute and do in such adjoining district all or any of such works and things as they may execute and do within their own district, and on such terms as to payment or otherwise as may be agreed on between them and the local authority of the adjoining district; moreover two or more local authorities may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts or any part thereof. All moneys which any local authority may agree to contribute for defraying expenses incurred under this section shall be deemed to be expenses incurred by them in the execution of works within their district.

Districts may be united for appointing a medical officer of health.

286. Where it appears to the Local Government Board, on any representation made to it, that the appointment of a medical officer of health for two or more districts situated wholly or partially in the same county would diminish expense, or otherwise be for the advantage of such districts, the Local Government Board may by order unite such districts for the purpose of appointing a medical officer of health, and may make regulations as to the mode of his appointment and removal by representatives of the authorities of the constituent districts, and as to the meetings from time to time of such representatives, and the proportion in which the expenses of the appointment and of the salary and expenses of such officer are to be borne by such authorities, and as to any other matters (including the necessary expenses of such representatives) which, in the opinion of

the said Board, require regulation for the purposes of this section; and no other medical officer of health shall be appointed for any constituent district, except as an assistant to the officer appointed for the united districts:

Provided that no urban district containing a population of twenty-five thousand and upwards, or (in the case of a borough) having a separate court of quarter sessions, shall be included in any union of districts formed under this section without the consent of the local authority of such district or borough.

Not less than twenty-eight days notice that it is proposed to make an order under this section shall be given by the Local Government Board to the local authority of any district proposed to be included in the union, and if within twenty-one days after such notice has been given to any such authority they give notice to the Local Government Board that they object to the proposal, the Local Government Board may include their district in the union by a provisional order but not otherwise.

There may be assigned by the Local Government Board to the district medical officer of any union comprising or coincident with any constituent district such duties in rendering local assistance to the medical officer of health appointed for the united districts as the said Board may think fit; and such district medical officer shall receive, in respect of any duties so assigned to him, such additional remuneration to be paid by the local authority or authorities of the district or districts within which his duties under this section are performed as those authorities may, with the approval of the Local Government Board, determine.

Port Sanitary Authority.

Constitution of port sanitary authority.

287. The Local Government Board may, by provisional order, permanently constitute any local authority whose district or part of whose district forms part of or abuts on any part of a port in England, or the waters of such port, or any conservators commissioners or other persons having authority in or over such port or any part thereof, (which local authority conservators commissioners or other persons are in this Act referred to as a "riparian authority,") the sanitary authority of the whole of such port or of any part thereof (in this Act referred to as the "port sanitary authority").

The Local Government Board may also by provisional order permanently constitute a port sanitary authority for the whole or any part of a port, by combining any two or more riparian authorities having jurisdiction within such port, or any part thereof, and may prescribe the mode of their joint action; or by forming a joint board

A.D. 1875.

consisting of representative members of any two or more riparian authorities, in the same manner as is by this Act provided with respect to the formation of a united district. Moreover the Local Government Board may by provisional order permanently constitute a port sanitary authority for any two or more ports, by forming a joint board consisting of representative members of all or any of the riparian authorities having jurisdiction within such ports, or any part thereof.

In any case in which the Local Government Board are by this section authorised permanently to constitute by provisional order a port sanitary authority, the said Board may, if it thinks fit, until such order has been made and confirmed by Parliament, temporarily constitute by order any such authority, and may from time to time renew any such last-mentioned order, and may by any order so made or renewed make any such provisions as it is by this section empowered to make by provisional order.

Any order constituting a port sanitary authority may assign to such authority any powers rights duties capacities liabilities and obligations under this Act, and direct the mode in which the expenses of such authority are to be paid; and where such order constitutes a joint board the port sanitary authority, it may contain regulations with respect to any matters for which regulations may be made by a provisional order forming a united district under this Act.

A port shall mean a port as established for the purposes of the laws relating to the customs of the United Kingdom.

Jurisdiction of port sanitary authority.

288. The order of the Local Government Board constituting a port sanitary authority shall be deemed to give such authority jurisdiction over all waters within the limits of such port, and also over the whole or such portions of the district within the jurisdiction of any riparian authority as may be specified in the order.

Delegation of powers by port sanitary authority.

289. A port sanitary authority may, with the sanction of the Local Government Board, delegate to any riparian authority within or bordering on their district the exercise of any powers conferred on such port sanitary authority by the order of the Local Government Board, but, except in so far as such delegation may extend, no other authority shall exercise any powers conferred on a port sanitary authority by the order of the Local Government Board within the district of such port sanitary authority.

Expenses of port sanitary authority.

290. Any expenses incurred by a port sanitary authority constituted temporarily in carrying into effect any purposes of this Act shall be defrayed out of a common fund to be contributed by the riparian authorities in such proportions as the Local Government Board thinks just.

Such port sanitary authority, if itself a local authority under this Act independently of its character of a port sanitary authority, shall raise the proportion of expenses due in respect of its own district in the same manner as if such expenses had been incurred by it in the ordinary manner for the purposes of this Act.

For the purpose of obtaining payment from the contributory riparian authorities of the sums to be contributed by them, such port sanitary authority shall issue their precept to each such authority, requiring such authority, within a time limited by the precept, to pay the amount therein mentioned to such port sanitary authority, or to such person as such port sanitary authority may direct.

Any contribution payable by a riparian authority to such port sanitary authority shall be a debt due from them, and may be recovered accordingly, such contribution in the case of a rural authority being deemed general expenses of that authority. If any riparian authority makes default in complying with the precept addressed to it by such port sanitary authority, such port sanitary authority may, instead of instituting proceedings for the recovery of the debt, or in addition to such proceedings, as to any part of the debt which may for the time being be unpaid, proceed in the summary manner in this Act mentioned to raise within the district of the defaulting authority such sum as may be sufficient to pay the debt due.

Where several riparian authorities are combined in the district of one port sanitary authority the Local Government Board may by order declare that some one or more of such authorities shall be exempt from contributing to the expenses incurred by such authorities.

Provision as to port of London.

291. The mayor aldermen and commons of the City of London shall be the port sanitary authority of the port of London, and shall pay out of their corporate funds all their expenses as such port sanitary authority.

Proceedings for raising a sum for payment of debt within district of a defaulting authority.

292. Where any port sanitary authority joint board or other authority are authorised, in pursuance of this Act, to proceed in a summary manner to raise within the district of a defaulting authority such sum as may be sufficient to pay any debt due to them, the authority so authorised for the purpose of raising such sum shall, within the district of the defaulting authority, have, so far as relates to the raising such sum, the same powers as if they were the defaulting authority, and as if such sum were expenses properly incurred by the defaulting authority within the district of such authority.

A.D. 1875.

Where the defaulting authority have power to raise any moneys due for their expenses by levy of a rate from individual ratepayers, the authority so authorised as aforesaid shall have power to levy such a rate by any officer appointed by them, and the officer so appointed shall have the same powers, and the rate shall be levied in the same manner and be subject to the same incidents in all respects as if it were being levied by the officer of the defaulting authority for the payment of the expenses of that authority; and where the defaulting authority have power to raise moneys due for their expenses by issuing precepts, or otherwise requiring payments from any other authorities, the authority so authorised as aforesaid shall have the same power as the defaulting authority would have of issuing precepts, or otherwise requiring payment from such other authorities.

Any precepts issued by the authority so authorised as aforesaid for raising the sum due to them may be enforced in the same manner in all respects as if they had been issued by the defaulting authority.

The authority so authorised as aforesaid may, in making an estimate of the sum to be raised for the purpose of paying the debt due to them, add such sums as they think sufficient, not exceeding ten per cent. on the debt due, and may defray thereout all costs charges and expenses (including compensation to any persons they may employ) to be incurred by such authority by reason of the default of the defaulting authority; and the authority so authorised as aforesaid shall apply all moneys raised by them in payment of the debt due to them, and such costs charges and expenses as aforesaid, and shall render the balance, if any, remaining in their hands after such application to the defaulting authority.

PART IX.

Local Government Board.

Inquiries by Board.

Power of Board to direct inquiries.

293. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction approval or consent is required by this Act.

294. The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals to the said Board under this Act, and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

Orders as to costs of inquiries.

295. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

Orders of Board under this Act.

296. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts.

Power of inspectors of Local Government Board.

Provisional Orders by Board.

297. With respect to provisional orders authorised to be made by the Local Government Board under this Act, the following enactments shall be made:—

As to provisional orders made by Local Government Board.

(1.) The Local Government Board shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates:

(2.) Before making any such provisional order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

A.D. 1875.

(4.) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private bills:

(5.) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, and any Order in Council made in pursuance of any of the Sanitary Acts, may be repealed altered or amended by any provisional order made by the Local Government Board and confirmed by Parliament:

(6.) The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament:

(7.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with:

(8.) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Costs of provisional orders.

298. The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board, the local authority may contract a loan for the purpose of defraying such costs.

Power of Board to enforce Performance of Duty by defaulting Local Authority.

Proceedings on complaint to Board of default of local authority.

299. Where complaint is made to the Local Government Board that a local authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water,

and a proper supply can be got at a reasonable cost, or that a local authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If such duty is not performed by the time limited in the order, such order may be enforced by writ of Mandamus, or the Local Government Board may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default; and any order made for the payment of such expenses and costs may be removed into the Court of Queen's Bench, and be enforced in the same manner as if the same were an order of such Court.

Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, be invested with all the powers of such authority other than (save as herein-after provided) the powers of levying rates; and the Local Government Board may from time to time by order change any person so appointed.

Further provision for recovery of expenses.

300. Any sum specified in an order of the Local Government Board for payment of the expenses of performing the duty of a defaulting local authority, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by such authority, and to be a debt due from such authority, and payable out of any moneys in the hands of such authority or of their officers, or out of any rate applicable to the payment of any expenses properly incurred by such authority, which rate is in this part of this Act referred to as "the local rate." If the defaulting authority refuses to pay any such sum, with costs, as aforesaid, for a period of fourteen days after demand, the Local Government Board may by order empower any person to levy, by and out of the local rate, such sum (the amount to be specified in the order) as may, in the opinion of the Local Government Board, be sufficient to defray the debt so due from the defaulting authority, and all expenses incurred in consequence of the nonpayment of such debt.

Any person or persons so empowered shall have the same powers of levying the local rate, and requiring all officers of the defaulting authority to pay over any moneys in their hands, as the defaulting authority would have in the case of expenses legally payable out of

A.D. 1875.

a local rate to be raised by such authority; and the said person or persons, after repaying all sums of money so due in respect of the order, shall pay the surplus, if any, (the amount to be ascertained by the Local Government Board,) to or to the order of the defaulting authority.

Power of Board to borrow to defray expenses of performing duty of defaulting authority.

301. The Local Government Board may from time to time certify the amount of expenses that have been incurred, or an estimate of the expenses about to be incurred, by any person appointed by the said Board under this Act to perform the duty of a defaulting local authority; also, the amount of any loan required to be raised for the purpose of defraying any expenses that have been so incurred, or are estimated as about to be incurred; and the certificate of the said Board shall be conclusive as to all matters to which it relates.

Whenever the Local Government Board so certifies a loan to be required, the Public Works Loan Commissioners may advance to the Local Government Board, or to any person appointed as aforesaid, the amount of the loan so certified to be required on the security of the local rate, without requiring any other security; and the Local Government Board, or the person so appointed, may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of such loan, and every such charge shall have the same effect as if the defaulting local authority were empowered to raise such loan on the security of the local rate, and had duly executed an instrument charging the same on the local rate.

Recovery of principal and interest.

302. Any principal money or interest for the time being due in respect of any loan under this Act made for payment of the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority shall be taken to be a debt due from such authority, and, in addition to any other remedies, may be recovered in the manner in which a debt due from a defaulting authority may be recovered in pursuance of the provisions of this part of this Act.

The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount thereof being certified by the Local Government Board, be paid to or to the order of the defaulting authority.

"Expenses," for the purposes of the provisions of this part of this Act relating to defaulting local authorities, shall include all sums payable under those provisions by or by the order of the Local Government Board, or the person appointed by that Board.

Powers of Board in relation to Local Acts, &c.

Power to repeal and alter local Acts.

303. The Local Government Board may, on the application of the local authority of any district, by provisional order, wholly or partially repeal alter or amend any local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such district, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as this Act.

Any such provisional order may provide for the extension of the provisions of the local Act referred to therein beyond the district or districts within the limits of such Act, or for the exclusion of the whole or a portion of any such district from the application of such Act; and may provide what local authority shall have jurisdiction for the purposes of this Act in any area which is by such order included in or excluded from such district.

Settlement of differences arising out of transfer of powers or property to local authority.

304. On the application of any authority from whom or to whom any powers rights duties capacities liabilities obligations and property, or any of them, are at any time transferred or alleged or claimed to be transferred in pursuance of this Act, or any provisional order made thereunder, or on the application of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference, and adjust any accounts arising out of or incidental to such powers rights duties capacities liabilities obligations or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made, or other act or thing to be done, which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

Any settlement or adjustment under this section may be included in any provisional order which gives rise to the same.

PART X.

Miscellaneous and Temporary Provisions.

Miscellaneous.

Entry on lands for purposes of Act.

305. Whenever it becomes necessary for a local authority or any of their officers to enter examine or lay open any lands or premises for the purpose of making plans surveying measuring taking levels making keeping in repair or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them, the local authority may, after written notice to such owner or occupier, apply to a court of summary jurisdiction for an order authorising the local authority to enter examine and lay open the said lands and premises for the purposes aforesaid or any of them.

If no sufficient cause is shown against the application the court may make an order accordingly, and on such order being made the local authority or any of their officers may, at all reasonable times between the hours of nine in the forenoon and six in the afternoon, enter examine or lay open the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.

Penalty on obstructing execution of Act.

306. Any person who wilfully obstructs any member of the local authority, or any person duly employed in the execution of this Act, or who destroys pulls down injures or defaces any board on which any byelaw notice or other matter is inscribed, shall, if the same was put up by authority of the Local Government Board or of the local authority, be liable for every such offence to a penalty not exceeding five pounds.

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the making of the order such occupier fails to comply there-

with, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such non-compliance.

If the occupier of any premises, when requested by or on behalf of the local authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

Penalty on damaging works, &c. of local authority.

307. Any person who wilfully damages any works or property belonging to any local authority shall, in cases where no other penalty is provided by this Act, be liable to a penalty not exceeding five pounds.

Compensation in case of damage by local authority.

308. Where any person sustains any damage by reason of the exercise of any of the powers of this Act, in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the local authority exercising such powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Act, or if the compensation claimed does not exceed the sum of twenty pounds, the same may at the option of either party be ascertained by and recovered before a court of summary jurisdiction.

Compensation in certain cases to officers.

309. If any officer of any trustees commissioners or other body of persons intrusted with the execution of any local Act, whether acting exclusively under the local Act, or partly under the local Act and partly under the Local Government Acts, or any officer of any sanitary authority under the Sanitary Acts by this Act repealed, or of any local authority under this Act, is, by or in pursuance of the Public Health Act, 1872, or of this Act, or of any provisional order made in pursuance of either of those Acts, removed from his office, or deprived of the whole or part of the emoluments of his office, and does not afterwards receive remuneration to an equal amount in respect of some office or employment under or by the authority of any district under this Act, the Local Government Board may by order award to such officer such compensation as the said Board may think just; and such compensation may be by way of annuity or otherwise, and shall be paid by the local authority of the district in which such officer held his office out of any rates applicable to the general purposes of this Act within that district.

Provision where improvement Act district

310. Where after the passing of this Act a district or part of a district under the jurisdiction of improvement commissioners, or a district or part of a district under the jurisdiction of a local board,

A.D. 1875.

or local government district becomes a borough.

is constituted or included in a borough, all the powers rights duties capacities liabilities obligations and property exerciseable by attaching to or vested in such improvement commissioners or local board (as the case may be) under this Act, or under any local Act for purposes the same as or similar to those of this Act, or under any general Act of Parliament, within or for the benefit of such district or part of a district, shall pass to and be exerciseable by and vested in the council of such borough.

The transfer by virtue of the Public Health Act, 1872, of the powers rights duties capacities liabilities obligations and property of any local board or improvement commissioners to an urban sanitary authority, shall be deemed to have included all powers rights duties capacities liabilities obligations and property exerciseable by attaching to or vested in such local board or improvement commissioners as a burial board under any general Act of Parliament.

Power of local boards to change name.

311. Any local board constituted either before or after the passing of this Act may, with the sanction of the Local Government Board, change their name. Every such change of name shall be published in such manner as the Local Government Board may direct. No such change of name shall affect any rights or obligations of the local board, or render defective any legal proceedings instituted by or against the local board; and any legal proceedings may be continued or commenced against the local board by their new name which might have been continued or commenced against the local board by their former name.

As to election of certain improvement commissioners, &c.

312. The retirement and mode of election of members of any authority invested by any local Act with powers of town government and rating, whose retirement and mode of election were at the time of the passing of this Act regulated by the Local Government Acts, shall be regulated in all respects by the rules for election of local boards contained in schedule II. to this Act; but this enactment shall not affect the qualification fixed for members of such authority by the local Act under which such authority are constituted, or the qualification and tenure of office of any ex officio members of such authority.

Substitution in other Acts of provisions of this Act for provisions of repealed Acts.

313. Where in any Act, or order made by one of Her Majesty's Principal Secretaries of State or by the Local Government Board and in force at the time of the passing of this Act, or in any document, any provisions of any of the Sanitary Acts which are repealed by this Act are mentioned or referred to, such Act order or document shall be read as if the provisions of this Act applicable to purposes

the same as or similar to those of the repealed provisions were therein mentioned or referred to instead of such repealed provisions and were substituted for the same; nevertheless those substituted provisions shall have effect subject to any modification or restriction in such Act order or document expressed in relation to the repealed provisions therein mentioned or referred to.

Byelaws as to hop-pickers.

314. Any local authority may, if they think fit, make byelaws for securing the decent lodging and accommodation of persons engaged in hop-picking within the district of such authority.

As to byelaws inconsistent with this Act.

315. Any byelaw made by any sanitary authority under the Sanitary Acts which is inconsistent with any of the provisions of this Act shall so far as it is inconsistent therewith be deemed to be repealed.

As to construction of incorporated Acts.

316. In the construction of the provisions of any Act incorporated with this Act the term "the special Act" includes this Act, and, in the case of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, any order confirmed by Parliament and authorising the purchase of lands otherwise than by agreement under this Act; the term "the limits of the special Act" means the limits of the district; and the urban or rural authority shall be deemed to be "the promoters of the undertaking," "the commissioners," or "the undertakers," as the case may be.

All penalties incurred under the provisions of any Act incorporated with this Act shall be recovered and applied in the same way as penalties incurred under this Act.

Construction of schedules.

317. The schedules to this Act shall be read and have effect as part of this Act.

The forms contained in schedule IV. to this Act, or forms to the like effect, varied as circumstances may require, may be used and shall be sufficient for all purposes.

Temporary Provisions.

As to clerk and treasurer of certain authorities.

318. Nothing in this Act shall affect the rights or position of any clerk or treasurer the tenure of whose office is regulated by section twelve of the Public Health Act, 1872.

As to special district rates.

319. Nothing in this Act shall affect the making and levying of any special district rates, or the discharge of sums borrowed on the credit of any special district rates, or any right or remedy for the recovery of the same, under any provision of the Local Government Acts in force at the time of the passing of this Act.

Division of expenses between

320. Where under the provisions of any local Act in that behalf any expenses directed by this Act to be paid in the case of

A.D. 1875.

landlord and tenant in certain cases.

a council of a borough out of the borough fund or borough rate were, before the passing of the Public Health Act, 1872, divided between landlord and tenant in moieties or otherwise, the Local Government Board may, on the application either of landlord or tenant, by order make provision for the continuance of such division of expenses during the continuance of any contract existing between them at the passing of the last-mentioned Act.

Validity of certain securities.

321. Where by any sanction to a loan given or by any provisional order made under the Sanitary Acts, it is directed that the sums borrowed shall be repaid within a limited period of years from the date of the borrowing thereof, any security which has been given for a sum so borrowed shall not be invalid by reason of the sum having been made repayable within a period less than the period so limited.

As to certain turnpike trustees.

322. Where by any local Act powers are conferred on any turnpike trustees for any purposes the same as or similar to any of the purposes of the Sanitary Acts or of this Act, such trustees shall not be deemed to be an urban authority under this Act, but all their powers and obligations under such local Act for such purposes shall be transferred to the local authority within whose district the area to which such local Act applies is contained.

As to main sewerage districts and joint sewerage boards. 11 & 12 Vict. c. 63.

323. Where any district has been constituted in pursuance of the provisions of the Public Health Act, 1848, for the purposes of main sewerage only, or where a district has been formed subject to the jurisdiction of a joint sewerage board in pursuance of the Sewage Utilization Act, 1867, the Local Government Board may by provisional order dissolve such district, or may constitute such district a united district subject to the jurisdiction of a joint board in manner provided by this Act, without application previous to the making of any such order; and until an order has been made by the Local Government Board under this section, the authority of any such district shall continue to be the authority thereof and their members shall be elected as if this Act had not passed: Provided that the provisions of this Act applicable to purposes the same as or similar to those of any enactments of the Sanitary Acts which are in force within the district of any such authority at the time of the passing of this Act and are repealed by this Act shall be deemed to be substituted for those enactments.

Any order made under this section may if necessary provide for the settlement of any differences or the adjustment of any accounts or the apportionment of any liabilities arising between districts parishes or other places in consequence of the exercise of any of the powers conferred by this section, and may direct the persons by and

to whom any moneys found to be due are to be paid and the mode of raising such moneys.

As to audit of certain accounts.

324. The accounts of any urban or rural sanitary authority under the Sanitary Acts by this Act repealed, not audited at the time of the passing of this Act, shall be deemed for the purposes of audit to be accounts of such authority under this Act.

As to certain orders under section 20 of 35 & 36 Vict. c. 79.

325. The power conferred by section twenty of "The Public Health Act, 1872," of temporarily constituting a port sanitary authority shall be deemed to have authorised a renewal from time to time of any order made under that section.

PART XI.

Saving Clauses and Repeal of Acts.

Saving Clauses.

Provision as to the sanitary authorities existing at the passing of this Act and their officers, &c.

326. All urban sanitary authorities and rural sanitary authorities existing at the time of the passing of this Act shall be deemed to be urban authorities and rural authorities under this Act; and all joint boards, port sanitary authorities, committees of rural sanitary authorities, and parochial committees, and all local government districts constituted in pursuance of the Sanitary Acts, and existing at the time of the passing of this Act, shall be deemed to be joint boards, port sanitary authorities, committees of rural sanitary authorities, and parochial committees, and local government districts under this Act; and the members of all the above-mentioned bodies shall hold office (subject to the provisions of this Act respecting the election of members of local boards) for such time as they would respectively have held office if this Act had not been passed; and the officers and servants of all the above-mentioned bodies shall continue to hold their several offices and employments on the same terms and subject to the same conditions, as to duties remuneration and otherwise, as they would have held them if this Act had not been passed; and all byelaws duly made under any of the Sanitary Acts by this Act repealed and not inconsistent with any of the provisions of this Act shall be deemed to be byelaws under this Act; and all the provisions of this Act shall apply to all such bodies existing at the time of the passing of this Act, and to their several officers and servants, in substitution for the provisions of the Sanitary Acts by this Act repealed, but so as not to affect any right acquired or liability incurred under the Sanitary Acts, or any of them, before the passing of this Act, and existing at the time of the passing of this Act.

A.D. 1875.

Saving for works and property of certain authorities, and for navigation and water rights, &c.

327. Nothing in this Act shall be construed to authorise any local authority—

(1.) To use injure or interfere with any sluices floodgates sewers groynes or sea defences or other works, already or hereafter made under the authority of any commissioners of sewers appointed by the Crown, or any sewers or other works already or hereafter made and used by any body of persons or person for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; or

(2.) To disturb or interfere with any lands or other property vested in the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of the Lord High Admiral for the time being or in Her Majesty's Principal Secretary of State for the War Department for the time being; or

(3.) To interfere with any river canal dock harbour lock reservoir or basin, so as to injuriously affect the navigation thereon, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any body of persons or person are or is by virtue of any Act of Parliament entitled to navigate on or use such river canal dock harbour lock reservoir or basin, or to receive any tolls or dues in respect of the navigation thereon or use thereof; or

(4.) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river canal dock harbour reservoir or basin, in cases where any such body of persons or person as last aforesaid would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference; or

(5.) To interfere with any bridges crossing any river canal dock harbour or basin, in cases where any body of persons or person are or is authorised by virtue of any Act of Parliament to navigate or use such river canal dock harbour or basin, or to demand any tolls or dues in respect of the navigation thereon or use thereof; or

(6.) To execute any works in through or under any wharves quays docks harbours or basins, to the exclusive use of which any body of persons or person are or is entitled by virtue of any Act of Parliament, or for the use of which any body of persons or person are or is entitled by virtue of any Act of Parliament to demand any tolls or dues,—

Without the consent in every case of such Lord High Admiral or Commissioners for executing the office of Lord High Admiral, Secretary of State, commissioners, body of persons or person as are herein-before in that behalf respectively mentioned, such consent to be expressed in writing in the case of a corporation under their common seal, and in the case of any body of persons not being a corporation under the hand of their clerk or other duly authorised officer or agent. And nothing in this Act shall prejudice or affect the rights privileges powers or authorities given or reserved to any person under such local or private Acts for draining preserving or improving land as are in this section mentioned.

Reference to arbitration in case of works not within preceding section.

328. Where any matters or things proposed to be done by any local authority, and not being within the prohibition aforesaid, interfere with the improvement of any river canal dock harbour lock reservoir basin or towing-path which any body of persons or person are or is entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river canal dock harbour or basin, or with any land necessary for the enjoyment or improvement thereof, the local authority shall give to such body of persons or person a notice specifying the particulars of the matters and things so intended to be done. If the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration; and the following questions shall be decided by such arbitration; (that is to say,)

(1.) Whether the matters or things proposed to be done by the local authority will cause any injury to such river canal dock harbour basin towing-path works or land, or to the enjoyment or improvement of such river canal dock harbour or basin as aforesaid:

(2.) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit of being fully compensated by money.

Effect of arbitration.

329. The result of any such arbitration shall be final, and the local authority shall do as follows; (that is to say,)

(1.) If the arbitrators are of opinion that no injury will be caused, the local authority may forthwith proceed to do the proposed matters and things:

(2.) If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such

A.D. 1875.

compensation; and on payment of the amount so assessed, but not before, the local authority may proceed to do the proposed matters and things:

(3.) If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the local authority shall not proceed to do any matter or thing in respect of which such opinion may be given.

Provision as to transfer of powers, &c.

330. No transfer of powers and privileges under this Act shall deprive any body of persons or person authorised by virtue of any Act of Parliament to navigate on any river or canal, or to demand for their or his own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal.

Provision as to alteration of sewers.

331. Any body of persons or person authorised by virtue of any Act of Parliament to navigate on or use any river canal dock harbour or basin, or to demand any tolls or dues in respect of the navigation on such river or canal, or the use of such dock harbour or basin, may, at their own expense, and on substituting other sewers drains culverts and pipes equally effectual, and certified as such by the surveyor to the local authority, take up, divert, or alter the level of any sewers drains culverts or pipes constructed by any local authority, and passing under or interfering with such rivers canals docks harbours or basins, or the towing-paths thereof, and may do all such things as may be necessary for carrying into effect such taking up diversion or alteration.

Saving for water rights generally.

332. Nothing in this Act shall be construed to authorise any local authority to injuriously affect any reservoir canal river or stream or the feeders thereof or the supply quality or fall of water contained in any reservoir canal river stream or in the feeders thereof, in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir canal river stream feeders or such supply quality or fall of water, unless the local authority first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

Arbitration as to alteration of sewers injuriously affecting supply of water, &c.

333. Any difference of opinion that may arise between a local authority and any such body of persons or person as aforesaid, whether any sewers drains culverts or pipes substituted under the powers of this Act for sewers drains culverts or pipes constructed or laid down by any local authority are equally effectual with those for which they are substituted, or whether the supply

quality or fall of water in any such reservoir canal river or stream as last aforesaid is injuriously affected by the exercise of powers under this Act, may, at the option of the party complaining, be determined by arbitration in manner by this part of this Act provided. The arbitrators shall decide the same questions as to the alleged injury, and the local authority shall proceed in the same way as is by this Act provided with regard to arbitrations in cases of alleged injury to rivers canals docks harbours and basins.

Saving for mines, &c.

334. Nothing in this Act shall be construed to extend to mines of different descriptions so as to interfere with or to obstruct the efficient working of the same; nor to the smelting of ores and minerals, nor to the calcining puddling and rolling of iron and other metals, nor to the conversion of pig iron into wrought iron, so as to obstruct or interfere with any of such processes respectively.

Saving for collegiate bodies and Government departments.

335. Any collegiate or other corporate body required or authorised by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government, shall have the like powers and be subject to the like obligations under this Act as they had or were subject to under the Sewage Utilization Act, 1867; and for that purpose the provisions of this Act applicable to purposes the same as or similar to those of the Sewage Utilization Act 1865 and the Sewage Utilization Act 1867 shall apply in substitution for the last-mentioned provisions.

Saving for Metropolitan Board of Works.

336. Nothing in or done under this Act shall affect any outfall or other works of the Metropolitan Board of Works (although beyond the metropolis) executed under the Metropolis Management Act, 1855, and the Acts amending the same, or take away, abridge, or prejudicially affect any right power authority jurisdiction or privilege of the Metropolitan Board of Works.

Saving for payment in certain cases to local authority.

337. Nothing in this Act shall affect the payment or recovery of any yearly sum payable at the time of the passing of this Act in pursuance of the Local Government Act 1858 Amendment Act 1861, to any local authority in respect of any premises without their district which have a drain communicating with a sewer within their district: Provided that any such sum shall cease to be payable, if and when the connexion between the drain and the sewer is discontinued, from the time of such discontinuance; but if after the discontinuance the connexion is re-established, the yearly sum shall again become payable, and so from time to time.

A.D. 1875.

Saving for acts of authorities under certain local Acts.

338. All rates orders acts or things made assessed performed or done, before the passing of this Act, by any authority purporting to act under the powers conferred on them by a local Act with respect to any sanitary purposes shall be valid, notwithstanding the passing of the Public Health Act, 1872, or of this Act.

Saving for certain local boards.

339. Nothing in this Act shall affect the composition of any local board constituted by any Order in Council or any provisional order made under the Public Health Act, 1848, and confirmed by Parliament, or the qualification or number of members of any such board; but any such Order in Council, or order so confirmed, or the Act confirming any such last-mentioned order, may be repealed altered or amended in manner provided by this Act.

Saving for proceedings under local Acts.

340. Where within the district of a local authority any local Act is in force, providing for purposes the same as or similar to the purposes of this Act, proceedings may be instituted at the discretion of the authority or person instituting the same, either under the local Act or this Act, or under both, subject to these qualifications:

(1.) That no person shall be punished for the same offence both under a local Act and this Act; and

(2.) That the local authority shall not, by reason of any local Act in force within their district, be exempted from the performance of any duty or obligation to which they may be subject under this Act.

Powers of Act to be cumulative.

341. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament law or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed.

Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

Oxford.

Constitution of local board of the Oxford district.

342. The local government district of Oxford shall be subject to the jurisdiction of a local board consisting of the vice-chancellor of the university of Oxford and the mayor of Oxford for the time being, of forty-five other members, fifteen to be elected by the university of Oxford, sixteen by the town council of Oxford, and fourteen by the ratepayers of the parishes situated within the

area formerly within the jurisdiction of the commissioners, for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof and the adjoining parish of Saint Clement, and of the members for any parishes or parts of parishes which may have been or may hereafter be added to the Oxford district.

After the passing of this Act, a district formed out of the rural sanitary districts of the city of Oxford, and the Abingdon union, to be termed the "Grandpont district," shall be defined by an order of the Local Government Board, and on a day to be mentioned in such order, the said district shall form part of the said local government district of Oxford. The election of members of the said local board by the town council and by the ratepayers of the parishes and parts of parishes respectively shall be conducted at the same time, in the same way, and subject to the same regulations in and subject to which such election is conducted at the time of the passing of this Act.

As regards the district of Cowley now comprised in the said local government district of Oxford, and the district of Grandpont when added to the same district, the chairman of the said local board or, in his absence, the clerk to the local board, shall summon a meeting of the several persons rated to the relief of the poor in respect of hereditaments situated in the said Cowley and Grandpont districts respectively, by public notices under his hand, to be affixed three clear days previously to the principal doors of every church and chapel in the districts, such meeting to be held on the day when the members for the parishes are elected, and at a place in each such district to be fixed by the chairman or clerk, and the appointment of a chairman and all other the business of such meetings shall be conducted as if the meetings respectively were the meetings of a vestry in a parish.

An election of the member for the Grandpont district shall take place as soon as convenient after that district has been added to the Oxford local government district as aforesaid, and he shall continue in office until the next annual election of the said local board.

The fifteen members to be elected by the university shall be elected as follows; namely, four members shall be elected by the university in convocation, and eleven members shall be elected by the heads and senior resident bursars of the several colleges entitled by any statute of the university or otherwise to matriculate students, and by the heads of the several halls; any member of the university, being of the degree of Master of Arts, Bachelor of Civil Law, or Bachelor in Medicine, or any superior degree of the university,

A.D. 1875.

shall be qualified to be elected; and the elections shall be conducted by the said university, and by the colleges and halls respectively, at the same time, and in the same way, and subject to the same regulations, in and subject to which guardians of the poor for the university and for the colleges and halls are now or may hereafter be chosen by them respectively, save that in the election of members the heads and bursars of all the colleges and the heads of all the halls shall be summoned by the vice-chancellor for that purpose, and shall be entitled to vote.

Except as above provided, nothing in this Act shall affect the provisions of any order confirmed by Parliament relating to the local government district of Oxford, and in force at the time of the passing of this Act.

Repeal of Acts.

Repeal of Acts in schedule V.

343. The Acts specified in the first and second parts of schedule V. to this Act are hereby repealed to the extent in the third column in the said parts of that schedule mentioned, with the following qualification; (that is to say,)

That so much of the said Acts as is set forth in the third part of that schedule shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act.

Provided also, that this repeal shall not affect—

(*a.*) Anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any right or liability acquired accrued or incurred under any enactment hereby repealed; or

(*c.*) Any security given under any enactment hereby repealed; or

(*d.*) Any penalty forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*e.*) Any investigation legal proceeding or remedy in respect of any such right liability security penalty forfeiture or punishment as aforesaid; and any such investigation legal proceeding and remedy may be carried on as if this Act had not been passed.

SCHEDULES.

SCHEDULE I.

Rules as to Meetings and Proceedings.

(1.) *Rules applicable to Local Boards.*

1. Every local board shall from time to time make regulations with respect to the summoning notice place management and adjournment of their meetings, and generally with respect to the transaction and management of their business under this Act.

2. No business shall be transacted at any such meeting unless at least one third of the full number of members be present thereat, subject to this qualification, that in no case shall a larger quorum than seven members be required.

3. Every local board shall from time to time at their annual meeting appoint one of their number to be chairman for one year at all meetings at which he is present.

4. If the chairman so appointed dies resigns or becomes incapable of acting, another member shall be appointed to be chairman for the period during which the person so dying resigning or becoming incapable would have been entitled to continue in office, and no longer.

5. If the chairman is absent from any meeting at the time appointed for holding the same, the members present shall appoint one of their number to act as chairman thereat.

6. The names of the members present, as well as of those voting on each question, shall be recorded, so as to show whether each vote given was for or against the question.

7. Every question at a meeting shall be decided by a majority of votes of the members present, and voting on that question.

8. In case of an equal division of votes the chairman shall have a second or casting vote.

9. The proceedings of a local board shall not be invalidated by any vacancy or vacancies among their members, or by any defect in the election of such board, or in the election or selection or qualification of any members thereof.

10. Any minute made of proceedings at a meeting, and copies of any orders made or resolutions passed at a meeting, if purporting to be signed by the chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the chairman of the next ensuing meeting, shall be received as evidence in all legal proceedings; and, until the

A.D. 1875.

contrary is proved, every meeting where minutes of the proceedings have been so made shall be deemed to have been duly convened and held, and all the proceedings thereat to have been duly had.

11. The annual meeting of a local board shall be held as soon as may be convenient after the fifteenth of April in each year.

12. The first meeting of a local board for a district constituted after the passing of this Act shall be held at such place and on such day (not being more than ten days after the completion of the election) as the returning officer may by written notice to each member of the board appoint; and the members shall appoint one of their number to be chairman at such meeting, and shall also appoint one of their number to be chairman for one year at all meetings at which he is present.

13. Nothing in these rules contained with respect to the appointment of chairman shall apply to the Oxford district, and in that district a chairman shall be appointed as heretofore.

(2.) *Rules applicable to Committees of Local Authorities, other than Councils of Boroughs, and to Joint Boards.*

1. A committee or joint board may meet and adjourn as it thinks proper.

2. The quorum of a committee or joint board shall consist of such number of members as may be prescribed by the authority that appointed the committee or joint board, or, if no number is prescribed, of three members.

3. A committee or joint board may appoint a chairman of its meetings.

4. If no chairman is elected, or if the chairman elected is not present at the time appointed for holding any meeting, the members present shall choose one of their number to be chairman of such meeting.

5. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question.

6. In case of an equal division of votes the chairman shall have a second or casting vote.

7. The proceedings of a committee or joint board shall not be invalidated by reason of any vacancy or vacancies amongst their members, or any defect in the mode of appointment of such committee or joint board or of any member thereof.

8. Any minute made of proceedings at a meeting, and copies of any orders made or resolutions passed at a meeting, purporting to be signed by the chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the chairman of the next ensuing meeting, shall be received as evidence in all legal proceedings; and, until the contrary is proved, every meeting where minutes of the proceedings have been so made shall be deemed to have been duly convened and held, and all the proceedings thereat to have been duly had.

SCHEDULE II.

(I.) Rules for Election of Local Boards.

Number and Qualification of Members.

1. The number of members of a local board constituted after the passing of this Act shall be such number as is determined by the order forming the district.

2. The Local Government Board may from time to time by order, after local inquiry, increase or diminish the number of members of any local board, and may prescribe at what time or times and in what manner such increase or diminution shall take effect, and may vary temporarily the provisions of this schedule relating to the continuance in office and retirement of members so far as may be necessary for that purpose.

3. A person shall not be qualified to be a member of a local board unless he is at the time of his election, and so long as he continues in office by virtue of such election, resident within the district for which or for part of which he is elected, or within seven miles thereof, and is seised or possessed of real or personal estate, or both, to the value of not less than five hundred pounds in districts containing less than twenty thousand inhabitants, or to the value of not less than one thousand pounds in districts containing twenty thousand or more inhabitants; or is rated to the relief of the poor of such district, or of some parish within the same, on an annual value of not less than fifteen pounds in districts containing less than twenty thousand inhabitants, or on an annual value of not less than thirty pounds in districts containing twenty thousand or more inhabitants.

4. Where two or more persons are jointly seised or possessed of real or personal estate, or both, of such value or amount as would, if equally divided between them, qualify each to be elected, or if two or more persons are jointly rated in respect of any property which if equally divided between them would qualify each to be elected, each of the persons so jointly seised possessed or rated may be elected, but the same property shall not at the same time qualify the owner and the occupier thereof.

5. A person who is a bankrupt or whose affairs are under liquidation by arrangement or who has entered into any composition with his creditors, shall be incapable, so long as any proceedings in relation to such bankruptcy liquidation or composition are pending, of being elected member of a local board.

Wards.

6. The Local Government Board may, by order made on application in pursuance of a resolution of owners and ratepayers passed in manner provided by schedule III. to this Act, and after local inquiry, divide any district into wards; and on the like application from time to time may abolish such wards, or alter the number or boundaries of such wards, and may determine and from time to time alter the proportion of members of the local board to be elected by each ward.

A.D. 1875.

Provided that where a district has been divided into wards by a provisional order, such wards shall not be abolished or altered otherwise than by a provisional order confirmed by Parliament.

7. If any member is elected in more than one ward, he shall within three days notice thereof choose, or, in default of his choosing, the local board at their next meeting shall decide for which one of the wards the member shall serve, and he shall thereupon be held to be elected in that ward only, and a vacancy shall be held to exist in the other ward or wards, and shall be filled up as if it were a casual vacancy.

8. No person entitled to vote shall give in the whole of the wards a greater number of votes than he would have been entitled to give if the district had not been divided into wards, nor in any one ward a greater number of votes than he is entitled to in respect of property in that ward.

9. Subject as aforesaid, any owner or ratepayer may, by notice in writing delivered to the clerk of the local board, or in case of the first election to the returning officer, elect in what ward or wards he will vote for the ensuing year, and determine the proportion of votes which he will give in any one or more of such wards, and if he does not give such notice he shall not be entitled to vote for any ward in which he does not reside.

Qualification of Electors, Scale of Voting, and Register of Owners.

10. The word "owner," when used in relation to the right of voting at any election of a local board, shall mean any person for the time being in the actual occupation of any kind of property in the district or part of a district for which he claims to vote, rateable to the relief of the poor, and not let to him at a rackrent, or any person receiving on his own account, or as mortgagee or other incumbrancer in possession, the rackrent of any such property.

11. A person shall not be deemed a ratepayer or be entitled to vote as such at any such election unless he has been rated to the relief of the poor in the district or part of a district for which he claims to vote for the space of one whole year immediately preceding the day of tendering his vote, and has also before that day paid all rates made on him for the relief of the poor in such district or part of a district for the period of one whole year, and all rates due from him under this Act, except rates which have been made or become due within the six months immediately preceding.

12. Owners of and ratepayers in respect of property situated within the district for which the election is held shall be entitled to vote according to the scale following; (that is to say,)

If the property in respect of which the person is entitled to vote is rated to the poor rate on a rateable value of less than fifty pounds, he shall have one vote; if such rateable value amounts to fifty pounds and is less than one hundred pounds, he shall have two votes; if it amounts to one hundred pounds and is less than one hundred and fifty pounds, he shall have three votes; if it amounts to one hundred and fifty pounds and is less than two hundred pounds, he shall have four votes; if it amounts to two hundred

pounds and is less than two hundred and fifty pounds, he shall have five votes; and if it amounts to or exceeds two hundred and fifty pounds, he shall have six votes.

13. Any person who is owner and also bonâ fide occupier of the same property shall be entitled to vote both in respect of such ownership and of such occupation.

14. Owners may give their votes either personally or by proxy.

15. The instrument appointing a proxy shall be in writing under the hand of the appointor, or where the appointor is a corporation under their common seal, or where the appointor is a body of persons unincorporate under the hands of three directors or other persons having the direction or management of the undertaking or business carried on by such body of persons; and every such instrument shall be attested by a witness, and may be in the form M. in schedule IV. to this Act.'

16. No member of a corporation or of any such body of persons (other than a partnership firm consisting of not more than six persons) shall be entitled to vote individually as owner in respect of property belonging to such corporation or body of persons.

17. Partners in a firm consisting of not more than six persons may vote as owners in respect of property of the firm as if that property were equally divided among the partners.

18. An owner or a proxy shall not (except at the first election of a local board constituted after the passing of this Act) be entitled to have a voting paper delivered to him as such unless his name is on the register herein-after mentioned.

19. The local board shall cause a register to be made and kept, in which shall be entered the names addresses and qualifications of the owners claiming and entitled to vote, and the names or descriptions addresses and qualifications of the appointors of proxies, and the names and addresses of proxies duly appointed.

Any such register made before the passing of this Act shall be deemed to be a register or part of a register under this Act.

20. A claim by an owner or proxy to be entered on the register shall state his name and address within the district, and a description of the nature of the interest or estate in the property giving the qualification, and a statement of the amount of all rent service (if any) received or paid in respect thereof by him or the body of persons for whom he is proxy, and of the persons from whom or to whom the same is received or paid; and in the case of a proxy the claim shall be accompanied by the appointment of the proxy or an attested copy thereof.

21. A claim by an owner or proxy may be made by writing in the form L. in schedule IV. to this Act.

22. A person entitled to vote either as owner or ratepayer may object to the keeping of any name on the register by writing in the form L. in the said schedule.

A.D. 1875.

23. Claims and objections shall be sent to the chairman of the local board on some one of the first six days of March, and a claim or objection sent at any other time shall not be admitted by the chairman.

24. A person making an objection shall also give written notice thereof to the person objected to by leaving the same at the address within the district of that person.

25. The chairman shall, between the twentieth of February and the first day of March, publish a notice, in the form L. in schedule IV. to this Act, and signed by him, of the time within which claims and objections are to be made as aforesaid, and shall cause a copy of such notice to be inserted in some local newspaper circulating in the district and to be affixed at the places where parochial notices are usually affixed.

26. The chairman on the expiration of the time for sending in claims and objections shall with the assistance of such persons (if any) as the local board may appoint, proceed forthwith to revise the register by entering thereon the names of the persons who have claimed and are proved to his satisfaction to be entitled to vote as owners or proxies respectively, and the other particulars by this schedule required to be entered with respect to owners and proxies, and by expunging from the register the names of owners and proxies who are proved to his satisfaction to be dead or to have ceased to be entitled to vote.

27. For the purpose of enabling the chairman to determine the validity of claims and objections he may examine such persons and call for such evidence from the persons making the same as he may think fit; any person may tender himself to be examined; but no person shall be entitled to be examined or to be heard before the chairman in support either of a claim or an objection.

28. Not later than the sixteenth of March the chairman shall close the revision and sign the revised register, and that register shall continue in force for the twelve months next ensuing.

29. If the chairman is unable or unwilling to conduct the revision of the register, the local board shall appoint some person to conduct the revision, and in default of such appointment the revision shall be conducted by the clerk to the local board. Any person so appointed or the clerk shall for the purposes of the revision have the same powers and duties as the chairman of the local board.

30. The register shall be open to the inspection of candidates and other persons interested in any election or in any question at which any such owner or proxy claims to vote, subject to such rules as the local board may prescribe for the prevention of loss injury or disorder.

31. At the first election of a local board constituted after the passing of this Act an owner or proxy shall be entitled to have a voting paper delivered to him if not less than fourteen days before the last day appointed for delivery of the voting papers he sends a claim in writing to the returning officer containing such particulars as are herein-before required to be contained in claims to be entered on the register of owners and proxies.

Returning Officer.

32. The returning officer, for the purposes of the election of a local board, shall be the chairman of the board, or in the case of the first election, if the district is constituted by provisional order, such person as may be appointed by order of the Local Government Board; and if the district is constituted in pursuance of a resolution of owners and ratepayers, the summoning officer of the meeting of owners and ratepayers; and all powers and duties by this Act vested in or imposed on the returning officer, and all other duties requisite to be performed by him in relation to such election, shall be exercised and performed by the chairman or such person as aforesaid.

33. If the office of chairman is vacant at the time when any such power or duty must be exercised or performed, or if the chairman or such other person as aforesaid, from illness or other sufficient cause, is unable to exercise or perform such powers or duties, or is absent, or refuses to act, some other person shall be appointed (in case of the first election) by the Local Government Board, and (in any other case) by the local board, to exercise or perform such powers and duties.

34. The local board, or (in case of the first election) the returning officer, shall, before or during the election, appoint a competent number of persons to assist the returning officer in conducting and completing the same.

35. If any returning officer appointed by the Local Government Board dies refuses or becomes incapable to act, the Local Government Board may appoint another person to act in his stead.

Election.

36. The returning officer shall after the close of the revision of the register but not less than fourteen days before the last day appointed for delivery to him of nomination papers, publish a notice, signed by him, and specifying—

The number and qualification of the persons to be elected;

The place where the nomination papers herein-after mentioned are to be delivered or sent to him;

The last day on which they are to be delivered or sent in;

The mode of voting in case of a contest;

The day or days on which the voting papers will be delivered and the day on which they will be collected; and

The place for the examination and for the casting up of the votes;

and shall also cause copies of such notice to be affixed at the places where parochial notices are usually affixed.

37. The returning officer may, if he thinks fit, cause to be made an alphabetical list of the persons entitled to vote at the election.

38. The clerk of the board of guardians of any union, and the overseers or other officers of every parish wholly or in part within the parts for which the election is held, and having the custody of any books or papers relating to the election of guardians of the poor, or of the poor rate books relating to any such parish, shall permit the same to be inspected and copies or extracts to be taken therefrom by the returning officer. Any person having the custody of any such books or papers who refuses to permit the same to be inspected, or copies or

A.D. 1875.

extracts to be taken therefrom, shall be liable to a penalty not exceeding five pounds.

39. Any person entitled to vote may nominate for the office of member of the local board himself (if qualified to be elected), or any other person or persons so qualified (not exceeding the number of persons to be elected).

40. Every such nomination shall be in writing, and shall state the names and residence and calling or quality of the person or persons nominated, and shall be signed by the person nominating, and be delivered or sent to the returning officer.

41. Any person nominated may withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer.

42. If the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected, such persons (if duly qualified) shall be deemed and shall be certified by the returning officer under his hand to be elected.

43. If the number nominated and not withdrawn exceeds the number to be elected, the returning officer shall cause voting papers, in the form N. contained in schedule IV. to this Act, to be prepared and filled up, and shall insert therein the names and residence and the calling or quality of each of the persons nominated and not withdrawn, in the alphabetical order of the surnames of such persons, but it shall not be necessary to insert more than once the name of any person nominated.

44. The returning officer shall, three days at least before the day of collection of the voting papers, cause one of such voting papers to be delivered, by persons appointed by him for that purpose, at the address stated in the register or claim of each owner and proxy, and at the residence within the district of each ratepayer entitled to vote therein.

45. Each voter shall write his initials in the voting paper delivered to him against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom he intends to vote, and shall sign such voting paper.

46. Any person voting as a proxy shall in like manner write his own initials and sign his own name, and state also in writing the name of the person or body of persons for whom he is proxy.

47. Any voter unable to write shall affix his mark at the foot of the voting paper in the presence of a witness, who shall attest and write the name of the voter against the mark, as well as the initials of such voter against the name of every candidate for whom the voter intends to vote.

48. The returning officer shall cause the voting papers to be collected on the day of collection (which shall not be later than the seventh of April) by such persons as he may appoint.

49. No voting paper shall be received or admitted unless the same has been delivered at the address or residence as aforesaid of the voter, nor unless the same is collected by the persons appointed for that purpose: Provided—

(*a.*) That if any person entitled to receive a voting paper has not received a voting paper as aforesaid, he shall, on personal application before the day of collection to the returning officer, be entitled to receive a voting paper from him, and to fill up the same in his presence, and then and there to deliver the same to him:

(*b.*) That if any voting paper duly delivered has not been collected, through the default of the returning officer or the persons appointed to collect the same, the voter in person may deliver the same to the returning officer before twelve o'clock at noon on the day or on the first day (as the case may be) appointed for the examination and casting up of the votes.

50. If any person nominated, or any person on his behalf, gives at least one clear day's notice in writing to the returning officer, before the delivery or collection of the voting papers, of an intention to send some agent to accompany the deliverer or collector of the papers, the returning officer shall make his arrangements so as to enable the person appointed by him to be so accompanied, but no such agent shall interfere in any respect in the delivery or collection of the voting papers.

Counting of Votes.

51. The returning officer shall on the day immediately following the day of collection of the voting papers, and on as many days immediately succeeding as may be necessary, attend at the place appointed for the examination and casting up of the votes, and ascertain the validity of the votes, by an examination of the rate books and such other books and documents as he may think necessary, and by examining such persons as he may see fit; he shall cast up such of the votes as he finds to be valid, and to have been duly given collected or received, and shall ascertain the number of such votes for each candidate.

Any candidate may himself attend or may appoint any agent to attend the examination and casting up of the votes; any candidate or agent so attending who obstructs or in any way interferes with the examination and casting up of the votes may, by order of the returning officer, be forthwith removed from the place appointed for that purpose, and if so removed shall not be permitted to return.

52. The candidates to the number to be elected who, being duly qualified, have obtained the greatest number of votes, shall be deemed and shall be certified by the returning officer under his hand to be elected, and to each person so elected the returning officer shall forthwith send or deliver notice of his election.

53. The returning officer shall also cause to be made a list containing the names of the candidates, together with (in case of a contest) the number of votes given for each, and the names of the persons elected, and shall sign and certify such list, and shall deliver the same, together with the nomination and voting papers which he has received, to the local board at their first or next meeting (as the case may be), who shall cause the same to be deposited in their office.

A.D. 1875.

54. Such list shall during office hours be open to public inspection, together with all other documents relating to the election, for six months after the election, without fee or reward; and the returning officer shall, as soon as may be after the completion of the election, cause such list to be printed, and copies thereof to be affixed at the usual places for affixing parochial notices within the parts for which the election has taken place.

55. The returning officer shall make all his arrangements for the conduct of the election so as to ensure its completion, and the ascertainment of the result, on or before the fifteenth of April in each year; and on that day the candidates elected shall come into office, and until that day the members in whose room they are elected shall continue to hold office.

Provided that the first election of a local board for a district constituted after the passing of this Act may be held at any time mentioned in the order constituting the district, and the members shall come into office on the day appointed for their first meeting, but shall for the purposes of retirement be deemed to have come into office on the fifteenth of April next following the commencement of the order.

Declaration to be made by Members.

56. A person shall not act as a member of a local board (except in administering the following declaration) until he has made and signed before two or more other members of such board a declaration in writing to the effect following; (that is to say,)

'I *A.B.* do solemnly declare, that I am seised or possessed of real or personal
'[*or* real and personal] estate to the value or amount of
'[*or* that I am rated to the relief of the poor of on the annual
'value of .]

'(Signed) *A.B.*

'Made before us, *C.D.* and *E.F.*, members of the
'Local Board for the District of
'this day of .'

57. Such declaration shall be signed by the person making the same, and shall be filed and kept by the clerk of the local board; and any person who falsely or corruptly makes and subscribes such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanour.

58. Any person who neglects to make and subscribe the declaration required by this Act for the space of three months next after he has become a member of the local board shall be deemed to have refused to act, and shall cease to be a member of such local board, and his office as such shall thereupon become vacant.

Retirement of Members.

59. Subject as herein-after mentioned, one third of the number of members elected for the district, or if the district is divided into wards, one third of the number elected for each ward (being those who have been longest in office), shall go out of office on the fifteenth of April in each year.

60. The order in which the persons elected at the first election of a local board for a district constituted after the passing of this Act shall go out of office shall be regulated by the local board, and if the number of persons to be elected is not divisible by three, the proportion to go out of office in each year shall be regulated by the local board so that as nearly as may be one third shall go out of office in each year.

61. No person elected shall in any case continuously remain in office (without re-election) for more than three years: Provided that if the number of persons to be elected for any ward is less than three, the persons elected shall go out of office on the fifteenth of April in such year or years as the local board may, with the sanction of the Local Government Board, determine.

62. Before the fifteenth of April in each year a number of persons equal to the number of retiring members shall be elected in manner provided by this schedule, and so many others as may be necessary to complete the full number of the local board in respect of which the election is held.

63. Any person who has ceased to be a member is re-eligible (if qualified).

Disqualification of Members.

64. Any member who ceases to hold his qualification, or becomes bankrupt, or submits his affairs to liquidation by arrangement, or compounds with his creditors, or is absent from meetings of the local board for more than six months consecutively (unless in case of illness), or accepts or holds any office or place of profit under the local board of which he is member, or in any manner is concerned in any bargain or contract entered into by such board, or participates in the profit thereof, or of any work done under the authority of this Act in or for the district, shall, except in the cases next herein-after provided, cease to be such member, and his office as such shall thereupon become vacant:

Provided that no member shall vacate his office—

By reason of his being interested in the sale or lease of any lands or in any loan of money to the local board; or

By reason of his being interested in any contract with the local board as a shareholder in any joint stock company, but he shall not vote at any meeting of the local board on any question in which such company are interested, save that in the case of a water company, or other company established for the carrying on of works of a like public nature, this prohibition may be dispensed with by the Local Government Board.

Casual Vacancies.

65. Any casual vacancy occurring by death resignation disqualification failure duly to elect members or otherwise in a local board shall be filled up by the local board out of qualified persons within six weeks or within such further period as the Local Government Board may by order allow; but the member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

A.D. 1875.

In the event of a casual vacancy, or of an ordinary vacancy which ought to have been filled up at a previous election, being filled up at an annual election, if there is a poll, the member who has been elected by the fewest votes shall be deemed elected to fill such vacancy; if there is no poll, the member to be deemed to be elected to fill such vacancy shall be determined by lot.

General Provisions.

66. Whenever the day appointed for the performance of any act in relation to any election is a Sunday, Christmas Day, or Good Friday, a Bank holiday, or any day appointed for public fast or thanksgiving, such act shall be performed on the day next following, unless it is one of the days excluded as aforesaid; and in that case on the day following such excluded day.

67. The necessary expenses attendant on any election, and such reasonable remuneration to the returning officer and other persons for services performed or expenses incurred by them in relation thereto as may be allowed by the local board, shall be paid out of the general district rates levied under this Act.

68. If the returning officer refuses or neglects to comply with any of the provisions of this schedule relating to elections, he shall be liable to a penalty not exceeding fifty pounds; and any person employed for the purposes of any such election by or under the returning officer who is guilty of any such neglect or refusal shall be liable to a penalty not exceeding five pounds.

69. Any person who—

Fabricates in whole or in part or alters defaces destroys abstracts or purloins any voting paper, or

Personates any person entitled to vote at any election, or

Falsely assumes to act in the name or on the behalf of any person so entitled to vote, or

Interferes with the delivery or collection of any voting papers, or

Delivers any voting paper under a false pretence of being lawfully authorised so to do,

shall be liable to a penalty not exceeding twenty pounds, or, in the discretion of the court, to imprisonment with or without hard labour for any period not exceeding three months.

70. Any person who, not being duly qualified to act as member of the local board, or not having made and subscribed the declaration required of him by this Act, or being disabled from acting by any provision of this Act, acts as such member, shall be liable to a penalty of fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt; in such action it shall be sufficient for the plaintiff to prove in the first instance that the defendant at the time when the offence is alleged to have been committed acted as such member; and the burden of proving qualification, and the making and subscription of the declaration, or of negativing disqualification by reason of non-residence or not being seised or possessed of the requisite real or personal estate, or both, shall be on the defendant.

A.D. 1875.

But all acts and proceedings of any person disqualified disabled or not duly qualified, or who has not made and subscribed the declaration required by this Act, shall, if done previously to the recovery of the penalty mentioned in this Act, be valid and effectual to all intents and purposes.

As to Local Boards established before the passing of the Local Government Act, 1858.

71. Where the district of a local board established under the Public Health Act, 1848, before the passing of the Local Government Act, 1858, comprises the whole or any part of a borough or boroughs, and also parts not within the boundaries of any such borough, the following provisions shall have effect, (namely,)

(*a.*) Each person selected by the council of any such borough out of their own number shall be a member of the local board with which he is selected to act, so long as he continues without re-election to be member of the council from whom he was selected, and no longer; and a declaration shall not be required to be made by any person so selected:

(*b.*) Each person selected by any such council otherwise than out of their own number shall be a member of the local board with which he is selected to act, for one year from the date of his selection, and no longer:

(*c.*) In case of any vacancy in the number selected some other qualified person shall be selected by the council by whom the person causing the vacancy was selected, within one month after the occurrence of the vacancy:

(*d.*) The meeting of any council at which any selection as aforesaid is made in pursuance of this Act shall to all intents and purposes be deemed to be a meeting held in pursuance of the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act for the Regulation of Municipal Corporations in England "and Wales," and any Act amending the same:

(*e.*) If any person is both selected and elected to be a member of any such local board, he shall, within three days after notice thereof from the clerk, choose, or, in default of such choice, the local board of which he is so selected and elected to be member shall determine, the title in respect of which he shall serve; and immediately on such choice or determination the person so selected and elected shall be deemed to be member only in respect of the title so chosen or determined, and his office as member in respect of any other title shall thereupon become vacant.

72. Elective members of any local board established under the Public Health Act, 1848, before the passing of the Local Government Act, 1858, shall be elected by such owners of property and ratepayers and in such manner as in this schedule mentioned; and the provisions of this schedule (with the exception of the provisions relating to the number and qualification of members) shall apply accordingly.

Temporary Provisions.

73. All members of local boards existing at the time of the passing of this Act shall, notwithstanding any provision of any Act or order confirmed by Parliament, continue to hold office till the fifteenth day of April one thousand eight hundred and seventy-six; and the next election of members of such local boards shall be held in accordance with the provisions of this schedule.

74. The provisions of section twenty-six of the Sanitary Law Amendment Act, 1874, shall be deemed not to have been compulsory in the case of the first election of members of any local board elected after the passing of that Act, and before the passing of this Act; and all elections held or purporting to have been held in accordance with such provisions before the passing of this Act, shall be deemed to have been duly held, and to be valid for all purposes.

Oxford.

75. Nothing in the rules in this schedule shall apply to the local government district of Oxford.

(II.) Proceedings in case of Lapse of Local Board.

1. Where any local board lapses through its members ceasing to hold office, and failure to elect new members in manner by this Act provided, any mortgagee or other person entitled to any principal or interest on any mortgage of rates made by such local board may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction. The said court may, by writing under their hands, appoint a person to make levy and collect the whole or a competent part of the rates liable to the payment of the principal and interest in respect of which the application is made, and to recover all arrears of such rates until such principal and interest, together with the costs of the application and of collection, are paid; and on such appointment being made, all such rates, competent part thereof and arrears, shall be paid to the receiver so appointed, and shall be rateably apportioned by him among the mortgagees or other persons entitled to the same.

2. In the case of any lapse of a local board, the owners and ratepayers of the district may, by resolution passed in manner provided by schedule III. to this Act, determine to elect, and may accordingly proceed to the election of a new local board in manner provided by this schedule, and the result of such election shall be signified to the Local Government Board by the returning officer; and all the powers rights duties property and liabilities of the lapsed board shall attach to the new board as if there had been no lapse before the election thereof, and from the date of the completion of such election all powers of any receiver to make rates under this schedule shall determine.

If no election takes place in pursuance of this provision within three months from the date of the lapse of the board, the Local Government Board may by order dissolve the district, and declare it to be a rural district, or to be included

in any adjoining rural district; and from and after a day named in such order all such powers rights duties property and liabilities of the lapsed board as the Local Government Board may direct shall with respect to the dissolved district attach to the rural authority named in the order, and such property shall be held by the rural authority for the benefit of the dissolved district.

The Local Government Board may by order determine any question as to the fact of a local board having lapsed, or as to the date of the lapse of any local board.

SCHEDULE III.

Rules as to Resolutions of Owners and Ratepayers.

(1.) For the purpose of passing a resolution of owners and ratepayers under this Act, a meeting shall be summoned on the requisition of any twenty ratepayers or owners, or of any twenty ratepayers and owners, resident in the district or place with respect to which the resolution is to be passed.

(2.) The summoning officer of such meeting shall be—

In boroughs, the mayor;

In improvement Act districts, the chairman of the improvement commissioners;

In local government districts, the chairman of the local board;

In places situated in any rural district or districts and having known and defined boundaries, the churchwardens or one of them having jurisdiction co-extensive with the place; or if there are no churchwardens, the overseers or one of them having the like jurisdiction; or if there is none of the officers respectively above enumerated, or if such officer in any case neglects, is unable, or refuses to perform the duties hereby imposed on him, by any person appointed by the Local Government Board.

Where the boundaries of a place are settled by order of the Local Government Board, the Board shall by such order appoint the summoning officer.

If any summoning officer appointed by the Local Government Board dies, becomes incapable, or refuses or neglects to act, the Local Government Board may appoint another officer in his room.

(3.) Ratepayers or owners making a requisition for the summoning of such meeting shall, if required, give security in a bond, with two sufficient sureties, for repayment to the summoning officer, in the event of the resolution not being passed, of the costs incurred in relation to such meeting or any poll taken in pursuance of any demand made thereat; the amount of the security to be given by such sureties, and their sufficiency, and the amount of such costs, to be settled by agreement between the summoning officer and such ratepayers or owners, or, in case of dispute, by a court of summary jurisdiction.

A.D. 1875.

(4.) The summoning officer shall, on such requisition as aforesaid, fix a time and place for holding such meeting, and shall forthwith give notice thereof—

By advertisement in some one or more of the local newspapers circulated in the district or place;

By causing such notice to be affixed to the principal doors of every church and chapel in the place to which notices are usually affixed.

(5.) The summoning officer shall be the chairman of the meeting unless he is unable or unwilling to preside, in which case the meeting on assembling shall choose one of its number as chairman, who may, with the consent of a majority of the persons present, adjourn the same from time to time.

(6.) The chairman shall propose to the meeting the resolution, and the meeting shall decide for or against its adoption: Provided, that if any owner or ratepayer demands that such question be decided by a poll of owners and ratepayers, such poll shall be taken by voting papers in the form O. in schedule IV. to this Act, in the same way and with the same incidents and conditions as to the qualification of electors and scale of voting, as to notice to be given by the returning officer, delivery filling up and collection of voting papers, as to the counting of votes, as to penalties for neglect or refusal to comply with the provisions of the Act, and in all respects whatsoever as is provided by the rules for the election of local boards in schedule II. to this Act; except that in districts or places where there is no register of owners and proxies under this Act, any owner or proxy shall be entitled to have a voting paper delivered to him if at least fourteen days before the last day appointed for delivery of the voting papers he sends a claim in writing to the summoning officer containing the particulars required by schedule II. to this Act to be contained in claims to be entered on the register of owners and proxies, and except that the provisions with respect to certain specified days of the month shall not apply.

For the purposes of such poll the summoning officer shall be the returning officer, and shall have the powers and perform the duties of a returning officer under schedule II. to this Act, so far as the same are applicable to a poll under this schedule.

If no poll is demanded, or the demand for a poll is withdrawn by the persons making the same, a declaration by the chairman shall, in the absence of proof to the contrary, be sufficient evidence of the decision of such meeting.

(7.) A copy, under the hand of the summoning officer, of every resolution so passed, shall be forwarded by him to the Local Government Board; and it shall be his duty to publish a copy thereof by advertisement for three successive weeks in some one or more of the local newspapers circulated in the district or place, and by causing a copy thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually affixed.

(8.) Where in pursuance of a resolution passed in manner provided by this schedule any place is constituted a local government district, all costs incurred by the summoning officer in relation to the meeting, and any poll taken in pursuance of any demand made thereat, shall be a first charge on the general district rates leviable within such district; in the case of a resolution so passed

by owners or ratepayers in any urban district, such costs shall be paid out of the fund or rate applicable by the urban authority to the general purposes of this Act. A.D. 1875.

SCHEDULE IV.

Forms.

Form A.

Form of Notice requiring Abatement of Nuisance.

To [*person causing the nuisance, or owner or occupier of the premises whereon the nuisance exists, as the case may be*].

Take notice that under the provisions of the Public Health Act, 1875, the [*describe the local authority*], being satisfied of the existence of a nuisance at [*describe premises or place where the nuisance exists*], arising from [*describe the cause of nuisance, for instance,* want of a privy or drain; *or for further instance,* a ditch or drain so foul as to be a nuisance or injurious to health; *or for further instance,* swine kept so as to be a nuisance or injurious to health], do hereby require you within from the service of this notice to abate the same, and for that purpose to [*state any things required to be done or works to be executed*].

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance to answer a complaint which will be made to a court of summary jurisdiction for enforcing the abatement of the nuisance, and prohibiting a recurrence thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of 18 .

Signature of officer of local authority

Form B.

Form of Summons.

Summons.

To the owner *or* occupier of [*describe premises*], situated at [*insert such a description as may be sufficient to identify the premises*], *or* to *A.B.* of

County of [*or* borough of *&c. or* district of *or as the case may be*] to wit.

You are required to appear before [*describe the court of summary jurisdiction*], at the petty sessions [*or* court] holden at on the day of next, at the hour of in the noon, to answer the complaint this day made to me by that in or on the premises above mentioned [*or* in or on certain premises situated at No. in the street in the parish of *or such other description or reference as*

A.D. 1875.

may be sufficient to identify the premises], in the district, under the Public Health Act, 1875, of [*describe the local authority*], the following nuisance exists [*describing it, as the case may be*], and that the said nuisance is caused by the act or default of the occupier [*or* owner] of the said premises, *or* by you *A.B.* [*or in case the nuisance be discontinued, but likely to be repeated, say,* there existed recently, to wit, on or about the day of on the premises, the following nuisance [*describe the nuisance*], and that the said nuisance was caused [*&c.*], and although the same has since the said last-mentioned day been abated or discontinued, there is reasonable ground to consider that the same or the like nuisance is likely to recur on the said premises].

Given under my hand and seal this day of 18 .

J.S. (L.S.)

Form C.

Form of Order for Abatement or Prohibition of Nuisance.

To the owner [*or* occupier] of [*describe the premises*] situated [*give such description as may be sufficient to identify the premises*], *or* to *A.B.* of

County of [*or* borough, *&c.* of *or* district of *or as the case may be.*]

Whereas on the day of complaint was made before Esquire, one of Her Majesty's justices of the peace acting in and for the county [*or other jurisdiction*] stated in the margin, [*or as the case may be,*] by that in or on certain premises situated at in the district under the Public Health Act, 1875, of [*describe the local authority*] the following nuisance then existed [*describing it*]; and that the said nuisance was caused by the act or default of the owner [*or* occupier] of the said premises [*or* was caused by *A.B.*] [*If the nuisance have been removed say,* the following nuisance existed on or about [*the day the nuisance was ascertained to exist*], and that the said nuisance was caused, *&c.*, and although the same is now removed, the same or the like nuisance is likely to recur on the same premises.]

And whereas the owner [*or* occupier] within the meaning of the said Public Health Act, 1875, [*or* the said *A.B.*,] hath this day appeared before us [(*or* me) *describing the court*], to answer the matter of the said complaint [*or in case the party charged do not appear, say,* and whereas it hath been this day proved to our (*or* my) satisfaction that a true copy of a summons requiring the owner [*or* occupier] of the said premises [*or* the said *A.B.*] to appear this day before us [*or* me] hath been duly served according to the said Act.

Now on proof here had before us [*or* me] that the nuisance so complained of doth exist on the said premises, and that the same is caused by the act or default of the owner [*or* occupier] of the said premises [*or* by the said *A.B.*], we [*or* I], in pursuance of the said Act, do order the said owner [*or* occupier, *or A.B.*] within [*specify the time*] from the service of this order or a true copy thereof according to the said Act [*here specify any things required to be done or works to be executed, as, for instance,* to provide for the cleanly and whole-

some keeping of, *or*, to remove the animal kept so as to be a nuisance or injurious to health; *or, for further instance*, to cleanse, whitewash, purify, and disinfect the said dwelling-house; *or, for further instance*, to construct a privy *or* drain, *&c.; or, for further instance*, to cleanse *or* to cover *or* to fill up the said cesspool, *&c.*], so that the same shall no longer be a nuisance or injurious to health as aforesaid. A.D. 1875.

[*And if it appear to the court that the nuisance is likely to recur on the premises say* [And we] [*or* I] being satisfied that, notwithstanding the said cause or causes of nuisances may be removed under this order, the same is or are likely to recur, do therefore prohibit the said owner [*or* occupier, *or A.B.*,] from [*here insert the matter of the prohibition, as, for instance,*] from using the said house or building for human habitation until the same, in our [*or* my] judgment, is rendered fit for that purpose.]

In case the nuisance were removed before complaint, say, Now, on proof here had before us [*or* me] that at or recently before the time of making the said complaint, to wit, on as aforesaid, the cause of nuisance complained of did exist on the said premises, but that the same hath since been removed, yet, notwithstanding such removal, we [*or* I] being satisfied that it is likely that the same or the like nuisance will recur on the said premises, do hereby prohibit [*order of prohibition*]; and if this order of prohibition be infringed, then we [*or* I] [*order on local authority to do works*].

Given under the hands and seals of us, [*or* the hand and seal of me, *describing the court*].

This day of 18 .

J.S. (L.S.)

J.P. (L.S.)

Form D.

Form of Order for Abatement of Nuisance by Local Authority.

To the town council, *&c., as the case may be.*

County, *&c.* to wit. } Whereas [*recite complaint of nuisance as in last form*].

And whereas it hath been now proved to our [*or* my] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person causing the nuisance, is known *or* can be found [*as the case may be*]; Now we [*or* I], in pursuance of the said Act, do order the said [*local authority, naming it,*] forthwith to [*here specify the works to be done*].

Given, *&c.* (*as in last form*).

Form E.

Form of Order to permit Execution of Works by Owner.

County of [*or* borough, *&c.*,] to wit. } Whereas complaint hath been made to me, *E.F.* Esquire, one of Her Majesty's justices of the peace in and for the county [*or* borough, *&c.*] of by *A.B.*, owner, within the meaning of the Public Health Act, 1875, of certain premises [*de-*

A.D. 1875.

scribe situation of premises so as to identify them], that *C.D.*, the occupier of the said premises, doth prevent the said *A.B.* from obeying and carrying into effect the provisions of the said Act in this, to wit, that he the said *C.D.* doth prevent the said *A.B.* from [*here describe the works generally, according to circumstances, for instance, thus:* constructing and laying down, in connexion with the said house, a covered drain, so as to communicate with a sewer, which the local authority under the said Act of the district of are entitled to use, such sewer being within one hundred feet of the said premises]: And whereas the said *C.D.*, having been duly summoned to answer the said complaint, and not having shown sufficient cause against the same, and it appearing to me that the said works are necessary for the purpose of enabling the said *A.B.* to obey and carry into effect the provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the manner required by the said Act.

Given under my hand and seal, this day of 18 .

J.S. (L.S.)

Form F.

Order of Justice for Admission of Officer of Local Authority.

Whereas [*describe the local authority*] have by their officer [*naming him*] made application to me *A.B.*, one of Her Majesty's justices of the peace having jurisdiction in and for [*describe the place*], and the said officer has made oath to me that demand has been made pursuant to the provisions of the Public Health Act, 1875, for admission to [*describe situation of premises so as to identify them*], for the purpose of [*describe the purpose, as the case may be*], and that such demand has been refused.

Now, therefore, I the said *A.B.* do hereby require you [*name the person having custody of the premises*], to admit the said [*name the local authority*], [*or* the officer of the said *local authority*], to the said premises, for the purpose aforesaid.

Given, *&c.* (*as in last form*).

Form G.

Form of Notice requiring Owner to sewer, &c. Private Street.

To the owner of certain premises fronting, adjoining, or abutting on a certain street called within the district of [*describe the local authority*].

Whereas the said street is not sewered levelled paved flagged and channelled to the satisfaction of the above-named [*local authority*]; and whereas your said premises front, adjoin, or abut on certain parts of the said street which require to be sewered levelled paved flagged and channelled: Now, therefore the said [*local authority*], hereby give you notice (in pursuance

of the Public Health Act, 1875), to sewer level pave flag and channel the same within the space of [*state the time*] from the date hereof, in manner following; (that is to say,) the sewers to be laid or made [*here describe the mode to be adopted and material to be used*], of the sizes and forms, and at the rate or rates of inclination shown on the plans and sections of the works as prepared by the surveyor of the [*local authority*].

Each gully for surface draining, and its connexion with the sewer, to be placed as shown on the said plans, and to be constructed of the forms, materials, and dimensions as shown on the said plans.

A foundation for the carriageway and footway in the said street to be formed in the following manner [*here describe the mode to be adopted and the material to be used*], and the said carriageway and footway to be paved [*here describe the mode to be adopted and the material to be used*].

The channel stones to be [*here describe the mode to be adopted and the material to be used*]. The curb or side stones to be [*here describe the mode to be adopted and the material to be used*].

The whole of the above-mentioned works to be executed by you in accordance with the plans and sections herein-before referred to, and now lying for inspection by you at the office of the [*local authority*], situate in street, in aforesaid, and the dimensions, widths, and levels shown thereon, and to be done in a good, workmanlike, and substantial manner, to the satisfaction of the said [*local authority*], or their surveyor.

Dated this day of 18 .

(Signed)

Clerk to the said [*local authority*].

Form H.

Form of Mortgage of Rates.

By virtue of the Public Health Act, 1875, we the being the local authority under that Act for the district of in consideration of the sum of paid to the treasurer of the said district by *A.B.* of for the purposes of the said Act, do grant and assign unto the said *A.B.*, his executors, administrators, and assigns, such proportion of the rates arising or accruing by virtue of the said Act from [*the rates mortgaged*] as the said sum of doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said rates, to hold to the said *A.B.*, his executors, administrators, and assigns, from the day of the date hereof until the said sum of with interest at the rate of per centum per annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said principal sum shall be repaid on the day of at [*place of payment*]. Dated this day of one thousand eight hundred and .

[*To be sealed with the common seal of the local authority.*]

A.D. 1875.

Form I.

Form of Transfer of Mortgage.

I *A.B.* of , in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain mortgage, bearing date the day of and made by the local authority under the Public Health Act, 1875, for the district of for securing the sum of and interest thereon at per centum per annum [*or if such transfer be by endorsement on the mortgage, insert, instead of the words immediately following the word "assigns,"* the within security], and all my right estate and interest in and to the money thereby secured, and in and to the rates thereby assigned. In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and .

A.B. (L.S.)

Form K.

Form of Rentcharge.

By virtue of the Public Health Act, 1875, we the being the local authority under that Act for the district of do hereby declare and absolutely order that the inheritance of the [dwelling-house shop lands and premises, *as the case may be*], situated in street, in the parish of within the said district, and now in the occupation of shall be absolutely charged with the sum of pounds, paid by of for the improvement by drainage and water supply [*as the case may be*] of the same dwelling-house shop lands and premises [*as the case may be*], together with interest for the same from the date hereof at pounds per centum per annum, until full payment thereof; and also all costs incurred by the said his executors administrators or assigns, under this security, shall be fully paid and satisfied: And we hereby further declare that the said principal and interest moneys shall be paid and payable by the owner or occupier of the said premises to the said his executors administrators and assigns, in manner following; (that is to say,) the interest on such principal sum of pounds, or on so much thereof as shall from time to time remain due and payable under this order, shall be paid and payable by equal half-yearly payments whilst payable on the day of and the day of in every year, the first payment thereof to be made on the day of next, and such principal sum of pounds shall be paid and payable by equal annual instalments on the day of in each of the next succeeding years, towards the discharge of the same principal sum, until the whole shall be fully satisfied and discharged.

[*To be sealed with the common seal of the local authority.*]

Form L.

Register of Owners for the District of .

Notice of Time for making Claims and Objections.

I hereby give notice that all persons who are entitled to vote as owners or proxies at the election of members of the local board for the district of , and who are not on the register of owners and proxies now in force, or who being on the register do not retain the qualification or the address described therein, and who are desirous to have their names inserted in the register about to be made for the said district, and all persons who are desirous of objecting to any name on the register now in force, are hereby required to give or send to me, on some one of the first six days of March next, a claim or objection (*as the case may be*) in the form hereunder set forth.

(Signed) _____

Chairman of the local board.

Owner's Claim.

To the chairman of the local board for the district of .

This day of 18 .

I the undersigned claim to have my name inserted in the register of owners and proxies for the district of , pursuant to the provisions of the Public Health Act, 1875, as owner of the property herein-after described which is situated in the parish of , that is to say: (*a*)

I also state that the interest or estate which I have in such property, and the amount of all the rent-service which I receive or pay in respect thereof, and the names of the persons from whom I receive or to whom I pay such rent-service are set forth in the form hereunder written.

Description of property. (*b*)	In respect of which I have an estate or interest of (*c*)	And in respect of which I receive in rent-service the sum of (*d*)	From (*e*)	And in respect of which I pay in rent-service the sum of (*f*)	To (*g*)
		£ s. d.		£ s. d.	

_____ Signature of claimant.

_____ Address (*h*) of claimant.

(*a*) Here insert a clear statement of the property, as "house," "building," "house and acres of land."

(*b*) Describe the property by its name, situation, or the name of the occupier, or any other designation by which it may be identified.

(*c*) Describe the estate or interest, as *an estate in fee simple, of freehold, a term of years*, and also whether it is held by the claimant solely, or jointly with others, and in the case of a partner claiming, insert the number and names of the other partners in the firm.

(*d*) If the property is let by the owner, insert the amount of rent received from each tenant.

(*e*) Insert name of tenant or tenants.

(*f*) If the owner is a lessee paying rent, insert the amount of all the rent he pays.

(*g*) Insert the name of the lessor.

(*h*) This need not be the owner's residence, but should be some address within the district.

* A partner must set out the amount of rent-service which he would receive or pay if the qualifying property were equally divided among his co-partners and himself.

Claim of Proxy.

To the chairman of the local board for the district of .

This day of 18 .

I the undersigned having been appointed by of owner [*or* owners] of the property herein-after described which is situated in the parish of to vote as his [*or* their] proxy pursuant to the provisions of the Public Health Act, 1875, claim to have my name inserted in the register of owners and proxies for the district of as such proxy.

I herewith transmit to you (*a*) the writing under the hand [*or* hands, *or in the case of a corporation* the seal] of appointing me such proxy.

I also state that the interest or estate which has [*or* have] in such property and the amount of the rent-service which he [*or* they] receives or pays [*or* pay] in respect thereof and the names of the persons from whom he [*or* they] receives [*or* receive] or to whom he [*or* they] pays [*or* pay] such rent-service are set forth in the form hereunder written.

Description of Property. (*b*)	In respect of which the appointor has an estate or interest of (*c*)	And in respect of which the appointor receives in rent-service the sum of (*d*)	From (*e*)	And in respect of which the appointor pays in rent-service the sum of (*f*)	To (*g*)
		£ s. d.		£ s. d.	

Signature of proxy.

Address (*h*) of proxy.

(*a*) If the appointment itself is not sent, insert the words "an attested copy of".

(*b*) Describe the property by its name, situation, or the name of the occupier, or any other designation by which it may be identified.

(*c*) Describe the estate or interest, as *an estate in fee simple, of freehold, a term of years*, and whether it is held by the appointor solely or jointly with others.

(*d*) If the property is let by the appointor, insert the amount of rent received from each tenant.

(*e*) Insert name of tenant or tenants.

(*f*) If the appointor is a lessee paying rent, insert the amount of all the rent he pays.

(*g*) Insert the name of the lessor.

(*h*) This need not be the proxy's residence, but should be some address within the district

Form of Objection.

To the chairman of the local board of the district of .

This day of .

I hereby give you notice that I object to the name of the person mentioned and described below being retained on the register of owners and proxies for the district of .

Christian and surname of the owner or proxy objected to.	Address, as described.	Nature of Qualification, as described.	Description (in case of proxy) of appointor.

_____ Signature of objector.

_____ Address of objector.

Form M.

Appointment of Proxy.

To the chairman of the local board for the district of .

This day of 18 .

I [*or* we] the undersigned being the owner [*or* owners] of the property herein-after described which is situated in the parish of do hereby appoint to vote as my [*or* our] proxy in all cases wherein he may lawfully do so, pursuant to the provisions of the Public Health Act, 1875. And I [*or* we] hereby state that the description of the said property is as follows; viz. (*a*)

_____ Signature of owner (*b*).

_____ Address of owner.

_____ Witness.

(*a*) Describe the property by its name, situation, or the name of the occupier, or any other designation by which it may be identified.

(*b*) Or of three directors; or in the case of a corporation *say*, Given under our common seal, *and add the name of the person or persons entitled to affix the seal.*

Form N.

Form of Voting Paper at Elections of Members of Local Boards.

Voting Paper.

District of

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Ratepayer.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Name of the Nominator or of one of the Nominators.	Address of such Nominator.

I vote for the persons in the above list against whose names my initials are placed.

(Signed)_____

or the mark of_____

Witness to the mark_____

*or*_____proxy for _____

Directions to the Voter.

The voter must write his initials against the name of every person for whom he votes, and must subscribe his name and address at full length.

If the voter cannot write he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials of the voter against the name of every person for whom the voter intends to vote.

If a proxy votes he must in like manner write his initials, subscribe his own name and address, and add after his signature the name of the body of persons for whom he is proxy.

This paper will be collected on the of between the hours of and .

Form O.

Form of Voting Paper for Poll taken under Schedule III.

Voting Paper No. ( ).

At a meeting held on the day of at in the county of it was agreed that the following resolution should be proposed to the owners and ratepayers of .

(*Set out the resolution.*)

——	In favour of.	Against.	Number of Votes.	
			As Owner.	As Ratepayer.
Do you vote in favour of or against the adoption of this resolution.				

(Signed)_____

or the mark of _____

Witness to the mark _____

or proxy for _____

Directions to the Voter.

The voter must write his initials under the heading "in favour" or "against," according as he votes for or against the resolution, and must subscribe his name and address at full length.

If the voter cannot write he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials of the voter against his mark.

If a proxy votes he must in like manner write his initials, subscribe his own name and address, and add after his signature the words "as proxy for," with the name of the body of persons for whom he is proxy.

This paper will be collected on the of between the hours of and .

SCHEDULE V.

Part I.

Enactments which have been already repealed are in a few instances included in this repeal, in order to avoid the necessity of reference to previous statutes.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
11 & 12 Vict. c. 63. -	The Public Health Act, 1848.	The whole Act.
14 & 15 Vict. c. 28. -	The Common Lodging Houses Act, 1851.	The whole Act, except so far as relates to the Metropolitan Police District.
16 & 17 Vict. c. 41. -	The Common Lodging Houses Act, 1853.	The whole Act, except so far as relates to the Metropolitan Police District.
18 & 19 Vict. c. 116. -	The Diseases Prevention Act, 1855.	The whole Act, except so far as relates to the Metropolis.
18 & 19 Vict. c. 121. -	The Nuisances Removal Act for England, 1855.	The whole Act, except so far as relates to the Metropolis.
21 & 22 Vict. c. 98. -	The Local Government Act, 1858.	The whole Act.
23 & 24 Vict. c. 77. -	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act, except so far as relates to the Metropolis.
24 & 25 Vict. c. 61. -	The Local Government Act (1858) Amendment Act, 1861.	The whole Act.
26 & 27 Vict. c. 17. -	The Local Government Act Amendment Act, 1863.	The whole Act.
26 & 27 Vict. c. 117. -	The Nuisances Removal Act for England (Amendment) Act, 1863.	The whole Act, except so far as relates to the Metropolis.
28 & 29 Vict. c. 75. -	The Sewage Utilization Act, 1865.	The whole Act, except so far as relates to Scotland and Ireland.
29 & 30 Vict. c. 41. -	The Nuisances Removal (No. 1.) Act, 1866.	The whole Act, except so far as relates to the Metropolis.
29 & 30 Vict. c. 90. -	The Sanitary Act, 1866 -	Parts I., II., and III., except so far as relates to the Metropolis or to Scotland or Ireland.
30 & 31 Vict. c. 113. -	The Sewage Utilization Act, 1867.	The whole Act, except so far as relates to Scotland or Ireland.
31 & 32 Vict. c. 115. -	The Sanitary Act, 1868 -	The whole Act, except so far as relates to the Metropolis.
32 & 33 Vict. c. 100. -	The Sanitary Loans Act, 1869	The whole Act, except so far as relates to the Metropolis.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
33 & 34 Vict. c. 53. -	The Sanitary Act, 1870 -	The whole Act, except so far as relates to the Metropolis.
35 & 36 Vict. c. 79. -	The Public Health Act, 1872	The whole Act, except so far as relates to the Metropolis.
37 & 38 Vict. c. 89. -	The Sanitary Law Amendment Act, 1874.	The whole Act, except so far as relates to the Metropolis or the Metropolitan Police District.

Of the above Acts, the following, (namely,) "The Public Health Act, 1848," and "The Local Government Act, 1858," and "The Local Government Act (1858) Amendment Act, 1861," and "The Local Government Act Amendment Act, 1863," are in this Act referred to as "The Local Government Acts."

Part II.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
12 & 13 Vict. c. 94. -	The Public Health Supplemental Act, 1849.	The whole Act, except— Section 1 (Confirmation of certain provisional orders of the General Board of Health), and section 12 (short title of Act), and the schedule.
13 & 14 Vict. c. 90. -	The Public Health Supplemental Act, 1850 (No. 2).	The whole Act, except— Section 1 (certain provisional orders of General Board of Health confirmed), and section 7 (short title of Act), and the schedule.
15 & 16 Vict. c. 42. -	The first Public Health Supplemental Act, 1852.	Sections 6 to 12, both inclusive (first election or first selection and election of certain local boards), and section 13 (11 & 12 Vict. c. 63. ss. 68, 69, as to repair of highways), and section 14 (interpretation of year), and section 15 (Act incorporated with Public Health Act).

A.D. 1875.

Part III.

11 & 12 Vict. c. 63. s. 83.

As to interments within churches.

No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in any urban district after the thirty-first day of August one thousand eight hundred and forty-eight; and whosoever shall bury, or cause, permit, or suffer to be buried, any corpse or coffin in any vault or grave constructed or made contrary to this enactment, shall for every such offence be liable to a penalty not exceeding fifty pounds, which may be recovered by any person, with full costs of suit, in an action of debt.

21 & 22 Vict. c. 98. s. 49.

Local board to be burial board in certain cases.

When a vestry of any parish comprised in a local government district resolves to appoint a burial board, the local board may at the option of the vestry be the burial board for such parish, and all expenses incurred by such burial board shall be defrayed out of a rate to be levied in such parish in the same manner as a general district rate.

Provided, that if such parish has been declared a ward for the election of members of the local board, such members shall form the burial board for the parish, and shall be deemed to be a burial board elected under the Burial Acts for the time being in force.

24 & 25 Vict. c. 61. s. 21.

Urban authorities may repair fences surrounding burial grounds.

Any urban authority constituted a burial board may from time to time repair and uphold the fences surrounding any burial ground which has been discontinued as such within their jurisdiction, or take down such fences and substitute others in lieu thereof, and shall from time to time take the necessary steps for preventing the desecration of such burial ground and placing it in a proper sanitary condition; and they may from time to time pass byelaws (subject to the provisions of this Act) for the preservation and regulation of all burial grounds within their jurisdiction; and the expense of carrying this section into execution may be defrayed out of any rates authorized to be levied by any urban authority constituted a burial board.

26 & 27 Vict. c. 17. s. 6.

Local government districts to be within highway districts for purpose of highway meetings.

Where any local government district or any other place is surrounded by or adjoins a highway district constituted under the Highway Acts, such first-mentioned district or other place shall, for the purpose of any meeting of the highway board, be deemed to be within such highway district.

29 & 30 Vict. c. 90. s. 44.

Power to burial boards in certain cases to transfer their powers to urban authority.

When the district of a burial board is included in or conterminous with the district of an urban authority, the burial board may, by resolution of the vestry, and by agreement of the burial board and urban authority, transfer to the urban authority all their estate property rights powers duties and liabilities,

and from and after such transfer, the urban authority shall have all such estate property rights powers duties and liabilities as if they had been duly appointed a burial board under the Burial Acts for the time being in force.

29 & 30 Vict. c. 90. s. 51.

Power to reduce penalties imposed by 6 G. 4. c. 78.

All penalties imposed by the Act of the sixth year of King George the Fourth, chapter seventy-eight, intituled "An Act to repeal the several laws "relating to quarantine, and to make other provisions in lieu thereof," may be reduced by the justices or court having jurisdiction in respect of such penalties to such sum as the justices or court think just.

29 & 30 Vict. c. 90. s. 52.

Description of vessels within provisions of 6 G. 4. c. 78.

Every vessel having on board any person affected with a dangerous or infectious disorder shall be deemed to be within the provisions of the Act of the sixth year of King George the Fourth, chapter seventy-eight, although such vessel has not commenced her voyage, or has come from or is bound for some place in the United Kingdom.

35 & 36 Vict. c. 76. s. 34.

As to consent of Local Government Board required in certain cases.

Where in any local Acts the consent, sanction, or confirmation of one of Her Majesty's Principal Secretaries of State is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall be required instead of that of the Secretary of State.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Wash-houses Acts.

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

35 & 36 Vict. c. 79. s. 35.

Transfer of powers and duties of Board of Trade under Alkali Act, 1863, and Metropolis Water Acts, 1852 and 1871, to Local Government Board.

The powers and duties of the Board of Trade under the Alkali Act, 1863, and any Act amending the same, and under the Metropolis Water Acts, 1852 and 1871, shall be exerciseable and performed by the Local Government Board, and "the Local Government Board" shall be deemed to be substituted for "the Board of Trade" wherever the latter expression occurs in the said Acts.

35 & 36 Vict. c. 79. s. 36.

Transfer of powers and duties of Secretary of State under Highway and Turnpike Acts to Local Government Board.

All powers, duties, and acts vested in, imposed on, or required to be done by or to one of Her Majesty's Principal Secretaries of State by the several Acts of Parliament relating to highways in England and Wales, and to turnpike roads and trusts and bridges in England and Wales, shall be imposed on and be done by or to the Local Government Board, subject to the conditions, liabilities, and incidents to which such powers, duties, and acts were respectively

A.D. 1875.

subject immediately before the passing of the Public Health Act, 1872, or as near thereto as circumstances admit.

35 & 36 Vict. c. 79. s. 37.

Transfer of officers to Local Government Board.

All inspectors, clerks, and other officers who are by virtue of section thirty-seven of the Public Health Act, 1872, attached to and under the control of the Local Government Board, shall hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties, as if this Act had not passed.

The Local Government Board may by order distribute the business to be performed under the Local Government Board amongst such officers and persons in such manner as the Local Government Board may think expedient.

35 & 36 Vict. c. 79. s. 38.

Salary of medical officer.

Notwithstanding anything contained in any Act of Parliament now in force, there shall be paid out of moneys to be provided by Parliament to the medical officer of the Local Government Board such salary as the Treasury may from time to time determine.

35 & 36 Vict. c. 79. s. 48.

Orders of the Local Government Board how to be published.

Every general order of the Local Government Board, made in pursuance of the Poor Law Amendment Act, 1834, and the several Acts amending the same, shall be published in the London Gazette, and when so published shall take effect in like manner, and shall be of as much force and validity as any general order of the Poor Law Board made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board, made in pursuance of the said last-mentioned Acts, it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1875.

38 & 39 VICT., c. 83.

An Act to amend the Law relating to Securities for Loans contracted by Local Authorities.
(13th August, 1875.)

WHEREAS it is expedient to amend the law relating to securities for loans contracted by Local Authorities: Be it therefore enacted, &c.

(1.) *Preliminary.*

1. This Act may be cited for all purposes as "The Local Loans Act, 1875." Short title of Act.

2. This Act shall not extend to Scotland or Ireland. Limits of Act.

3. This Act shall come into operation on the 1st day of January, 1876, which day is hereinafter referred to as the commencement of this Act. Commencement of Act.

4. A Local Authority shall be deemed to borrow, subject to the provisions of this Act, whenever it raises a loan by the issue of debentures or debenture stock or annuity certificates, purporting to be created under its powers, or partly in one way and partly in another; subject to this proviso, that where a loan is directed to be raised by debentures or debenture stock or annuity certificates under this Act, the prescribed mode only shall be adopted. Definition of borrowing under Act.

(2.) *Debentures.*

5. A debenture under this Act shall be an instrument taking effect as a deed, and charging the local rate or property in such debenture specified with payment, as in the debenture mentioned, of the principal sum and interest therein specified. Regulations as to debentures.

Where a debenture under this Act charges property other than the local rate, and it is intended that in default of payment of the principal sum due on such debenture, or of the interest thereon, the property is to be sold, a statement to that effect shall be inserted in the debenture.

The principal sum may be made payable to the bearer of the debenture, or to a person to be named therein, his executors, administrators, or assigns.

A debenture in which the principal sum is made payable to the bearer shall be transferable by delivery.

A debenture in which the principal sum is made payable to a person named therein, his executors, administrators, or assigns, is in this Act referred to as a nominal debenture, and shall be transferable by writing in manner directed by the Local Authority.

There may be attached to a debenture under this Act, or be thereafter issued in respect thereof, or partly in one way and partly in the other, coupons making the interest as therein mentioned payable to the bearer of each coupon, or to the person named in each coupon or his order, or the interest on a debenture may be made payable to the owner for the time being of such debenture, or may be otherwise made payable in such manner as in the said debenture mentioned.

A coupon making the interest therein mentioned payable to the person named therein or his order is in this Act referred to as a coupon payable to order.

A debenture under this Act shall not be issued for a less sum than the prescribed sum, or where no sum is prescribed, than £20.

(3.) *Debenture Stock.*

6. A debenture stock may be created and issued by a Local Authority having power to raise a loan or any part thereof by the issue of debenture stock. Such debenture stock shall be of a nominal amount, not exceeding the amount of money authorised to be raised by such stock, and shall, unless otherwise provided by the conditions of issue, be redeemable at par at the option of the Local Authority at such times and upon such conditions as the Local Authority may declare at the time of the issue thereof. Regulations as to debenture stock.

The title of any person to any share in debenture stock shall be evidenced by the entry in the register as in this Act mentioned of the name of such person as owner of such share.

Debenture stock shall bear such rate of interest, to be payable at such times as the Local Authority may declare at the time of issue of the stock.

Debenture stock and the interest thereon shall be a charge on the local rate or property specified at the time of the issue thereof, in the same manner as if it were a principal sum and interest charged thereon by deed.

Where debenture stock and the interest thereon is a charge on property other than the local rate and it is intended that in default of the payment of the interest thereon, or for the purpose of raising the money required for the redemption of the stock, the property is to be sold, a declaration to that effect shall be made by the Local Authority at the time of the issue of the stock, and shall be deemed to form one of the conditions of such issue.

Debenture stock shall have all the incidents of personal estate, and shall, subject to the provisions of this Act, be transferable by writing in manner directed by the Local Authority.

The interest on any share of debenture stock shall be recoverable by the owner of such share in the same manner in all respects as if such interest were an annuity of like amount secured to him by an annuity certificate under this Act.

The owner of any share in debenture stock shall not be entitled to require payment of the nominal amount of stock held by him, except at the time and upon the conditions declared by the Local Authority at the time of the issue of such stock.

The conditions of issue of debenture stock shall be declared by the Local Authority at the time of such issue, and a printed copy of such conditions shall be supplied to every owner of debenture stock requiring the same, and shall be entered in the register of such stock.

The Local Authority may, if it thinks fit, on the application of the owner of any share in debenture stock, grant to him a certificate of title to his share in such stock, or any part of such share, with coupons attached entitling the bearer of the coupons to the interest on the share or part of a share specified in such certificate.

A certificate of title to a share in debenture stock under this section (in this Act called a stock certificate to bearer) shall entitle the bearer to the stock therein described, and to the interest thereon, and shall be transferable by delivery.

Any share in stock in respect of which a stock certificate to bearer has been issued, shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

Debenture stock, in respect of which a stock certificate to bearer has not been issued, is in this Act referred to as nominal debenture stock.

(4.) *Annuity Certificates.*

Regulations as to annuity certificates

7. An annuity certificate under this Act shall be an instrument taking effect as a deed, and charging the local rate or property in such certificate specified with payment, as in the certificate mentioned, of the annual sum therein specified.

Where an annuity certificate under this Act charges property other than the local rate, and it is intended that in default of payment of the annual sum secured by such annuity certificate, or of some part thereof, the property is to be sold, a statement to that effect shall be inserted in the annuity certificate.

The annual sum may be made payable to the bearer of the certificate or to a person to be named therein, his executors, administrators, or assigns.

An annuity certificate in which the annual sum is made payable to the bearer shall be transferable by delivery.

An annuity certificate in which the annual sum is made payable to a person named therein, his executors, administrators, or assigns, is in this Act referred to as a nominal annuity certificate, and shall be transferable by writing in manner directed by the Local Authority.

An annuity certificate under this Act shall not be issued for a less annual sum than the prescribed sum, or, where no sum is prescribed, than £3.

(5.) *Priority of Loans.*

Priority of loans.

8. All sums for the time being due or authorised to be raised on or in respect of any securities issued in respect of the same loan by a Local Authority under this Act shall be paid without any preference the one over the other by reason of the priority of date of any of such securities.

Where more than one loan has been raised under this Act by the same Local Authority, the sums for the time being due or authorised to be raised on or in respect of any securities issued in respect of each loan shall take priority according to the date of such loan.

Where any sum of money is authorised to be borrowed in manner provided by this Act, such sum may, unless it is otherwise prescribed, be raised under this Act as one loan or several loans, as may be deemed most convenient by the borrowing authority, so that the aggregate amount authorised to be borrowed be not exceeded.

The date of each loan shall, with a view to the priority of the loan and to the period within which such loan is to be discharged, and for the other purposes of this Act, so far as relates to that period, be fixed by the Local Authority, and may be so fixed irrespectively of the dates of the particular securities issued in respect of such loan, so that the period within which the loan is required to be discharged be not exceeded.

(6.) *Notice of Trusts.*

Notice of trust not receivable.

9. No notice of any trust, expressed, implied, or constructive, shall be received by the Local Authority, or by any registrar or officer of the Local Authority, in relation to any security issued by such authority under this Act.

Owners of securities not responsible for acts of local authority.

10. A person advancing any money to a Local Authority and receiving in consideration of such advance any security under this Act, shall not be bound to inquire into the application of the money advanced, or be in any way responsible for the non-application or misapplication thereof.

(7.) *Remedy for Non-payment.*

Remedy by mandamus for non-payment of money.

11. The Local Authority shall pay or raise all sums for the time being due or authorised to be raised on or in respect of any security issued by them under this Act, and if default is made in payment of any sum so due, such sum shall be deemed to be a specialty debt due to the person entitled thereto from the Local Authority of such a nature that a *mandamus* will be granted to enforce the payment thereof; and an action may be brought accordingly, in which a *mandamus* may be claimed.

Remedy by appointment of receiver for non-payment of money.

12. Where a Local Authority makes default for a period of 21 days in paying an amount of not less than £500 (whether in one sum or separate sums) for the time being due on or in respect of any security issued under this Act, the persons entitled to the said amount, or any of such persons, may, instead of or in addition to bringing an action or actions, apply to the county court for the appointment of a receiver, and any receiver so appointed (subject to any direction which may be given by the court) shall from time to time raise as hereinafter mentioned, by or out of the local rate or property charged, sufficient money to pay the amount, the payment of which is so in default, and all sums due while he is receiver on or in respect of any such security, together with all costs, charges, and expenses incurred in or about the appointment of such receiver and the execution of his duties under this section, including a proper remuneration for his trouble, and shall render to the defaulting authority the balance, if any, remaining in his hands after making the said payments.

Where the amount so due or authorised to be raised is charged on the local rate, the receiver may raise the money he is authorised to raise under this section by means of the local rate, and for that purpose shall have the same power as the defaulting authority of levying the local rate, and the receiver shall have such access to and use of the documents of the defaulting authority relative to the local rate as he may require.

Where the amount so due or authorised to be raised is charged on any property, other than the local rate, the receiver may raise the sum which he is authorised to raise under this section by receipt of the rents and profits of the property, and if the security involves a power of sale, as in this Act mentioned, by sale of the property in such manner and subject to such conditions of sale and otherwise as the court may direct.

A county court may appoint a receiver under this section with respect to any local rate levied, or any property situate wholly or partly within the jurisdiction of such court, and may remove such receiver and appoint another in his stead, and so from time to time; and may make such orders and give such directions as to the powers and duties of the receiver, and otherwise as to the disposal of the moneys received by him, as may be thought fit for carrying this section into effect.

(8.) *Discharge of Loan.*

Loan borrowed to be discharged within prescribed period.

13. Every loan borrowed in manner provided by this Act shall be discharged within the prescribed period from the date thereof, and if no period is prescribed, within the period of 20 years from the date thereof, which period of 20 years shall for the purposes of this Act be included under the term "prescribed period," and such discharge shall be secured by one or more of the following methods; that is to say,

By the issue of annuity certificates limited to expire within the prescribed period; or,

By the issue of debentures made payable in such a manner that in each year such number of debentures will become due and be paid off as will secure the repayment of the whole sum secured by such debentures by equal annual instalments, extending over the whole of the prescribed period, or over a less time than the prescribed period; or,

By the annual appropriation, as in this Act mentioned of a fixed sum, to the discharge of a certain portion of such loan; or,

Where a sinking fund is prescribed, but not otherwise, by the establishment of a sinking fund and the application thereof in manner in this Act mentioned.

Discharge of loan by appropriation of annual sum.

14. Where a fixed annual sum is appropriated to the discharge of a loan, or part of a loan, the Local Authority shall raise in every year an equal sum of money of such amount as will, at or before the expiration of the prescribed period, pay off the whole of such loan or part of the loan, and the interest thereon. The Local Authority shall in each year pay out of such fixed sum the interest due on the loan or part of a loan during the current year, and appropriate the residue of such sum, in the case of money borrowed on debentures, to the payment off of a corresponding amount of the principal sum secured by such debentures, and in the case of money borrowed by the issue of debenture stock to the redemption of a corresponding amount of such stock.

The debentures or portion of debenture stock to be paid off in every year shall be ascertained in such manner as may have been fixed at the time of the issue of the debentures or debenture stock, or may thereafter have been arranged. Where the debentures or portion of debenture stock to be paid off are or is to be

determined by lot, the lots shall be drawn in presence of the Local Authority, and any owners of debenture or debenture stock who choose to be present; the Local Authority shall cause not less than one month's previous notice of the time and place at which lots are to be drawn to be given by advertisement, published once at the least in each of four successive weeks in some newspaper circulating in the district within which the Local Authority has jurisdiction.

Any fractional sum remaining of such residue as aforesaid, after payment of the debentures or debenture stock, payable as aforesaid, shall be carried to the credit of the annual sum to be raised in the ensuing year. All expenses incurred by the Local Authority in respect of any drawings by lot or otherwise in respect of the discharge of a loan shall be paid out of the current revenue of the Local Authority.

Discharge of loan by sinking fund.

15. Where a sinking fund is prescribed for any loan or part of a loan, the Local Authority shall create a sinking fund as herein-after mentioned; that is to say,

(1.) Such equal yearly and half-yearly sums shall be paid into the sinking fund in each year as, being accumulated at compound interest at the prescribed rate, or if no rate is prescribed, at such rate as in the opinion of the Local Authority (regard being had to the securities in which they are authorised to make investments), will at the expiration of some period not longer than the prescribed period, be sufficient, after payment of all expenses, to discharge such loan or part of a loan; and

(2.) The first of such payments shall be made within one year from the date of the loan; and

(3.) All sums paid into the sinking fund shall be, as soon as may be, invested by the Local Authority in the prescribed manner, and if no manner is prescribed, or if a manner having been prescribed, the Local Government Board shall assent in securities in which trustees are by law for the time being authorised to invest, or in debentures, debenture stock, or annuity certificates issued under this Act, and any such investments may be from time to time varied or transposed, and all dividends and other annual sums received in respect of such investments shall, as soon as may be after they are received, be paid into the sinking fund and invested by the Local Authority in like manner; and

(4.) The Local Authority may from time to time apply the sinking fund, or any part thereof, in or towards the discharge of the loan or part of a loan for which it was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose:

(5.) The debentures or portion of debenture stock, to the payment of which such sinking fund is for the time being applicable, shall be ascertained in such manner as may have been fixed at the time of the issue of the debentures or debenture stock, or may thereafter have been arranged. Where the debentures or portion of debenture stock to be paid off are or is to be determined by lot, the lots shall be drawn and notice shall be given in manner herein-before in this Act mentioned:

(6.) Any surplus of the sinking fund remaining after the discharge of the loan or part of a loan for the discharge of which it was created shall be paid into some other sinking fund under the control of the Local Authority, or if there is no such fund shall be applied to any purpose to which such loan is applicable, or otherwise, as the Local Authority may, with the assent of the Local Government Board, think expedient:

(7.) Where any part of the sinking fund is invested in any securities of the Local Authority, or is applied in paying off any part of the loan before the prescribed period, the interest which would otherwise be payable on such securities or on such part of the loan shall be paid into the sinking fund and invested in manner provided by this Act:

(8.) If the annual income of the sinking fund is not less than the annual interest payable on so much of the loan or part of the loan in respect of which it was created as remains undischarged, the equal annual sums required by this section to be paid into the sinking fund may cease to be so paid.

Annual return as to sinking fund.

16. Where a sinking fund is created for the purpose of discharging any loan or part of a loan the local authority shall, until such loan or part of a loan is discharged, within 21 days after the expiration of each year, transmit to the Local Government Board a return in such form and verified in such manner as the Board from time to time directs, 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 purposes to which any portion of the sinking fund has been applied during the same period, and the total amount (if any) remaining invested at the end of the year. If it appears to the Local Government Board, by such return or otherwise, that the Local Authority have failed to comply with the provisions of this Act with respect to the sinking fund, that Board may, if they think fit and after hearing the Local Authority, if desirous to be heard, by order direct that the sum in respect of which default has been made is to be raised and invested or applied as part of the sinking fund, and any such order may be enforced by *mandamus*.

Supplemental Provisions.

(1.) *As to Coupons.*

Temporary issue of coupons.

17. Coupons in respect of any debenture or stock certificate to bearer under this Act may be issued comprising the interest payable during the whole period of years for which the debenture or stock certificate is in force, or any less period, and at the expiration of any such less period fresh coupons may be issued in

respect of the debenture or stock certificate, or such debenture or stock certificate may be exchanged for another debenture or stock certificate with coupons for a further period.

Endorsement and crossing of coupon.

18. A coupon payable to order, which when presented for payment purports to be endorsed by the person named therein, shall be a sufficient authority to the person paying the money to pay the amount due in respect of such coupon to the bearer thereof, and it shall not be incumbent on the person paying such coupon to prove that such endorsement or any subsequent endorsement was made by or under the direction or authority of the person who is named in the coupon, or to whom the coupon was made payable by any endorser.

Where a coupon bears across its face an addition in written, printed, or stamped letters of the name of any banker or of the words "and company" in full or abbreviated, between two transverse lines, such addition shall be deemed to be a material part of the coupon, and have the force of a direction to the person by whom such coupon is to be paid that the same is to be paid only to or through the banker named, or if none is so named, to or through some banker, and the same shall be payable only to or through the banker named or some banker.

Coupons issued in respect of a security are exempt from stamp duty as if attached thereto.

19. Any coupons issued in respect of any debenture or stock certificate to bearer under this Act shall for the purpose of the Acts relating to stamp duties be deemed to have been attached to and issued with such security.

(2.) *As to Stock Certificates.*

Conversion into nominal debenture stock of stock in certificate to bearer.

20. The bearer of a stock certificate to bearer may, on delivery to the Local Authority of his certificate and of all unpaid coupons belonging thereto, require the Local Authority to enter him in the register of the Local Authority as an owner of the share of stock described in the stock certificate to bearer, and thereupon that stock shall become nominal debenture stock and the interest thereon shall be payable as if no stock certificate to bearer had been issued in respect of that share of stock.

Trustee not to apply for stock certificate to bearer.

21. A trustee of debenture stock shall not apply for or hold a stock certificate to bearer unless authorised to do so by the terms of his trust, and any contravention of this provision by a trustee shall be deemed a breach of trust. But this provision shall not impose on the Local Authority an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a Trustee, or subject the Local Authority to any liability in the event of their issuing a stock certificate to bearer to a Trustee, or invalidate any stock certificate to bearer issued.

(3.) *As to Execution and Supply of Securities.*

Execution and supply of securities.

22. Every debenture, stock certificate to bearer, and annuity certificate under this Act shall be deemed to be well executed if under the common seal of the Local Authority, where that authority is a body corporate, and if signed by two or more members of the Local Authority, where the Local Authority is not a body corporate, or if otherwise executed in such manner as the Local Government Board may direct on the application of any Local Authority, whether corporate or unincorporate.

The Commissioners of Inland Revenue may, when required by any Local Authority, and on payment of such sum as may, with the sanction of the Treasury, be agreed upon, supply such authority with debentures, stock certificates to bearer, coupons, and annuity certificates under this Act in such form and of such materials as the Local Authority may direct.

(4.) *As to Register of Nominal Securities.*

Register of nominal securities.

23. A Local Authority issuing nominal debentures, nominal debenture stock, or nominal annuity certificates under this Act, shall cause a register of such securities to be kept in one or more book or books, and there shall be entered in such register—

(1.) The names and addresses and the descriptions of the owners for the time being of every such security, with a statement of the securities held by each person registered, and

(2.) The date at which the name of any person was entered in the register in respect of any such security.

The register under this section shall be evidence of any matters by this Act directed or authorised to be inserted therein.

Inspection of register.

24. Any person may inspect the register at any reasonable time upon payment of such fee not exceeding 1*s.* as may be fixed by the Local Authority, and shall be entitled to obtain from the registrar copies or extracts certified by him to be true copies or extracts of such register, upon payment of such fee not exceeding 2*s.* 6*d.*, and 2*d.* for every folio of 72 words as the Local Authority may from time to time fix, and any copy or extract so certified shall be admissible in evidence.

Rectification of register.

25. If the name of any person is without sufficient cause entered in or omitted from the register or if default is made or unnecessary delay takes place in making any entry in such register, the person aggrieved or the Local Authority may apply to the court for an order that the register may be rectified.

The court may either refuse the application with or without costs to be paid by the applicant, or may, if satisfied of the justice of the case, whether there has or has not been any default on the part of the registrar, make an order for the rectification of the register, and make such order as to the payment of the costs of the application or of damages to the person aggrieved as to the court may seem just.

The court may, in any proceeding under this section, decide any question relating to the title of any party to such proceeding to have his name entered in or omitted from the register, and generally any question which it may be necessary or expedient to decide for the rectification of the register.

The court for the purposes of this section means any of Her Majesty's superior courts of law or equity, or any court to which the jurisdiction of such courts may be transferred, and where the value of any security or securities to which the application relates does not exceed £50 shall include a county court, and the jurisdiction by this Act given to a superior court may be exercised in a summary manner by any judge or judges of such court sitting in chambers or otherwise.

(5.) *As to Loans under Official Sanction.*

Permissive issue of securities under official sanction.

26. Any Local Authority about to raise a loan by the issue of any securities under this Act may apply to the Local Government Board to authorise the issue of such securities under official sanction.

The Local Government Board, before granting their official sanction to such issue, shall require the Local Authority to furnish in such form, and with such particulars, and supported by such evidence as the Local Government Board may require, such returns of the financial condition of such authority and borrowing powers of such authority and of the indebtedness of such authority, whether incurred before or after the passing of this Act, and such other particulars as will enable the Local Government Board to ascertain the facts required by this section to be stated in relation to such issue, and the Local Government Board may make such examination or inquiries for ascertaining the said matters and the accuracy of such returns as they may think expedient, and they shall not give their sanction unless they are satisfied with the information given and the result of the inquiries made.

The issue of any securities under official sanction shall be authenticated by an official stamp on such securities or otherwise as the Local Government Board may from time to time direct.

The sanction of the Local Government Board given in respect of any securities shall be conclusive evidence that the Local Authority by whom such securities may be issued had power to issue the same, and that the same have been duly issued, and are as to form and otherwise in conformity with this Act.

The owner of any security issued under official sanction shall on request made by him to the Local Government Board be furnished with a statement of the following particulars; that is to say,

Where a security is charged on a rate, of the rateable value, at the date of the issue of such security, of the property subject to the rate, and where the security is a charge on property, of the estimated value of such property; also of

The relative priority of the loan, in respect of which such security is issued, and of the other loans (if any) of the borrowing authority;

and such statement shall be evidence of the particulars therein stated.

(6.) *As to Investments on Loans under Act.*

Power for trustees to invest in loans under Act.

27. Any trustees or other persons for the time being authorised or directed to invest any moneys in the debentures or debenture stock of any railway or other company shall, unless the contrary is provided by the instrument authorising or directing such investment, have the same power of investing such moneys in any nominal debentures or nominal debenture stock issued under this Act as they have of investing such moneys in debentures or debenture stock of any railway or other company as aforesaid.

Power for Public Works Loan Commissioners to take securities under Act.

28. When the Public Works Loan Commissioners are authorised to grant any loan to a Local Authority under any Act, passed either before or after the passing of this Act, and are satisfied with the sufficiency of the rates or other property on which such loan is charged to defray the loan, they may, notwithstanding anything contained in any other Act of Parliament, take debentures, debenture stock, or annuity certificates under this Act as a security for such loan.

(7.) *As to General Rules.*

Application of rules in first schedule.

29. The general rules in the schedule to this Act with respect to the transfer and transmission of nominal securities shall have the same force as if they were enacted in the body of this Act.

Power to make general rules.

30. The Local Authority may from time to time, with the consent of the Local Government Board, make, and when made, add to, rescind, or alter such rules as they think fit with respect to the following matters:

(1.) The issue of coupons, the registry of securities, the mode of transferring securities not transferable by delivery, the fees if any to be charged in respect of registry and otherwise in respect of any security issued by them under this Act; and

(2.) With respect to any matter or thing required for the purposes of carrying into effect this Act, and not inconsistent therewith.

The Local Authority may also by such rules as aforesaid add to, rescind, or alter any of the rules in the first schedule hereto.

Any general rules made by the Local Authority in pursuance of this section shall, so far as they are consistent with this Act, have the same force as if they were enacted therein.

Provided, that any rules made, added to, rescinded, or altered in pursuance of this section shall not affect any securities issued in respect of any loan the date of which is prior to the date of such making, addition, rescission, or alteration.

(8.) *As to Borrowing.*

Borrowing and re-borrowing by Local Authorities.

31. Any Local Authority, notwithstanding any provision in any other Act of Parliament passed before the passing of this Act, may, if it thinks fit, borrow in manner provided by this Act any loan which it is authorised to borrow.

Any Local Authority may from time to time in like manner re-borrow money for the purpose of discharging any loan lawfully contracted by them either before or after the passing of this Act; provided that the time for repayment of any money so borrowed shall not be extended beyond the unexpired portion of the term for which the original loan was contracted, unless with the sanction of the Local Government Board, and in no case shall be extended beyond the prescribed period.

(9.) *As to Forgery and Loss of Securities.*

Forgery of securities.

32. For the purposes of the Act of the Session of the 24th and 25th years of the reign of Her present Majesty, c. 98, intituled "An Act to consolidate and amend the Statute Law of England relating to indictable offences by "forgery," debenture stock under this Act shall be deemed to be capital stock of a body corporate, and any other security issued in pursuance of this Act shall be considered to be a writing obligatory, and any coupon bearing across its face an addition in written, printed, or stamped letters of the name of any banker, or of the words "and company" in full or abbreviated, between two transverse lines, shall be deemed to be a cheque or draft on a banker.

Loss of securities.

33. If any security issued under this Act is lost, mislaid, or destroyed, the Local Authority shall, on such indemnity being given as they may require, and on payment of the expense of the issue, issue a fresh security in the place of the security so lost, mislaid, or destroyed.

(10.) *Definitions.*

Definitions.

34. For the purposes of this Act—

"Prescribed" means prescribed by any Act passed either before or after the passing of this Act authorising a Local Authority to borrow money:

"Local Authority" means the justices of any county, liberty, riding, parts, or division of a county in general or quarter sessions assembled, the Council of any municipal Borough, also any authority whatsoever having power to levy a rate, as in this Act defined, also any prescribed authority:

"Municipal Borough" means any Borough for the time being subject to the Act of the session of the 5th and 6th years of the reign of King William IV., c. 76, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," and any Acts amending the same:

A "rate" means a rate the proceeds of which are applicable to public local purposes and leviable on the basis of an assessment in respect of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other document requiring payment from some authority or officer, is or can be ultimately raised out of a rate, and the levy of a rate includes the issue and enforcement of any such precept, certificate or document as aforesaid and expressions relating to the levy and the assessment and making of a rate shall be construed accordingly:

"Local rate" means any rate as before defined which a Local Authority have power to levy or charge by way of mortgage or otherwise:

"Security" means any debenture, debenture stock, annuity certificate, coupon, or stock certificate to bearer issued under this Act:

"Person" includes a body of persons corporate or unincorporate:

"Executors and administrators" includes successors.

(11.) *Repeal and consequential Enactment.*

Repeal of 36 & 37 Vict., c. 35.

35. The County Debentures Act, 1873, is hereby repealed, as from the commencement of this Act; but this repeal shall not abridge or prejudicially affect the incorporation of any county authority under that Act, or any right in respect of any debenture issued in pursuance of that Act, before the commencement of this Act, or any remedy for nonpayment of money secured by any such debenture, and all such rights and remedies may be enforced as if this Act had not been passed.

Incorporation of county authority for purposes of Act.

36. The justices of any county, liberty, riding, parts, or division of a county in general or quarter sessions assembled, issuing any securities under this Act, shall, so far as relates to such securities be deemed to be incorporated by the name of the justices of the county, liberty, riding, parts, or division of the county to which they belong, or by any other name by which such justices, are ordinarily known, or by which they granted the said securities, and may sue and be sued in any action or other legal proceeding relating thereto, by such corporate name.

SCHEDULE.

GENERAL RULES.

Transfer of Nominal Securities.

(1.) A number of persons, not exceeding such number as may from time to time be directed by the Local Authority, may be registered as joint owners of the same nominal security, with right of survivorship between them.

(2.) Unless otherwise directed by a general rule of the Local Authority, the instrument of transfer of any nominal security issued by a Local Authority shall be executed both by the transferror and transferee, and the transferor shall be deemed to remain owner of such security until the name of the transferee is entered in the register in respect thereof.

(3.) The transfer books of nominal securities may be closed at such times, not exceeding twice in each year, and not exceeding fourteen days at each time of closing, as the Local Authority may direct.

Transmission of Nominal Securities.

(4.) The executors or administrators of a deceased owner of a nominal security shall be the only persons recognised by the Local Authority as having any title to such security.

(5). Any person becoming entitled to a nominal security in consequence of the death or bankruptcy of any owner, or in consequence of the marriage of any female owner, may be registered as owner upon such evidence being produced as may from time to time be required by the Local Authority.

(6.) Unless otherwise directed by a rule of the Local Authority, any person who has become entitled to a nominal security in consequence of the death or bankruptcy of any owner, or in consequence of the marriage of any female owner, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such security.

(7.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such security.

(8.) The instrument of transfer shall be presented to the Local Authority, accompanied with such evidence as the Local Authority may require to prove the title of the transferor, and thereupon the Local Authority shall register the transferee as owner.

(9.) In the construction of this schedule the term "nominal security" means any nominal debenture, nominal debenture stock, or nominal annuity certificate.

38 & 39 VICT., c. 63.

An Act to repeal the Adulteration of Food Acts, and to make better provisions for the Sale of Food and Drugs in a pure state. A.D. 1875.

(11th August, 1875.)

WHEREAS it is desirable that the Acts now in force relating to the adulteration of food should be repealed, and that the law regarding the sale of food and drugs in a pure and genuine condition should be amended:

Be it therefore enacted, &c.

Repeal of statutes.

1. From the commencement of this Act the statutes of the 23 & 24 of Victoria, chapter 84, of the 31 & 32 of Victoria, chapter 121, section 24; of the 33 & 34 of Victoria, chapter 26, section 3; and of the 35 & 36 of Victoria, chapter 74, shall be repealed, except in regard to any appointment made under them and not then determined, and in regard to any offence committed against them or any prosecution or other act commenced and not concluded or completed, and any payment of money then due in respect of any provision thereof.

Interpretation.

2. The term "food" shall include every article used for food or drink by man, other than drugs or water:

The term "drug" shall include medicine for internal or external use:

The term "county" shall include every county, riding, and division, as well as every county of a city or town not being a borough:

The term "justices" shall include any police and stipendiary magistrate invested with the powers of a justice of the peace in England. * * *

Description of Offences.

Prohibition of the mixing of injurious ingredients.

3. No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding 50*l.* for the first offence; every offence, after a conviction for a first offence, shall be a misdemeanor, for which the person, on conviction, shall be imprisioned for a period not exceeding 6 months with hard labour.

Prohibition of the mixing of drugs with injurious ingredients

4. No person shall, except for the purpose of compounding as hereinafter described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, underthe same penalty in each case respectively as in the preceding section for a first and subsequent offence.

Exemption in case of proof of absence of knowledge.

5. Provided that no person shall be liable to be convicted under either of the two last foregoing sections of this Act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the justice or court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

Prohibition of the sale of food and drugs not of the proper nature, substance, and quality.

6. No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding 20*l.*; provided that an offence shall not be deemed to be committed under this section in the following cases; that is to say,

(1.) Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof;

(2.) Where the drug or food is a proprietary medicine, or is the subject of a patient in force, and is supplied in the state required by the specification of the patent;

(3.) Where the food or drug is compounded as in this Act mentioned;

(4.) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Compounded food and drugs.

7. No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser, under a penalty not exceeding 20*l.*

A.D. 1875.

Protection from offences by giving of label.

8. Provided that no person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label distinctly and legibly written or printed on, or with the article or drug, to the effect that the same is mixed.

Abstraction of part of an article of food before sale.

9. No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding twenty pounds.

Appointment and Duties of Analysts, and Proceedings to obtain Analysis.

Appointment of analysts.

10. * * * The court of quarter sessions of every county, and the town council of every borough having a separate court of quarter sessions, or having under any general or local Act of Parliament or otherwise a separate police establishment, may, as soon as convenient, after the passing of this Act, where no appointment has been hitherto made, and in all cases as and when vacancies in the office occur, or when required so to do by the Local Government Board, shall, for their respective * * * counties, or boroughs, appoint one or more persons possessing competent knowledge, skill, and experience, as analysts of all articles of food and drugs sold within the said * * * counties, or boroughs, and shall pay to such analysts such remuneration as shall be mutually agreed upon, and may remove him or them as they shall deem proper; but such appointments and removals shall at all times be subject to the approval of the Local Government Board, who may require satisfactory proof of competency to be supplied to them, and may give their approval absolutely or with modifications as to the period of the appointment and removal, or otherwise: Provided, that no person shall hereafter be appointed as an analyst for any place under this section who shall be engaged directly or indirectly in any trade or business connected with the sale of food or drugs in such place.

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Analyst may act for more than one Authority.

11. The town council of any borough may agree that the analyst appointed by any neighbouring borough or for the county in which the borough is situated, shall act for their borough during such time as the said council shall think proper, and shall make due provision for the payment of his remuneration, and if such analyst shall consent, he shall during such time be the analyst for such borough for the purposes of this Act.

Purchaser may have an article of food analysed.

12. Any purchaser of an article of food or of a drug in any place being a district, county, city, or borough where there is any analyst appointed under this or any Act hereby repealed shall be entitled, on payment to such analyst of a sum not exceeding ten shillings and sixpence, or if there be no such analyst then acting for such place, to the analyst of another place, of such sum as may be agreed upon between such person and the analyst, to have such article analysed by such analyst, and to receive from him a certificate of the result of his analysis.

Certain officers to obtain samples.

13. Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any inspector of a market, or any police constable under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure any sample of food or drugs, and if he suspect the same to have been sold to him contrary to any provision of this Act, shall submit the same to be analysed by the analyst of the district or place for which he acts, or if there be no such analyst then acting for such place to the analyst of another place, and such analyst shall, upon receiving payment as is provided in the last section, with all convenient speed analyse the same same, and give a certificate to such officer, wherein he shall specify the result of the analysis.

Provision for dealing with the sample when purchased.

14. The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the seller, or his agent selling the article, his intention to have the same analysed by the public analyst, and shall offer to divide the article into 3 parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the analyst.

Provision when sample is not divided.

15. If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the analyst receiving the article for analysis shall divide the same into 2 parts, and shall seal or fasten up one of those parts, and shall cause it to be delivered, either upon receipt of the sample, or when he supplies his certificate to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Provision for sending article to the analyst by post.

16. If the analyst do not reside within 2 miles of the residence of the person requiring the article to be analysed, such article may be forwarded to the analyst through the post office as a registered letter, subject to any regulations which the Postmaster General may make a reference to the carrying and delivery of such article, and the charge for the postage of such article shall be deemed one of the charges of this Act or of the prosecution, as the case may be.

Persons refusing to sell any article to an officer liable to penalty.

17. If any such officer, inspector, or constable, as above described, shall apply to purchase any article of food or any drug exposed to sale, or on sale by retail on any premises or in any shop or stores, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, inspector, or constable, such person shall be liable to a penalty not exceeding 10*l*.

Certificate.

18. The certificate of the analysis shall be in the form set forth in the schedule hereto, or to the like effect.

19. Every analyst appointed under any Act hereby repealed or this Act shall report quarterly to the authority appointing him the number of articles analysed by him under this Act during the foregoing quarter, and shall specify the result of each analysis, and the sum paid to him in respect thereof, and such report shall be presented at the next meeting of the authority appointing such analyst, and every such authority shall annually transmit to the Local Government Board, at such time and in such form as the Board shall direct, a certified copy of such quarterly report.

Analysts to report quarterly.

Proceedings against Offenders.

20. When the analyst having analysed any article shall have given his certificate of the result, from which it may appear that an offence against some one of the provisions of this Act has been committed, the person causing the analysis to be made may take proceedings for the recovery of the penalty herein imposed for such offence, before any justices in petty sessions assembled having jurisdiction in the place where the article or drug sold was actually delivered to the purchaser in a summary manner.

Proceedings against offenders

Every penalty imposed by this Act shall be recovered in England in the manner prescribed by the 11th and 12th of Victoria, chapter 43. * * *

Every penalty herein imposed may be reduced or mitigated according to the judgment of the justices.

21. At the hearing of the information in such proceeding the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the defendant shall require that the analyst shall be called as a witness, and the parts of the articles retained by the person who purchased the article shall be produced, and the defendant may, if he think fit, tender himself and his wife to be examined on his behalf, and he or she shall, if he so desire, be examined accordingly.

Certificate of analyst prima facie evidence, but analyst may be called. Defendant and wife may be examined.

22. The justices before whom any complaint may be made, or the court before whom any appeal may be heard, under this Act may, upon the request of either party, in their discretion, cause any article of food or drug to be sent to the Commissioners of Inland Revenue, who shall thereupon direct the chemical officers of their department at Somerset House to make the analysis, and give a certificate to such justices of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the justices may by order direct.

Justices may have articles analysed.

23. Any person who has been convicted of any offence punishable by any Act hereby repealed or by this Act by any justices may appeal in England to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such conviction shall have been made, provided that such person enter into a recognizance within 3 days next after such conviction, with 2 sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and determination of the court at such general or quarter sessions, and to pay such costs as shall be by such court awarded; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognizance; and the court, at such general or quarter sessions are hereby required to hear and determine the matter of such appeal, and may award such costs to the party appealing or appealed against as they or he shall think proper.

Appeal to quarter sessions.

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24. In any prosecution under this Act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this Act, it shall be incumbent upon him to prove the same.

On prosecution Defendant to prove that he is protected.

25. If the defendant in any prosection under this Act prove to the satisfaction of the justices or court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to that effect, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given due notice to him that he will rely on the above defence.

Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty.

26. Every penalty imposed and recovered under this Act shall be paid in the case of a prosecution by any officer, inspector, or constable of the authority who shall have appointed an analyst or agreed to the acting of an analyst within their district, to such officer, inspector, or constable, and shall be by him paid to the authority for whom he acts, and be applied towards the expenses of executing this Act, any Statute to the contrary notwithstanding; but in the case of any other prosecution the same shall be paid and applied in England according to the law regulating the application of penalties for offences punishable in a summary manner. * * *

Application of penalties

27. Any person who shall forge, or shall utter, knowing it to be forged for the purposes of this Act, any certificate or any writing purporting to contain a warranty, shall be guilty of a misdemeanor and be punishable on conviction by imprisonment for a term of not exceeding 2 years with hard labour;

Forgery of certificate or warranty;

Every person who shall wilfully apply to an article of food, or a drug, in any proceedings under this Act, a certificate or warranty given in relation to any other article or drug, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding 20*l.*;

Wilful misapplication of warranty;

Every person who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding 20*l.*;

False warranty;

And every person who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding 20*l.*

False label.

28. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto.

Proceedings by indictment and contracts not to be affected.

Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover alone or in addition to any other damages

A.D. 1875.

recoverable by him the amount of any penalty in which he may have been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug, the subject of such conviction, was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

Expenses of executing the Act.

Expenses of executing Act.

29. The expenses of executing this Act shall be borne, * * * in counties by the county rate, and in boroughs by the borough fund or rate.

Special Provision as to Tea.

Tea to be examined on importation.

30. From and after the 1st day of January, 1876, all tea imported as merchandise into and landed at any port in Great Britain or Ireland shall be subject to examination by persons to be appointed by the Commissioners of Customs, subject to the approval of the Treasury, for the inspection and analysis thereof, for which purpose samples may, when deemed necessary by such inspectors, be taken, and with all convenient speed be examined by the analysts to be so appointed; and if upon such analysis the same shall be found to be mixed with other substances or exhausted tea, the same shall not be delivered unless with the sanction of the said commissioners, and on such terms and conditions as they shall see fit to direct, either for home consumption or for use as ships stores or for exportation; but if on such inspection and analysis it shall appear that such tea is in the opinion of the analyst unfit for human food, the same shall be forfeited and destroyed or otherwise disposed of in such manner as the said commissioners may direct.

Interpretation.

31. Tea to which the term "exhausted" is applied in this Act shall mean and include any tea which has been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means.

Cinque Port.

32. For the purpose of this Act every liberty of a cinque port not comprised within the jurisdiction of a borough shall be part of the county in which it is situated, and subject to the jurisdiction of the justices of such county.

[§§ 33—4 relate to Scotland and Ireland only.]

Commencement of Act.

35. This Act shall commence on the 1st day of October, 1875.

Short title.

36. This Act may be cited as "The Sale of Food and Drugs Act, 1875."

SCHEDULE.

FORM OF CERTIFICATE.

To *

I, the undersigned, public analyst for the , do hereby certify that I received on the day of 18 , from † , a sample of for analysis (which then weighed ‡), and have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine

or,

I am of opinion that the said sample contained the parts as under, or the per-centages of foreign ingredients as under.

Observations. §

As witness my hand this day of

A.B.,

at

* Here insert the name of the person submitting the article for analysis.

† Here insert the name of the person delivering the sample.

‡ When the article cannot be conveniently weighed, this passage may be erased, or the blank may be left unfilled.

§ Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

38 & 39 VICT., c. 89.

An Act to consolidate with Amendments the Acts relating to loans for Public Works. (a) ***(13th August, 1875.)***

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Any school-house or work for which a school board is authorised to borrow under the "Elementary Education Act, 1870 and 1873," or any Act amending the same. * * *

Water-works established or carried on by a Sanitary or other Local Authority.

Work-houses or Poor-houses, and any works for which Guardians of the Poor are authorised to borrow under the General Acts relating to the Relief of the Poor.

Any work for which a Sanitary Authority are authorised to borrow under the "Public Health Act, 1875."

* * * * * *

Any work for which the Commissioners are authorised to lend by any Act passed after the passing of this Act.

(a) With this Act, as a whole, Local Authorities have not much direct concern, it being primarily a measure to regulate the internal affairs of the Public Works Loan Commissioners, but the 1st Schedule is of great importance.

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"NAUTICAL ALMANAC OFFICE,"
FEB. 13, 1867.

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