

The public health act, 1875 : including the statutes and parts of statutes incorporated therewith, together with the artizans and labourers' dwellings improvement act, 1875 / by Thomas William Saunders.

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THE
PUBLIC HEALTH ACT,
1875.
AND THE
ARTIZANS & LABOURERS'
DWELLINGS
IMPROVEMENT ACT,
1875.
SAUNDERS.

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THE
PUBLIC HEALTH ACT, 1875:

INCLUDING THE
STATUTES AND PARTS OF STATUTES
INCORPORATED THEREWITH,

TOGETHER WITH
THE ARTIZANS AND LABOURERS' DWELLINGS
IMPROVEMENT ACT, 1875:

LEEDS & WEST-RIDING
MEDICO-CHIRURGICAL SOCIETY

BY

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MEDICO-CHIRURGICAL SOCIETY

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LEEDS & WEST-RIDING
MEDICO-CHIRURGICAL SOCIETY

P R E F A C E.

SINCE the passing of The Public Health Act, 1848, which may be said to have inaugurated our sanitary legislation, not a session of Parliament has been holden that has not witnessed some important additions to the subject. At the same time, however, that fresh enactments, devised to meet new requirements or to satisfy more expanded views, have been called into existence, the want of harmony amongst their various provisions has been such, that whilst it was often difficult for even practised lawyers to see their way through them, it was almost impossible for the local officers whose especial function it was to see to their being duly enforced, to do so. To apply a remedy to this unsatisfactory state of things, and to reduce what had become a mass of complication and intricacy into something like simplicity and order, it has been thought advisable to repeal all the existing statutes upon the subject, and from the materials thus set at liberty to re-enact in one homogeneous and intelligible code, all the old provisions that experience had shown to have been of service, and to enact a few new clauses such as practical defects had shewn to be necessary.

Unfortunately, the execution of this design has not been accomplished with that simplicity its feasibility warranted; and notwithstanding, therefore, the excellent opportunity which the occasion presented of composing a simple and clear code upon the subject, a method of composition has been adopted in framing the statute which leaves this branch of the law still in a state of some practical confusion. Thus, the Act consists of 343 sections, which an ordinary person would imagine comprised

the entire body of enacting provisions. Not so, however; these sections are but a portion of the statute, for they are succeeded by three schedules containing no less than 106 rules of the most vital importance, providing, in fact, the entire machinery for working and carrying out the Act, and being all huddled up together in a place in the statute where few persons would look for or expect to find them, instead of being placed in their appropriate positions amongst the enacting sections, which they may have been, without the smallest inconvenience or detriment. Besides this, we have a schedule of forms followed by another schedule, the two first parts being devoted to the repeal of no less than twenty-two statutes, and the third part, to the revival of a great number of the clauses of these extinguished enactments. Thus we have a body of enacting clauses—another body of clauses under the equivocal and somewhat misleading term of “rules,”—a number of forms—a schedule of repealed Acts, and a collection of re-enacted sections of these repealed statutes! In addition to these elements of embarrassment and confusion, the Act embodies, by *reference* only, portions of many other statutes. It is true that several of these are selections from the various Consolidation Clauses Acts; but why it should be deemed to be more convenient to have to refer to half a dozen distinct Acts of Parliament with all the uncertainty of mistaking the sections, than having all the enactments under one view, it is difficult to understand. If it be urged that the *bulk* of the statute would be an objection against this general incorporation—the obvious answer is, that one volume of reference, though of considerable size, must be more convenient for practical use than seven or eight smaller ones; beside which, the present statute, containing 343 clauses, is but half as bulky as some others which have found their way into the statute book, such as The Merchant Act, 1854, containing as it does 548 clauses, and which has never been the subject of condemnation on the score of its size. It certainly cannot be said that this scattered method of legislation is otherwise than embarrassing; and when it is

remembered that the present enactment is to be carried out and enforced mainly through the instrumentality of laymen, such as medical officers of health, surveyors, inspectors, and others, it is not saying too much, that it is to be regretted that it had not been framed with greater simplicity. Notwithstanding, however, this drawback, the present statute cannot be pronounced to be otherwise than a very great improvement, and one which will be deemed a boon to all those whose duties will require them to consult its provisions.

To assist in the due carrying out of this measure, by bringing together under one view its dispersed elements, the present volume has been compiled, whereby (with a full reference to the subject in all its parts, and with the assistance of a copious index) it is hoped that the statute may be found to work both easily and efficiently.

With reference to such an enactment, one of the principal objects of which was to clear up those doubts and difficulties that had been found to exist under the old law, no considerable amount of notes or explanations ought to, or can be needed. All such, therefore, which would have partaken of a speculative character have been carefully avoided, and those only have been inserted which have been obviously needed from the very nature of the subject to which they have been appended.

Associated with the Public Health Act, and to be carried out by the Urban authority, we have another enactment, which for its social and sanitary influence is inferior to none that has engaged the attention of the Legislature. "The Artizans and Labourers' Dwellings Improvement Act, 1875," is one which, if judiciously executed, cannot fail of realising results of truly imperial importance.

The preamble of the statute says most truly "that various portions of many cities and boroughs are so built and the buildings thereon so densely inhabited as to be highly injurious to the moral and physical welfare of the inhabitants," and it further alleges, that there are in such portions of cities and

boroughs "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, thus causing death and loss of health, not only in the courts and alleys, but also in other parts of such cities and boroughs." It further alleges, that 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 that it is necessary for that purpose that many of such houses, courts, and alleys, should be pulled down, and such portions of the said cities and boroughs should be reconstructed. The Act then establishes a system whereby the evils set forth in the preamble can be effectually checked, and empowers certain local authorities to organise an improvement scheme for re-arranging the objectionable localities. For the present, the Act only applies to urban sanitary districts containing a population of 25,000 and upwards; but there can be little doubt, that should it work successfully it will be extended to places of less population, many of which are sadly in want of its application.

As every one interested in the working of this statute will have for himself carefully to peruse and digest its provisions, and as until it has been put fully in operation it is difficult to speculate upon any shortcomings which may develop themselves, we forbear to attempt a critical analysis of the enactment, believing at the same time that its directions are intelligible and sensible, and that in its operation it will be found to carry out with tolerable efficiency the excellent purpose its authors had in view.

1, ELM COURT, TEMPLE,
25th September, 1875.

THE
PUBLIC HEALTH ACT, 1875.

[38 & 39 VICT. CAP. 55.]

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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.

LEEDS & WEST-RIDING

MEDICO-CHIRURGICAL SOCIETY

LEEDS & WEST-RIDING
MEDICO-CHIRURGICAL SOCIETY

THE PUBLIC HEALTH ACT, 1875.

[38 & 39 VICT. CAP. 55.]

An Act for consolidating and amending the Acts relating to Public Health in England.—[11th August, 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. *Short title.*—This Act may be cited as The Public Health Act, 1875.

2. *Extent of Act.*—This Act shall not extend to Scotland or Ireland, nor (save as by this Act is expressly provided) to the metropolis.

3. *Division of Act into parts.*—This Act is divided into parts, as follows :

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. *Definitions.*—In this Act, if not inconsistent with the context, the following words and expressions have the meanings hereinafter respectively assigned to them ; that is to say,

- “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 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 hereinafter 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” (a) means the person for the time being receiving

(a) “Owner.” In *Cook (app.) v. Montague (resp.)* (L. Rep. 7, Q. B. 418 ; 41 L. J., M. C. 149), where proceedings were taken under the 29 & 30 Vict. c. 90, which incorporates the Nuisances Removal Act, 1855; which defines the word “owner” as “including any person receiving the rents of the pro-

the rackrent of the lands or premises in connection 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

perty, in respect of which that word is used from the occupier of such property on his own account, or as trustee or agent for any other person,”—it was held, where proceedings were taken against the appellant for a nuisance caused by the defective construction of a privy, and it appeared that the house to which the privy belonged was let by A. to H. for a term of years at a rack rent, and the appellant received the rent reserved by the lease as agent for the representatives of A., and that H. occupied the entrance or shop floor only, having underlet the residue of the premises, including the privy, to a yearly tenant at rack rent, that the appellant was not the “ owner ” of the premises within the meaning of the statutes, as he did not receive the rent paid by the occupier of the premises in which the nuisance arose. See also *Canwell* (app.) v. *Hanson* (resp.) (L. Rep. 7 Q. B. 55 ; 41 L. J., M. C. 8.

- 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 Washhouses Acts” means 9 & 10 Vict. c. 74 (An Act to encourage the establishment of Public Baths and Washhouses); 10 & 11 Vict. c. 61 (An Act to amend the Act for the establishment of Public Baths and Washhouses):
- “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 recognisance 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. (a)

5. *Urban and rural sanitary districts.*—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.

6. *Description of urban districts and urban authorities.*—Urban districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, 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.

(a) For the rules regulating the *meetings* and *proceedings* of Local Boards see schedule 1, *post*.

For the rules regulating the *election* of Local Boards see schedule 2, *post*.

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 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."

7. Incorporation of local boards and improvement commissioners.
—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 a 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.

8. *Election of local boards.*—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.

9. *Description of rural districts and rural authorities.*—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 guardians 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.

10. *Powers and duties of urban authorities.*—In addition to the powers, rights, duties, capacities, liabilities, and obligations exercisable 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 exercisable 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. (a.)

Where the Baths and Washhouses 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 exercisable by or attaching to the council incorporated commissioners, local board improvement commissioners, and other commissioners, or persons acting in the execution of the said Acts, or any of them.

(a) See "The Bakehouses Regulation Act, 1863," and "The Artizan and Labourers Dwelling Act, 1868," *post*.

Where the Baths and Washhouses 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. (*a*)

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.

11. *Powers and duties of rural authorities.*—In addition to the powers, rights, duties, capacities, liabilities, and obligations exercisable 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 exercisable by or attaching to the local authority under the Bakehouse Regulation Act, or any Acts amending the same.

12. *Vesting of property in local authorities.*—From and after the passing of this Act all such property, real and personal, including all interests, rights, and easements into 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

(*a*) As the adoption of these statutes is *optional* with the urban authority, it has not been thought advisable to increase the size of this volume by adding them.

are under this Act exercisable 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.

PART III.—SANITARY PROVISIONS.

SEWERAGE AND DRAINAGE.

Regulations as to Sewers and Drains.

13. *Sewers vested in local authority.*—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.

14. *Power to purchase sewers.*—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.

15. *Maintenance and making of sewers.*—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.

16. *Powers for making sewers.*—Any local authority may carry any sewer through, across, or under any turnpike road, or any street or place laid out as or 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.

17. *Sewage to be purified before being discharged into streams.*—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.

18. *Alteration and discontinuance of sewers.*—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.

19. *Cleansing sewers.*—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.

20. *Map of system of sewerage.*—An urban authority may, if

they think fit, provide a map exhibiting a system of sewerage for effectually draining their district (*a*), 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.

21. *Power of owners and occupiers within district to drain into sewers of local authority.*—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 provision 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 a 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.

22. *Use of sewers by owners and occupiers without district.*—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.

23. *Power of local authority to enforce drainage of undrained houses.*—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

(*a*) Sect. 305, *post*, contains ample powers for a local authority or their officers to enter lands or premises for the purpose (*inter alia*) of making plans, &c.

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.

24. *Power of local authority to require houses to be drained into new sewers.*—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.

25. *Penalty on building house without drains in urban district.*—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.

26. *Penalty on unauthorised building over sewers and under streets in urban district.*—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.

27. *Powers for disposal of sewage.*—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.

28. *Power to agree for communication of sewers with sewers of adjoining district.*—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.

29. *Power to deal with land appropriated to sewage purposes.*—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, (a) 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.

30. *Contribution to works under agreement for supply or distribution of sewage.*—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 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

(a) By sect. 5 of the repealed statute of the 30 & 31 Vict. c. 113 (The Sewage Utilization Act, 1867, the power of leasing was limited to seven years.

authority, or to or in which the benefits and obligations of such agreements may have been or may be transferred or vested.

31. *Application of 27 & 28 Vict. c. 114, to works for supply of sewage.*—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.

32. *Notice to be given before commencing sewage works without district.*—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. *in which*

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.

33. *In case of objection, works not to be commenced without sanction of Local Government Board.*—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 hereinafter mentioned, unless such objection is withdrawn.

34. *Inspector to hold inquiry and report to Local Government Board.*—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.

PRIVIES, WATERCLOSETS, ETC.

35. *Penalty on building houses without privy accommodation.*—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.

36. *Power of local authority to enforce provision of privy accommodation for houses.*—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 ashpit furnished with proper doors and covering, 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 a local authority, a watercloset, earthcloset, or privy, may be so used, they need not require the same to be provided for each house.

37. *As to earthclosets.*—Any enactment in force within the district of an 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.

38. *Privy accommodation for factories.*—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.

39. *Public necessaries.*—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.

40. *Drains, privies, &c., to be properly kept.*—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.

41. *Examination of drains, privies, &c., on complaint of nuisance.*—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, water-closet, earthcloset, privy, ashpit, or cesspool. If the drain, water-closet, 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, water-closet, 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.

42. *Local authority to provide for cleansing of streets and removal of refuse.*—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.

43. *Penalty on neglect of local authority to remove refuse, &c.*—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 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.

44. *Power of local authority to make byelaws imposing duty of cleansing, &c., on occupier.*—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.

45. *Power to provide receptacles for deposit of rubbish.*—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.

46. *Houses to be purified, on certificate of officer of health, or of two medical practitioners.*—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.

47. *Penalty in respect of certain nuisances on premises.*—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.

48. *Provision for obtaining order for cleansing offensive ditches*

lying near to or forming the boundaries of districts.—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 proportion 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.

49. *Removal of filth on certificate of inspector of nuisances.*—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.

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.

50. *Periodical removal of manure from mews and other premises.*—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.

51. *General powers for supplying district with water.*—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.

52. *Restriction on construction of waterworks by local authority.*—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 company 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 Parlia-

ment) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

53. *As to construction of reservoirs.*—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 hereinafter 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.

54. *Power of carrying mains.*—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. (a)

55. *As to supply of water.*—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.

(a) If the local authority desire to carry their water mains beyond their district, they must adopt the same preliminary steps as are provided for the construction of sewers without their district. These steps are pointed out in sections 32, 33, and 34, *ante*.

56. *Power to charge water rates and rents.*—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 the general district rates; moreover they may enter into agreements for supplying water on 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.

57. *Incorporation of certain provisions of Waterworks Clauses Acts.*—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,)(a)

“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

(a) This Act, together with the clauses in the Waterworks Act, 1847, will be found at length at the end of the present statute, *post*.

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.

58. *Power to supply water by measure.*—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.

59. *Register of meter to be evidence.*—Where water is supplied by measure by any local authority, the register of the meter or other instrument for measuring water shall be *prima 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.

60. *Penalty for injuring meters.*—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.

61. *Power to supply water to authority of adjoining district.*—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.

62. *Local authority may require houses to be supplied with water in certain cases.*—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.

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.

63. *Powers of water company for supplying water to local authority.*—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.

64. *Vesting of public cisterns, &c., in local authority.*—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.

65. *Water for public baths, or trading or manufacturing purposes.*—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.

66. *Duty of urban authority to provide fire-plugs.*—Every urban authority shall cause fire-plugs, and all necessary works, of 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.

67. *Agreements with universities.*—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.

68. *Penalty for causing water to be corrupted by gas washings.*

—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.

69. *Local authority may take proceedings to prevent pollution of streams.*—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.

70. *Power to close polluted wells, &c.*—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.

71. *Prohibition of occupying cellar dwellings.*—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.

72. *Existing cellar dwellings only to be let or occupied on certain conditions.*—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.

73. *Penalty on persons offending against enactment.*—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 his behalf.

74. *Definition of occupying as a dwelling.*—Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

75. *Power to close cellars in case of two convictions.*—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.

76. *Registers of common lodging-houses to be kept.*—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.

77. *All common lodging-houses to be registered, and to be kept only by registered keepers.*—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.

78. *Local authority may refuse to register houses.*—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.

79. *Notice of registration to be affixed to houses.*—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.

80. *Byelaws to be made by local authority.*—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.

81. *Power to local authority to require supply of water to houses.*—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.

82. *Limewashing of houses.*—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.

83. *Power to order reports from keepers of houses receiving vagrants.*—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.

84. *Keepers to give notice of fever, &c., therein.*—The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate 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.

85. *As to inspection.*—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.

86. *Offences by keepers of houses.*—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.

87. *Evidence as to family proceedings.*—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.

88. *Conviction for third offence to disqualify persons from keeping common lodging-house.*—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 licence in writing of the local authority, which license the local authority may withhold or grant on such terms and conditions as they may think fit.

89. *Interpretation of "common lodging-house."*—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.

90. *Local Government Board may empower local authority to make byelaws as to lodging-houses.*—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,)

- (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. *Definition of nuisances.*—For the purposes of this Act,—

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 :
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 gaswork, 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 fire-place or furnace,

which does not consume the smoke arising from the combustible used in such a fire-place 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 fire-place 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 fire-place or furnace has been carefully attended to by the persons having the charge thereof.

92. *Duty of local authority to inspect district for detection of nuisances.*—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 fire-places and furnaces, to consume their own smoke.

93. *Information of nuisances to local authority.*—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.

94. *Local authority to serve notice requiring abatement of nuisance.*—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.

95. *On noncompliance with notice complaint to be made to justice.*—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.

96. *Power of court of summary jurisdiction to make order dealing with nuisance.*—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.

97. *Order of prohibition in case of house unfit for human habitation.*—Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human 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,

98. *Penalty for contravention of order of court.*—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.

99. *Appeal against order.*—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.

100. *In certain cases order may be addressed to local authority.*—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.

101. *Power to sell manure, &c.*—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.

102. *Power of entry of local authority.*—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 com-

plied 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.

103. *Penalty for disobedience of order.*—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.

104. *Costs and expenses of execution of provisions relating to nuisances.*—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 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.

105. *Power of individual to complain to justice of nuisance.*—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.

106. *Power of officer of police to proceed in certain cases against nuisances.*—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.

107. *Local authority may take proceedings in superior court for abatement of nuisances.*—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.

108. *Power to proceed where cause of nuisance arise without district.*—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 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.

109. *Provisions in case of two convictions for overcrowding.*—Where two convictions against the provisions of any Act relating to the over crowding of a house having 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.

110. *Provisions as to ships.*—For the purpose of the provisions of this Act relating to the 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.

111. *Provisions of Act relating to nuisances not to affect other remedies.*—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.

112. *Restriction on establishment of offensive trade in urban district.*—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.

113. *Byelaws as to offensive trades in urban district.*—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.

114. *Duty of urban authority to complain to justice of nuisance arising from offensive trade.*—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 injurious 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. (a)

(a) Under the corresponding provisions of the repealed statute of the 18 & 19 Vict. c. 121 (the Nuisances Removal Act for England, 1855), a defendant had a right to object to having the matter determined by the parties, and upon entering into recognisances to abide the event of any proceedings at law or in equity on account of the subject matter of complaint, the local authority was to abandon all proceedings before the justices, and to take proceedings at law or in equity. This provision no longer exists, but the defendant upon conviction, or an order being made against him, has a right of appeal to the Quarter Sessions under section 269, or, in certain cases, he may have a case stated under the 20 & 21 Vict. c. 43.

115. *Power to proceed where nuisance arises from offensive trade carried on without district.*—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.

UN SOUND MEAT, ETC.

116. *Power of medical officer of health to inspect meat, &c.*—Any medical officer of health or inspector of nuisances may at all reasonable times (a) inspect and examine any animal, carcase,

(a) This and sect. 117 are similar in effect to the second and third sections of the repealed Act of the 26 & 27 Vict. c. 117, the first of which enables the medical officer of health, &c., "at all reasonable times," to inspect meat, &c., intended for the food of man; and the second, imposing a penalty for *preventing, obstructing, and impeding* such officer, &c., in carrying the provisions of the Act into execution. In *Small (app.) v. Bickley* (resp.) 32 L. T. Rep. 726 it appeared that the appellant, a butcher, who was at his residence, which was half a mile from his shop, was requested by the inspector of nuisances on a Sunday afternoon to go himself or send some one with the key to admit such inspector to his shop, in order that some meat there might be examined. Upon his refusal to do so, an in-

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.

117. *Power of justice to order destruction of unsound meat, &c.*—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

formation was laid against him under the above mentioned third section of the 26 & 27 Vict. c. 117, for preventing, obstructing, and impeding the inspector, and upon the hearing he was convicted; but upon a case stated for the opinion of the Court of Queen's Bench as to whether Sunday afternoon could be considered as a *reasonable time*, and whether it was the duty of the appellant to have accompanied the inspector, or have sent some one with him to admit him into the shop, to make the desired inspection; that Court reversed the decision of the Court below, holding, that whilst they could not, as a matter of fact, say that a Sunday afternoon was an unreasonable time, it being a matter for the discretion of the justices to determine what time under the circumstances of each case is reasonable; yet that the conduct of the appellant did not amount to *preventing, obstructing, or impeding*, as contemplated by the statute, Mr. Justice BLACKBURN saying, "The Legislature, if it had so intended, might have used the words 'refused to assist,'" adding, "I hope some one will call attention to this *casus omissus* in the Act." But although this decision was pronounced on the 5th of June last, it has been wholly disregarded, and the blot pointed out in the old Act is found again in the new one.

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.

118. *Penalty for hindering officer from inspecting meat, &c.*—Any person who in any manner prevents (a) 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 or inspector or his assistant, when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding five pounds.

119. *Search warrant may be granted by a justice.*—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.

120. *Duty of local authority to cause premises to be cleansed and disinfected.*—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

(a) See note to sect. 116.

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.

121. *Destruction of infected bedding, &c.*—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.

122. *Provision of means of disinfection.*—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.

123. *Provision of conveyance for infected persons.*—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 expenses of conveying therein any person so suffering to a hospital or other place of destination.

124. *Removal of infected persons without proper lodging to hospital by order of justice.*—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

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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.

125. *Removal to hospital of infected persons brought by ships.*—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 impose on offenders against the same reasonable penalties not exceeding forty shillings for each offence.

126. *Penalty on exposure of infected persons and things.*—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.

127. *Penalty on failing to provide for disinfection of public conveyance.*—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.

128. *Penalty on letting houses in which infected persons have been lodging.*—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.

129. *Penalty on persons letting houses making false statements as to infectious disease.*—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.

130. *Power of Local Government Board to make regulations.*—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 should 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.

131. *Power of local authority to provide hospitals.*—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.

132. *Recovery of cost of maintenance of patient in hospital.*—Any expenses incurred by a local authority in maintaining in a hospital, or in a temporary place for the reception of the sick (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. (a)

133. *Power to provide temporary supply of medicine.*—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.

134. *Power of Local Government Board to make regulations for prevention of diseases.*—Whenever any part of England appears to be threatened with or is affected by any formidable

(a) This clause is altogether new, and is not to be found in any of the repealed statutes.

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.

135. *Publication of regulations and orders.*—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.

136. *Local authority to see to the execution of regulations.*—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.

137. *Power of entry.*—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.

138. *Poor law medical officer entitled to costs of attendance on board vessels.*—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.

139. *Local Government Board may combine local authorities.*—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.

140. *Penalty for violating or obstructing the execution of regulations.*—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.

141. *Power of local authority to provide mortuaries.*—Any local authority may, and if required by the Local Government Board shall, provide and fit up a proper place for the 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.

142. *Justices may in certain cases order removal of dead body to mortuary.*—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.

143. *Power of local authority to provide places for post-mortem examinations.*—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.

144. *Powers of surveyors of highways and of vestries under 5 & 6 Will. 4, c. 50, vested in urban authority.*—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.

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. *Inhabitants of urban district not liable to rates for roads without district.*—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.

146. *Power of urban authority to agree as to making of new public roads.*—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.

147. *Power of urban authority to construct or adopt public*

bridges, &c., over or under canals, &c.—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 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.

148. *Power of urban authority to enter into agreements with turnpike trustees as to repair, &c., of roads.*—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.

149. *Vesting of streets, &c., in urban authority.*—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.

150. *Power to compel paving, &c., of private streets.*—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.

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.

151. *Exemption from expenses under last section of incumbent of church, &c.*—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.

152. *Power to declare private streets when sewered, &c., to be highways.*—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 in 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.

153. *Power to require gas and water pipes to be moved.*—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:

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. *Power to purchase premises for improvement of streets.*—

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.

155. *Power to regulate line of buildings.*—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.

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. *Buildings not to be brought forward.*—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.

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.

157. *Power to make byelaws respecting new buildings, &c.*—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 water-closets, earthclosets, privies, ashpits, and cesspools, in

connection 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.

158. *As to commencement of works and removal of works made contrary to byelaws.*—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.

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 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. *What to be deemed a new building.*—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.

160. *Incorporation of certain provisions of 10 & 11 Vict. c. 34.*—The provisions of the Towns Improvement Clauses Act, 1847, with respect to the following matters; that is to say, (a)

- (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, 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.

(a) See these sections, *post*.

Lighting Streets, &c.

161. *Powers of urban authority for lighting their district*—12 & 13 Vict. c. 94, s. 8.—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. (a)

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.

162. *Power for sale of undertaking of gas company to urban authority.* (b)—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

(a) Under the 12 & 13 Vict. c. 94, Local Boards have by sect. 8 of that statute power to contract for the supply of gas only for three years at one time. This restriction now no longer exists, and Local Boards are at liberty to contract for any length of time.

(b) This is a new and very important clause, enabling an urban authority, with the sanction of the Local Government Board, to purchase existing gas works.

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.

163. *Watching and Lighting Act (3 & 4 Will. 4, c. 90) to be superseded by this Act.*—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, intitled “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, ETC.

164. *Urban authority may provide places of public recreation.*—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.

165. *Urban authority may provide public clocks.*—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, alter and remove any such clocks to such other like situation as they may consider expedient.

MARKETS AND SLAUGHTER HOUSES.

166. *Urban authority may provide markets.*—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.

167. *Incorporation of provisions of 10 & 11 Vict. c. 14, as to markets.*—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 ; (a)

Provided that all tolls leviable by an urban authority in pursuance of this section shall be approved by the Local Government Board.

(a) See these sections of the Markets and Fairs Clauses Act, 1847, *post*.

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. (a)

168. *Power for sale of undertaking of market company to urban authority.*—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

(a) This section is as follows:—Sect. 42. “The undertakers may, from time to time, make such byelaws 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 twenty-four 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 see fit, repeal or alter any such byelaws; provided always that such byelaws 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 byelaws shall be reduced to writing under the common seal of the undertakers, if they be a body corporate, or the hands and seals of two 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.”

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.

169. *Power to provide slaughter-houses.*—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.

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. (a)

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. *Notice to be affixed on slaughter-houses.*—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.

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. *Incorporation of certain provisions of 10 & 11 Vict. c. 89.*—The Provisions of the Towns Police Clauses Act, 1847, with respect to the following matters (namely), (b)

- (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
- (4.) With respect to hackney carriages ; and
- (5.) With respect to public bathing ;

(a) See these sections of the "Towns Improvement Clauses Act, 1847," *post.*

(b) See these sections of the "Towns Police Clauses Act, 1847," *post.*

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 licence, or until the next general licensing meeting, where a day for such meeting is appointed.

172. *Urban authority may make byelaws for licensing horses boats, &c., for hire.*—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.

173. *Power of local authorities to contract.*—Any local authority may enter into any contracts necessary for carrying this Act into execution.

174. *Provisions to contracts by urban authority.*—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.

175. *Power to purchase lands.*—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.

176. *Regulations as to purchase of land.*—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: (a)
- (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

(a) These statutes, from their great bulk, and the fact that they form in themselves a complete code, are not inserted in this volume.

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 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.

177. *Power to let lands.*—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.

178. *Provision for lands belonging to the Duchy of Lancaster.*—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 purpose 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.

179. *Mode of reference to arbitration.*—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.

180. *Regulations as to arbitration.*—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:
- (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, 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.

181. *Claims under twenty pounds may be referred to court of summary jurisdiction.*—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.

182. *Authentication and alteration of byelaws.*—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.

183. *Power to impose penalties on breach of byelaws.*—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.

184. *Confirmation of byelaws.*—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.

185. *Byelaws to be printed, &c.*—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.

186. *Evidence of byelaws.*—A copy of any byelaws made

under this Act (*a*) 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.

187. *Byelaws made under s. 90 of 5 & 6 Will. 4, c. 76, to be submitted to Local Government Board.*—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.

188. *As to regulations of local authority.*—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.

189. *Appointment of officers of urban authority.*—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

(*a*) A similar enactment, though not so concise, exists applicable to the byelaws made by a Town Council (see 36 & 37 Vict. c. 33, s. 2), though by a singular error the Municipal Corporation Act (5 & 6 Will. 4, c. 76) is misrecited as chapter 73.

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.

190. *Appointment of officers of rural authority.*—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.

191. *As to medical officer of health, &c.*—A person shall not be appointed medical officer of health under this Act unless he is 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 office 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 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.

192. *Offices tenable by same persons.*—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.

193. *Officers not to contract with local authority.*—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.

194. *Officers intrusted with money to give security.*—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.

195. *Officers to account.*—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.

196. *Summary proceedings against defaulting officers.*—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.

197. *Urban authority to provide offices.*—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.

198. *Proceedings, &c., of urban authority being the council of a borough.*—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.

199. *Meetings, &c., of urban authority not being the council of a borough.*—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.

200. *Power of urban authority to appoint committees.*—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.

201. *Power of rural authority to delegate their powers and duties to a committee.*—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.

202. *Power of rural authority to form parochial committees.*—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 an 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.

203. *Casual vacancies in committees may be filled.*—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.

204. *Meetings and proceedings of committees.*—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.

205. *Inspectors may attend meetings of certain authorities.*—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.

206. *Local authority to report.*—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, ETC.

EXPENSES OF URBAN AUTHORITY AND URBAN RATES.

207. *Mode of defraying expenses of urban authority.*—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 autho-

rity (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, sewerage, 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.

208. *Power in certain cases by provisional order to alter mode.*—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.

General District Rate.

209. *District fund account.*—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.

210. *Making general district rate.* — 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.”

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.

211. *Assessment, &c., of general district rate.*—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:
- (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.

212. *Inspection of poor rate books for purposes of assessment.*—

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.

213. *Power to make private improvement rates.*—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 was 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.

214. *Proportion of private improvement rate may be deducted from rent.*—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 holds 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 not 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.

215. *Redemption of private improvement rates.*—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.

216. *Costs of repairs of highways.*—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 repairs 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 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.

217. *Certain acts not required to be done in case of highway rate made by urban authority.*—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.

General Provisions as to Urban Rates.

218. *Estimate to be prepared before making rates.*—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.

219. *Rates to be open to inspection.*—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.

220. *Description of owner or occupier in rates.*—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.

221. *Rates may be amended.*—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 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.

222. *Publication and collection of rates.*—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.

223. *Evidence of rates.*—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 *prima facie* evidence of the making and validity of the rates mentioned therein.

224. *Power to make deduction from rate in certain cases.*—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.

225. *Power to reduce or remit rates.*—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.

226. *Saving for existing agreements.*—Nothing in this part of this Act shall alter or effect any lease, contract, or agreement, made or entered into between the landlord and tenant of any premises.

227. *Limit in local Act not to apply to rate for purposes of this Act.*—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.

228. *Quota of rates to be paid by the Universities, &c.*—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.

229. *Expenses of rural authority.*—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 con-

tributory 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.

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.

230. *Mode of raising contributions in rural district.*—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.

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 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 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 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.

231. *Remedy for nonpayment by overseers of amount required by precept of rural authority.*—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.

232. *As to private improvement expenses.*—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.

233. *Power to borrow on credit of rates.*—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.

234. *Regulations as to exercise of borrowing powers.*—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 impression, 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 ; 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 in

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.

235. *Power to borrow on credit of sewage land and plant.*—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 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.

236. *Form of mortgage.*—Every mortgage authorised to be made under this Act shall be by deed, truly stating the date, con-

sideration, 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.

237. *Register of mortgages.*—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.

236. *Transfer of mortgages.*—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 transfer 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.

239. *Receiver may be appointed in certain cases.*—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 they may be due, after such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

240. *Rentcharge may be granted in respect of advances made for private improvements.*—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 a 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.

241. *Rentcharges to be registered.*—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.

242. *Power of Public Works Loan Commissioners to lend to local authority.*—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 purpose 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.

243. *Power of Public Works Loan Commissioners to lend to local authority on recommendation of Local Government Board.*—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.

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.

244. *Borrowing powers of joint boards and certain other authorities.*—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.

245. *Accounts of local authorities.*—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.

246. *Audit where urban authority are a town council.*—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.

247. *Audit where urban authority are not a town council.*— 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 :
- (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,

248. *Audit of accounts of rural authority.*—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.

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.

249. *Taxation of bill of solicitor or attorney.*—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 *prima 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.

250. *Auditor to audit accounts of officers.*—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.

251. *Summary proceedings for offences, penalties, &c.*—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.

252. *General provisions as to summary proceedings.*—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.

253. *Restriction on recovery of penalties.*—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.

254. *Application of penalties.*—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.

255. *Proceedings in certain cases against nuisances.*—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 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.

256. *Summary proceedings for recovery of rates.*—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.

257. *Recovery of expenses by local authority from owners.*—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.

258. *Justices may act though members of local authority or liable to contribute.*—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.

259. *Appearance of local authorities in legal proceedings.*—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.

260. *Name of local authority need not be proved.*—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 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.

261. *Demands below 50l. may be recovered in county courts.*—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.

262. *Proceedings not to be quashed for want of form.*—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.

263. *False evidence punishable as perjury.*—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.

264. *Notice of action against local authority, &c.*—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.

265. *Protection of local authority and their officers from personal liability.*—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.

266. *Notices, &c., may be printed or written.*—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 the surveyor or inspector of nuisances shall be sufficient authentication.

267. *Service of notices.*—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 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.

268. *Appeal in certain cases to Local Government Board.*—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.

269. *Appeal to Quarter Sessions.*—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.

270. *Powers of Local Government Board in relation to alteration of areas.*—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.

271. *Local Government Board may by provisional order constitute local government district.*—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.

272. *Local Government Board may by order constitute local government district in pursuance of a resolution of owners and ratepayers.*—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.

273. *Objection to resolution.*—Where not less than one-twentieth of the owners and ratepayers of any place (such twentieth to be one-twentieth in number 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 the 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.

274. *Appeal to Local Government Board in case of alleged invalidity of vote.*—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.

275. *General provisions as to orders.*—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 exercisable 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 exercisable 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 exercisable 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.

276. *Local Government Board may invest rural authority with powers of urban authority.*—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 assessments 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: 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.

277. *Power of rural authority to form special drainage districts.*—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.

278. *Power to settle disputes as to boundaries of district.*—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.

279. *Formation of united district.*—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.

280. *Governing body of united district.*—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 licence in mortmain.

281. *Contents of provisional order forming united district.*—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.

282. *Meetings and proceedings of joint boards.*—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.

286. *Expenses of joint board.*—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.

284. *Payment of contributions to joint board.*—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, 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.

285. *Power to execute works in adjoining districts, and to combine for execution of works.*—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.

286. *Districts may be united for appointing a medical officer of health.*—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.

287. *Constitution of port sanitary authority.*—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 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.

288. *Jurisdiction of port sanitary authority.*—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.

289. *Delegation of powers by port sanitary authority.*—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.

290. *Expenses of port sanitary authority.*—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.

291. *Provision as to Port of London.*—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.

292. *Proceedings for raising a sum for payment of debt within district of a defaulting authority.*—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.

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.

293. *Power of Board to direct inquiries.*—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. *Orders as to costs of inquiries.*—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.

295. *Orders of Board under this Act.*—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.

296. *Power of inspectors of Local Government Board.*—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.

Provisional Orders by Board.

297. *As to provisional orders made by Local Government Board.*—With respect to provisional orders authorised to be made by the Local Government Board under this Act, the following enactments shall be made :

- (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 :
- (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 *prima 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.

298. *Costs of provisional orders.*—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.

299. *Proceedings on complaint to Board of default of local authority.*—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 hereinafter provided) the powers of levying rates; and the Local Government Board may from time to time by order change any person so appointed.

300. *Further provision for recovery of expenses.*—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 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.

301. *Power of Board to borrow to defray expenses of performing duty of defaulting authority.*—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.

302. *Recovery of principal and interest.*—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.

303. *Power to repeal and alter local Acts.*—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.

304. *Settlement of differences arising out of transfer of powers or property to local authority.*—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.

305. *Entry on lands for purposes of Act.*—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.

306. *Penalty on obstructing execution of Act.*—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 therewith, 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.

307. *Penalty on damaging works, &c., of local authority.*—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.

308. *Compensation in case of damage by local authority.*—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.

309. *Compensation in certain cases to officers.*—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.

310. *Provision where improvement Act district or local government district becomes a borough.*—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, 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.

311. *Power of local boards to change name.*—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.

312. *As to election of certain improvement commissioners, &c.*—

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.

313. *Substitution in other Acts of provisions of this Act for provisions of repealed Acts.*—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.

314. *Byelaws as to hop-pickers.*—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.

315. *As to byelaws inconsistent with this Act.*—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.

316. *As to construction of incorporated Acts.*—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 limit 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.

317. *Construction of schedules.*—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.

318. *As to clerk and treasurer of certain authorities.*—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. (a)

319. *As to special district rates.*—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.

320. *Division of expenses between landlord and tenant in certain cases.*—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 council of a borough out of the borough fund or borough rate were, before the passing of the Public Health Act, 1872, divided

(a) The 12th section of the "Public Health Act, 1872," is 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 local sanitary authority may, with the approval of the Local Government Board, determine."

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.

321. *Validity of certain securities.*—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.

322. *As to certain turnpike trustees.*—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.

323. *As to main sewerage districts and joint sewerage boards—*11 & 12 Vict. c. 63.—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 the 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.

324. *As to audit of certain accounts.*—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.

325. *As to certain orders under section 20 of 35 & 36 Vict. c. 79.*—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.

326. *Provision as to the sanitary authorities existing at the passing of this Act and their officers, &c.*—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

327. *Saving for works and property of certain authorities, and for navigation and water rights, &c.*—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 hereinbefore 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.

328. *Reference to arbitration in case of works not within preceding section.*—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.

329. *Effect of arbitration.*—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 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.

330. *Provision as to transfer of powers, &c.*—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.

331. *Provision as to alteration of sewers.*—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.

332. *Saving for water rights generally.*—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.

333. *Arbitration as to alteration of sewers injuriously affecting supply of water, &c.*—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.

334. *Saving for mines, &c.*—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.

335. *Saving for collegiate bodies and Government departments.*—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.

336. *Saving for Metropolitan Board of Works.*—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.

337. *Saving for payment in certain cases to local authority.*—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 connection 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.

338. *Saving for acts of authorities under certain local Acts.*—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.

339. *Saving for certain local boards.*—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.

340. *Saving for proceedings under local Acts.*—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.

341. *Powers of Act to be cumulative.*—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; 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.

342. *Constitution of local board of the Oxford district.*—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, 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.

343. *Repeal of Acts in schedule V.*—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.

LEEDS & WEST-RIDING
MEDICO-CHIRURGICAL SOCIETY

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 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 hundreds 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 districts into wards; and on the like application from time to time may abolish such wards, or alter the number of 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.

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 rack-rent, 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 unincorporated 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 hereinafter-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.

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 hereinbefore required to be containing 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 hereinafter 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, caused 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 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 an 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.

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 hereinafter 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 a 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 hereinafter 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.

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 to do so,

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 negating 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.

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 persons 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 of 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.

(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 someone 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

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 connection 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 hereinbefore 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 _____ in being the local authority under that Act for the district of _____ 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.]

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 to 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 hereinafter 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 the 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 hereinafter described which is situated
 in the parish of to vote as his [or their] proxy pursuant to the pro-
 visions 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.

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.

- (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 the 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 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 hereinafter 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.

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 _____

(*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.

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 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.
9 & 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.
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).

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 authorised 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 purposes 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 coterminous 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 Washhouses 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 exercisable 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 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.

THE
BAKEHOUSE REGULATION ACT, 1863.

[26 & 27 VICT. CAP. 40.]

(See ante, p. 23)

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 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:

1. *Short title.*—This Act may be cited as "The Bakehouse Regulation Act, 1863."

2. *Interpretation of terms.*—For the purposes of this Act the words hereinafter mentioned shall be construed as follows; that is to say,

"Local authority" shall, as respects any place, mean the persons or bodies of persons defined to be the local authority in that place by the one hundred and thirty-fourth section of the Act passed in the Session holden in the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty, or by the Nuisances Removal Acts hereinafter mentioned; that is to say, as to England, by the Act passed in the Session holden in the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-one, as amended by the Act passed in the Session holden in the

twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter seventy-seven; as to Scotland, by the Act passed in the Session holden in the nineteenth and twentieth years of the reign of Her present Majesty, chapter one hundred and three; and as to Ireland, by the Acts passed, the one in the Session holden in the eleventh and twelfth years of the reign of Her present Majesty, chapter one hundred and twenty-three, and the other in the Session holden in the twelfth and thirteenth years of the reign of Her present Majesty, chapter one hundred and eleven:

“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. *Limitation of hours of labour of persons under eighteen years of age.*—No person under the age of eighteen years shall be employed in any bakehouse between the hours of nine of the clock at night and five of the clock in the morning.

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 two pounds:

For a second offence, a sum not exceeding five pounds:

For a third and every subsequent offence, a sum not exceeding one pound for each day of the continuance of the employment in contravention of this Act, so that no greater penalty be imposed than ten pounds.

4. *Regulations as to cleanliness of bakehouse.*—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 five thousand 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 three coats of paint, and the painting

shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months: Where limewashed the limewashing shall be renewed once at least in every six 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 five pounds.

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 so originally limited or enlarged by subsequent order, be deemed to be a continuing offence, and to be punishable by a penalty not exceeding one pound for every day that such non-compliance continues.

5. *As to sleeping-places near bakehouses.*—No place on the same level with a bakehouse situate in any city, town, or place containing, according to the last Census, a population of more than five thousand 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 nine superficial feet in area, of which at least the four and a half 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 twenty shillings, and for every subsequent offence to a penalty not exceeding five pounds.

6. *Power to local authority to enforce provisions of this Act.*—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 hereinbefore 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 twenty pounds; 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 authorising 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.

7. *As to expenses of local authority acting under this Act.*—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 Acts, and the said authority may levy such rate accordingly.

Penalties.

8. *Recovery of penalties.*—All penalties under this Act may be recovered summarily before two or more justices; as to England, in manner directed by an Act passed in the Session holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, 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,” or any Act amending the same; as to Ireland, in manner directed by the Act passed in the session holden in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, intituled “An Act to consolidate and amend the Acts regulating the proceedings of Petty Sessions, and the duties of justices of the peace out of Quarter Sessions in Ireland,” or any Act amending the same; and as to Scotland, upon summary conviction, with power for the justices, having cognizance of the case, to sentence the offender to imprisonment for a period not exceeding three months, until the penalty and the expenses of conviction are paid.

9. *Jurisdiction of certain magistrates.*—Any Act, power, or jurisdiction hereby authorised to be done or exercised by two

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, or by the Lord Mayor of the City of London, or any alderman of the said city, sitting alone or with others, at the Mansion House or Guildhall ; as to Ireland, by any one or more divisional magistrates of police in the police district of Dublin and elsewhere by one or more justice or justices of the peace in petty sessions, and as to Scotland, by the sheriff or sheriff substitute, or by any police magistrate of a burgh.

LEEDS & WEST-RIDING
MEDICO-CHIRURGICAL SOCIETY

THE ARTIZANS AND LABOURERS'
DWELLINGS ACT, 1868.

[31 & 32 VICT. CAP. 130.]

(See ante, p. 23.)

An Act to provide better Dwellings for Artizans and Labourers.—[31st July, 1868.]

WHEREAS it is expedient to make provision for taking down or improving dwellings occupied by working men and their families, which are unfit for human habitation, and for the building and maintenance of better dwellings for such persons instead thereof: 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:

1. *Short title.*—In citing this Act it shall be sufficient to use the words "The Artizans and Labourers' Dwellings Act, 1868."

2. *Application of Act, and definition of "local authority," "local rate," and "clerk of local authority."*—This Act shall apply only to the places named in the first column of table (A.) in the first schedule annexed hereto; and "local authority," "local rate," and "clerk of local authority" shall mean "the bodies of persons," "rate," and "officer" in that table in that behalf mentioned; and the said table shall be of the same force as if it were enacted in the body of this Act: Provided always, that this Act shall not apply to any city, borough, town, or place, that would otherwise be included within the said table, the population whereof does not according to the census for the time being in force amount to the number of ten thousand persons.

3. *Interpretation of terms*—“*Street and square*” —“*Premises*” —“*Owner*” —“*Person*” —“*Quarter sessions*” —“*Officer of health*” —“*Local officer,*” &c.—“*The Metropolis*” —“*Borough in England.*” —“*Burgh*” in Scotland.—“*Borough*” in Ireland. —The following words and expressions have in this Act the following meanings, unless excluded by the subject or context; (that is to say,)

The word “street” includes any court, alley, street, square, or row of houses :

The word “premises” means any dwelling-house or inhabited building, and the site thereof, with the yard, garden, out-houses, and appurtenances belonging thereto or usually enjoyed therewith :

The expression “owner,” in addition to the definition given by the Lands Clauses Act, shall include all lessees or mortgagees of any premises required to be dealt with under this Act, except persons holding or entitled to the rents and profits of such premises for a term of years, of which twenty-one years do not remain unexpired :

“Person” shall include a body of persons, corporate or unincorporate :

“Quarter sessions” shall include general sessions, and in Ireland shall mean, in towns and boroughs where there are separate quarter sessions, the quarter sessions of said boroughs and towns, and in boroughs where there are no separate quarter sessions, the quarter sessions of the divisions of the courts in which such towns or boroughs shall be situate :

“Officer of health” shall mean and include medical officer of health, sanitary inspector, or any statutory officer performing the duties which a medical officer or sanitary inspector performs under or by virtue of any Act of Parliament :

In all cases in which the name of a local authority, local court, magistrate, or officer having any local jurisdiction in respect of their or his office is referred to, without mention of the locality to which the jurisdiction extends, such reference is to be understood to indicate the local authority, local court, magistrate, or officer having jurisdiction in that place within which are situate the premises or other subject matter or any part thereof to which such reference applies :

“The Metropolis” shall not include the City of London or the

liberties thereof, but shall include all other parishes or places within the jurisdiction of the Metropolitan Board of Works :

“Borough” in England shall mean any place for the time being subject to the Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the Regulation of Municipal Corporations in England and Wales :”

“Burgh” in Scotland shall mean any place returning or contributing to return members to Parliament, or any place subject to the jurisdiction of a town council :

“Borough” in Ireland shall mean any place for the time being subject to the Act passed in the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, and intituled “An Act for the Regulation of Municipal Corporations in Ireland.”

4. *As to appointment of officers of health and payment of salaries.*—If in any place to which this Act applies there is no officer of health within the meaning of this Act, the local authority, with the approval of one of Her Majesty’s principal Secretaries of State, shall forthwith appoint such an officer for such period as shall be necessary, shall assign him his duties, and pay him such salary or emolument out of the local rate as they, with such approval as aforesaid, shall think fit. The local authority, with the like approval, may from time to time remove any officer appointed under this section, and in manner aforesaid appoint another officer in his place.

5. *Officer of health to report as to condition of streets.*—If in any place to which this Act applies the officer of health find that any premises therein are in a condition or state dangerous to health so as to be unfit for human habitation, he shall report the same in manner hereinafter provided to the local authority.

6. *Officer of health to deliver copies of report to clerk of local authority, who shall refer the same to a surveyor, &c.*—Every report made under this Act by the officer of health shall be made in writing and delivered to the clerk of the local authority, and the local authority shall refer such report to a surveyor or engineer, who shall thereupon consider the report so furnished to him, and report to the local authority what is the cause of the evil so reported on, and the remedy thereof, and if such evil is occasioned by defects in any premises, whether the same can

be remedied by structural alterations and improvements or otherwise, or whether such premises, or any and what part thereof, ought to be demolished.

7. *Local authority to cause copies of reports to be given to owner, who may object to the same, and to prepare plan and specification of required works.*—Upon receipt of the report of the surveyor and engineer the local authority shall cause copies of both the reports to be given to the owner, with notice of the time and place appointed by the local authority for the consideration thereof, and such owner shall be at liberty to attend and to state his objections (if any) to such reports, or either of them, including therein any objection that the necessary works ought to be done by or at the expense of some other person or persons, or at the expense of the parish or district in which the premises are situate; and on such objections the local authority shall make an order in writing, signed by the clerk of such local authority, which shall be subject to appeal in manner hereinafter mentioned; and if such objections are overruled, the local authority, if they deem it necessary, shall cause to be prepared a plan and specification of the works (if any), and an estimate of the cost of such works, required to be executed.

8. *Clerk of local authority to give notice to owner of plan, &c., of required works having been prepared.*—The clerk of the local authority shall thereupon forthwith give notice to the owner of the premises, informing him that a plan and specification and estimate of the cost of such works as are required in reference thereto have been prepared, and that such plan and specification and estimate may, if such owner think fit, be inspected and transcribed by him or his agent at the office of the clerk of the local authority without charge; and any such owner may at any time within three weeks after the receipt of such notice state in writing to the clerk of the local authority any objection which he may entertain to the said plan, specification, and estimate, or any of them, and may attend at a time and place to be appointed for such purpose by the local authority to support such objections; and the local authority shall thereupon make such order in relation thereto as they may think fit; and if they decide that any alteration is to be made in the said plan, specification, and estimate, the local authority shall cause such alteration to be made accordingly, and the plan and specification and estimate so amended shall be the plan and specification and estimate according to which the works shall be executed.

9. *Persons aggrieved by order of local authority may appeal against the same.*—Any person aggrieved by any order of the local authority, or his agent, may appeal against the same to the Court of Quarter Sessions held next after the making of the said order, but the appellant shall not be heard in support of the appeal unless, within one calendar month after the making of the order appealed against, he give to the clerk of the local authority notice in writing stating his intention to appeal, together with a statement in writing of the grounds of appeal, and shall, within two days after giving such notice, enter into a recognisance before some justice of the peace, with sufficient securities, conditioned to try such appeal at the said court, and to abide the order of and pay such costs as may be awarded by the court or any adjournment thereof; and the court, upon the appearing of the parties, or upon their making default, shall have full power and jurisdiction to make such order and give such directions as under the circumstances shall seem just, and may, according to its discretion, award such costs to the party appealing or appealed against as they think proper, and the determination of the court in or concerning the premises shall be conclusive and binding on all persons to all intents or purposes whatsoever: Provided,—

First, that if there be not time to give such notice and enter into such recognisance as aforesaid, then such appeal may be made to, and such notice, statement, and recognisance be given and entered into for the next sessions at which the appeal can be heard:

Secondly, that on the hearing of the appeal no grounds of appeal shall be gone into or entertained other than those set forth in such statement as aforesaid:

Thirdly, that in any case of appeal the court shall, at the request of either party, state the facts specially for the determination, in England or Ireland, of Her Majesty's Court of Queen's Bench, or in Scotland of either division of the court of session, in which case it shall be lawful to remove the proceedings, by writ of *certiorari* or by petition, into the said Courts of Queen's Bench or to the Court of Session respectively:

Fourthly, that pending any appeal no work shall be done nor proceedings taken under any order until after the determination of such appeal, or it shall cease to be prosecuted.

10. *Owner may appeal where decision of local authority is*

against him.—If the owner appeal from the decision of the local authority upon the objection that he is not responsible for the state and condition of his premises, he shall be bound to give notice of his appeal, and a statement in writing of the ground thereof, to the person or persons, or to the parish or district, alleged by him to be the occasion of his premises being in such a state or condition as to render them liable to be reported upon under the provisions of the Act, and such person or persons, or parish or district, may appear before the court, and be heard against his or their alleged liability.

11. *Where local authority decide in favour of owner, reports and notices to be sent to parties liable.*—If the local authority shall decide in favour of the objection of the owner of the premises that some other person or persons, or that the parish or district in which the premises are situate, is or are responsible for the state and condition of his premises, the local authority shall forthwith send copies of the reports of the officer of health, and of the surveyor or engineer to such person or persons, or to the officer of such parish or district, together with notice of his or their alleged liability, and shall appoint a time and place for hearing the parties so alleged to be liable, and give notice thereof to the said parties and also to the owner of the premises, and the local authority shall make such order thereupon as to them shall seem just, and the same shall be subject to appeal in manner aforesaid.

12. *On representation by householders that disease exists in any house, officer of health to inspect and report.*—If and whenever any four or more householders living in or near to any street, by writing under their hands, represent to the officer of health that in or near that street, any premises are in a condition or state dangerous to health so as to be unfit for human habitation, he shall forthwith inspect the premises, and report thereon; but the absence of any such representation shall not excuse him from inspecting any premises, and reporting thereon.

13. *If local authority neglect to enforce Act, Secretary of State may compel it to proceed.*—In the event of the local authority declining or neglecting for the space of three calendar months after receiving such report to take any proceedings to put this Act in force, the householders who signed such representation may address a memorial to the Secretary of State, stating the circumstances, and asking that an inquiry be made, and upon receipt of such memorial the said Secretary of State may direct

the local authority to proceed under the provisions of the Act, and such direction shall be binding on the local authority.

14. *Owner to signify to clerk of local authority whether he is willing to execute specified works.*—Within three calendar months after the service on the owner of the order by the clerk of the local authority, or, in the case of appeal, within one calendar month after the order of quarter sessions, or, in the event of a further appeal, within one calendar month after the order of the Court of Final Appeal, the persons so served with the order of the local authority shall each of them signify in writing to the clerk of the local authority whether he is willing to effect the works required to be executed; and where two or more persons shall so signify, the right of effecting the works shall be given first to the person whose ownership is first or earliest in title.

15. *Service of notice on owner whose name and residence are known.*—Where the owner of the premises and his residence or place of business are known to the local authority, it shall be the duty of the clerk of the local authority, if the owner be residing or have a place of business within the district of such local authority, to give any notice by this Act required to be served on him to the owner, or for him, to some inmate of his place of residence or business within the place; and if he be not residing within such district, or has no place of business therein, then to send the notice by post in a registered letter addressed to the owner at his place of residence or business; provided that the notice served upon the agent of the owner shall be deemed notice to the owner.

16. *Service of notice on owner whose name or residence is not known.*—Where the owner of the premises or his residence or place of business is not known to, or after diligent inquiry cannot be found by the local authority, then the clerk of the local authority may serve the notice by leaving it, addressed to the owner, with some occupier of the premises, or if there be not an occupier, then by causing it to be put up on some conspicuous part of the premises.

17. *Notices to be signed by the local authority.*—Every notice required to be given by the clerk of the local authority by this Act shall be in writing or print, or partly in writing and partly in print, and shall be signed by the clerk of the local authority or deputy appointed by him.

18. *Local authority to require owners to execute works as in specification.*—*Proceedings of local authority in case owners*

neglect.—The owner on whom the local authority shall have imposed in the first instance the duty of executing the work, shall, within two calendar months thereafter, commence the works as shown on the plan and described in the specification, and shall diligently proceed with and complete the same in conformity with the specification to the satisfaction of the surveyor or engineer appointed by the local authority; and if such owner shall fail therein, the local authority shall require the owner next in order as aforesaid to execute the said works, and in case of his default shall require the remaining owners in their order as aforesaid; and if all such owners shall make default, the local authority shall, as the case may seem to them to require, either order the premises to be shut up or to be demolished, or may themselves execute the required works in conformity with the specification.

19. *Provision in case local authority themselves execute the works.*—Where the local authority themselves execute the works, they may apply to the court of quarter sessions having jurisdiction over the place of which they are the local authority for an order charging on the premises on which the works have been executed the amount of all costs, charges, and expenses that have been incurred by such authority in or about the execution of such works, including the costs of obtaining the order; and the court of quarter sessions, when satisfied of the amount so expended, shall make an order accordingly, charging on the premises the amount of such costs, charges, and expenses, together with interest at the rate of four pounds per cent. per annum, and such order shall be filed and recorded in manner hereinafter mentioned, and thereupon the amount of principal and interest thereby secured shall be a charge on the house, bearing interest at four per centum, and having priority over all other estates, incumbrances, and interests whatsoever, and the local authority shall, for the purpose of obtaining satisfaction of the moneys so charged, or of any interest thereon, be deemed to be a mortgagee of an absolute estate in the house, and shall be invested with all the powers conferred on mortgagees by Part II. of the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and forty-five, and in Scotland such order shall be recorded in the appropriate register of sasines.

20. *Local authority to pay compensation when total demolition required.*—If the requirements of the order involve the total

demolition, and not the improvement of the premises specified therein, the owner shall, within three months after service of the order, proceed to take down and remove the premises, and if such owner fail therein, then the local authority shall proceed to take down and remove the same ; and the local authority shall sell the materials, and, after deducting the expenses incident to such taking down and removal, pay over the balance of moneys, if any, to the owner.

21. *Determination of tenancies.*—Where at the time of making the order the premises specified therein, or any part thereof, are or is subject to any tenancy from year to year, or for a year, or for any less term, the local authority shall give notice to every such tenant, stating the time at which such tenancy will be determined.

22. *Remedies of owner for breach of covenant, &c., not to be prejudiced.*—Provided always, that nothing in this Act contained shall prejudice or interfere with the rights or remedies of any owner for the breach, nonobservance, or nonperformance of any covenant or contract entered into by a tenant or lessee in reference to any premises in respect of which any order shall be made by a local authority ; and if any owner shall be obliged to take possession of any premises in order to comply with any order made under the provisions of this Act, such entry or taking possession shall not affect his right to avail himself of any such breach, nonobservance, or nonperformance that may have occurred prior to his so taking possession.

23. *Owner instead of effecting improvements may take down premises.*—If the order be that the premises require improvement, the owner, including therein the owner of the first estate of inheritance, if he think fit, may, instead of effecting the works required by the plan and specification, take down the premises ; but in every such case, and also in the event of the owner desiring to retain the site of the premises required by the order to be totally demolished, no house or other building or erection shall be erected on all or any part of the site of the premises so taken down which shall be injurious to health ; and the local authority may, at any time, make an order upon the owner to abate or alter the said house, building, or erection, as the case may require ; and in the event of non-compliance with such order the local authority may, at the expense of the owner thereof, abate or alter any house, or other building, or erection, at any time wholly or partly erected contrary to the provisions of this section.

24. *Application may be made to justices where more than one owner of premises included in order under Act, and any one owner neglects to comply with such order.*—When there are two or more owners of any premises, and it appears to any two justices in Petty Sessions, on application of any owner of such premises, that the interest of the applicant in the premises will be prejudiced by the neglect and default of any other owner to deal with the premises in conformity with the order so made, it shall be lawful for such justices, if the applicant undertake, to their satisfaction, to bring the premises into conformity with such order, to make an order empowering the applicant forthwith to take possession of the premises, and to do all such works as may be necessary for bringing the same into conformity with such order, and within such time as shall be fixed by such justices, and on non-compliance by such last-mentioned applicant with his undertaking, it shall be lawful for the justices to make a like order in favour of any other owner.

25. *Grant of annuity to owner on completion of works.*—Where any owner has completed any works required to be executed by a local authority in pursuance of this Act, he may on the completion thereof apply to the local authority for a charging order charging on the premises on which the works have been executed an annuity as compensation to the owner for the expenditure incurred by him in executing such works, and shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and also the accounts and vouchers for such works, and the local authority, when satisfied that the owner has duly executed such works, shall make a charging order accordingly.

The annuity charged shall be a sum of six pounds for every 100*l.* of such expenditure, and so in proportion for any less sum, to commence from the date of the order, and to be payable for a term of thirty years to the owner named in such order, his executors, administrators, or assigns.

Charging orders made under this Act shall be made according to the form marked A in the second schedule hereto annexed, or as near thereto as the circumstances of the case will admit.

The costs of obtaining the order to be allowed by the local authority shall be deemed to be part of the expenditure incurred by the owner.

26. *Incidence of charge.*—Every annuity created by a charging order under this Act shall be a charge on the premises comprised

in the order, having priority over all existing and future estates, interests, and incumbrances, with the exception of quitrents and other charges incident to tenure, tithe, commutation, rent-charges, and any charges created under any Act authorising advances of public money; and where more annuities than one are chargeable under this Act on any premises, such annuities shall, as between themselves, take order according to their respective dates.

27. *Charges recoverable as rent-charges in lieu of tithes.*—Every annuity charged on any premises by a charging order under this Act may be recovered by the persons for the time being entitled to the same by the same means, and in the like manner in all respects as if it were a rentcharge granted by deed out of the premises by the owner thereof.

28. *An order to be evidence of compliance with Act.*—An order made in pursuance of this Act charging an annuity on any premises shall be, both at law and in equity, conclusive evidence that all notices, Acts, and proceedings by this Act directed with reference to or consequent on the obtaining such order, or the making such charge, have been duly served, done and taken, and that such charge has been duly created, and that it is a valid charge on the premises declared to be subject thereto.

29. *Registry of charging order on premises in Middlesex and Yorkshire.*—Every charging order made in pursuance of this Act relating to premises in Middlesex or Yorkshire shall be registered in the same manner respectively as if such charge were made by deed by the absolute owner of such lands without the aid of this Act; and a copy of every such charging order of the certificate of such surveyor or engineer as aforesaid, together with a copy of the accounts as passed by the local authority, and which copies shall be certified to be true copies by the clerk of such local authority, shall, within six months after the date of such charging order, be deposited with the clerk of the peace of the county in which the premises are situate, who shall be entitled to a fee of ten shillings for filing and recording the same; and every charging order made in pursuance of this Act relating to premises in Scotland shall be recorded in the appropriate register of sasines.

30. *Assignment of charge.*—The proprietor of any charge may, by deed under seal, stamped with the same *ad valorem* stamp as if it were an assignment of a charge created by deed, assign the benefit of the charging order, or of any portion of the charge

comprised therein, to any other person; and on such assignment being executed the assignee shall have the same rights under the order as the proprietor would have had if no such assignment had been executed; and any assignee of a charging order may, by deed stamped in manner aforesaid, assign the charge to any other person. Any assignment of a charging order may be in the form marked B. in the schedule hereto, or in any other convenient form.

31. *As to expenses of local authority.*—All expenses incurred by the local authority in pursuance of this Act shall be defrayed by them out of a special local rate, not exceeding twopence in the pound in any year, which they are hereby empowered to assess and levy for the purposes of this Act.

32. *Power to Public Works Loan Commissioners to advance moneys to local authority.*—The Public Works Loan Commissioners, as defined by the Public Works Loan Act, 1853, may, if they think fit, lend to any local authority, and any local authority may borrow from the said commissioners, such sums as the said authority may require for the purposes of this Act, but the amount of every loan shall be sanctioned by the Lords Commissioners of the Treasury.

33. *Service of notice on the local authority.*—Any summons, notice, writ, or other proceeding at law or in equity, or otherwise, in relation to carrying into effect the objects and purposes of this Act, 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.

34. *Notices served by local authority to be signed by the clerk.*—Any notice, demand, or other written document served by the local authority for the purposes of this Act shall be signed by the clerk of the local authority.

35. *Penalty for obstructing officer of health, &c., in execution of Act.*—Where any person at any time obstructs the officer of health or other person acting in the performance of anything which the local authority or their officers respectively are by this Act required or authorized to do, every person so offending shall for every such offence forfeit not exceeding twenty pounds.

36. *Penalty for preventing execution of Act.*—If the occupier of any premises prevents the owner thereof, or if the owner or occupier of any premises prevents the officer of health, or their officers, agents, servants, or workmen, from carrying into effect

with respect to the premises any of the provisions of this Act, after notice of the intention so to do has been given to the occupier, or, as the case shall be, to the owner, any justice on proof thereof may make an order in writing requiring the occupier to permit the owner, or, as the case shall be, requiring the owner or occupier, or both, to permit the officer of health, or the local authority, and their officers, agents, servants, and workmen, to do all things requisite for carrying into effect with respect to the premises the provisions of this Act; and if at the expiration of ten days after the service of such order of the justice the occupier or owner fails to comply therewith, every person so offending shall for every day during which the failure continues forfeit not exceeding twenty pounds: Provided that during any such failure by the occupier the owner, unless assenting thereto, shall not be liable to the forfeiture.

37. *Appearance of local authority.*—The local authority may appear before any judge, justices, borough magistrates, sheriff, or sheriff substitute, by their clerk, and any company or body corporate may appear before the said magistrate or magistrates by any member of their board of management.

38. *Recovery of penalties.*—Penalties under this Act may be recovered before two justices in manner directed by an Act passed in the session holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, 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,” or any Act amending the same, and in Scotland by summary complaint before the sheriff, sheriff substitute, or two justices, or in boroughs before the magistrates, in manner provided by the Summary Procedure Act, 1864, and in Ireland in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

39. *Application of Act to Scotland.*—For the purpose of adapting this Act to Scotland the following alteration shall be made; that is to say,

1. “The Lands Clauses Consolidation Act (Scotland), 1845,” shall be substituted for “The Lands Clauses Consolidation Act, 1845:”
2. All the judicial powers given to justices in quarter sessions by this Act shall be exercised by sheriffs of counties or sheriff substitutes; and wherever by this Act an appeal is

given to the court of quarter sessions, and thence to the court of Queen's Bench, such appeal shall be to the sheriff of the county, and from him to the court of session in the usual manner.

40. *Application of Act to Ireland.*—For the purpose of adapting this Act to Ireland the words “The Lands Clauses Consolidation Act, 1845,” shall mean “The Railways Act, Ireland, 1851,” and the several Acts amending the same.

41. *Jurisdiction of certain magistrates.*—Any act, power, or jurisdiction hereby authorized to be done or exercised by two 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, or by the Lord Mayor of the City of London, or any alderman of the said City, sitting alone or with others, at the Mansion House or Guildhall; as to Scotland, by the sheriff or sheriff substitute, or by any two magistrates of a burgh; and as to Ireland, by any one or more divisional magistrates of police in the police district of Dublin, and elsewhere by two or more justices of the peace in petty sessions.

SCHEDULES.

SCHEDULE I.

TABLE A.
ENGLAND AND WALES.

Places to which Act applies.	Description of Local Authority.	Description of Local Rate.	Description of Clerk of Local Authority.
The City of London and the Liberties thereof. Local Acts { 11 & 12 Vict. c. 163. 14 & 15 Vict. c. 91.	Commissioners of Sewers of the City of London. Local Act, 11 & 12 Vict. c. 163.	The Consolidated Rate, 11 & 12 Vict. c. 163, s. 158.	The Clerk to the Commissioners, 11 & 12 Vict. c. 163, s. 25.
The Metropolis	The Vestries and District Boards under the Act 18 & 19 Vict. c. 120, within their respective parishes and districts.	Rate to be levied for defraying the expenses of the Act 18 & 19 Vict. c. 120.	Clerk of the Vestries or District Boards.
Boroughs not within the jurisdiction of such Local Board as aforesaid.	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.	The Town Clerk
Any town not included in the above descriptions, and under the jurisdiction of commissioners, trustees, or other persons entrusted by any local Act with powers of improving, cleansing, or paving any town.	The commissioners, trustees, or other persons entrusted 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.	The Clerk of the Commissioners or Trustees or other persons or other officer performing the duties of clerk.
Places within the jurisdiction of Local Boards, 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, 11 & 12 Vict. c. 63, s. 87.	Clerk of the Local Board or other officer performing duties of clerk, 11 & 12 Vict. c. 63, s. 37.

Places to which Act applies.	Description of Local Authority.	Description of Local Rate.	Description of Clerk of Local Authority.
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SCOTLAND.

Burghs	The Magistrates and Town Council.	The Revenue of the Burgh or the Local Rate leviable for Prison Purposes under 23 & 24 Vict. c. 105, or any other local rate leviable by the town council.	Town Clerk.
Places where police commissioners or trustees exercise the functions of police commissioners acting under the General Police and Improvement (Scotland) Act, or trustees or commissioners acting under any general or local Act.	The police or other commissioners or trustees.	Property or rate belonging to or leviable by the commissioners or trustees.	Clerk of the Commissioners or Trustees or any other officer performing the duties of clerk.

IRELAND.

The City of Dublin.	The Right Honourable the Lord Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or Borough or Improvement Rate.	The Town Clerk.
Towns corporate or Boroughs (with the exception of the City of Dublin.)	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund, or Town Fund, or Borough Rate.	The Town Clerk.
Towns having town commissioners under 9 Geo. 4, c. 82, or 17 & 18 Vict. c. 103, or any Acts amending the same, or having commissioners or other governing body under any local Act.	The town commissioners or other governing body.	Any rate leviable by these bodies, or any fund belonging to them applicable in the whole or in part to the making or repairing of sewers within their jurisdiction.	The Clerk of the Commissioners or other governing body.

SCHEDULE II.

FORM MARKED A.

*The Artizans and Labourers Dwellings Act, 1868.*County of
Parish of
No.*Charging Order.*

The [insert description of local authority] being the local authority under the above mentioned Act, do, by this order under their hands and seal, charge the inheritance or fee of the premises mentioned in the schedule hereto with the payment to _____ of the sum of _____ pounds, payable yearly on the _____ day of _____ for the term of _____ years, and being in consideration of an expenditure of _____ pounds incurred by him in respect of the said premises.

SCHEDULE.

Insert description of premises charged.

FORM MARKED B.

*Form of Assignment of Charge.**To be endorsed on Charging Order.*

Dated the _____ day of _____
I, the within-named _____ in pursuance of the Artizans and Labourers Dwellings Act, 1868, and in consideration of _____ pounds this day paid to me, hereby assigned to _____ the within-mentioned charge.
(Signed)

SCHEDULE III.

I. *Form of Order by Court of Quarter Sessions or Petty Sessions, or Court of Burgh Magistrates in Scotland.*

Be it remembered, that on the _____ day of _____ 18 upon the report hereinafter mentioned, we, the undersigned justices, assembled at the court of quarter sessions holden in and for the county of _____, or assembled in petty sessions for the division or district of the borough or county of _____, or members of the court of burgh magistrates for [as the case may be], do hereby order and determine that one or more house or houses, or buildings, situate in a certain court or alley within the borough or burgh, known or designated as _____ court or alley [or otherwise distinguishing the premises], and specified in the report of the officer of health for the _____ dated the _____ day of _____ 18, is or are unfit for human habitation, and ought to be improved or demolished [as the case may be], in pursuance of "The Artisans' and Labourers' Dwellings Act, 1868."

II. *Form of Notice by Clerk of the Peace, Clerk of the Justices, or Clerk of the Court of Burgh Magistrates in Scotland to Clerk of Local Authority.**Artisans and Labourers' Dwellings Act, 1868.*

I, A.B., clerk of the peace or clerk of the justices [or clerk of the court of burgh magistrates] for the _____, do hereby certify, that on the

day of 18 the justices assembled at the court of
 quarter sessions, or assembled at the petty sessions for the [or
 court of the burgh magistrates] [as the case may be] made an order, of which
 the following is a true copy:

[Here give a copy of the Presentment, Form I.]

As witness my hand, this day of in the
 year of our Lord 18

(Signed)

(A.B.) clerk of the peace or clerk of the
 Justices for

[or clerk of the court of burgh magistrates.]

To the clerk of the
 of

LEEDS & WEST-RIDING
MEDICO-CHIRURGICAL SOCIETY

THE
WATERWORKS CLAUSES ACT, 1863.

[26 & 27 VICT. CAP. 93.]

(See ante, p. 40.)

An Act for Consolidating in One Act certain provisions frequently inserted in Acts relating to Waterworks.— [28th July, 1863.]

10 & 11 Vict. cap. 17.—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 authorising the construction of certain waterworks :

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 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 :

Preliminary.

1. *Short title.*—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.”

2. *Application of Act and interpretation of terms.*—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 hereinafter referred to as "the special Act."

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. *Power for justices to inquire as to danger of reservoir.*—Whenever any person interested complains to two justices that any reservoir constructed by the undertakers is in a dangerous state, such justices shall forthwith make inquiry in the truth of the complaint; or two 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.

4. *Order of justices for immediate repair.*—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.

5. *Order of justices on undertakers to repair reservoir.*—*Order of justices on failure of undertakers to repair.*—If, on any such injury, 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.

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

two 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 ten pounds for every day during which such failure continues after the making of the order imposing the penalty.

6. *Form of order.*—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.

7. *Persons acting under order not trespassers.*—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 instigates, or suffers to be done, anything in contravention thereof, he shall for every such offence be liable to a penalty not exceeding fifty pounds.

8. *Order for payment of costs and expenses.*—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 part of their costs of or incident to the complaint.

9. *Appeal by undertakers.*—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.

10. *Undertakers not to be responsible for consequences of order.*—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.

11. *Provisions as to Scotland.*—The present provisions with respect to the security of reservoirs shall apply to England and Ireland; and they shall also apply to Scotland, subject to the following variations, namely, the sheriff shall be deemed to be empowered thereby, as well as two justices; and the appeal given shall lie from two justices in manner provided by sections one hundred and fifty-one and one hundred and fifty-two of the Railways Clauses Consolidation (Scotland) Act, 1845, and shall lie from a sheriff substitute to the sheriff depute, where the matter comes in the first instance before a sheriff substitute; and in that case the sheriff depute shall hear and determine the appeal, and may either confirm, recall, vary, or supersede the order of the sheriff substitute as he thinks proper; and the costs of the appeal shall be in the discretion of the sheriff; and the order or judgment of the sheriff in the appeal shall be final.

Supply of Water.

And with respect to the supply of water to be furnished by the undertakers, be it enacted as follows:

12. *Supply for other than domestic purposes.*—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.

13. *Want of supply for other than domestic purposes, when excused.*—Where the undertakers are authorised 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.

14. *Power to let meters for hire.*—Where the undertakers are authorised 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.

15. *Power for ascertaining quantity consumed by meter, and for removing meters, &c.*—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 five pounds; but, except with the consent of a justice or the sheriff, this power of entry shall be exercised only between the hours of ten in the forenoon and four 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:

16. *Power to cut off water in certain cases.*—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.

17. *Penalty for waste, &c., of water by non-repair of pipes, &c.*—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 five pounds.

18. *Penalty for application of water contrary to agreement.*—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 forty shillings, without prejudice to the right of the undertakers to recover from him the value of the water misused.

19. *Penalty for extension or alteration of pipes.*—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 such offence, be liable to a penalty not exceeding five pounds, 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.

20. *Penalty for use of water without agreement.*—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 five pounds.

Recovery of Rates.

And with respect to the recovery of water rates and other money, be it enacted as follows:

21. *Recovery of rates by action.*—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, two 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.

THE
WATERWORKS CLAUSES ACT, 1847.

[10 VICT. CAP. 17.]

(See ante, p. 40.)

An Act for consolidating in One Act certain Provisions usually contained in Acts authorising the making of Waterworks for supplying Towns with water.—[23rd April, 1847.]

Laying of Pipes.

And with respect to the breaking up of streets for the purpose of laying pipes, be it enacted as follows :

28. *Power to break up streets, &c., under superintendence, and to open drains.*—The undertakers, under such superintendence as is hereinafter 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.

29. *Not to enter on private land without consent.*—Provided always, that nothing herein contained shall authorise 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.

30. *Notice to be served on persons having control, &c., before breaking up streets or opening drains.*—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 three 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. *Streets or drains not to be broken up except under superintendence of persons having control of the same.*—*If persons having the control, &c., fail to superintend, undertakers may perform the work without them.*—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 two 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 intention of the undertakers as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the undertakers may perform the work specified in such notice without the superintendence of such persons or their officer.

32. *Streets, &c., broken up to be reinstated without delay.*—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 kept there against, every night during which such road or pavement shall be continued open or broken up, and shall, after replacing and making good the road or pavement which shall have been so broken up, keep the same in good repair for three months thereafter, and such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

33. *Penalty for delay in reinstating streets, &c.*—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 authorised to perform such works without any superintendence or notice, or if the undertakers make any unnecessary 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 six 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 five pounds for every such offence, and an additional sum of five pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

34. *In case of delay, other parties may reinstate, and recover the expenses.*—If any such delay or omission as aforesaid shall 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 way as damages are recoverable under this and the Special Act.

Supply of Water.

And with respect to the supply of water to be furnished by the undertakers, be it enacted as follows :

35. *A constant supply of water to be kept for domestic purposes at high pressure.*—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 hereinafter 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 three successive years at least.

36. *Penalty for neglect to lay pipes for supply of water for domestic use—Proviso.*—If, for twenty-eight 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 three years or more, the undertakers shall refuse or neglect to lay down pipes in the manner hereinbefore 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 forty shillings 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.

37. *Supply of water to be kept for cleansing sewers, drains, &c., and for other public purposes.*—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 agreed upon by the town commissioners and the undertakers, or, in case of disagreement, as shall be settled, in England or Ireland by two 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.

38. *Undertakers to affix public fireplugs in mains.*—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 one hundred 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 fire plugs, it shall be settled by such inspector as aforesaid, when appointed, and in the meantime by two justices in England or Ireland, and by the sheriff in Scotland.

39. *Undertakers to repair fireplugs, and deposit keys thereof at engine houses, &c.*—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 fire plug is situated, showing its situation, which notice the undertakers may put up on any house or building in such street.

40. *Expense of fireplugs, &c., how to be borne.*—The cost of such fireplugs, and the expenses of fixing, placing, and maintaining the same in repair, and providing such keys as aforesaid, shall be defrayed by the town commissioners.

41. *Fireplugs to be placed near manufactories, at request, &c., of owners.*—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.

42. *Pipes to be kept charged and water taken to extinguish fires without charge.*—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.

43. *Penalty for refusal to fix, &c., fireplugs, or occasional failure of supply of water.*—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 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 ten pounds, and shall also forfeit to the town commissioners, and to every person having paid or tendered the rate, the sum of forty shillings 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 :

44. *Undertakers to lay down communication pipes, on request of occupier, and with consent of owners in houses of limited value.*—The undertakers shall, upon the request of the owner of any dwelling houses in any street in which pipes shall have been laid down by them, the annual value of which house shall not exceed ten pounds, 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 two 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 hereinafter contained.

45. *Penalty on undertakers for refusal to lay communication pipes.*—If upon such request and consent, and upon tender or payment of such proportion of rate as aforesaid, the undertakers for seven 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 five pounds, and a further sum of forty shillings for every day during which such refusal or

neglect shall continue after seven days from the making of such request and tender as aforesaid.

46. *Undertakers to be at liberty to remove pipes, and recover expenses of owners or occupiers—No greater sum to be recovered from occupiers than amount of rent due.*—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 twelve 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 ten 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.

47. *Owner to be at liberty to purchase the pipes—Pipes to be laid by the undertakers.*—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 accrue to the undertakers.

Pipes to be laid by the inhabitants.—And with respect to the communication pipes to be laid by the inhabitants, be it enacted as follows:

48. *Power to inhabitants to lay service pipes, giving the undertakers notice of the same.*—Any owner or occupier of any dwell

ing-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 two 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 fourteen days notice of his intention to do so.

49. *Communication with the pipes of the undertakers to be made under the superintendence of their surveyor*—As to the settling of disputes.—Before any pipe is made to communicate with the pipes of the undertakers, the person intending to lay such pipe shall give two 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 two justices, and in Scotland by the sheriff, or in either case by the inspector to be appointed as aforesaid.

50. *Bore of service pipes*.—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.

51. *Service pipes may be removed, after giving notice of the same*—Penalty on removing pipes without notice.—Any person who shall have laid down any pipe or other works, or who shall have become the property thereof, may remove the same, after having first given six 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 five pounds, 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.

52. *Power to inhabitants to break up pavements, giving notice of the same.*—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.

53. *Owners or occupiers entitled to demand a supply of water for domestic purposes.*—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:

54. *Persons using the water to provide cisterns and cocks—Penalty for neglect.*—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.

55. *Penalty for suffering cistern, &c., to be out of repair.*—Every person supplied with water by the undertakers who shall suffer any such cistern, pipe, ball, or stop cock, to be out of 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 five pounds.

56. *Undertakers may repair cisterns, &c., and recover the expenses.*—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 as damages.

57. *Power to surveyor employed by undertakers to enter houses to inspect, &c.*—The surveyor, or any other person acting under the authority of the undertakers, may, between the hours of nine of the clock in the forenoon and four 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.

58. *Penalty for allowing persons to use the undertakers' water.*—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 five pounds.

59. *Penalty for taking the undertakers' water without agreement.*—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 ten pounds.

60. *Penalty for destroying valves, &c.*—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 five pounds.

Fouling the Water.

And with respect to the provision for guarding against fouling the water of the undertakers, be it enacted as follows :

61. *Penalties for causing the water of the undertakers to be fouled, &c.*—Every person who shall commit any of the offences next hereinafter enumerated shall for every such offence forfeit to the undertakers a sum not exceeding five pounds ; (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 into 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 twenty shillings for each day (if more than one) that such last-mentioned offence shall be continued.

62. *Penalty for permitting substances produced in making gas*

to flow into the undertakers' works—Penalty to be sued for within six months.—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 two hundred pounds; 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 six months after it has ceased.

63. *Daily penalty during the continuance of the offence.*—In addition to the said penalty of two hundred pounds, 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 twenty pounds, 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 twenty-four hours from the time when notice of the offence has been served on such person by the undertakers.

64. *Penalty on gas makers causing water to be fouled.*—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 twenty pounds, and a further sum not exceeding ten pounds for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

65. *Power to examine gas pipes, to ascertain cause of water being fouled.*—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 twenty-four hours notice in writing to the person so making or supplying gas of the time at which such digging and exami-

nation 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 hereinbefore provided with respect to roads and pavements broken up by them for laying their pipes.

66. *The expenses to abide the result of the examination.*—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.

67. *How expenses to be ascertained.*—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:

68. *Rates to be payable according to the annual value of the premises.*—The water rates, except as hereinafter 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 two justices.

69. *Where several houses supplied by one pipe each to pay.*—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.

70. *Rates to be paid quarterly.*—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.

71. *Parties giving notice to discontinue use of water, or removing, to pay to the next quarter day.*—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 two 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.

72. *Owners of houses not exceeding 10l. rent to be liable to water rates.*—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 ten pounds, 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.

73. *Tenants under existing leases to repay the owner.*—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 hereinbefore 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.

74. *Rates how to be recovered.*—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 twenty pounds, 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 twenty pounds or upwards, the undertakers may recover the same, with the expenses of cutting off the water, by action, in any court of competent jurisdiction.

LEEDS & WEST-RIDING
MEDICO-CHIRURGICAL SOCIETY

THE
TOWNS IMPROVEMENT CLAUSES ACT,
1847.

[10 & 11 VICT. CAP. 34.]

(See ante, p. 78.)

An Act for Consolidating in One Act certain provisions usually contained in Acts for paving, draining, cleansing, lighting, and improving towns.—[21st June, 1847.]

Naming Streets.

And with respect to naming the streets and numbering the houses, be it enacted as follows :

64. *Houses to be numbered and streets named.*—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 forty shillings for every such offence.

65. *Numbers of houses to be renewed by occupiers.*—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 forty shillings, and the commissioners shall cause such numbers to be marked or to be renewed, as the case may require, and the expenses 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 :

66. *Houses may be set forward for improving line of street.*—The commissioners may allow, upon such terms as they think fit, any building within the limits of the special Act to be set forward, for improving the line of the street in which such building, or any building adjacent thereto, is situated.

67. *Commissioners may purchase houses or ground for effecting additional improvements.*—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 land so purchased which shall not be wanted for the enlargement of the street.

68. *Houses projecting beyond line of street, when taken down, to be set back.*—When any house or building, any part of which projects beyond the regular line of the streets, or beyond the front of the house or building on either side thereof, has been taken down in order to be rebuilt or 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 improvements of such street :

Provided always, that the commissioners shall make full compensation to the owner of such house or building for any damage he thereby sustains.

69. *Future projections of houses, &c., to be removed on notice.*—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 fourteen 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 forty shillings.

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.

70. *Commissioners may cause existing projections to be removed and compensation to be made.*—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 thirty 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.

71. *Doors in future to be made to open inwards.*—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 eight 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 forty shillings.

72. *Doors opening outwards may be altered.*—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.

73. *Coverings for cellar doors to be made by occupier—Penalty for neglect.*—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 ;

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 five pounds.

74. *Waterspouts to be affixed to houses or buildings.*—The occupier of every house or building in, adjoining, or near to any street shall, within seven 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 forty shillings for every day that he shall so make default.

Ruinous or Dangerous Buildings.

And with respect to ruinous or dangerous buildings, be it enacted as follows :

75. *Ruinous or dangerous buildings to be taken down or secured by owners, &c.*—If owner, &c., neglect to repair, commissioners may cause the same to be done, charging owner, &c., with the expenses.—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 to 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 ;

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 three days after 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 two 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.

76. *The expenses to be levied by distress on the owner.*—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.

77. *If owner cannot be found, commissioners may take the house or ground, making compensation provided by 7 & 8 Vict. c. 18.*—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 twenty-eight 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 twenty-eight 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.

78. *Commissioners may sell the materials restoring to the owner overplus arising from the sale.*—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 purpose 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 :

79. *Bars to be erected across street while repairs or alterations are making, and lights placed at night.*—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 five pounds.

80. *Hoads to be set up during repairs.*—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 hand-rail, 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 five pounds, and a further penalty not exceeding forty shillings for every day while such default is continued.

81. *Penalty for not lighting deposits of building materials or excavations.*—When any building materials, rubbish, or other things are laid, or any hole made, in any of 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 inclosed 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 inclose such materials or other things, or such hole, shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day while such default is continued.

82. *Penalty for continuing deposits of building materials or excavations an unreasonable time.*—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 five pounds 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 forty shillings 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.

83. *Dangerous places to be repaired or inclosed.*—If any building, or hole, or any other place near any street be, for want of sufficient repair, protection, or inclosure, dangerous to the passengers along such street, the commissioners shall cause the same to be repaired, protected, or inclosed, so as to prevent danger therefrom.

And the expenses of such repair, protection, or inclosure shall be repaid to the commissioners by the owner of the premises so repaired, protected, or inclosed, and shall be recoverable from him as damages.

THE
MARKETS AND FAIRS CLAUSES ACT,
1847.

[10 VICT. c. 14.]

(See ante, p. 81.)

An Act for Consolidating in One Act certain provisions usually contained in Acts for constructing and regulating Markets and Fairs.—[23rd April, 1847.]

Holding of Markets, &c.

And with respect to the holding of the market or fair, and the protection thereof, be it enacted as follows :

12. *Before the market or fair shall be opened, notice to be given by undertakers.*—Before the market or fair shall be opened for public use the undertakers shall give not less than ten 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.

13. *Sales elsewhere than in markets, prohibited under a penalty not exceeding 40s.*—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 authorised to be taken in the market, shall for every such offence, be liable to a penalty not exceeding forty shillings.

14. *Market days.*—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 byelaw to be made in pursuance of this or the special Act.

15. *Penalty for selling or exposing for sale unwholesome meat, &c.—Penalty on obstructing inspector.*—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 five pounds 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 hereinafter 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 five pounds for every such offence.

16. *Penalty for obstructing market or fair keeper.*—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 forty shillings.

Weighing of goods and carts.

And with respect to weighing goods and carts, be it enacted as follows:

21. *Undertakers to provide proper weights and measures for weighing commodities sold at markets and fairs.*—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.

22. *Articles to be weighed if requested by the buyer—Penalty for refusal.*—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 forty shillings.

23. *Penalty on persons appointed refusing to weigh.*—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 forty shillings.

24. *Undertakers to keep proper machines for weighing carts laden with goods.*—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.

25. *Carts to be weighed at one of the machines erected by the undertakers.*—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 as aforesaid for the purpose of having it weighed.

26. *Penalty on drivers for refusing to take carts to be weighed, &c.*—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 hereinbefore 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 twenty shillings.

27. *Penalties on drivers of carts, &c., committing frauds in weighing.*—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 five pounds 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.

28. *Penalty on buyers or sellers for committing frauds in weighing.*—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 five pounds.

29. *Penalties for frauds committed by the machine keeper.*—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 five pounds in any of the following cases ; (that is to say),

If he wilfully 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.

30. *Penalty on other parties committing frauds as to weighing.*—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 five pounds.

Tolls.

And with respect to the stallages, rents, and tolls, to be taken by the undertakers, be it enacted as follows :

31. *Tolls, &c., not to be demanded until market or fair completed.*—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.

32. *Certificates of two justices to be evidence that market or fair is completed.*—A certificate under the hand of any two 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.

33. *Stallages, &c., when to be paid.*—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 authorised by the undertakers to receive the same.

34. *Tolls to be paid to persons authorised before the same are weighed, &c.*—The tolls payable in respect of weighing or measuring marketable commodities, or cart with or without goods, shall be paid to the person authorised 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.

35. *Tolls in respect of cattle market when due.*—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.

36. *Stallages, tolls, &c., may be varied from time to time.*—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 authorised by the special Act.

37. *Penalty on taking a greater toll than authorised by this or the special Act.*—Every person who shall demand or receive a greater toll than that authorised to be taken under the provisions of this or the special Act shall for every such offence be liable to a penalty not exceeding forty shillings.

38. *Recovery of tolls by distress, &c.*—If any person liable to the payment of any stallage, rent, or toll authorised by this or the special Act to be taken do not pay the same when demanded, the undertakers or their lessee, or any person authorised by the undertakers or their lessee to collect the same, may levy the same in England by distress 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.

39. *Disputes respecting tolls, how to be settled.*—If any dispute arise concerning any such stallage, rent, or toll, such dispute shall be determined in England by a justice, and such justice 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 by distress, and the justice shall issue his warrant accordingly.

40. *Penalty for obstructing collector of rents, &c.*—Every person who shall assault or obstruct any person authorised to collect any stallage, rent, or toll authorised by this or the special Act, shall for every such offence be liable to a penalty not exceeding forty shillings.

41. *List of tolls, &c., to be set up and placed in conspicuous places.*—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:

42. *Byelaws may be made for all or any of the purposes herein named.*—The undertakers may from time to time make such byelaws 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 twenty-four 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 :

Byelaws may be repealed or altered from time to time.—And the undertakers may from time to time, as they shall think fit, repeal or alter any such bye-laws ;

Provided always, that such byelaws 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 byelaws shall be reduced to writing under the common seal of the undertakers, if they be a body corporate, or the hands and seals of two 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.

43. *Byelaws may be enforced by imposition of penalties.*—The undertakers, by the byelaws so to be made by them, may impose such reasonable penalties as they shall think fit, not exceeding five pounds for each breach of such byelaws ; provided that every such byelaw shall be so framed as to allow the justices 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.

LEEDS & WEST-RIDING
MEDICO-CHIRURGICAL SOCIETY

THE TOWN POLICE CLAUSES ACT, 1847.

[10 & 11 VICT c. 89.]

(See ante, p. 89.)

Obstructions and nuisances.

With respect to obstructions and nuisances in the streets, be it enacted as follows :

21. *Power to prevent obstructions in the streets during public processions, &c.*—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 forty shillings.

22. *Power to regulate the route of persons driving stage carriages, &c., during Divine service.*—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 forty shillings.

23. *Proprietors of stage carriages deviating from route by order free from penalty.*—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.

24. *Power to impound stray cattle.*—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 forty shillings, besides the reasonable expenses of impounding and keeping such cattle.

25. *Power to sell stray cattle for penalty and expenses.*—If the said penalty and expenses be not paid within three 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 seven 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 seven 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.

26. *Persons guilty of pound-breach to be committed for three months.*—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 two justices, be committed by them to some common gaol or house of correction for any time not exceeding three months.

27. *Power to provide a pound.*—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.

28. *Penalty on persons committing any of the offences herein named.*—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 forty shillings 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 fourteen days; and any constable or other officer appointed by virtue of this or the special Act shall take into custody, without warrant, and forthwith convey before a justice any person who within his view commits any such offence; (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 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 two carts or waggons, and every person driving two 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 four 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, 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 showboard 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 eight 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 a 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 night-walker 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 firearms, 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 inclosed 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 eight 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 night soil, or any carrion, fish, offal, or rubbish, on any street, or causes any offensive matter to run from any manufactory, brewery, slaughter-house, butcher's 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 pigstye 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 common nuisance.

29. *Penalty on drunken persons, &c., guilty of riotous or indecent behaviour.*—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 forty shillings for every such offence, or, in the discretion of the justice before whom he is convicted, to imprisonment for a period not exceeding seven days.

Fires.

And with respect to fires, be it enacted as follows :

30. *Penalty for setting chimneys wilfully on fire.*—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 five pounds :

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.

31. *Penalty for accidentally allowing chimneys to catch fire.*—If any chimney accidentally 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 ten shillings :

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.

32. *Fire engines and firemen may be provided by the commissioners.*—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.

33. *Fire police permitted to go beyond the limits of the Act in certain cases.*—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 (*a*) 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 two 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:

34. *Penalty on victuallers harbouring constables while on duty.*—Every victualler or keeper of any public-house, or person licensed 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 twenty shillings.

35. *Penalty on coffee shop keepers harbouring disorderly persons.*—Every person keeping any house, shops, 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

(*a*) In *Lewis (app.) v. Arnold (resp.)* (39 Justice of the Peace, 519) it was held that a haystack is not a building.

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 five pounds.

36. *Penalty on persons keeping places for bear-baiting, cock-fighting, &c.*—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 five pounds, 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 five shillings ;

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 :

37. *Hackney carriages to be licensed.*—The commissioners may, from time to time, license to ply for hire within the prescribed distance, or if no distance is prescribed, within five 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.

38. *What to be hackney carriages.*—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 licensed 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.

39. *Fee to be paid for licence.*—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 five shillings.

40. *Persons applying for licence to sign a requisition for same.*—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 ten pounds.

41. *What shall be specified in the licences.*—In every such licence 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.

42. *Licences to be registered.*—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.

43. *Licence to be in force for one year only.*—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 licensing meeting, in case any general licensing day be appointed by the commissioners.

44. *Notice to be given by proprietors of hackney carriages of any change of abode.*—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 as 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 forty shillings.

45. *Penalty for plying for hire without a licence.*—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 forty shillings.

46. *Drivers not to act without first obtaining a licence.*—No person shall act as driver of any hackney carriage licensed 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 one shilling 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.

47. *Penalty on drivers acting without licence.*—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 twenty shillings.

48. *Proprietor to retain licence of drivers when in his employ, and to produce the same when summoned.*—Justices may endorse convictions upon licences.—*Penalty on proprietors for neglect.*—In every case in which the proprietor of any such hackney carriage permits or employs any licensed 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 ;

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 ;

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 forty shillings.

49. *Proprietor to return licence to drivers when quitting his service if they behave well, if otherwise, proprietors to summon them.—Compensation in case of licence being improperly withheld.*

—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 ;

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.

50. *Licences to be suspended or revoked for misconduct.*—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.

51. *Number of persons to be carried in a hackney carriage to be painted thereon.*—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.

52. *Penalty for neglect or for refusal to carry the prescribed number.*—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 forty shillings.

53. *Penalty on driver for refusing to drive.*—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 byelaw 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 forty shillings.

54. *Penalty for demanding more than the sum agreed for, though less than the legal fare.*—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 byelaw made thereunder, such proprietor or driver shall be liable to a penalty not exceeding forty shillings if he exact or demand for such job more than the fare so agreed upon.

55. *Agreement to pay more than the legal fare not to be binding, and sum paid beyond the proper fare may be recovered back.*—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 byelaw 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 forty shillings;

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.

56. *Driver to carry under an agreement for a discretionary distance, the distance to which hirer is entitled for the fare.*—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 forty shillings, 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.

57. *Deposit to be made for carriages waiting.—Penalty on the driver refusing to wait, or to account for the deposit.*—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, then the sum of one shilling and sixpence 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;

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 forty shillings.

58. *Overcharge by hackney coachmen, &c., to be included in conviction, and returned to aggrieved party.*—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 forty shillings, 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.

59. *Penalty for permitting persons to ride without consent of the hirer.*—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 twenty shillings.

60. *No person to act as driver of any carriage without the consent of the proprietor.*—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 licensed or not, shall act as driver of any such carriage without the consent of the proprietor ;

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 forty shillings for every such offence.

61. *Penalty on driver's misbehaving.*—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 five pounds, 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 two months.

62. *Penalty for leaving carriages unattended at places of public resort.*—If the driver of such hackney carriage leave it in any street or at any place of public resort or entertainment, whether it be hired or not, without someone 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 twenty shillings 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 justices 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.

63. *Damage done by driver may be recovered from the proprietor.*—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 five pounds as appears to the justices 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.

64. *Improperly standing with carriage; refusing to give way to, or obstructing any other driver, or depriving him of his fare.*—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 twenty shillings.

65. *Justices empowered to award compensation to drivers for loss of time in attending to answer complaints not substantiated.*—

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.

66. *Penalty for refusing to pay the fare.*—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.

67. *Penalty for damaging carriage.*—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 five pounds, 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.

68. *Commissioners may make bye-laws for regulating hackney carriages.*—The commissioners may from time to time, subject to the restrictions of this and the Special Act, make byelaws 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 regu-

lating 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 check strings 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 redelivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

Bathing.

69. *Bathing machines.*—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 byelaws 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 person by 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.

THE
TOWNS IMPROVEMENT CLAUSES ACT,
1847.

[10 & 11 VICT. CAP. 34.]

(See ante, pp. 78, 83.)

An Act for Consolidating in One Act certain provisions usually contained in Acts for paving, draining, cleansing, lighting, and improving towns.—[21st June, 1847.]

Slaughter-houses.

And with respect to slaughter-houses, be it enacted as follows :

125. *Commissioners may license slaughter-houses, &c.*—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.

126. *No new slaughter-houses in future to be erected without a licence.*—No place shall be used or occupied as a slaughter-house or knackers' 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 licence for the erection thereof, or for the use and occupation thereof as a slaughter-house or knackers' yard, have been obtained for the commissioners.

And every person who, without having first obtained such licence as aforesaid, uses as a slaughter-house or knackers' 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 five pounds,

and a like penalty for every day after the conviction for such offence upon which the said offence is continued.

127. *Existing slaughter-houses, &c., to be registered.*—Every place within the limits of the special Act which shall be used as a slaughter-house or knackers' yard shall, within three 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 knackers' yard to be registered in a book to be kept by them for that purpose :

And every person who after the expiration of the said three months, and after one week's notice of this provision from the commissioners, uses or suffers to be used any such place as a slaughter-house or knackers' yard, without its being so registered shall be liable to a penalty not exceeding five pounds for such offence, and a penalty not exceeding ten shillings for every day after the first day during which such place shall be used as a slaughter-house or knackers' yard without having been so registered.

128. *Commissioners may make byelaws for regulation of slaughter-houses, &c.*—The commissioners shall from time to time by bye 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 twenty-four hours, and requiring them to be provided with a sufficient supply of water, and they may impose pecuniary penalties on persons breaking such byelaws ;

Provided that no such penalty exceed for any one offence the sum of five pounds, and in the case of continuing nuisance the sum of ten shillings for every day during which such nuisance shall be continued after the conviction for the first offence.

129. *Justices may suspend the licence of slaughter-houses, &c., in addition to penalty imposed.*—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 bye-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 two months the licence granted to such person under this or the Special Act, or in case such

person be the owner or proprietor of a registered slaughter-house or knackers' yard, may forbid for any period not exceeding two months the slaughtering of cattle therein ;

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

130. *Penalty for slaughtering cattle during suspension of licence, &c.*—Every person who, during the period for which any such licence is suspended, or after the same is revoked as aforesaid, slaughters cattle in the slaughter-house or knackers' yard to which such licence relates, or otherwise uses such slaughter-house or knackers' yard, or allows the same to be used as a slaughter-house or knackers' yard, and every person who during the period that the slaughtering of cattle in any such registered slaughter-house or knackers' 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 five pounds for such offence, and a further penalty of five pounds for every day on which any such offence is committed after the conviction for the first offence.

131. *Officers may enter and inspect slaughter-houses, &c.*—The inspector of nuisances, the officer of health, or any 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 butcher's 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 ten pounds 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 butcher's 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 five pounds for each offence.

LEEDS & WEST-RIDING
MEDICO-CHIRURGICAL SOCIETY

THE ARTIZANS AND LABOURERS'
DWELLINGS IMPROVEMENT ACT, 1875.

[38 & 39 VICT. CAP. 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 :

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 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 :

Preliminary.

1. *Short title.*—This Act may be cited for all purposes as “The Artizans and Labourers’ Dwellings Improvement Act, 1875.”

2. *Application of Act to certain districts, and description of local authority.*—This Act shall apply only to

- (1.) The City of London ; and
- (2.) The Metropolis, exclusive of the City of London ; and
- (3.) Urban sanitary districts in England containing, according to the last published Census, for the time being a population of twenty-five thousand and upwards ;
- (4.) Urban sanitary districts in Ireland containing, according to the last published Census, a population of twenty-five thousand and upwards ;

and the local authority shall be as follows ; that is to say—

- (1.) As respects the City of London, the Commissioners of Sewers ; and
- (2.) As respects the Metropolis, the Metropolitan Board of Works ; and
- (3.) As respects each urban sanitary district, the urban sanitary authority of that district.

PART I.

UNHEALTHY AREAS.

1. *Scheme by Local Authority.*

3. *Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.*—

Where an official representation as hereinafter 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 construction 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 of 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 twenty pounds; 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.

4. *Official representation by whom to be made.*—An official representation shall mean, in the Metropolis, a representation made by the medical officer of health of any district board, or vestry, or by such medical officer as is hereafter in this Act mentioned, to the local authority, and elsewhere 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 two or more justices of the peace acting within the jurisdiction for which he is medical officer, or twelve 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.

5. *Requisites of improvement scheme of local authority.*—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.*

6. *Improvement scheme by provisional order to be confirmed by Parliament.*—Upon the completion of an improvement scheme the local authority shall—

Publication of notices.—Publish, during three 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 the Commissioners of Sewers or the Metropolitan Board of Works to a Secretary of State, and 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 Secretary of State or Local Government Board, according to the circumstance of the case (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 five pounds 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 of one of Her Majesty's superior courts, and be enforced accordingly.

7. *Costs to be awarded in certain cases.*—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 twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

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.

8. *Inquiry on refusal of local authority to make an improvement scheme.*—Where an official representation 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.

Execution of Scheme by Local Authority.

9. *Duty of local authority to carry scheme, when confirmed, into execution.*—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 ten 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.

10. *Completion of scheme on failure by local authority.*—If

within five 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.

11. *Notice to occupiers by placards.*—The local authority shall, not less than thirteen weeks before taking any fifteen 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.

12. *Power of confirming authority to modify authorised scheme.*—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 section six 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. *Medical officer of health in Metropolis.*—The Metropolitan Board of Works may, with the assent of a Secretary of State, at any time appoint one or more legally qualified medical practitioner or practitioners, with such remuneration as they think fit, for the purpose of better carrying into effect this Act in the Metropolis. Any officer so appointed by the Metropolitan Board of Works shall be deemed to be a medical officer of health of a local authority within the meaning of this Act, and shall perform the duties and be subject to the liabilities which such medical officer is by this Act required to perform and be subject to.

14. *Provision in case of absence of medical officer of health.*—In case of the illness or unavoidable absence of the medical officer of health, the district board, vestry, or local authority, as the case may be, may (subject to the approval of the confirming authority), appoint a duly qualified medical practitioner, who shall for the period of six 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.

15. *Inquiry on default of medical officer in certain cases.*—Where twelve 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 where such officer is of opinion that the area is an unhealthy area.

An 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.*

16. *Proceedings on local inquiry.*—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.

17. *Notice of inquiry to be publicly given.*—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.

18. *Power to administer oath.*—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.*

19. *Acquisition of land.*—(1.) 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; and (2.) “The Lands Clauses Consolidation Act, 1845,” as amended by “The Lands Clauses Consolidation Act, 1860,” “The Railways Act (Ireland), 1851,” “The Railways Act (Ireland), 1860,” “The Railways Act (Ireland), 1864,” and “The Railways Traverse Act,” shall, subject to the provisions following, regulate and apply to the purchase and taking of lands in Ireland, and shall for this purpose be deemed to form part of this Act, in the same manner as if they were enacted in the body hereof.

Subject, as respects both England and Ireland, to the provisions following; that is to say,

- (1.) This 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 three years after the passing of the confirming Act.

20. *Extinction of rights of way and other easements.*—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.*

21. *Formation of improvement fund for purposes of this Act.*—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 the commissioners of sewers, mean the sewer rate and the consolidated rate leviable by such commissioners, or either of such rates.

The Metropolitan Board of Works shall levy as part of the Metropolitan consolidated rate within the area of the Metropolis, without making any demand on the City of London, a sufficient amount for the purposes of this Act, and the part so levied shall, for the purposes of this Act, in the case of the Metropolitan Board of Works, be referred to and included under the expression "local rates."

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, (a) and by the Public Health (Ireland) Act, 1874.

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.

22. *Power of borrowing money for the purposes of the Act.*— 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 on 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.

(a) See note (italics) to sect. 22, *post*.

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 section forty of the Public Health Act, 1872, (a) or under the Public Health (Ireland) Act, 1874, for sanitary purposes.

The commissioners of sewers may borrow and take up at interest such money on the credit of the local rates, or any of them, as

(a) The 40th section of the Public Health Act, 1872 (35 & 36 Vict. c. 79), is as follows:—

“Any sanitary authority may, for the purpose of defraying any costs, charges, and expenses incurred, or to be incurred, by it in the performance of its duties under the Sanitary Acts, borrow and take up at interest any sums of money necessary for defraying any such costs, charges, and expenses, subject to the regulations in the Sanitary Acts.

“An urban sanitary authority may borrow and take up at interest such money on the credit of all, or any rates or rate, out of which it is authorised by the Sanitary Acts to pay any expenses incurred by it for sanitary purposes and may mortgage any such rate or rates to the persons by, or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

“A rural sanitary authority may borrow and take up at interest such money, if intended to be applied to purposes constituting the general expenses of such authority on the credit of the common fund, out of which such expenses are payable, and if intended to be applied to purposes constituting the special expenses of such authority on the credit of any rate or rates out of which such expenses are payable, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

“The words ‘permanent works’ in the Local Government Act, 1858, shall include any works, the cost of which, in the opinion of the Local Government Board, ought to be spread over a term of years.

“The clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act, and in the construction of that Act, ‘the special Act’ shall mean this Act, the commissioners shall mean any authority authorised to borrow by this Act, ‘the clerk of the commissioners’ shall include any officer appointed for the purpose by any such authority.

“The mortgagees or assignees of any mortgage made in pursuance of this Act may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.”

(Although the Public Health Act, 1872 (35 & 36 Vict. c. 79), is repealed by the Public Health Act, 1875, yet such parts of it as are incorporated in the present enactment become revived.

they may require for the purposes of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the commissioners of sewers the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners shall be incorporated with this Act; and in the construction of that Act "the special Act" shall mean this Act; "the commissioners" shall mean the commissioners of sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the commissioners of sewers by this Act; and the mortgagees or assignees of any mortgage made as last aforesaid, may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

The Metropolitan Board of Works may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works (Loans) Act, 1869, for the purpose of raising such sums as they may require for the purposes of this Act, but there shall be repaid to the consolidated rate out of the local rate all moneys required for payment of the dividends on and the redemption of the consolidated stock created for the purposes of this Act.

The Public Works Loan Commissioners, or, in the case of Ireland, the commissioners of public works, 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, in the case of the Metropolitan Board of Works, of consolidated stock created under the Metropolitan Board of Works (Loans) Act, 1869, and in any other case on the security of the local rates. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority, and shall bear interest at the rate of three and a half 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.

23. *Audit of accounts.*—The accounts of the Commissioners of

Sewers and the accounts of the Metropolitan Board of Works under this Act shall respectively be audited in the same manner and with the same power in the officers auditing the same in which the accounts of those bodies, when acting in their capacities of Commissioners of Sewers and Metropolitan Board of Works, are for the time being required to be audited by law.

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.

LEEDS & WEST-RIDING

MEDICO-CHIRURGICAL SOCIETY

PART III.

GENERAL PROVISIONS.

24. *Provision where local authority has no seal.*—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.

25. *Service of notice on the local authority.*—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.

26. *Power of confirming authority as to advertisements and notices.*—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.

27. *Power of confirming authority to dispense with notices in certain cases.*—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.

28. *Authentication of notices served by the local authority.*—Any notice served by the local authority for the purposes of this Act may be signed by the clerk of the local authority.

Penalties.

29. *Penalty for obstructing officers in execution of Act.*—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 twenty pounds.

Saving Clauses.

30. *Relation of local Acts to general Acts.*—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.

31. *Definitions of terms of Act*—“Secretary of State”—“Person”—“Lands”—“The city of London”—“The Metropolis”—“A district board or vestry”—“Medical officer of health”—“Local Government Board”—“Clerk of local authority”—“Superior courts”—“The Treasury”—“This Act.”—The expressions hereinafter 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,

- “Secretary of State” means one of Her Majesty’s Principal Secretaries of State :
- “Person” shall include a body of persons, corporate or unincorporate :
- “Lands” shall include messuages, lands, tenements, and hereditaments of any tenure, and any right over land :
- “The city of London” shall include the liberties thereof :
- “The Metropolis” shall not include the city of London or the liberties thereof, but shall include all other parishes or places within the jurisdiction of the Metropolitan Board of Works :
- “A district board or vestry” within the Metropolis means a district board or vestry as incorporated by the Metropolis Management Act, 1855 :
- “Medical officer of health” shall, in the case of Ireland, mean consulting sanitary officer :
- “Local Government Board” shall, in the case of Ireland, mean Local Government Board of Ireland :
- “Clerk of local authority” shall, in the case of Ireland, mean executive sanitary officer and acting clerk :
- “Superior courts” shall mean, in the case of Ireland, Her Majesty’s superior courts in Ireland :
- “The Treasury” shall mean the Lords Commissioners of the Treasury, or any two of them :
- “This Act” includes any confirming Act as hereinbefore defined.

LEEDS & WEST-RIDING

SCHEDULE MEDICAL-CHIRURGICAL SOCIETY

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 hereinafter 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 three 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 twenty-one 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 three 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 twenty-one 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 hereinbefore directed.

(12.) When the arbitrator has heard and determined all such objections, and made such inquiries 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 hereinafter 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 three 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 twenty-one 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 twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years, previous to the claim when the abstract shall commence with such conveyance.

Payment of Purchase Money.

(14.) Within thirty 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, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases hereinafter 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 hereinafter 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 hereinafter 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 Clauses 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 hereinbefore mentioned, if they think fit, so as the same be obtained at the costs 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 hereinbefore 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, notwithstanding 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 five pounds 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 hereinbefore 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 five hundred pounds, 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 five hundred pounds, 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 five hundred pounds;

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 ten 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 sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except sections forty-seven and fifty-one: 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 twenty pounds 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 confirming 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 accordingly. 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 seven 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 five per cent. for any time during which the same remains unpaid after such seven 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.

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