



CHAPTER cclxviii.

An Act to authorise the Corporation of Harrogate to construct certain street improvements and to make further provision in regard to the health and local government of the town. A.D. 1901.
[17th August 1901.]

WHEREAS the borough of Harrogate is under the management and local government of the mayor aldermen and burgesses of the borough who acting by the council are the council of the urban district which comprises the borough :

And whereas the Acts and Provisional Orders which are set forth in the First Schedule hereto are in force in the borough (each of which Acts and Orders is hereinafter referred to as the Act or Order of the year in which the same was passed or confirmed) :

And whereas the powers rights and duties of the commissioners constituted by the Act of 1841 are now vested in and exerciseable by the Corporation :

And whereas it is expedient that the Corporation should be empowered to execute the street widening or improvement in this Act mentioned :

And whereas it is expedient that further provision should be made with reference to streets buildings and sewers within the borough and that the powers of the Corporation in relation to health local government and improvement of the borough should be enlarged :

And whereas it is expedient that the Corporation be empowered to acquire lands for the several purposes which are hereinafter more particularly described :

And whereas it would be to the benefit of the inhabitants of the borough and visitors thereto that the Corporation should be empowered to enlarge or improve the Royal Pump Room and erect additional pump rooms or provide additional accommodation for such visitors :

A.D. 1901.

And whereas provisions were contained in the High and Low Harrogate Improvement Act 1841 and Acts amending the same for the better protection and preservation of the sulphur wells and springs at Harrogate and such provisions are inadequate for such protection and preservation and it is expedient that further powers should be conferred on the Corporation in reference thereto :

And whereas it is expedient that the Corporation should be empowered to borrow money for the several works and purposes by this Act authorised :

And whereas the Corporation have under the powers granted by the Harrogate Corporation Electric Lighting Order 1891 expended upwards of fifty thousand pounds upon the construction of works and mains for the supply of electrical energy throughout the borough and are contemplating the expenditure of further moneys thereon :

And whereas the Corporation have borrowed large sums under and for the purposes of the Public Health Act 1875 and it is expedient that the moneys borrowed or to be borrowed for electric lighting purposes should not be included in the amount they may borrow under that Act :

And whereas it is expedient that the further powers in this Act contained should be conferred on the Corporation :

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

And whereas estimates have been prepared by the Corporation of the moneys required for the purposes of this Act and the same amount to the sum of ten thousand pounds and the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the Council at a meeting held on the third day of December one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Harrogate Herald a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting passed a resolution in favour of the promotion of a Bill for this Act and resolved that the expense of promoting the said Bill should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the Harrogate Advertiser a local newspaper published and circulating in the borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the eleventh day of February one thousand nine hundred and one being not less than fourteen days after the deposit of the Bill for this Act in Parliament: A.D. 1901.

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines and levels of the works by this Act authorised and also showing the lands authorised by this Act to be purchased compulsorily together with a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York and are in this Act respectively referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Harrogate Corporation Act Short title.
1901.

2. This Act is divided into Parts as follows:—

- Part I.—Preliminary.
- Part II.—Mineral Springs.
- Part III.—Street Improvement.
- Part IV.—Streets and Buildings.
- Part V.—Sanitary Provisions.
- Part VI.—Infectious Disease.
- Part VII.—Tuberculosis.
- Part VIII.—Police Provisions.
- Part IX.—Financial Matters.
- Part X.—Miscellaneous.

Division
into Parts.

A.D. 1901.
Incorporation of Acts.

3. The following Acts (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845).

Interpretation.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act or in the public Health Acts meanings are assigned shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of the borough of Harrogate;

“The borough” means the borough of Harrogate;

“The council” means the town council of the borough;

“The town clerk” “the surveyor” “the treasurer” “the borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the town clerk surveyor treasurer borough fund borough rate district fund and general district rate of the borough;

“The medical officer” means the medical officer of health for the borough and includes any person duly authorised by the Corporation to act temporarily as medical officer of health;

“The inspector of nuisances” means any inspector of nuisances appointed for the borough;

“Ground floor” used with reference to any building means that floor whereof the upper surface of which is nearest to the level of the street or ground adjoining the principal or only entrance to such building;

“Basement storey” means the lowest storey of any building below the ground floor;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

“Daily penalty” means a penalty for each day on which an offence is continued after conviction thereof;

“Dairy” includes any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for the purpose of sale;

“Dairyman” includes any cowkeeper purveyor of milk or occupier of a dairy;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity, rentcharge, rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department or given or to be made or given by authority of any Act of Parliament passed or to be passed.

A.D. 1901.

PART II.

MINERAL SPRINGS.

5. If it appears to any justice of the peace on complaint made to him by or on behalf of the Corporation that any person is opening, digging, sinking or deepening any pit or well or is opening or working any mine or quarry or is making any excavation or opening within a distance of six hundred yards from the centre of the old sulphur well at Low Harrogate or is about to do any of the said acts such justice shall forthwith make an order preventing any person doing or continuing any of the said act or acts. Provided that any such order shall remain in force for a period of fourteen days unless the Corporation shall in the meantime apply to have the same discharged.

For better protection and preservation of wells and springs.

It shall be lawful for the Corporation whether such an order as aforesaid has been made by a justice or not and whether such order is still continuing or not to apply to the High Court for and the High Court to grant an injunction to prevent any of the said acts from being continued or carried forward and to exercise and put in force all or any of the powers and provisions contained in the Acts of 1841 and 1893.

Any person offending against an order made by a justice under this section shall be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding fifty pounds for every day during which the said order shall be disobeyed.

6. The Corporation may erect in the Valley Gardens or with the consent of the Local Government Board and subject to such conditions as they may prescribe on other lands belonging to the Corporation a pump room or rooms with covered ways and colonnade and other necessary works connected therewith and alter, enlarge

Power to erect pump rooms in Valley Gardens and elsewhere.

A.D. 1901. — repair and maintain such works when erected and to supply the same with all necessary apparatus. And the Corporation may charge a sum not exceeding three pence per glass of mineral water supplied in any pump room belonging to them.

The works authorised by this section shall be deemed a purpose within section 71 (Power to borrow) of the Harrogate Corporation Act 1893 and the provisions of Part XI. of that Act shall apply as if such works were specifically mentioned therein.

PART III.

STREET IMPROVEMENT.

Power to
make street
works.

7. Subject to the provisions of this Act the Corporation in the lines and situation and within the limits shown on the deposited plans may make and maintain the following street improvement (herein referred to as "street works") wholly in the borough (that is to say):—

A widening or improvement of Cornwall Road with all needful and desirable works in connection therewith commencing at the north-east corner of Spring Villa in Cornwall Road and terminating at the north-west corner of Valley Drive.

Power to
take lands
and as to
assessing
purchase-
money.

8. The Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Part of this Act or in connection therewith and the Corporation may add any portion of the lands or property acquired under this section to the public gardens or dedicate the same as part of the public street. In estimating the amount of compensation or purchase-money to be paid by the Corporation under this Part of this Act the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of any street shall be fairly estimated and shall be set off against the said compensation or purchase-money.

Limits of
lateral and
vertical
deviation for
street works.

9. Subject to the provisions of this Part of this Act and to section 308 of the Public Health Act 1875 the Corporation in the construction of the street works by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and they may deviate vertically from the limits shown on the deposited sections to any extent not exceeding two feet upwards or three feet downwards.

10. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connection with the street works authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said street works and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said street works or of crossing under or over the same or otherwise and may alter divert stop up enclose use or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any drain sewer void ground or other property shown on the deposited plans the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer Provided that the provisions of section 308 of the Public Health Act 1875 (Compensation in case of damage by local authority) shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

A.D. 1901.
Power to
make subsi-
diary works.

11. The Corporation may during the execution and for the purpose of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time The Corporation shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

Temporary
stoppage of
streets.

12. The Corporation within the limits of deviation defined upon the deposited plans may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by the Corporation and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of sections 153 and 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to
alter steps
areas pipes
&c.

13. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act and if the works authorised by

Period for
compulsory
purchase of
lands and

A.D. 1901. this Part of this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof as are then completed.

Owners may be required to sell parts only of certain lands and buildings.

14. And whereas in the construction of the street works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans may be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owners of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term “the owner” and the said properties are hereinafter referred to as “the scheduled properties”:
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as “the tribunal”) shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion of such costs charges and expenses as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

A.D. 1901. — The provisions of this section shall be stated in every notice given thereunder to sell and convey a part only of any property.

Power to sell
lands &c.

15. The Corporation may at any time if they think fit sell lease or otherwise dispose of to any person in such way and manner and on such terms and conditions as the Corporation may deem proper any lands for the time being acquired by them under the powers of this Act and not required for the purpose of street improvements or may add the same to (so as to form part of) the Valley Gardens.

Power to use
or sell lands.

16. Any lands acquired or to be hereafter acquired by the Corporation in pursuance of any of the powers contained in this Act or (with the consent of the Local Government Board and subject to such conditions as they may prescribe) any lands or buildings belonging to the Corporation and not required for the purpose for which they were acquired may (unless the Local Government Board otherwise direct) be used or let temporarily or permanently for any other purpose or be sold at the best price that may be gotten for the same and when the same are sold the proceeds of such sale shall be applied towards discharging by means of a sinking fund or otherwise of any principal moneys which have been borrowed by the Corporation on the security of any of their funds or rates or if no such principal moneys are outstanding shall be carried to the account of the borough fund or borough rate or district fund or general district rate.

Workmen's
cottages.

17. The Corporation may subject to the sanction of the Local Government Board and under such conditions as they may prescribe erect on any land belonging to them and not specifically appropriated to other purposes such cottages as they think fit for the occupation of persons employed by them and may let the said cottages or any of them to such persons on such terms and conditions and at such rent or free from rent as the Corporation think fit.

Restriction
on taking
houses of
labouring
class.

18.—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five

hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

A.D. 1901.

(3) For the purposes of this section—

The expression “house” means any house or part of a house occupied as a separate dwelling; and

The expression “labouring class” means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

PART IV.

STREETS AND BUILDINGS.

19. The Corporation may when approved retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with them in pursuance of any enactment for the time being in force in the district or any byelaw thereunder respectively and the Corporation may require that such drawings plans and sections shall be drawn on tracing cloth Section 28 of the Act of 1893 is hereby repealed.

As to plans deposited with Corporation.

20. The Corporation may by resolution declare the point or limits at or within which any street is to be taken as beginning or ending.

Corporation may declare where streets begin and end.

21. It shall not be lawful for any person without the consent of the Corporation first obtained which consent shall not be unreasonably withheld to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Corporation and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding

Deposit of building materials or excavations not to be made without consent.

A.D. 1901. — five pounds and to a daily penalty not exceeding forty shillings and the Corporation may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offenders summarily.

Materials
in streets
may be sold.

22. The Corporation may remove appropriate use and dispose of any old materials existing in any street at the time of the execution by the Corporation of any works in such street unless the owners of buildings and lands in such street within forty-eight hours after notice so to do served on them by the surveyor remove such materials or their respective proportions thereof and the Corporation may if they think fit allow such sum as they may fix to be reasonable value thereof to such owners for any materials which have been re-used or removed by the Corporation.

Recovery
of damages
caused to
footways by
excavations.

23. If the footway or carriageway of any street belonging to or under the management of the Corporation be injured by or in consequence of any excavations or building operations on lands adjoining thereto the Corporation may repair or replace the footway or carriageway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavations or building operations have been made or by the person causing or responsible for the injury.

In executing
works for
owner Cor-
poration not
liable for
damages save
in case of
negligence.

24. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Corporation or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

Elevation of
buildings
erected on
front land to
be subject to
approval of
Corporation.

25. All buildings or parts of buildings which may in future be erected on the site of any building or any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier

shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation and in case the Corporation for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

A.D. 1901.

26. With respect to the height of chimneys the following provisions shall have effect (that is to say):— Height of chimneys.

(1) Every chimney hereafter erected for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery sizing-house dye-house corn-mill foundry or buildings used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height:

(2) Any person who shall offend against any provision of this or the preceding section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

27. From and after the passing of this Act—

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the borough into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;

The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;

The conversion of a dwelling-house into any other building not intended for human habitation;

The making of any addition to any existing building by raising any part of the roof or making any projection therefrom but so far as regards such addition only; and

The roofing or covering over of any open space between walls or buildings;

What to be deemed new buildings.

A.D. 1901. shall for all the purposes of this Part of this Act and of the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a new building. Section 37 of the Act of 1893 is hereby repealed.

Means of escape from buildings in case of fire.

28. Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hydropathic establishment boarding house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

Nothing in this section contained shall be deemed to interfere with the operation of section 7 of the Factory Act 1891 or of section 10 of the Factory Act 1895 or of any Act amending the same.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to temporary and movable buildings.

29.—(1) Before any person erects or sets up any temporary or movable building he shall apply to the Corporation for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

(2) The Corporation shall within one month after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

(3) The Corporation may attach to their approval any conditions which they may deem proper with regard to the sanitary arrangements of such buildings the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plan and sections and specification or after the disapproval of the Corporation or before the expiration of one month without such approval or is in

any respect not in conformity with any condition attached by the Corporation to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Corporation or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Corporation may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

A.D. 1901.

(5) The following buildings and works shall be exempt from the operation of this section :—

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the borough in respect of new buildings and any tent not remaining for more than seven days ;

(B) Any wooden or other erection of a movable or temporary character constructed or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Corporation may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion ; and

(c) Any wooden or other erection constructed or set up for the purpose of protecting or of preventing the acquisition of right of light.

30. The Corporation may prohibit in any part of the borough liable to be flooded from any stream watercourse or sewer or abutting upon any stream or watercourse the construction of any cellar or basement storey in any new building and may regulate the level of the ground-floor of any new building in such part of the borough.

Power to prohibit cellars in parts of borough liable to floods.

31. No basement floor of any dwelling-house or premises hereafter erected shall be at a less height than eighteen inches above the level of the top of the sewer measured from the point of connection with such sewer of the drain from such house or premises.

Level of basement floor.

A.D. 1901.

Yards to be paved.

32. If any yard or open space in connection with any dwelling-house erected before the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface water being carried off to the drains of such house the Corporation may give to the owner of such house notice in writing requiring him within fourteen days after such notice shall have been so given to proceed to form and to flag asphalted or pave such yard or open space for at least two hundred square feet immediately adjoining such house so as to allow of the surface water being carried off to the drains of such house and within twenty-eight days after such notice shall have been so given to complete such several works to the satisfaction of the Corporation and if such owner shall make default in complying with any of such requirements to the satisfaction of the Corporation within the respective times aforesaid the Corporation may if they think fit execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Corporation by such owner and shall be recoverable summarily.

Corporation may order houses to be drained by a combined operation.

33. If it appears to the Corporation that two or more houses plans for which have been approved after the first day of January one thousand nine hundred and two may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Corporation shall determine and if constructed by the Corporation may be recovered by the Corporation from such owners or occupiers in a summary manner before a court of summary jurisdiction :

Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation.

For preventing soil and sand from being washed into streets.

34. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being

washed or carried into any public street sewer or gulley in such quantities as will obstruct the highway or choke up such sewer or gulley and any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1901.

For the purpose of this section "public street" means a street repairable by the inhabitants at large and "private street" means a street not so repairable.

Provided that this section shall not apply to any lands of a bonâ fide agricultural character.

35. If the owner or occupier of any premises within the borough desires that any private sewer or any drain from such premises shall be made to communicate with any sewer of the Corporation the Corporation may and shall make so much of such private sewer or drain as is to be constructed under any public highway and also the junction of such private sewer or drain with the sewer of the Corporation and may and shall execute all necessary works for those purposes upon the reasonable or estimated cost thereof being paid to the Corporation or the payment thereof to them being secured by deposit or otherwise to their satisfaction.

Corporation may make communications between private drains and their sewers on payment &c.

Any person offending against any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

36. Where any tree hedge or shrub overhangs any street or public footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

Trees or shrubs overhanging streets and footpaths.

37. Any river stream or watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into land and property adjacent thereto shall be deemed a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions

Watercourse choked up to be a nuisance under Public Health Act 1875.

A.D. 1901. of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Corporation may take proceedings for preventing obstructions in water-courses.

38. The Corporation may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing obstruction of any watercourse or outfall for water within the borough or for the removal of any obstruction from any watercourse or outfall for water.

Coal shoots &c.

39. No coal shoot area or cellar grating or opening shall be hereafter placed in the footway or carriageway of any street except with the consent of the Corporation and then only if formed of the materials and size and in manner and in such position and with such protection as may be specified by the Corporation in each particular case and such coal shoot area or cellar grating or opening shall afterwards be kept in repair by the owner.

Dangerous places to be repaired or enclosed.

40.—(1) If any building wall steps structure or other thing or any excavation well or reservoir pond stream or dam or bank be in the opinion of the Corporation for want of sufficient repair fencing or enclosure dangerous to the passengers along any street or any footpath along which the public are permitted to pass the Corporation may order the owner within the period specified in such order to repair remove fence or inclose the same so as to prevent any danger therefrom.

(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the specified period the Corporation may cause such works as they think proper to be done for effecting such repair removal fencing or inclosure and the expenses thereof shall be payable by the owner and may be recovered summarily unless the court of summary jurisdiction or the court of quarter sessions on appeal shall be of the opinion under the circumstances of the case that such expenses should be borne by the Corporation.

(3) Nothing in section 75 of the Towns Improvement Clauses Act 1847 shall render it incumbent upon the surveyor to cause a hoard or fence to be put up in the case of a dangerous chimney.

Saving for railway companies.

41. Nothing in this Part of this Act or in any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as part of or in connection with their railway.

PART V.

A.D. 1901.

SANITARY PROVISIONS.

42. The soil pipes of the waterclosets within houses and buildings shall if required by the Corporation be properly ventilated by means of a pipe carried up therefrom or by such other method as they shall direct and any owner or occupier of a house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Soil pipes to be ventilated.

43. No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or watercloset. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Rain water pipes not to be used as soil pipes.

44. In addition to all other powers vested in the Corporation the Corporation if it shall appear to them on the report of the surveyor or medical officer that any building whether built before or after the passing of this Act is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such building may give notice in writing to the owner or occupier of such building requiring him in the manner and within the time to be specified in such notice to provide such sink drain or other appliances and if such owner or occupier shall make default in complying with such requirement within the time specified in such notice he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and in case of default the Corporation may if they think fit themselves provide such sink drain or other appliances and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier and may be recovered summarily.

Summary power to provide sinks and drains for buildings.

45. The owner of every dwelling-house may be required by the Corporation to provide galvanized iron dust-bins or tubs in lieu of ashpits and such bins or tubs shall be of such size and construction as may be approved by the Corporation and any owner who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings. Provided that this section

Regulation pails and tubs for ashpits.

A.D. 1901. shall not apply to any ashpits bins or tubs in use at the commencement of this Act so long as the same are in proper order and condition.

Urinals not to be placed in public places without consent of Corporation.

46. The Corporation may give notice in writing to the owner or occupier of any building or land requiring him within a reasonable time to be specified in such notice to remove any urinal or similar convenience belonging thereto or thereon which shall in the opinion of the Corporation be so situated or constructed as to be a nuisance or offensive to public decency and if such owner or occupier shall make default in complying with such requirement within the time specified in such notice the Corporation may if they think fit remove such urinal or similar convenience and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier and may be recovered summarily :

Provided always that this section shall not apply to any urinal or similar convenience within any railway station.

Corporation may provide ambulances.

47. The Corporation may provide ambulances for use in cases of sickness and accidents happening within the borough and may provide attendants and horses and maintain and keep the same.

Provisions as to houses without water supply.

48. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Owner &c. to permit application of test to drains.

49. Whenever the surveyor or the medical officer or inspector of nuisances has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply such test (other than test by water under pressure) as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

If the drains be found defective so as to cause risk to health the owner or occupier of the premises shall be bound on receiving notice from the Corporation to that effect specifying generally the

nature of the defect to carry out all reasonable operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or occupier in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts but nothing in this section shall affect contracts between owner and occupier. A.D. 1901.

50. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws relating to the drainage of new buildings. Reconstruction of drains.

Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

51. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence. Improper construction or repair of watercloset or drain.

52. Any person who shall cause any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act. Wilful damage to drains water-closets &c.

A.D. 1901.

Filthy and dangerous articles to be purified.

53.—(1) Where on the certificate of the medical officer it appears to the Corporation that any articles in any house or part thereof are in such a filthy and dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Corporation may if they think fit cause any such articles in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same.

(2) If any owner suffer any unnecessary damage the Corporation shall compensate him for the same and the Corporation shall also reasonably compensate the owner for any articles destroyed.

Corporation may require old drain to be laid open for examination by surveyor before communicating with sewers.

54. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Corporation shall be made to communicate with any sewer of the Corporation the Corporation may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer and the surveyor shall cause the ground to be closed and any damage done to be made good as soon as can be and the expense of the works shall be defrayed by the Corporation.

As to nuisances.

55. For the purposes of the Public Health Act 1875 -

(A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health;

(B) Any gutter drains shoot stack pipe or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in an adjoining building;

(C) Any deposit of material in or on any building or land which shall cause damp in an adjoining building so as to be dangerous or injurious to health;

shall be deemed to be a nuisance within the meaning of the said Act.

As to appointment of inspectors of nuisances.

56. The Corporation may appoint more than one inspector of nuisances and section 189 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the borough be construed accordingly.

PART VI.

A.D. 1901.

INFECTIOUS DISEASE.

57. No person suffering from an infectious disease shall milk any animal or pick fruit or engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread the infectious disease and any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Infected person not to carry on business &c.

58. No person shall return to any public or lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice thereof to and leave the book at the office of the inspector of nuisances whose duty it shall be to cause the same to be disinfected and then returned to the librarian or proprietor Any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Protection against infection of books from lending library.

59. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Corporation may if they think fit themselves pay the whole or any part of the expenses arising out of the reception and maintenance of such person.

Corporation may pay expenses of person in hospital.

60. If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the borough the Corporation may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

Compensation to dairymen.

61. The Corporation may if they think fit provide or contract with any other person to provide nurses for attendance upon any person suffering from infectious disease within the borough and may charge a reasonable sum for the service of any nurse so provided.

Power to provide nurses.

62. If any washerwoman laundrywoman midwife or nurse shall at the request of the Corporation stop her employment as such for the purpose of preventing the spread of infectious disease within the borough the Corporation shall make compensation to her for any loss she may sustain by reason of such stoppage.

Power to compensate nurses and others.

A.D. 1901.

For regu-
lating manu-
facture and
sale of ice
creams &c.

63. Any person being a manufacturer or vendor of or merchant or dealer in ice creams or other similar commodity who within the borough—

(A) Causes or permits ice creams or any similar commodity to be manufactured sold or stored in any cellar or room in which there is an inlet or opening to a drain ; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination ; or

(C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer ;

shall be liable for every such offence on summary conviction to a penalty not exceeding forty shillings.

Further pro-
visions as to
isolation.

64. If the Corporation deem it necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of infectious disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the justice if satisfied of the necessity of such removal may grant a warrant authorising the Corporation to remove such residents and imposing such conditions as to time and otherwise as to him may seem fit Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian The Corporation shall and they are hereby empowered to provide free of charge temporary shelter with any necessary attendants for such persons while prevented from returning to such house or part thereof and any expenses incurred by the Corporation under this section shall be paid out of the district fund and general district rate.

Penalty on
guardian
permitting
infected child
to attend
school.

65. No person being the parent or having care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

66. The medical officer may enter any public elementary school within the borough at all reasonable times and examine the scholars attending the same and may exclude from attendance thereat for such period as he shall consider requisite any scholar who in his opinion is suffering from infectious disease or is likely to spread infection.

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Power to
medical
officer to
examine
school
children.

The medical officer shall upon the exclusion of any scholar in manner aforesaid give notice thereof in writing to the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends and shall send a copy of such notice to the parent or guardian of the scholar.

Any person who shall obstruct the medical officer in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

67. Whenever any scholar who attends any school within the borough shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith on becoming aware of the fact send notice thereof to the medical officer and shall furnish to the Corporation at their request a list of the pupils attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings. The Corporation shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and at the rate of sixpence for every twenty-five pupils named therein.

Principal of
school to
furnish list
of pupils in
certain cases.

68. The Corporation shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix.

Notice of
provisions
of this Part
of Act.

A.D. 1901.

PART VII.

TUBERCULOSIS.

Penalty for selling milk of diseased cows

69. Every person who knowingly sells or suffers to be sold or used for human consumption within the borough the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds.

Penalty on failing to isolate diseased cows.

70. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the borough who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Obligation to notify cases of tuberculosis.

71. Every dairyman who supplies milk within the borough and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is. Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

Power to take samples of milk.

72.—(1) It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of such medical officer to take within the borough for examination samples of milk produced or sold or intended for sale within the borough.

(2) The like powers in all respects may be exercised outside the borough by the medical officer or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

Power to inspect cows and to take samples of milk.

73.—(1) If milk from a dairy situate within the borough is being sold or suffered to be sold or used within the borough the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he

may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

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(2) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the borough from consumption of the milk supplied from a dairy situate within the borough or from any cow kept therein he shall report thereon to the Corporation and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Corporation may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the borough until the order has been withdrawn by the Corporation.

(3) If the medical officer has reason to believe that milk from any dairy situate outside the borough from which milk is being sold or suffered to be sold or used within the borough is likely to cause tuberculosis in persons residing within the borough the powers conferred by this section may in all respects be exercised in the case of such dairy Provided that the medical officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(4) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(5) If in their opinion the dairyman fails to show cause why such an order may not be made as aforesaid the Corporation may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the borough on the council of the borough or district in which it is situate.

(6) The said order shall be forthwith withdrawn on the Corporation or their medical officer being satisfied that the milk supply has

A.D. 1901. — been changed or that it is not likely to cause tuberculosis to persons residing in the borough.

(7) If any person after any such order has been made supplies any milk within the borough in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a further penalty not exceeding forty shillings for every day during which the offence continues.

(8) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

(9) The dairyman may appeal against an order of the Corporation under this section or the refusal of the Corporation to withdraw any such order either to a petty sessional court having jurisdiction within the borough or at his option if the dairy is situate outside the borough to the Board of Agriculture who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the borough and give notice thereof to the dairyman and the town clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

The Board of Agriculture may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture in the matter of the appeal.

The court or the Board of Agriculture as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Corporation.

Compensation.

74. If an order is made without due cause or if the Corporation unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Corporation full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Corporation to withdraw the order.

The court or the Board of Agriculture may determine and state whether an order the subject of appeal has been made without due cause and whether the Corporation have unreasonably refused to withdraw the order and whether the dairyman has been in default.

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where

any such fact has not been determined by the court or Board of Agriculture or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid. A.D. 1901.

75. The Corporation shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix. Notice of provisions of this Part of Act

76. Offences under this Part of this Act may be prosecuted and penalties may be recovered by the Corporation before a petty sessional court having jurisdiction in the place where the dairy is situate or where the offence is committed and not otherwise. Procedure.

77. All expenses incurred by the Corporation in carrying into execution the provisions of this Part of this Act shall be chargeable upon the district fund and general district rate and the Corporation may also charge upon the same rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the borough Provided that no such test shall be applied except with the previous consent of the owner of such cow. As to expenses.

78. This Part of this Act may be carried into execution by a committee of the council formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the council. Execution of this Part of Act by committee.

PART VIII.

POLICE PROVISIONS.

79. Any unfenced ground adjoining or abutting on any street shall be deemed to be a street for the purposes of this Part of this Act and of section 29 of the Town Police Clauses Act 1847 and of so much of section 28 as relates to the following offences :— Unfenced grounds to be streets for certain purposes.

Every person who suffers to be at large any unmuzzled ferocious dog or sets on or urges any dog or other animal to attack or put in fear any person or animal ;

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Every person who rides or drives furiously any horse or carriage or drives furiously any cattle ;

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 firearm.

As to leading or driving cattle.

80. The Corporation may prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the borough Provided that the route which it shall be lawful for the Corporation so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market and railway station or other place as aforesaid and the Corporation shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals Provided also that any such directions shall only operate between the hours of eight in the morning and nine in the evening and shall not prevent the owner of any animals driving the same to his own premises and nothing in this enactment contained shall authorise the Corporation to interfere with the driving of any animals to any duly licensed slaughterhouse.

Street musicians.

81.—(1) It shall be lawful for the Corporation to make an order or orders prohibiting the sounding or playing of any musical or noisy instrument by any person (not being a member of His Majesty's army or auxiliary forces acting under the orders of his commanding officer) in such area and during such hours as the Corporation may with the approval of the Secretary of State for the Home Department fix and determine.

(2) Where the Corporation make any order in pursuance of this section the same shall be published by a notice affixed on the municipal offices.

(3) Any person offending against such order shall be liable to a penalty not exceeding five pounds.

For better protection of the Stray.

82. All the powers duties and privileges contained in the High and Low Harrogate Improvement Act 1841 and Acts amending the same which are conferred on and are exerciseable by officers and

servants of the Corporation with reference to dealing with any person who shall have committed any offence against the said Acts or any of them in relation to the Stray are hereby conferred on and shall also be exercisable by any member of the police force for the time being having jurisdiction in the borough.

A.D. 1901.

83. It shall be lawful for the Corporation from time to time to make regulations for the route to be observed between the hours of seven and half-past nine in the morning and eleven in the morning and one in the afternoon and three and five in the afternoon by carts carriages and horses within two hundred and fifty yards of the Royal Pumproom.

Regulation of traffic in streets.

84.—(1) Every hoarding or similar structure in or abutting on or adjoining any street within the borough shall be securely erected and maintained.

Provision as to hoardings and other structures used for advertising purposes.

(2) It shall not be lawful to erect any such hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than fifteen feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the maintenance of such hoarding or similar structure as the Corporation may determine.

(3) No hoarding which is or shall be erected whether around buildings or otherwise and takes up a portion of any footpath highway or street shall be used for advertising purposes without the previous consent of the Corporation.

(4) The owner or other person using any such hoarding wall or similar structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and if any papers affixed for advertising purposes to such hoarding wall or other structure fall away or become detached shall forthwith remove and clear away such papers.

(5) Any person who acts in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(6) Provided always that this section shall not apply to any hoarding or similar structure affixed to any railway station or premises of the North Eastern Railway Company and used for the purposes of that company.

A.D. 1901.

(7) Any licence consent or condition given or made under this section shall be under the hand of the town clerk or borough surveyor.

(8) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable in like manner as a penalty under this Act.

(9) Section 56 (Power to make byelaws as to advertisement hoardings) of the Act of 1893 is hereby repealed.

Licensing of
shoeblocks.

85. The Corporation may grant to every person they think fit a licence to carry on the calling of a shoeblock and may make byelaws for regulating the conduct of any persons so licensed and the charges to be made by them. Provided that no charge shall be made for any such licence.

Power to
police constable &c.
to enter and
break open
premises in
case of fire.

86. Any police constable acting under the orders of his superintendent or inspector and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Captain of
fire brigade or
other officer
to have
control of
operations.

87.—(1) The captain or superintendent of the fire brigade of the Corporation or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the borough shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Corporation or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

(2) The officer in charge of the police at any fire in the district shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate

such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any such person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

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PART IX.

FINANCIAL MATTERS.

88. The Corporation may from time to time borrow at interest on the following securities such sums as shall be requisite for the following purposes (that is to say) :—

Power to Corporation to borrow.

For paying the costs of this Act and of the taxed costs of the Harrogate Extension Order 1900 as hereinafter defined on the security of the district fund and general district rate the sum necessary for the purpose ;

For street works purposes on the security of the district fund and general district rate ten thousand pounds ;

For defraying expenditure on other works of a permanent character such sums as the Local Government Board may sanction and on such security or securities as the Board shall approve :

And in calculating the sums the Corporation may borrow under any other enactment any sums they may borrow under this Act or may have borrowed or be empowered to borrow for electric lighting purposes shall not be reckoned.

89. The following sections of the Public Health Act 1875 (that is to say) :—

Provision as to mortgages.

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ;

Section 238 (Transfer of mortgages) ;

Section 239 (Receiver may be appointed in certain cases) ;

shall extend and apply to and in relation to all mortgages made under the powers of this Act.

90. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as “ the prescribed period ”) following (that is to say) :—

Periods for payment off of money borrowed.

As to moneys borrowed for and incidental to street works purposes within sixty years from the date or dates of the borrowing of the same ;

A.D. 1901. As to moneys borrowed for paying costs and expenses within five years from the date or dates of the borrowing of the same ;
As to moneys borrowed with the sanction of the Local Government Board within such period as that Board may sanction.

Mode of
payment off
of money
borrowed.

91. The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking
fund.

92.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund ; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the interest which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as that Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the

A.D. 1901. Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

Power to reborrow.

93. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be affected by reason of such re-borrowing.

Protection of lender from inquiry.

94. Any person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

95. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had

express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

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96.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Return
respecting
sinking fund
to Local
Government
Board.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that

A.D. 1901. the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Expenses of executing Act.

97. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys or are otherwise specifically provided for) shall be paid out of the borough fund or borough rate or general district fund or general district rate as the Corporation may in their discretion having regard to the object of the expenditure deem equitable. Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Corporation may apportion the same between those accounts in such manner as they deem equitable.

Proceeds of sale of surplus lands.

98. The proceeds of the sale of any lands and the fines and premiums on any leases granted by the Corporation under this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be reborrowed.

Power to include lands &c. in mortgages.

99. Where the Corporation have power under this Act or any other Act passed or to be passed to mortgage or charge as security for the repayment of money borrowed by the Corporation any of their rates or revenues they may if they think fit include in such mortgage or charge the lands estates undertakings or other property for the time being of the Corporation from which such revenue is derived and all or any other property of the Corporation and the same shall be charged accordingly with the repayment of the borrowed money and the interest thereon. Provided that if any property included in any such mortgage or so charged as aforesaid shall be sold by the Corporation during the continuance of the said mortgage or charge then such property shall be deemed to be exempted from the said mortgage or charge but the proceeds of sale of the property so exempted shall be applied or set aside by way of redemption of the said mortgage or charge.

Power to grant gratuities in certain cases.

100.—(1) The Corporation may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service

or may become incapacitated through age or other infirmity, or to the widow or family of any such officer or servant who may die in their service.

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(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which a salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

PART X.

MISCELLANEOUS.

101. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Corporation under the powers of this Act.

General provisions as to byelaws.

102. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Compensation how to be determined.

103. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent.

Compensation may be in land &c.

104. All informations under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid by any officer of the Corporation duly authorised in that behalf or by the town clerk.

Information by whom to be laid.

105. In the case of any notice or other such document under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary or clerk of the company at their principal office or place of business.

Authentication and service of notices.

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Consent of Corporation to be in writing.

Recovery of penalties &c.

106. All consents of and permissions by the Corporation shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

107. Save as otherwise by this Act expressly provided all offences against this Act and penalties and costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Saving for indictments &c.

108. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that no person shall be punished for the same offence under this Act and also under any other Act.

Judges &c. not disqualified.

109. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

As to appeal.

110. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any licence or consent or approval of or by the Corporation or of or by any officer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Corporation may in like manner appeal.

Powers of Act cumulative.

111. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

112.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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Inquiries
by Local
Government
Board.

(2) All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that Board may determine for the service of any inspector) in relation to the duties imposed on that Board under this Act shall be paid by the Corporation.

113. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Audit of
accounts.

114. Nothing in or done under this Act or any byelaw thereunder shall extend to interfere with take away abridge or prejudicially affect any right power authority jurisdiction or privilege of the West Riding of Yorkshire Rivers Board.

Saving for
West Riding
Rivers
Board.

115. Without prejudice to any existing right of His Majesty there shall be exempted from the provisions of this Act every building structure or work vested in or in the occupation of His Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of His Majesty's Government for public purposes or for the public service.

Exemption
of Govern-
ment pro-
perty.

116. Nothing contained in this Act shall extend or operate to authorise the Corporation to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said duchy.

Saving
rights of
Duchy of
Lancaster.

[Ch. cclxviii.] *Harrogate Corporation Act, 1901.* [1 EDW. 7.]

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Expenses
of Act.

117. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act and of the Harrogate Extension Order 1900 as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of moneys to be borrowed for the purpose under the provisions of this Act.

The SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
4 Vict. c. xvi. -	The Harrogate Improvement Act 1841.
9 & 10 Vict. c. cxiii. -	The Harrogate Waterworks Act 1846.
56 & 57 Vict. c. ccix. -	The Harrogate Corporation Act 1893.
60 & 61 Vict. c. ccxxxii. -	The Harrogate Waterworks Act 1897.
60 & 61 Vict. c. ccxxxvii. -	The Harrogate Corporation (Waterworks Transfer) Act 1897.

PART II.—CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order relating to Harrogate thereby confirmed.
29 & 30 Vict. c. cvi.	The Local Government Supplemental Act 1866 (No. 3).	Order dated 6th June 1866.
31 & 32 Vict. c. cliii.	The Local Government Act 1868 (No. 6).	Order dated 9th June 1868.
34 & 35 Vict. c. clxxxvii.	The Local Government Supplemental Act 1871 (No. 4).	The two Orders dated 31st May 1871.
54 Vict. c. xlix.	The Electric Lighting Orders Confirmation (No. 1) Act 1891.	Harrogate Electric Lighting Order 1891.
60 & 61 Vict. c. cxli.	The Local Government Board's Provisional Orders Confirmation (No. 14) Act 1897.	The Harrogate Order (No. 2) 1897.
63 & 64 Vict. c. clxxix.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1900.	The Harrogate Order 1900.

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SECOND SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE
REQUIRED BY THE CORPORATION.

Parish.	Numbers on deposited Plans.
Borough of Harrogate - - -	3 4 5 6 and 7.

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