



## CHAPTER ccxli.

An Act to confer further powers upon the lord mayor aldermen and citizens of the city of York and to make further provision in regard to the navigation of the Rivers Ouse and Foss and the health local government and improvement of the city and for other purposes.

A.D. 1902.

[8th August 1902.]

**W**HEREAS the city of York is a municipal borough under the management and local government of the lord mayor aldermen and citizens of the city (in this Act called "the Corporation") who acting by the council are also the urban sanitary authority for the district comprising the city:

And whereas by the York Extension and Improvement Act 1884 (in this Act called "the Act of 1884") extensive powers with regard to the improvement and government of the city were conferred upon the Corporation and that Act and various other local Acts and Orders confirmed by Act of Parliament are in force within the city:

47 & 48 Vict.  
cap. ccxxxii.

And whereas by the York Electric Lighting Order 1890 (confirmed by the Electric Lighting Orders Confirmation (No. 6) Act 1890) the Corporation were empowered to supply electrical energy for public and private purposes within the city and it is expedient to make further provision in regard to their electric lighting undertaking:

53 & 54 Vict.  
cap. cxcii.

And whereas by certain Royal Charters and by Acts of Parliament various powers in regard to the conservancy of the River Ouse were vested in the Corporation as trustees and conservators of the said river and the Corporation have the management and control of the River Foss:

And whereas the said rivers are navigable highways and by reason of the increase of population in the city and neighbourhood the rivers have come to be largely used as places of public recreation

A.D. 1902. and resort and it is expedient that provision should be made for regulating the pleasure traffic on the rivers for the keeping of public order for the prevention of nuisances for the removal of wrecks and for other purposes in connexion with the said rivers:

And whereas it is expedient to empower the Corporation to demand and recover the lock tolls and other charges in this Act referred to with regard to the said rivers:

And whereas it is expedient that better provision should be made with reference to the markets streets buildings and sewers within the city and that the powers of the Corporation in relation to the health local government and improvement of the city should be enlarged as by this Act provided:

And whereas it is expedient that the other provisions in this Act contained should be enacted:

And whereas the purposes of this Act cannot be attained without the authority of Parliament:

And whereas an absolute majority of the whole number of the council at a meeting held on the sixteenth day of December one thousand nine hundred and one and by adjournment on the thirteenth day of January one thousand nine hundred and two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Yorkshire Gazette a local newspaper published and circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate and the district fund and general district rate in equal proportions:

And whereas such resolution was published twice in the said newspaper 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 third day of February one thousand nine hundred and two being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the city 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:

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):— A.D. 1902.

## PART I.

## PRELIMINARY.

1. This Act may be cited as the York Corporation Act 1902.

Short title.

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

Division of Act into parts.

Part I.—Preliminary.

Part II.—Electricity.

Part III.—Streets and Buildings.

Part IV.—Sanitary Matters.

Part V.—Milk Supply (Tuberculosis).

Part VI.—Common Lodging-Houses.

Part VII.—Guildhall Recreation Grounds &c.

Part VIII.—Advertisements.

Part IX.—Hackney Carriages.

Part X.—Police Fire Brigade and Street Traffic.

Part XI.—Markets.

Part XII.—River Ouse Navigation and River Foss Navigation.

Part XIII.—Insurance &c. Funds.

Part XIV.—Finance and Rating.

Part XV.—Miscellaneous.

3. In this Act the several words and expressions to which meanings are assigned by the Public Health Acts 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—

Interpretation.

“The Corporation” means the lord mayor aldermen and citizens of the city of York;

“The city” means the city of York;

“The council” means the council of the city;

“The lord mayor” “the town clerk” “the surveyor” “the inspector of nuisances” “the chief constable” “the borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the lord mayor the town clerk the surveyor the inspector of nuisances the chief constable the borough fund the borough rate the district fund and the general district rate of the city;

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



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- “Dairy” means any farm farmhouse cowshed milk-store milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale ;
- “Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy ;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the city ;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuity certificates rentcharges or securities payable to bearer) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation in Great Britain or of any other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation ;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing 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 (including this Act) 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 made or given or to be made or given by authority of any Act of Parliament passed or to be passed except a power to borrow money for the purposes of the River Ouse navigation ;
- “Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates or contributions leviable by or on the order or precept of the Corporation but does not include any revenue arising from the River Ouse navigation ;
- “Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction ;
- “The Act of 1884” means the York Extension and Improvement Act 1884.

## PART II.

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## ELECTRICITY.

4. The Corporation may extend their generating station and erect construct maintain and use dynamos and other electrical apparatus steam-engines buildings works and conveniences for or in connexion with the generation production storage or supply of electrical energy upon the following lands namely :—

Extension of  
generating  
station.

A piece of land in the city containing one acre and thirteen poles or thereabouts situate on the east side of and abutting upon Foss Islands Road beginning at a point ninety-six feet south-east of the centre of Mansfield Street and having a frontage to the said road of one hundred and forty-seven feet including the existing generating station of the Corporation.

5. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for lighting any street in the city Provided that—

Attachment  
of brackets  
to buildings  
&c. for  
lighting.

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

(2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (1) :

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

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Supply of  
electrical  
energy out-  
side city.

6. If the local authority for any district adjoining the area which the Corporation are for the time being authorised to supply with electrical energy are or shall be authorised by Provisional Order confirmed by Parliament to supply energy or if any company shall be authorised to supply energy in any such district the Corporation and any such local authority or company may with the approval of the Board of Trade enter into and carry into effect agreements for the supply of electrical energy in bulk by the Corporation to such local authority or company.

Supply of  
electrical  
energy for  
traction  
purposes.

7. The Corporation on the one hand and any local authority company or person owning or working light railways or tramways without the city which are connected directly or indirectly with light railways or tramways within the city on the other hand may enter into and carry into effect agreements for the supply by the Corporation to such authority company or person of electrical energy for the purposes for which such authority company or person is empowered to use the same. Provided that no energy shall be supplied or shall continue to be supplied by the Corporation under the provisions of this section in any district in which any local authority company or person shall be supplying energy under statutory authority without the consent in writing of such local authority company or person.

For pro-  
tection of  
telegraphic  
lines of  
Postmaster-  
General.

8. Any supply of electrical energy given under the last two preceding sections of this Act and any works constructed for that purpose shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and all his rights in respect thereof which are contained in the York Electric Lighting Order 1890.

Power to  
supply  
electric  
fittings.

9.—(1) The Corporation may provide sell let for hire and fix set up alter repair and remove (but shall not manufacture) lamps meters electric lines fittings motors apparatus and things for lighting and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fittings motors apparatus and things as aforesaid and for securing their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold let fixed set up altered repaired or removed.



(2) No lamp meter electric line fitting motor apparatus or thing let for hire by the Corporation shall be subject to distress or to the landlord's remedy for rent or to be taken in execution under any process of law or equity or any proceeding in bankruptcy against the person or persons in whose possession the same may be. Provided that such lamp meter electric line fitting motor apparatus or thing is marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

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Fittings to  
be exempt  
from distress.

10. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy or for the hire or sale of any lamp meter electric line fitting motor apparatus or thing let or sold in pursuance of this part of this Act are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Corporation  
may refuse  
to supply  
electrical  
energy in  
certain cases.

11.—(1) Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and other standing charges incurred by the Corporation to meet the possible maximum demand of such person.

As to supply  
of electricity  
where con-  
sumer has  
separate  
supply.

(2) In case the Corporation and the person demanding such supply of electrical energy shall fail to agree as to the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

12. The Corporation may if they so determine make an allowance by way of discount not exceeding the rate of ten per centum on the amount due in respect of any charges for electrical energy supplied by them from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf and in the event of the Corporation determining to make such allowance they shall cause notice thereof to be stated in every demand note in respect of such charges. Provided that in making such allowance the Corporation shall not show any undue preference to any consumer.

Discount on  
electrical  
charges &c.

13. Any expenses incurred by the Corporation in carrying into effect the provisions of this part of this Act shall be deemed to be expenses incurred by the Corporation under the Electric

As to  
expenses.

A.D. 1902. Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses and any moneys received by the Corporation under this part of this Act shall be applied in manner provided by section 52 or section 53 of the York Electric Lighting Order 1890.

Alteration of date for filling up annual accounts for electric lighting.

14. Notwithstanding anything contained in section 9 of the Electric Lighting Act 1882 the annual statement of accounts of the electric lighting undertaking of the Corporation shall after the passing of this Act be filled up on or before the twenty-fourth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Corporation as if the twenty-fourth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

### PART III.

#### STREETS AND BUILDINGS.

Retention of plans deposited with Corporation.

15. The Corporation may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with the Corporation in pursuance of any enactment for the time being in force or any byelaw thereunder.

Approval of plan to be void after certain intervals.

16.—(1) The approval by the Corporation of any plan or section of any street or building and the notice of intention to lay out or construct such street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within the following periods (that is to say):—

As to plans or sections approved after the passing of this Act within four years from the date of such approval;

As to plans or sections approved before the passing of this Act within four years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposit and approval shall unless the Corporation otherwise determine be requisite.

(2) The Corporation shall give notice of the provisions of this section to every person intending to lay out a new street or erect a new building the plans for which shall have been approved before the passing of this Act but the laying out of which street or erection of which building shall not have been commenced and shall attach a



similar notice to every approval of plans given subsequent to the passing of this Act. A.D. 1902.]

**17.**—(1) No street shall be laid out more than one hundred and thirty yards in length without an intersecting street. Intersecting streets.

(2) 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.

**18.**—(1) The Corporation may by order vary or alter the position direction gradient or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line or at a more convenient angle or level with any other street adjoining or leading thereto. The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section. Power to vary position or direction of new streets.

(2) Any person who shall lay out a street and not adhere to or observe any such order made by the Corporation shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

**19.**—(1) The Corporation may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it is impossible for him to comply therewith. Prevention of formation of culs-de-sac.

(2) Any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

**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.** Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the city be deemed to be a new street. Continuation of existing streets to be deemed new streets.

**22.** Where any tree hedge or shrub overhangs any street so as to obstruct or interfere with any telephone telegraph or tramway electric wire or the light from any public lamp or to interfere with the free passage of passengers the Corporation may serve a notice on the occupier of the premises on which such tree hedge or shrub is growing requiring him within seven days after such notice to Trees or shrubs overhanging streets.

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lop the tree hedge or shrub 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.

Urgent  
repairs to  
private  
streets.

**23.** In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs danger exists to passengers or vehicles in such street the Corporation may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs in and upon such street as shall be specified in such notice and if such notice is not complied with the Corporation may if they think fit execute such repairs and the expenses thereof shall be recoverable from the owners in default.

No buildings  
allowed until  
street  
formed.

**24.—(1)** No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof.

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

Corporation  
may define  
future line of  
streets.

**25.—(1)** Where any street or road in the city for the time being repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street or road. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can with reasonable diligence ascertain. No new building erection excavation or obstruction shall be made nearer to the centre of the street than such line.



(2) The Corporation may and if required by the owner shall purchase the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make compensation to the owner of and other persons interested in any land or building for any loss or damage they may sustain in consequence of such line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept.

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

(5) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

**26.** Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved footpath so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse cattle or vehicle across any footway unless and until such a communication as aforesaid has been so made or on or along any part of any such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not

Crossings for horses or vehicles over footways.



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exceeding forty shillings in addition to the amount of damage (if any) thereby done to such footway.

Public conveniences and lavatories.

27. The powers of the Corporation under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain sanitary conveniences and lavatories in or under any street repairable by the Corporation for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary conveniences (other than a urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons resorting to the same and may let any such sanitary conveniences and lavatories for such periods and upon and subject to such terms and conditions as they may think fit.

Power to alter names of streets.

28.—(1) The Corporation may with the consent of two thirds in number and value of the ratepayers in any street alter the name of such street or any part of such street. The Corporation may cause the name of any street or of any part of a street to be painted or otherwise marked on a conspicuous part of any building or other erection.

(2) Any person who shall wilfully and without the consent of the Corporation obliterate deface remove or alter any such name shall be liable to a penalty not exceeding forty shillings.

Separate system of sewerage.

29.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this Act called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this Act called a "surface water sewer").

(2) Where under the provisions of the Public Health Acts the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly.

(3) (a) Where in any street separate sewage sewers and surface water sewers shall have been provided no sewage shall be allowed to pass from any premises into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation :

(b) 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 :

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(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Corporation may if they think fit make all such alterations.

**30.** From and after the passing of this Act—

What to be deemed new buildings.

- (1) The conversion of two or more buildings originally constructed as separate dwelling-houses into one dwelling-house ;
- (2) The re-conversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house ;
- (3) The conversion of a dwelling-house into any other building not intended for human habitation ;
- (4) The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the city into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;
- (5) The making of any addition to a building by raising any part thereof or making any projection therefrom but (provided such addition do not increase the number of storeys) so far as regards such addition only ; and
- (6) The roofing or covering over an open space between walls or buildings ;

shall for all the purposes of this Act the Act of 1884 and the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a "new building."

**31.** The Corporation may make byelaws with respect to the quality of the materials with which new buildings shall be constructed and with respect to the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings.

Byelaws as to building materials.

**32.—**(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and fifteen square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

Area of habitable rooms.

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(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than seventy square feet.

(3) 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 twenty shillings.

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

**33.—**(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes land abutting upon a street 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 erects 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.

(2) 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 in pursuance of any requirement made by the Corporation upon approving any plan or drawing under this section.

(3) Any person who shall offend against subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Restriction on deposit of building materials and excavations.

**34.—**(1) 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 to 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.

(2) If any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding



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 offender.

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**35.**—(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 section of the proposed building drawn to a scale of not less than one inch to every eight feet and a 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.

Temporary and movable buildings.

(2) The Corporation shall within fifteen days after the delivery of the plan section and specification signify in writing their approval or disapproval of the proposed building to the person proposing to erect or set up the same.

(3) The Corporation may attach to their approval any condition which they may deem proper with regard to the sanitary arrangements of such building 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 proposed building is commenced erected or set up without such application accompanied by such plan section and specification or after the disapproval of the Corporation or before the expiration of the said fifteen days without such approval or is in any respect not in conformity with the approved plan section and specification and 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 allowed by them the owner of such building shall be liable to a penalty not exceeding forty shillings and to a daily penalty of the like amount and the Corporation may cause such building to be taken down or removed and any expense incurred by them in or about the taking down or removal of the building may be recovered from the owner of the building or from the person commencing erecting or setting up the same at their discretion.

(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 city with respect to new buildings;

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- (b) Any tent not remaining for more than seven days ;
- (c) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be taken 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 taken down or removed and any expense incurred by them in or about the taking down or removal of the structure or erection may be recovered from the owner thereof or from the person erecting or setting up the same at the discretion of the Corporation ; and
- (d) Any wooden or other structure or erection erected or set up for the purpose of protecting or preventing the acquisition of any right of light.

(6) When a temporary or other building referred to in this section is taken down or removed by the Corporation under the powers of this section the Corporation may sell the materials thereof or any part of them and shall apply the proceeds of the sale in and towards payment of the costs and expenses incurred by them in relation to such building and shall pay the balance to the owner of such building.

Byelaws as  
to water-  
closets.

**36.** The Corporation may make byelaws with respect to water-closets and waste waterclosets and may by means of such byelaws prescribe the description nature size materials position and level thereof and of the apparatus and the manner of flushing the same and the means to be provided for protecting the same from frost.

Improper  
construction  
or repair of  
watercloset  
or drain.

**37.** 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 show that such construction or repair was not due to any wilful act neglect or default be liable to a fine 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 prove to the satisfaction of the court that he has 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 fine and the said other person may be summarily convicted of the offence.



**38.—**(1) If it appear to the Corporation that two or more houses 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 when the drains for such houses are first laid 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 of 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 such drain is constructed by the Corporation such costs and expenses may be recovered by them from such owners or occupiers in a summary manner before a court of summary jurisdiction. Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts of the Act of 1884 and of this Act be deemed to be a drain and not a sewer.

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

(2) This section shall not apply to any house the plans for the drainage of which have been approved by the Corporation before the passing of this Act.

**39.—**(1) Where two or more houses belonging to the same owner are connected with a public sewer by a single private drain an application may be made under section 41 of the Public Health Act 1875 (relating to complaints as to nuisances from drains) and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owner of the houses.

Extension of 38 & 39 Vict. c. 55, s. 41 to drains and houses belonging to same owner.

(2) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building.

**40.—**(1) Whenever the medical officer surveyor 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 the smoke or coloured water or similar test (except the test of water under pressure) as he may consider efficient to such drains for the purpose of discovering any defects therein.

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

(2) 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



A.D. 1902. exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) If the drains be found defective the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation to that effect specifying generally the nature of the defect to execute all necessary works for remedying the same within a reasonable time to be specified in the notice and if he makes default in so doing the Corporation may enter and execute the works and recover the expenses thereof from the owner.

(4) Nothing in this section shall authorise the use of a test by means of water under pressure.

Water or  
stack pipes  
not to be  
used as  
ventilating  
shafts.

41.—(1) No water pipe stack-pipe or down-spout for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain.

(2) Any person who shall offend against this section after fourteen days from the service upon him by the Corporation of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Reconstruc-  
tion of  
drains.

42.—(1) 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.

(2) 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 twenty shillings.

Wilful  
damage to  
drains water-  
closets &c.

43. If any person cause any drain or any sanitary convenience 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 he 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.

Filling up  
cesspools &c.

44.—(1) If it shall appear to the Corporation by the report of the medical officer surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part

of the drainage of a house or any ashpit or any well or disused well belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ash-pit or well to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed or taken away or to cause such cesspool receptacle ashpit or well to be so altered as to remove any such objection as aforesaid. A.D. 1902.

(2) If default is made in complying with the requisitions of a notice under this section the Corporation may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default.

45. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of this part of this Act as if those purposes had been mentioned in the said section 102. Power of entry.

46. Nothing contained in this part of this Act or in any byelaws to be made thereunder shall apply to any building (not being a dwelling-house) erection excavation or structure belonging to any railway company incorporated by Act of Parliament and used by such company as a part of or in connexion with their railway. Saving for railway companies.

#### PART IV.

#### SANITARY MATTERS.

47.—(1) Whenever it shall be certified to the Corporation by the medical officer that in his opinion any person in the city is suffering from infectious disease attributable to milk supplied within the city they may by notice require every person supplying milk to the person so suffering or to the house of which that person is an inmate to furnish to the medical officer within a reasonable time to be specified in the notice a full and complete list of all the farms dairies or places from which the person so supplying milk derives his supply of milk or from which he has derived his supply during the last six weeks and such person shall furnish such list accordingly. Dairymen to furnish lists of sources of their supply of milk in certain cases.

(2) Any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not

A.D. 1902. exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Dairymen  
to notify  
infectious  
diseases  
existing  
among their  
servants &c.

**48.**—(1) Every dairyman supplying milk within the city from premises whether within or without the city shall notify to the medical officer all cases of infectious disease among persons engaged in or in connexion with his dairy so soon as he becomes aware or has reason to suspect that such infectious disease exists.

(2) Any such dairyman who commits a breach of this enactment shall be liable to a penalty not exceeding forty shillings.

Infected  
person not to  
carry on  
business &c.

**49.**—(1) 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 infectious disease.

(2) Every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding twenty shillings.

Persons  
engaged in  
washing or  
mangling  
clothes to  
furnish lists  
of owners of  
clothes in  
certain cases.

**50.**—(1) Whenever it shall be certified to the Corporation by the medical officer that in his opinion it is desirable with a view to prevent the spread of infectious disease that he should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may by notice require such person to furnish to the medical officer within a reasonable time to be specified in the notice a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five customers named therein.

(2) Every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Disinfection  
of clothes.

**51.** Any person taking or sending to any public wash-house or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Corporation or to the satisfaction of



the medical officer and in default shall be liable to a penalty not exceeding forty shillings and the Corporation shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

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**52.**—(1) Whenever any scholar who attends any school within the city shall be known to be suffering from any infectious disease or to be living in any house in which infectious disease exists 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 send notice thereof to the medical officer and shall furnish to him at his request a list of the pupils attending at the school together with their addresses and the Corporation shall pay to him for such list the sum of sixpence and at the rate of sixpence for every twenty-five pupils named therein. For the purposes of this section infectious disease shall include whooping-cough measles and German measles.

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

(2) Any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

**53.**—(1) Any person being the parent or having the care or charge of a child who is or has been suffering from infectious disease shall not 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. For the purposes of this section infectious disease shall include whooping-cough measles and German measles. Provided that in the case of the last-mentioned diseases a certificate of any registered medical practitioner shall be sufficient for the purposes of this section.

Child suffering from infectious disease not to attend school.

(2) Any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

**54.**—(1) No person shall take out of any lending library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any 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

Protection against infection of books from lending library.

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the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian.

(2) Any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Byelaws regulating hospitals.

55. The Corporation may make byelaws for regulating the admission to and discharge of patients from any hospital for infectious disease temporarily or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation.

Filthy and dangerous articles to be purified.

56.—(1) Where on the certificate of the medical officer or inspector of nuisances 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) The Corporation may if they think fit compensate the owner for any articles destroyed and for any other damage sustained by him.

Corporation may pay expenses of person in hospital.

57. 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.

Compensation to persons ceasing employment.

58. If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

For regulating manufacture and sale of ice cream &c.

59.—(1) Any person being a manufacturer of or merchant or dealer in ice cream or other similar commodity who within the city:—

(a) Causes or permits ice cream 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 A.D. 1902.

(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 to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice cream commodity or materials so destroyed.

60.—(1) If the Corporation or the medical officer 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 the Corporation may make application to a justice of the peace and the justice of the peace if satisfied of the necessity of such removal may grant a warrant authorising the Corporation or the medical officer 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.

Removal of persons from infected premises.

(2) The Corporation shall and they are hereby empowered to provide temporary shelter or house accommodation and if necessary maintenance with any necessary attendance free of charge for such persons while prevented from returning to such house or part thereof.

(3) For the purpose of this section the word "house" includes any tent or van or any ship lying in any river or other water within the city.

(4) Section 144 of the Act of 1884 is hereby repealed.

61.—(1) When a person in a common lodging-house is suffering from an infectious disease the Corporation may on the certificate of the medical officer or of any registered medical practitioner that the patient may be removed without undue risk and without further warrant than this Act cause such person to be removed to a hospital or infirmary with the consent of the authorities thereof where different from the Corporation but if removal be considered

Corporation may remove sick persons in a common lodging-house to hospitals &c.



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dangerous to life by such officer or medical practitioner and is so certified no lodger shall be admitted to such lodging-house until it is certified free from infection and the Corporation may so far as they think requisite for preventing the spread of disease cause any clothes or bedding used by such person to be disinfected or destroyed and may pay to the owners of the clothes and bedding so disinfected or destroyed reasonable compensation for the injury or destruction thereof.

(2) The Corporation shall pay reasonable compensation for the closing of a common lodging-house under the provisions of this section.

As to  
nuisances.

**62.** For the purposes of the Public Health Acts—

- (1) 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 ;
- (2) Any gutter drain shoot stack-pipe or down-spout of a building or any rain-water cistern well or cesspool belonging to any premises which by reason of its insufficiency or its defective condition shall cause damp in an adjoining building ;
- (3) Any deposit of material in or on any building or land which shall cause damp in an adjoining building ;
- (4) Any river stream or watercourse or any part or parts thereof respectively within the city being 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 or property adjacent thereto notwithstanding that the same may not be injurious to health ;

shall be deemed to be a nuisance.

Appointment  
of inspectors  
of nuisances.

**63.** The Corporation may appoint more than one inspector of nuisances and section 189 of the Public Health Act 1875 and section 24 of the Local Government Act 1888 shall for the purposes of the execution of those Acts within the city be construed accordingly.

Further  
powers in  
relation to  
unsound  
meat.

**64.** Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the inspection examination and search of any cart or other vehicle or of any basket sack bag or parcel whether open or closed and the provisions of such sections shall apply accordingly.

**65.** No trade refuse building materials or rubbish of a like description shall be deposited in any watercloset waste watercloset privy cesspool ashpit or ashtub and if any such refuse materials or rubbish be so deposited the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in-respect of which the charge is made.

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Charge for emptying privies of trade refuse.

**66.** Public notice of the provisions of this part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the Guildhall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Public notice to be given of provisions of this part of Act.

## PART V.

## MILK SUPPLY (TUBERCULOSIS).

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

Penalty for selling milk of diseased cows.

**68.** Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the city 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.

Penalty on failing to isolate diseased cows.

**69.**—(1) Every dairyman who supplies milk within the city 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.

Obligation to notify case of tuberculosis.

(2) Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

**70.**—(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 city for examination samples of milk produced or sold or intended for sale within the city.

Power to take samples of milk.

(2) The like powers in all respects may be exercised outside the city by the medical officer or such authorised person if he shall first

A.D. 1902. 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.

71.—(1) If milk from a dairy situate within the city is being sold or suffered to be sold or used within the city 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.

(2) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the city from consumption of the milk supplied from a dairy situate within the city 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 city 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 city from which milk is being sold or suffered to be sold or used within the city is likely to cause tuberculosis in persons residing within the city 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 surgeons in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds. A.D. 1902.

(5) If in their opinion the dairyman fails to show cause why such an order should 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 the administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the city 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 been changed or that it is not likely to cause tuberculosis to persons residing in the city.

(7) If any person after any such order has been made supplies any milk within the city 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.

72.—(1) The dairyman may appeal against an order of the Corporation under the last preceding section or the refusal of the Corporation to withdraw any such order either to a petty sessional court having jurisdiction within the city or at his option if the dairy is situate outside the city 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 city 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. Appeal.

(2) 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.

(3) 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.

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Compensation to  
dairyman.

**73.**—(1) 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.

(2) 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.

(3) 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.

Notice of  
provisions of  
this part of  
Act.

**74.** 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.

Procedure.

**75.** 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 the offence is committed and not otherwise.

Expenses  
of this part  
of Act.

**76.** 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 city. Provided that no such test shall be applied except with the previous consent of the owner of such cow.

Execution of  
this part  
of Act by  
committee.

**77.** 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. A.D. 1902.

## PART VI.

## COMMON LODGING-HOUSES.

78.—(1) The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person who is appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be.

Regulations as to common lodging-house keepers.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

79.—(1) Every common lodging-house shall be provided with sufficient and suitable sanitary conveniences having regard to the number of lodgers who may be received therein and also with proper separate sanitary conveniences for persons of each sex.

Sanitary conveniences in common lodging-houses.

(2) Where it appears to the Corporation on the report of their inspector of nuisances that the provisions of this section are not complied with in the case of any common lodging-house the Corporation may if they think fit by notice require the keeper thereof to make such alterations and additions therein as may be required to provide such sufficient suitable and proper sanitary conveniences as aforesaid.

(3) Any person who shall neglect or refuse to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

80.—(1) Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house or of the keeper of a common lodging-house shall operate for one year only and application for the renewal of such registration shall be made to the Corporation on or previous to the thirty-first day of December in every year.

Registration of common lodging-houses and keepers.

(2) (a) The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register or



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to re-register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position:

(b) Any person aggrieved by such refusal may appeal to a court of summary jurisdiction within fourteen days after such refusal provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as they may think fit and to award costs.

(3) Every person who without being registered in accordance with the Public Health Act 1875 and this Act shall keep a common lodging-house within the city and every person who after the thirty-first day of December one thousand nine hundred and two shall keep a common lodging-house without the registration of such person and of such house being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Notice to  
common  
lodging-  
house  
keepers.

81. Notice of the provisions of this part of this Act shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house.

## PART VII.

### GUILDHALL RECREATION GROUNDS &c.

Power to  
grant use of  
or let Guild-  
hall.

82. The Corporation may grant or let with or without charge the use of halls and rooms in their Guildhall Art Gallery, Exhibition buildings and other municipal buildings for the purpose of any public meeting, festival or entertainment or other purpose approved by them.

Organ in  
municipal  
buildings and  
organist.

83.—(1) The Corporation may provide and maintain in any municipal buildings an organ and may appoint an organist at such salary or remuneration as they think proper and may admit the public to performances on the organ either without charge or for such charge as they think proper and subject to such regulations as the Corporation from time to time deem expedient.

(2) All receipts from performances under this section, after payment thereof of the expenses incurred in pursuance of this section shall be carried to the credit of the borough fund and all such expenses in excess of such receipts shall be defrayed out of the borough fund.

Public band  
&c.

84. The Corporation may—

(1) Employ manage and regulate the performances of a public band or bands of music to perform in such public places as

the Corporation may from time to time prescribe or pay or contribute towards the payment of a band or bands of music and of vocalists to perform in such public places. Provided that the amount defrayed out of the district fund in pursuance of this subsection shall not in any one year exceed the amount which would be produced by a rate of a farthing in the pound on the property in the city assessable to the general district rate;

- (2) Enclose an area within which the bands shall play or performances take place and make reasonable charges for admission within such enclosure;
- (3) Provide place and maintain bandstands in or on any such public place as the Corporation may deem suitable;
- (4) Provide and sell or authorise any person or persons to sell programmes of any concert or performance which may from time to time be provided by the Corporation or with their sanction in any such public place; and
- (5) Make byelaws for securing good and orderly conduct during the playing of the band or during the musical performance.

**85.** The Corporation may place or authorise any person to place seats and chairs and erect shelters in any street and in any place of public resort or recreation belonging to or under the control or management of the Corporation for the use of the public and may if they think fit charge or allow such person to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

Seats chairs and shelters for public use.

**86.** The Corporation may from time to time set apart portions of any park or place of public resort or recreation for the time being belonging to or held by them for cricket football archery and other games but so that the same shall be open to the public when not in use for such games and the Corporation may make byelaws for regulating the use of the portions of the park or place so set apart.

Power to set apart lands for games.

**87.** The Corporation may provide swings gymnasium apparatus and apparatus for games and recreation for the use of the public frequenting the parks and places of public resort or recreation belonging to or under the management of the Corporation and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such swings or apparatus on such terms and conditions as they think proper.

Power to provide apparatus for games.

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Corporation  
may erect  
buildings &c.

**88.** The Corporation may in any recreation ground or in any place of public resort erect maintain furnish and equip and may remove refreshment and reading rooms pavilions and other buildings and conveniences which may be required or convenient for the purposes of the public resorting thereto and may charge for admission to such refreshment and reading rooms pavilions or other buildings or conveniences or any of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Corporation shall not charge for admission as aforesaid on Sundays or public holidays nor shall they charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Power to let  
refreshment  
rooms &c.

**89.**—(1) The Corporation may let any refreshment rooms pavilions or other buildings or conveniences with the appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Corporation may think fit.

(2) The Corporation may also let any such pavilion or other building for the purposes of particular meetings or entertainments and may make such charges and impose such conditions as they may think fit.

Power to  
appoint  
officers.

**90.** The Corporation may appoint officers for securing the observance of this part of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a general warrant signed by the lord mayor and nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Act 1890 relative to a police superannuation fund or superannuation allowances.

Application  
of moneys  
received

**91.** The moneys received by the Corporation under the provisions of the sections of this Act whereof the marginal notes are respectively :—

Public band &c. ;  
Seats chairs and shelters for public use ;  
Power to set apart lands for games ;  
Power to provide apparatus for games ;  
Corporation may erect buildings &c. ;  
Power to let refreshment rooms &c. ;  
shall be paid into the district fund.



## PART VIII.

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## ADVERTISEMENTS.

**92.**—(1) It shall not be lawful in any street to use any vehicle exclusively or principally for the purpose of displaying advertisements or for two or more persons together to carry a board or boards for such purpose without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit. Restriction on advertising vehicles.

(2) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

**93.**—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained. Restriction on hoardings.

(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 twelve 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 dimensions and maintenance of such hoarding as the Corporation may determine.

(3) 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.

(4) 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.

(5) The provisions of subsection (2) of this section shall apply—

(a) to the retention after the expiration of seven years from the passing of this Act of any hoarding or similar structure erected before the passing of this Act and used either wholly or partly for advertising purposes as if such retention were the erection of a hoarding or similar structure; and

(b) to any hoarding or similar structure of a greater height than seven feet six inches measured from the ground level

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used or to be used either wholly or partly for advertising purposes in the garden or yard of any dwelling-house or on or against the wall or fence of any such garden or yard and to the retention after the passing of this Act of any such hoarding or similar structure erected before the passing thereof.

(6) The provisions of subsections (2) and (5) (a) of this section shall not apply to any hoarding or similar structure belonging to any railway company unless it faces on to a highway whether repairable by the inhabitants at large or not. Provided that it shall not be lawful for any railway company without the consent of the Corporation to exhibit or cause to be exhibited any advertisement facing on to the River Ouse.

Appeal.

**94.** Any person deeming himself aggrieved by the refusal of the Corporation to grant a consent under the foregoing provisions of this part of this Act or by the conditions attached to such consent may appeal to a court of summary jurisdiction within fourteen days after such refusal or after the giving of such consent (as the case may be) provided he give twenty-four hours' notice of such appeal and of 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.

Sky signs.

**95.—(1) (a)** It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Corporation and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed:

(b) Provided that in any of the following cases a licence of the Corporation under this subsection shall become void namely:—

(i) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;

(ii) If any change be made in the sky sign or any part thereof;

(iii) If the sky sign or any part thereof fall either through accident or decay or any other cause;

(iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof; or



(v) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed:

(c) Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequences as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

(2) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) For the purposes of this section "sky sign" means—

Any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from some point in any street and includes all and every part of any such post pole standard framework or other support;

Any balloon parachute or other similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street:

But shall not include—

(a) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement;

(b) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;

(c) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway



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company and placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street.

Authentica-  
tion of  
licences &c.

**96.** Any consent licence or condition given or made under this part of this Act may be under the hand of the town clerk or the surveyor.

## PART IX.

## HACKNEY CARRIAGES.

Signature of  
licences.

**97.** Any licence for a hackney carriage or for the driver or conductor of a hackney carriage may be signed by the lord mayor the town clerk or chief constable and need not be under the seal of the Corporation.

Byelaws as  
to animals  
drawing  
hackney  
carriages.

**98.** The powers of the Corporation under so much of section 6 of the Town Police Clauses Act 1889 as relates to the making of byelaws for securing the fitness of the animals to be allowed to draw an omnibus and for the removal therefrom of unfit animals shall extend to animals to be allowed to draw hackney carriages.

Licences to  
drivers of  
hackney  
carriages to  
specify class  
of carriage  
&c.

**99.** After the passing of this Act every licence granted to a driver or conductor of hackney carriages in pursuance of the Town Police Clauses Acts 1847 and 1889 or either of those Acts shall specify whether it is granted to a person to act as driver or as conductor and shall also specify the class or classes of carriage in respect of which it is granted and if any person shall act as driver or as conductor of a hackney carriage without a licence to act as driver or as conductor thereof (as the case may be) or shall act as driver or conductor of a carriage belonging to a class not specified in his licence such person and the proprietor of the hackney carriage shall be deemed to have committed an offence under section 47 of the Town Police Clauses Act 1847.

As to public  
vehicles at  
railway  
station or  
within seven  
miles of city  
and on  
strays.

**100.** The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation with respect to public vehicles shall be as fully applicable in all respects to hackney carriages within the city conveying passengers to or from any railway station within the city as if such railway station were a public stand for hackney carriages and also to such vehicles and the drivers thereof within a distance of seven miles from the General Post Office of the city if the hiring takes place within the city and also to such vehicles and the drivers thereof conveying passengers to or from any part of any common or stray within the city Provided as follows:—

(1) It shall not be obligatory on the drivers of hackney carriages to contract to carry persons for hire beyond the city:

- (2) If the hiring takes place within the city any offence against any of the provisions of the said Acts or against any such byelaw whether such offence shall have been committed within the city or not may be brought before and determined by a court of summary jurisdiction having jurisdiction in the city: A.D. 1902.
- (3) The Corporation shall not have or exercise any authority or control over vehicles whilst on the premises of any railway company except with the consent of the railway company:
- (4) This section shall not apply to any vehicles belonging to any railway company.

**101.**—(1) Any person appointed by the Corporation in writing or any police constable may examine all hackney carriages plying for hire within the city and shall see that the laws and byelaws relating to such carriages are duly observed. Powers of inspector of hackney carriages:

(2) Any proprietor driver conductor or other person who shall obstruct or hinder such person so appointed as aforesaid or constable in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

#### PART X.

##### POLICE FIRE BRIGADE AND STREET TRAFFIC.

**102.** The officer in charge of the police at any fire in the city 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 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. Regulation of traffic at fires.

**103.** The captain 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 city 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's or any other fire brigade including the fixing of the positions of fire engines and apparatus the attacking 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. Captain of fire-brigade to have control over operations.

**104.** Any police constable acting under the orders (either general or special) of his superior officer 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 city being or reasonably supposed to be on fire or any buildings Power to police constable &c. to enter and break open premises in case of fire.



A.D. 1902. — 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 they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Byelaws as  
to crying  
newspapers.

**105.**—(1) The power to make byelaws conferred upon the Corporation by section 23 of the Municipal Corporations Act 1882 shall enable the Corporation to make byelaws for prohibiting any person or persons during Sundays in any street within the city from crying or calling out for sale any newspaper journal or serial or from advertising by any cry or calling out any newspaper journal or serial or from ringing any bell or using any horn whistle or noisy instrument or creating any noise whatsoever for the purpose of selling any newspaper journal or serial or attracting or attempting to attract the attention of any person or persons by means of any noise whatsoever whether vocal or otherwise for the purposes aforesaid or any of them.

(2) The provisions of the Municipal Corporations Act 1882 with respect to byelaws made under section 23 of that Act shall extend and apply to byelaws made under this section.

Provisions as  
to children  
trading in  
streets.

**106.** The following provisions shall have effect with reference to children trading in the streets (that is to say):—

(1) "Child" shall mean a boy or girl under the age of sixteen years;

"Trading in the streets" shall mean vending papers small wares and other articles in any street in the city;

"Place of safety" shall have the same meaning as in the Prevention of Cruelty to Children Act 1894:

(2) The Corporation may make regulations as to the conditions upon which licences authorising children to trade in the streets shall be granted continued suspended and revoked including conditions as to the age and sex of children to whom licences may be granted conditions for the issue and wearing of badges and for the regulation of the conduct of children holding licences and of the hours during which the places where and the conditions under which they may trade in the streets. The regulations shall be subject to the approval of the Secretary of State and shall both before and after such approval is given be published in such manner as the Secretary of State may direct:

Provided that such regulations shall not impose any restriction on the grant of licences on the grounds of the poverty or the previous bad character either of the child or of its parents or guardians:



(3) Subject to such regulations the Corporation may grant a licence to any child authorising him to trade in the streets and after such day as may be fixed in the regulations or such later day (herein after referred to as "the appointed day") as may be fixed by the Secretary of State no child shall trade in the streets unless provided with a licence under this section:

(4) Any constable may take into custody without warrant any child found after the appointed day trading in the streets without a licence or in contravention of the conditions of his licence and may convey him to a place of safety and he may be there detained until he can be brought before a court of summary jurisdiction and that court may make such order as is mentioned in the next following subsection:

(5) Where it appears to a court of summary jurisdiction that a child has been found trading in the streets without a licence or in contravention of the conditions of his licence the court may if satisfied on inquiry that it is expedient so to deal with him—

(a) Order that the child be taken out of the custody of the person purporting to have the custody charge or care of him and be committed to the custody of a relative of the child or some other fit person named by the court (such relative or other person being willing to undertake such custody) until he reaches the age of sixteen years or for any shorter period and the provisions of sections 7 and 8 of the Prevention of Cruelty to Children Act 1894 shall so far as applicable and with the necessary modifications apply as if the order had been made under that Act and the court may of its own motion or on the application of any person by order renew vary and revoke any such order;

(b) Order that the child if he be under the age of fourteen years be sent to an industrial school and thereupon all the provisions of the Industrial Schools Act 1866 and of the Acts amending the same shall apply as if the child had been so sent under those Acts; or

(c) In the case of a child found trading without a licence the court may in lieu of making such order impose on summary conviction a penalty not exceeding ten shillings:

(6) The Corporation may contribute the whole or part of the expense of the education and maintenance of any child dealt with under the preceding subsection:

(7) Any person who having the custody charge or care of a child allows him after the appointed day to contravene the provisions

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of this section or any of the regulations made hereunder shall on summary conviction be liable to a fine not exceeding twenty shillings for each offence :

- (8) The Corporation in their discretion may contribute to the expenses of any lodgings for children licensed by them under this section and may pay wholly or in part for the boarding of such children and may also contribute to the provision of clothing for children licensed under this section :
- (9) The Corporation shall appoint such inspectors and other officers as they may deem necessary for the purpose of administering or assisting in the administration of the foregoing provisions and for the purpose of periodically visiting the houses of persons to whose custody any children have been committed under this section and lodgings mentioned in the preceding subsection with the object of securing the proper treatment of such children :
- (10) Any expense incurred by the Corporation in the execution of this section shall be defrayed out of the borough fund.

Byelaws as  
to bathing.

**107.**—(1) The Corporation may make byelaws—

- (a) For appointing and limiting the places on the banks of the Rivers Ouse and Foss and the walks and promenades at the side of such banks from which persons of each sex may bathe without using a bathing shed tent or house and for prohibiting the use of any other place on such banks walks or promenades for bathing without using a bathing shed tent or house ;
- (b) For the preservation of decency and order at public bathing places on the banks aforesaid ;
- (c) For regulating the hours during which bathing may take place from public bathing places on the said banks and for prohibiting the use of such places except during the hours so fixed ; and
- (d) For prescribing the use of decent and sufficient bathing garments.

(2) The provisions of section 69 of the Town Police Clauses Act 1847 shall with the necessary modifications extend and apply to sheds tents and other erections placed upon the said river banks for the purposes of bathing in the same manner and to the same extent as they apply to bathing machines.

Extended  
definition of  
public place

**108.**—(1) (a) Every part of the banks of the Rivers Ouse and Foss and the walks and promenades at the sides of such banks ;

(b) Any place of public resort or recreation belonging to or under the control of the Corporation; and A.D. 1902.

(c) Any unfenced ground adjoining or abutting upon any street; shall for the purposes of the Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same be deemed to be an open and public place and shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 23 of that Act as relates to the following offences:— and street  
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 worry or put in fear any person or animal;

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 or discharges any missile or makes any bonfire;

Every person who throws or lays any dirt litter or ashes or night soil or any carrion fish offal or rubbish on any street.

(2) Any field or ground adjoining or abutting upon any street not being part of the curtilage of a house and not being separated from the street by a close fence not less than six feet in height shall be deemed to be an open and public place for the purposes of section 3 of the Vagrant Act Amendment Act 1873.

**109.** Any person who shall frequent and use any street or any open space in the city either on behalf of himself or of any other person for the purpose of book-making betting or wagering or agreeing to bet or wager or paying or receiving or settling any bet or wager or receiving or paying any money as or in respect of any bet or wager shall be liable to a penalty not exceeding for the first offence five pounds for the second offence ten pounds and for the third and every subsequent offence fifty pounds. Betting.

**110.** Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty of not Dangerous  
riding and  
driving.



A.D. 1902. more than forty shillings and may be arrested without warrant by any constable who witnesses the offence.

Regulations  
as to heavy  
traffic near  
York  
Minster.

111. The Corporation may make byelaws prohibiting or restricting the use of vehicles containing a load exceeding twenty-six hundredweight in any specified street or part thereof situate within a distance of fifty yards from the Cathedral and Metropolitan Church of Saint Peter of York (commonly called York Minster) on account of the danger thereto or of any other reasonable cause.

## PART XI.

### MARKETS.

Market  
keeper may  
remove  
animals  
suspected of  
tuberculosis.

112. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from the cattle market of the Corporation all animals which after inspection by a duly registered veterinary surgeon shall be suspected by him to be affected with tubercular disease.

Market  
keeper may  
exclude  
diseased  
animals.

113. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from the cattle market any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon is unfit for human food and may exclude from the cow market any old emaciated or diseased cow.

Saving of  
Diseases of  
Animals Act  
1895.

114. Nothing in this part of this Act shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order of the Board of Agriculture made thereunder.

## PART XII.

### RIVER OUSE NAVIGATION AND RIVER FOSS NAVIGATION.

Definitions.

115. In this part of this Act—

The expression "the River Ouse" means that part of the River Ouse in the county of York which lies between a point on that river two miles below Linton-on-Ouse and an imaginary straight line drawn across that river at a distance of one hundred yards below and parallel to the south side of the bridge known as "Skelton" or "Hook" Railway Bridge being a bridge constructed under the authority of the North Eastern Railway Company's (Hull and Doncaster Branch) Act 1863 carrying the Hull and Doncaster Branch of the North Eastern Railway across the River Ouse from the township of Skelton in the East Riding of the county of York to the township of Hook in the West Riding of the said county;

The expression "the River Foss" means that part of the River Foss in the city which lies between the junction of that river with the River Ouse and a point on the River Foss two hundred yards above the workhouse of the guardians of the poor for the York Union;

The expression "the river" means the River Ouse or the River Foss or both of those rivers;

The expression "pleasure limits" means as regards the River Ouse that part of that river which lies between the said point two miles below Linton-upon-Ouse and the locks and weir at Naburn and as regards the River Foss the whole of that river as herein-before defined;

The expression "pleasure boat" includes any ship, launch, house-boat, boat, randan, wherry, skiff, dingey, shallop, punt, canoe, yacht, or ferry, boat, however navigated, not being used solely as a tug or for the carriage of goods and not being certified by the Board of Trade as a passenger steamer to carry two hundred or more passengers;

The expression "vessel" includes any steamer, ship, lighter, keel, barge, launch, house-boat, pleasure or other boat, randan, wherry, skiff, dingey, shallop, punt, canoe, yacht, raft, float, or timber or craft whatever however navigated.

**116.**—(1) The Corporation may grant upon such terms and conditions as they may think fit to the owners of pleasure boats licences for pleasure boats to be let for hire or to be used for carrying passengers for hire within the pleasure limits and to the boatmen or persons assisting in the charge or navigation of such boats and may charge a fee not exceeding two shillings and sixpence for every boat so licensed and a fee not exceeding one shilling for every such boatman or person assisting. The Corporation shall assign to every pleasure boat a number, crest, badge or mark.

Power to license pleasure boats let for hire.

(2) Any licence granted under this section shall be granted for the period of one year but may be suspended, revoked or endorsed by the Corporation whenever they shall deem such suspension, revocation or endorsement to be necessary or desirable in the interests of the public. Provided that the existence of the power to suspend, revoke or endorse the licence shall be plainly set forth in the licence itself.

(3) A person shall not let for hire within the pleasure limits any pleasure boat not so licensed nor shall any person carry or permit to be carried passengers for hire within the pleasure limits in any pleasure boat not so licensed.

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(4) A person shall not for hire act as boatman or assist in the charge or navigation of any pleasure boat when let for hire or when carrying passengers for hire within the pleasure limits unless he is licensed by the Corporation as aforesaid.

(5) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade or for any boatman or person assisting in the charge or navigation of such boat.

(6) A person shall not carry or permit to be carried within the pleasure limits in any pleasure boat a greater number of passengers for hire than shall be specified in the licence applying to such boat and every owner of any such boat shall before permitting the same to be used for carrying passengers for hire paint or cause to be painted on a conspicuous part of the said boat the number of persons which it is licensed to carry.

(7) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding five pounds.

(8) Any person deeming himself aggrieved by the withholding suspension revocation or endorsement of any licence under the provisions of this section may appeal to a court of summary jurisdiction within fourteen days after such withholding suspension revocation or endorsement provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as they see fit and to award costs.

(9) The provisions of this section shall not interfere with the exercise by the Corporation of the powers to make byelaws conferred upon them by section 172 of the Public Health Act 1875.

(10) The Corporation shall keep a register in which shall be entered the name and address of the owner of every pleasure boat in respect of which a licence is granted the name of such boat and the number of persons which it is licensed to carry and the number crest badge or mark of such boat.

Registration  
of transfers.

**117.**—(1) Upon every transfer of the ownership of a pleasure boat in respect of which a licence is in force the transferor shall and the transferee may forthwith give notice of such transfer to the Corporation who shall in either case thereupon without charge grant to such transferee a fresh licence in respect of such pleasure boat for the period for which the existing licence is unexpired and shall cause his name and address to be inserted in the register in the place of those of the transferor and until such notice shall have been



given the transferor shall for all the purposes of this Act and of any byelaws of the Corporation for the time being in force be deemed to be the owner of such pleasure boat. A.D. 1902.

(2) Notice of the effect of this enactment shall be stated in every licence.

**118.** Every person shall be entitled during office hours to inspect the register of pleasure boats by this Act required to be kept on payment of one shilling for every inspection of such register. Registers to be open to inspection.

**119.** In case any complaint shall be made to the Corporation as to the navigation within the pleasure limits of any pleasure boat licensed under this Act then the licensed owner of such boat shall upon the application in writing to him by the town clerk for that purpose give all information in his power to the town clerk as to the person who at any particular time was in charge of such boat and any licensed owner refusing to give such information shall be liable to a penalty not exceeding twenty pounds. Owner to afford information as to person in charge.

**120.** Every pleasure boat licensed under this Act shall have the licensed name number crest badge or mark thereof displayed thereon in such manner size and place as the Corporation prescribe by byelaws for the time being in force. Pleasure boats to be conspicuously marked.

**121.** Every person who knowingly causes or permits to be concealed the licensed name number crest badge or mark of any pleasure boat while such boat is used for the purpose of navigating the river shall for every such offence be liable to a penalty not exceeding ten pounds. Penalty for concealing name or number of pleasure boat.

**122.** Every pleasure boat propelled by steam electricity or other mechanical power shall when in course of navigation under mechanical power after sunset and before sunrise on any part of the river carry and exhibit the following lights namely:— Steam &c. pleasure boats to carry certain lights.

(1) On or before the foremast or if there be no foremast on the funnel or on a staff at the bow in either case at a height above the hull of not less than four feet a bright white light behind a glass shade or slide upon which the registered number of such pleasure boat shall be legibly and conspicuously painted in black figures;

(2) On the starboard side a green light; and

(3) On the port side a red light:

And every such light shall be of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least one mile.

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Where any such pleasure boat is in course of navigation after sunset and before sunrise without carrying and exhibiting such lights in manner aforesaid the master of such boat shall be liable to a penalty not exceeding ten pounds.

Lock tolls  
for pleasure  
boats.

**123.** Notwithstanding anything contained in the Acts relating to the river the Corporation may demand and receive in respect of all pleasure boats passing through by or over any lock on the river the tolls or annual payments not exceeding the amounts mentioned in the First Schedule to this Act.

Lock tolls  
for vessels  
other than  
pleasure  
boats.

**124.** Notwithstanding anything contained in the Acts relating to the river the Corporation may demand and receive in respect of all vessels other than pleasure boats passing through by or over any lock on the river tolls not exceeding the following tolls namely:—

For every such vessel passing through by or over any such lock the toll of fourpence per ton in respect of every such lock so passed.

The said tolls shall be demanded and received once only in respect of each voyage including the passages upwards and downwards which the vessels respectively make but may be demanded and received in respect of the passage upwards or downwards in the case of vessels not returning. Provided that no tolls shall be demanded or payable in respect of any vessel used solely as a tug or for the carriage of goods or merchandise paying tolls under the Acts 13 George I. cap. 33 5 George II. cap. 15 33 Geo. III. cap. 99 41 Geo. III. cap. 115 16 & 17 Vict. cap. 56 22 Vict. cap. 19 47 & 48 Vict. cap. 161 or the Canal Tolls and Charges No. 7 (River Ancholme &c.) Order Confirmation Act 1894 or in respect of an empty vessel on its way to load or returning after delivering such goods or merchandise.

How and to  
whom tolls  
to be paid.

**125.** The tolls authorised by this part of this Act shall be payable—

(1) In respect of vessels whether laden or empty according to the number of tons which such vessels are or would be capable of carrying if drawing the greatest depth of water which such vessels are for the time being allowed to draw or in the case of vessels not constructed to draw that depth of water according to the number of tons which such vessels are or would be capable of carrying when having but two inches of freeboard at the shallowest part of their sides:

(2) In respect of each vessel altogether either on the upward or downward passage and be paid to such officer or officers of the

Corporation at any one or more of the said locks or at such other place or places on or near the river and in such manner as the Corporation from time to time appoint.

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**126.** Nothing in this Act shall alter vary or affect any exemption from tolls provided for by the Acts 13 George I. cap. 33 and 5 George II. cap. 15 in so far as any such exemption relates to manure to be used for the improvement of land in any parish adjoining the River Ouse.

Saving of exemption.

**127.** The master of any vessel shall whenever requested so to do by any officer of the Corporation authorised to receive any of the tolls authorised by this part of this Act on his producing if required to do so a certificate of his personal authority signed by the town clerk forthwith truly state to such officer the name and address of the owner of such vessel and the place or places to which such vessel is bound and in case of default shall for every such offence be liable to a penalty not exceeding five pounds.

Masters of vessels to state on request names and addresses of owners and where bound.

**128.** If any person forcibly passes or attempts to pass any vessel through any lock without having duly paid the full amount of any toll authorised by this part of this Act payable in respect of such vessel such person shall for every such offence be liable to a penalty not exceeding ten pounds over and above the full amount of such toll.

Penalty on forcing passage not having paid toll.

**129.** The Corporation may demand and receive in respect of steam and other passenger vessels landing or embarking any passengers or goods at or from any pier or landing place erected by or belonging to them tolls not exceeding sixpence for each and every time of calling at the same.

Tolls leviable on steam and other passenger vessels at piers and landing places erected by Corporation.

**130.** The collector of the said tolls at any such pier or landing place may prevent any vessel the master of which shall neglect or refuse to pay the proper amount of toll payable by him from making fast to or mooring or touching at such pier or landing place.

In case tolls not paid vessels may be prevented from using landing places.

**131.** In case all or any part of any toll authorised by this part of this Act or all or any part of any sum payable under this Act to the Corporation in respect of the licensing or of the renewal of the licence of any pleasure boat (all or any part of any such sum being herein-after referred to as a "licensing fee") is not paid on demand to the officer of the Corporation authorised by them to demand and receive the same then and in every such case the Corporation may recover such toll or licensing fee or part thereof from the owner or master of such vessel in like manner as costs or expenses under this Act are recoverable or as a debt in any court of competent jurisdiction.

Recovery of foregoing tolls &c.



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Notice of  
tolls to be  
given.

**132.** The tolls by this part of this Act authorised to be taken shall not be levied unless not less than four weeks at the least previously notice of such tolls shall have been advertised in a newspaper circulating in the city of York.

Power to  
make  
arrangements  
as to tolls.

**133.—(1)** The Corporation may enter into and execute agreements with persons liable to pay tolls by this part of this Act authorised to be taken with respect to the mode and times for the collection and payment thereof or the payment of annual or other periodical sums by way of composition, therefor.

(2) Provided always that the Corporation shall not by or under any such agreement so made as aforesaid make or give any undue or unreasonable preference or advantage to or in favour of any particular person or any particular description of traffic in any respect whatsoever or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Tolls to be  
charged  
equally.

**134.** Subject to the provisions of this Act all tolls payable under this Act shall at all times be charged equally and after the same respective rate upon all persons and in respect of all vessels and no remission reduction or advance of such tolls shall either directly or indirectly be made partially or in favour of any particular person or vessel but every such remission reduction or advance shall take effect with respect to all persons and to all vessels of the same respective sort.

Corporation  
may provide  
and license  
tugs.

**135.** The Corporation may purchase or hire work and let and take charges and remunerations for steam tugs and other towing power and may also grant licences for steam tugs and other towing power and to such persons as they think fit to be masters of steam tugs and other towing power such licences to be granted for such period and on such terms and conditions as the Corporation may think fit and the Corporation may fix such rates and charges as appear to them reasonable to be charged for or in respect of the use of such steam tugs or other power whether belonging to or licensed by the Corporation and such last-mentioned rates and charges shall be paid by the owner master agent manager or other person having charge of the vessel employing such steam tugs or other power to the Corporation or to the owner of such steam tugs or other power if licensed by the Corporation as the case may be. Provided that the Corporation shall not refuse to grant a licence for a steam tug except upon the ground that it is not seaworthy and that they shall not refuse to grant a licence to a person to be master of a steam tug except on the ground that he is not competent.

**136.** Every person who being the owner or having the control of a steam tug or other power for towing vessels shall use or employ or cause or permit to be used or employed on the river such steam tug or other power unless the same is duly licensed by the Corporation and every master or other person having the command of any steam tug or other towing power who shall tow on the river any vessel with any steam tug or other power not belonging to or licensed by the Corporation or without himself having a licence in that behalf shall for every such offence be liable to a penalty not exceeding five pounds.

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Penalty for  
tugs plying  
without a  
licence.

**137.** The Corporation may contribute out of the funds relating to either of the rivers towards the cost of the construction reconstruction or improvement of any bridge over such river such sum as they think fit and may enter into and carry into effect agreements with any local authority company body or person with respect thereto.

Bridges.

**138.** It shall not be lawful for any person without the consent of the Corporation to moor any vessel barge or pleasure boat by or against the Esplanade the New Walk or any ornamental river walk constructed or maintained by the Corporation.

Mooring of  
vessels  
against  
ornamental  
walks.

**139.—**(1) If any boat barge or vessel shall be sunk or stranded in any part of the river and the owner or person in charge of such boat barge or vessel shall not forthwith raise weigh draw up blow up break up or remove the same so as to clear the river it shall be lawful for the Corporation to raise weigh draw up blow up break up or remove such boat barge or vessel and to detain and keep the same with her furniture tackle apparel cargo loading and all goods chattels and effects therein until payment be made of all expenses relating thereto including any expense incurred in lighting watching or controlling such boat barge or vessel or to recover such expenses from the owner or to sell in such manner as they think fit such boat barge or vessel and the furniture tackle apparel cargo loading and all goods chattels and effects therein and out of the proceeds of such sale to reimburse themselves for such expenses and the expenses of the sale returning to the owner the surplus if any of such proceeds and in case such proceeds shall be insufficient to reimburse the Corporation such expenses the deficiency shall be paid to the Corporation by the owner upon demand and in default of payment thereof the Corporation may recover such deficiency from the owner:

Removal of  
stranded &c.  
vessels  
obstructions  
&c. and  
repair of  
wharves  
banks &c.

In this subsection the expression "owner" includes the person who was the owner of a boat barge or vessel at the time of the

-A.D. 1902. sinking or stranding thereof and any subsequent owner thereof until sold by the Corporation.

(2) The Corporation may remove any thing causing an obstruction in the river or to the proper use of any towpath thereof and also any floating timber which impedes the navigation thereof and the expense of removing any such thing or floating timber shall be repaid to the Corporation by the owner of the same and the Corporation may detain such thing or floating timber for securing reimbursement to themselves for such expenses and on non-payment thereof on demand may recover the same from the owner or may sell such thing or floating timber and out of the proceeds reimburse themselves for such expenses rendering the surplus if any to the owner on demand and in case such proceeds shall be insufficient to reimburse the Corporation such expenses the deficiency shall be paid to the Corporation by such owner on demand and in default of payment may be recovered from him.

(3) The Corporation may from time to time remove any broken dangerous or useless piles or mooring chains and other nuisances and remove or shorten any waterways causeways stairs or other projections injurious to the navigation of the river and any expenses incurred by the Corporation under this section shall be recoverable by them from the owner or occupier of the premises so removed or shortened.

(4) Whenever the proper use of the river or any towpath thereof is obstructed by any tree bush shrub or projection the Corporation may apply to a court of summary jurisdiction for an order upon the owner or occupier of the land whereon such tree bush shrub or projection grows or is fixed to cut prune or lop such tree bush or shrub or to remove such projection so that the proper use of the river or any towpath thereof be not obstructed thereby and such court may make such order and if such owner or occupier shall not comply therewith within a time to be specified therein the Corporation may cut prune or lop such tree bush or shrub or remove such projection and recover expenses thereby incurred from such owner or occupier.

(5) Whenever in the opinion of the Corporation any wharf pier or artificial bank or any portion thereof respectively is out of repair or insecure so as to be dangerous to any person using the river or any bank thereof or to any vessel either moored alongside of or passing by the same or is in any manner injurious or likely to be injurious to the river or to the free navigation thereof the Corporation by notice in writing given to the owner or occupier of such wharf pier or bank or if such owner or occupier cannot be found left upon



or affixed to such wharf pier or bank may require the owner or occupier thereof to repair such wharf pier or bank to the satisfaction of an engineer of the Corporation within a time to be specified in such notice and in case the owner or occupier does not comply with such notice the Corporation may put such wharf pier or bank into repair and recover the expenses incurred thereby from the owner or occupier thereof or the owner or occupier of any house or land to which such wharf pier or bank may belong or with which the same may be connected and used :

Provided that no bank shall for the purposes of this section be deemed to be artificial by reason only of the owner or occupier thereof having constructed works for the protection thereof.

(6) The remedies given by this section to the Corporation shall be cumulative and not merely alternative.

(7) Any expenses or deficiency of expenses which the Corporation are by this section empowered to recover may be recovered in a court of summary jurisdiction as a civil debt or in any other court of competent jurisdiction.

**140.** The Corporation may from time to time make such byelaws as to them seem meet for all or any of the purposes for which by this part of this Act they are authorised to make byelaws and (if the Board of Trade shall be satisfied that byelaws for such purposes are expedient) for all or any of the following purposes namely :—

Power to  
make  
byelaws.

- (1) For the regulation management and improvement of the river and the navigation thereof :
- (2) For the prevention of obstructions in the river :
- (3) For compelling vessels on the river to exhibit lights from sunset to sunrise :
- (4) For the regulation of traffic and vessels on the river :
- (5) For the government good order and regulation of persons navigating the river or using the towpaths piers landing places or locks thereof :
- (6) For regulating the loadings of vessels projecting over the sides thereof :
- (7) For regulating the times and manner of raising or heaving up or for suspending mooring chains in the river :
- (8) For compelling and regulating the measuring of lighters and barges navigated on the river and the conspicuous and correct marking thereon by the owners thereof of the names and addresses of such owners and the burthen tonnage of such lighters and barges :

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- (9) For prescribing the depths of water which may be drawn at various seasons of the year by lighters and barges navigated on the river for compelling and regulating the conspicuous and correct marking of such lighters and barges so as to show the depth of water at any time drawn by them and for preventing such lighters and barges being loaded too deeply :
- (10) For prescribing the amount of freeboard or clearboard which lighters and barges when navigated on the river are to have and securing that such lighters and barges shall have such freeboard or clearboard :
- (11) For regulating the passage of vessels through locks on the river :
- (12) For preventing the removal or alteration of any water mark set up by the Corporation for the purpose of showing the height or depth of water in the river :
- (13) For preventing the passing into the river from or out of any vessel on the river of any sewage or any other offensive or injurious matter whether solid or fluid :
- (14) For compelling with a view to the prevention of pollution of the river the altering as the Corporation may approve of vessels used on the river and the providing of such vessels with such sanitary appliances as the Corporation may approve :
- (15) For preventing any nuisance to riparian residents or other persons by persons using the river :
- (16) For preventing annoyance to any occupier of a riparian residence by reason of the loitering or delay of any vessel on the river or by the emission of smoke therefrom :
- (17) For regulating the navigation of the river with a view to the safety and amenity of the river in relation to the purposes of this part of this Act :
- (18) For preventing the searching for taking or destruction of swans' nests eggs or the young of any such birds on or about the river :
- (19) For preserving notice boards and other works and things set up by the Corporation or with their consent on near or in connexion with the river :
- (20) For appointing places on the river at which only vessels may be broken up and for regulating the mode of breaking up vessels :
- (21) For preventing disturbance of the navigation of the river for purposes of recreation :
- (22) For preventing or regulating the exhibition of advertisements and advertising upon or by means of vessels or otherwise

on or over the river but so that any such byelaw shall not interfere with the right of the owner of any vessel of exhibiting advertisements or notices for the purposes of or in reference to his trade or business or of exhibiting any advertisement not visible from the shore :

- (23) For regulating the use of slipways and grids in or near the river :
- (24) For regulating the supply of ballast to vessels upon the river :
- (25) For regulating the manner in which vessels shall be loaded and discharged on or from the river :
- (26) For regulating the times and manner of paying and the places for payment of the tolls payable to the Corporation under the provisions of this Act :
- (27) For the berthing and removing of vessels lying in any part of the river or alongside of wharves quays jetties piers landing places and other works and regulating the conduct and behaviour of seamen boatmen ferrymen lumpers jobbers stevedores and others upon the river and landing places and other works :
- (28) For regulating the conduct of the masters or persons having the control and crews of vessels propelled by steam or other power with regard to the rate of speed at which they may proceed and the mode of navigating such vessels and the taking on board and embarking or landing of passengers :
- (29) For regulating the towing of vessels on the river the size and number of vessels towed at one time and the number length and position of the tiers or trains the order and manner in which the towage shall be given and the duties and conduct of all persons employed on the steam tugs or other towing power used and with regard to the rate of speed at which such steam tugs or other towing power may proceed and to any other matter or thing affecting the safety or convenience of the navigation of the river :
- (30) For regulating the passage of vessels on the river approaching any works of improvement during their construction or repair or places where dredging is being done or where operations for the removal of wrecks are being carried on or where wrecks or other obstructions exist :
- (31) For regulating the terms and conditions of registering tugs propelled by steam or other motive power on the river and of granting licences thereto and to the masters or persons in charge thereof and the payments to be made for licences and



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the rates to be charged for the towage of vessels on the river and the hire and use of tug-boats or other towing power :

(32) For regulating the conduct of boatmen and ferrymen and others in landing passengers from and putting them on board of steam and other vessels on the river and the sufficiency of boats employed for that purpose :

(33) For regulating the erection and use of any crane luccomb gantry or other projection in or on the banks of the river or the towing paths or banks thereof :

(34) For requiring the owners masters and persons in charge of any vessel conveying goods or merchandise on the river to declare in writing or otherwise the correct tonnage of such vessel and the weight and description of the goods and merchandise on board the same :

(35) For requiring the owners masters and persons in charge of any vessel or barge on the river carrying any manure gas lime street sweepings rubbish or refuse of any description to properly cover the same :

(36) For prohibiting the passage of vehicles over or along the towpaths or banks of the river :

(37) For registering and licensing pleasure boats within the pleasure limits and for regulating the conditions of the registering and licensing thereof and the letting or hiring of pleasure boats within the pleasure limits :

(38) For prescribing the manner and place in which and the size of the name number crest badge or mark of pleasure boats registered or licensed under this Act are to be displayed thereon :

(39) For preventing boats or vessels anchoring mooring or remaining stationary for an unreasonable time in the Ouse or against the banks thereof.

Jurisdiction  
of justices.

**141.** For the purposes of this part of this Act and of any byelaw of the Corporation for the time being in force in pursuance thereof the jurisdiction of all justices and magistrates acting for any area through or by which the River Ouse flows shall extend over the whole of the waters bed shores banks and towpaths of that river and over any place within one hundred yards on either side of that river and over the whole of so much of any island as is in the River Ouse where that river flows through or by such an area.

Bailiffs and  
servants may  
be sworn in  
as police  
constables.

**142.** It shall be in the power and at the discretion of the Corporation to procure all or any of their water-bailiffs lock-keepers or other servants to be sworn in as police constables for any of the

ridings of the county of York or the city of York but they shall not be liable without the consent of the Corporation to be called upon to perform the duties of such police constables except for the purposes of this part of this Act nor shall any such water-bailiff lock-keeper or servant act as a constable unless in uniform or provided with a general warrant signed by the lord mayor and nothing in this section shall be deemed to render applicable to any such water-bailiff lock-keeper or servant the provisions of the Police Act 1890 relative to a police superannuation fund or superannuation allowances.

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**143.** For the purposes of this part of this Act and of any byelaw of the Corporation for the time being in force in pursuance thereof the power and authority of all police officers and constables acting for any area through or by which the River Ouse flows shall extend over the whole of the waters bed shores banks and towpaths of that river and over any place within one hundred yards on either side of that river and over the whole of so much of any island as is in the River Ouse where that river flows through or by such area.

Powers &c.  
of police.

**144.** 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  
of York-  
shire Rivers  
Board.

## PART XIII.

## INSURANCE &amp;C. FUNDS.

**145.**—(1) The Corporation may if they think fit establish a fund to be called "the fire insurance fund" with a view of providing a sum of money which in the event of a fire shall be available for the purpose of reconstructing rebuilding repairing restoring replacing and making good any loss or damage by or in consequence of fire to any buildings works and property belonging or on loan to or under the care custody or control of the Corporation.

Fire in-  
surance  
fund.

(2) In each year after the establishment of the fire insurance fund the Corporation shall pay into that fund such a sum as would in their opinion be equal to the aggregate amount of the premiums payable in the event of the Corporation insuring their buildings works and property in some public fire insurance office in England but when the fund shall amount to the sum of fifty thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the

A.D. 1902. Corporation shall recommence and continue the yearly payments until the fund be restored to the sum of fifty thousand pounds Provided that nothing in this Act shall affect the power of the Corporation to insure any of their buildings works and property against loss or damage by fire in any public insurance office in England and if the Corporation so insure any of their buildings works and property the yearly sums payable to the fire insurance fund shall during the continuance of any such insurance be reduced by the amount of the premiums payable in respect of such insurance.

(3) The Corporation shall provide the yearly payments aforesaid by contributions from the rents and revenues of the lands buildings and undertakings or from the respective funds which if the buildings works and property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance and if there be no rents or revenue specially chargeable then by contributions from the borough fund and borough rate.

(4) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses from or in consequence of fire all moneys for the time being standing to the credit of the fire insurance fund shall be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of fifty thousand pounds.

(5) If at any time and from time to time the fire insurance fund shall be insufficient to make good any loss or damage sustained by the Corporation by or in consequence of fire they may with the sanction of the Local Government Board borrow at interest on the credit of the rents revenues funds or rates out of which the same are properly payable such sums of money as will be necessary to make up the deficiency.

(6) The Corporation shall repay any moneys borrowed under this section within such period (not exceeding sixty years) from the date of the borrowing of the same as the Corporation with the sanction of the Local Government Board determine in each case.

Workmen's  
compensa-  
tion fund.

**146.**—(1) The Corporation may establish a fund to provide for payments by way of compensation for injury or accidents to persons in the employ of the Corporation.

(2) In each year after the establishing of such fund the Corporation may pay into the same out of the funds rates and revenues of the Corporation as the Corporation may determine a yearly sum not exceeding one thousand pounds until the fund amounts to ten



thousand pounds when they shall discontinue such payments but so that if at any time or times the fund be reduced below that amount the Corporation may recommence the said payments and continue the same until the fund be restored to the said amount. A.D. 1902.

(3) Except so far as the fund and the proceeds of the sale of securities in which it is invested may be necessary to meet the payments thereout all moneys for the time being standing to the credit thereof shall be invested in statutory securities and accumulated at compound interest until the fund amounts to the said sum of ten thousand pounds.

(4) If at any time it should be necessary for making any payment for any compensation to which this section relates to borrow money the Corporation may with the sanction of the Local Government Board borrow the necessary sum on the security of the funds rates and revenues of the Corporation.

(5) Nothing in this section shall be deemed to limit the liability of the Corporation if in any year the claims for compensation exceed the sum contributed by them to the said fund.

147.—(1) The interest and annual proceeds of the investments of each of the funds authorised by this part of this Act when and so long as it is at its prescribed maximum shall be carried to the credit of the funds revenues and rates out of which such fund was established in the proportions in which such funds revenues and rates have contributed to the fund. Interest on insurance &c. funds when full &c.

(2) Resort may be had by the Corporation to either of the funds authorised by this part of this Act for any purpose for which it is so authorised although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

#### PART XIV.

##### FINANCE AND RATING.

148.—(1) The Corporation may independently of any other borrowing power borrow at interest money for paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose and with the consent of the Local Government Board such further money as may be necessary for any of the purposes of this Act other than the purposes of the provisions thereof relating to the River Ouse Navigation. Power to borrow.

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as regards money borrowed

A.D. 1902. for paying the costs and expenses of this Act the borough fund and borough rate and the district fund and general district rate or either of those securities and as regards all other purposes the district fund and general district rate Provided that this subsection shall not apply to money borrowed for the purposes of Part XIII. of this Act.

Certain regulations of Public Health Act 1875 as to borrowing not to apply.

**149.** The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act and any sums which they have borrowed or which they may hereafter borrow for the purpose of their electric lighting undertaking shall not be reckoned.

Mode of raising money.

**150.** The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act as to mortgages to apply.

**151.** Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under the foregoing provisions of this Act.

Periods for repayment of money borrowed.

**152.** The Corporation shall pay off all money borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to money borrowed for paying the costs and expenses of this Act within five years from the date or dates of borrowing the same:

As to money borrowed with the consent of the Local Government Board within such period as that Board may sanction.

Mode of payment off of money borrowed.

**153.** The Corporation shall pay off all money borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made.

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

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the money 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 the accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the money 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 statutory securities the Corporation being at liberty 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 or part thereof 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 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 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.



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(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 money 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 the 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 probable 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 money for the repayment of which the sinking fund is formed the 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 money 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 within the prescribed period the money for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

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

**155.** A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the

Protection  
of lender  
from in-  
quiry.

application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

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—

**156.** The Corporation shall not be bound to see to the execution of any trust whether express 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 of mortgages of the Corporation shall be 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.

Corporation not to regard trusts.

**157.**—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

Appointment of receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

**158.** If the Corporation pay off any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of money received on capital account not being borrowed moneys they may re-borrow the same but all money so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the money 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 diminished by reason of such re-borrowing.

Power to re-borrow.

**159.**—(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 or in regard to the electric lighting undertaking of the Corporation 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

Return respecting sinking fund to Local Government Board.

A.D. 1902. 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.

(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 or any other 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 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.

Application  
of money  
borrowed.

**160.** All money borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Expenses of  
execution of  
Act.

**161.** Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund or district fund as the Corporation having regard to the object of the expenditure shall deem just.

Audit of  
accounts.

**162.** The accounts of the receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts



of the Corporation are audited examined and published under the Municipal Corporations Act 1882. A.D. 1902.

**163.** From and after the passing of this Act the Corporation shall not create or issue any York Corporation Irredeemable Stock.

Repeal of power to issue irredeemable stock.

**164.**—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose the Corporation instead of exercising such borrowing power by the creation and issue of additional York Corporation Redeemable Stock (in this section called "stock") may exercise the said power either wholly or partially by using for such purpose any money for the time being forming part of the York Corporation Consolidated Loans Fund (in this section called "the loans fund") and not required for the payment of dividends on stock.

Power to use loans fund instead of exercising borrowing powers.

(2) The Corporation when exercising the power conferred on them by subsection (1) of this section shall—

(a) Withdraw from the loans fund a sum equal to the amount of the borrowing power proposed to be exercised by the user of moneys in the loans fund and shall determine from which account in the loans fund having amounts to its credit the said sum shall be deemed to be withdrawn;

(b) Transfer stock at par value equal to the sum withdrawn from the loans fund from the last-named account to the account in respect of which the borrowing power is exercised.

(3) The provisions of the Act of 1884 as amended by any subsequent Act shall apply to the money withdrawn from the loans fund and to the stock so transferred as aforesaid as though such money had been raised by the issue of further stock and to such transferred stock as though it were stock issued at the date of the transfer.

(4) On every transfer of stock as aforesaid when the whole amount of stock standing to the debit of the particular account is not transferred the amounts payable to the loans fund in respect of the stock not transferred shall be such as the Local Government Board approve.

(5) Where in exercise of the powers of this section the Corporation use money forming part of the loans fund and transfer stock in respect thereof the original loan shall pro tanto be deemed to have been paid off as if the amount of stock transferred had been redeemed out of the loans fund.

(6) The Corporation shall render to the Local Government Board all such information (if any) as that Board may require with regard to the exercise by the Corporation of the powers of this section.

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Power to use  
sinking fund  
instead of  
borrowing.

**165.**—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose any money for the time being forming part of a sinking fund and set aside for the repayment of a loan—

(a) Secured by a charge on the same rate fund or revenue as would be specifically chargeable (otherwise than under the provisions of the section of this Act whereof the marginal note is “Power to use one form of mortgage for all purposes”) as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security; and

(b) Not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(b) Credit such account or accounts in the sinking fund as the Corporation may determine with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from the sinking fund and thereupon the statutory borrowing powers shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security.

(3) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Scheme  
for fixing  
equated  
periods.

**166.**—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans then contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans

shall be discharged and may make provision in regard to all matters incidental thereto. A.D. 1902.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act. Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

**167.—(1)** Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with stock issued by the Corporation and with all other securities granted by the Corporation at any time after the date of the first creation of such stock.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.



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(6) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

(8) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(10) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to  
grant gra-  
tuities in cer-  
tain cases.

**168.**—(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.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of

such officer or servant would have been charged or paid if he had continued in his office or service. A.D. 1902.

**169.** The Corporation may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of York in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Corporation and paid out of the poor rate and other local rates and funds in such proportions as the Corporation shall determine. Assistants to overseers.

## PART XV.

### MISCELLANEOUS.

**170.** Notwithstanding anything contained in section 175 of the Public Health Act 1875 any lands acquired by the Corporation in pursuance of any powers in that Act contained and not required for the purpose for which they were acquired may with the approval of and subject to such conditions as may be imposed by the Local Government Board be retained and used by the Corporation for any other purpose for which the Corporation are for the time being empowered to hold lands in like manner as if they had been originally acquired for such last-mentioned purpose. Appropriation of lands acquired under Public Health Act 1875.

**171.** Where the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they were authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach of conditions of consent of Corporation.

**172.** Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

**173.** The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875. Expenses may be declared private improvement expenses.

A.D. 1902.

General  
provisions as  
to byelaws.

**174.** The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws made by the Corporation under this Act except byelaws to which the provisions of section 23 of the Municipal Corporations Act 1882 are applied by this Act:

Provided that in the application of such provisions to the making of byelaws under the section of this Act whereof the marginal note is "Regulations as to heavy traffic near York Minster" the Secretary of State shall be substituted for the Local Government Board and that in the application of such provisions to the making of byelaws under Part XII. (River Ouse Navigation and River Foss Navigation) the Board of Trade shall be substituted for the Local Government Board.

Application  
of sections  
265 and 306  
of Public  
Health Act  
1875.

**175.** Section 265 (Protection of local authority and their officers from personal liability) and section 306 (Penalty on obstructing execution of Act) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Inquiries by  
Local  
Government  
Board.

**176.—**(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 upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes 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.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Authentica-  
tion and  
service of  
notices.

**177.—**(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation or his name affixed to any such notice or demand in print or by a stamp shall be sufficient authentication and any licence or consent granted or given under this Act shall be sufficiently authenticated if signed by the town clerk or other duly authorised officer.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act



Provisional Order or byelaw for the time being in force within the city 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, that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

(3) Section 183 of the Act of 1884 is hereby repealed.

**178.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence 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 or a petty sessional court 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 made by a court of summary jurisdiction or a petty sessional court the Corporation may in like manner appeal.

**179.** 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 by the Public Health Acts.

**180.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures 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.

**181.** Save as herein expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

**182.** All penalties recovered on the prosecution of the Corporation under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the district fund except penalties recovered under the provisions relating to the River Ouse Navigation which shall be carried to the credit of the Ouse Navigation Fund.

A.D. 1902.

Judges not  
disqualified.

**183.** 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 a member of the Corporation or liable to any rate.

Crown  
rights.

**184.** Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

Costs of Act.

**185.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys borrowed under the provisions of this Act.

## SCHEDULES.

A.D. 1902.

### THE FIRST SCHEDULE.

#### MAXIMUM PLEASURE BOAT TOLLS.

For every pleasure boat propelled by steam electricity or other mechanical power	Eighteenpence.
Class 1 For every sculling boat pair-oared row-boat and skiff and for every randan canoe punt and dingey	Threepence.
Class 2 For every four-oared row-boat (other than the boats enumerated in Class 1) and sailing boat	Sixpence.
Class 3 For every row-boat shallop over four oars (other than the boats enumerated in Classes 1 and 2)	One shilling.
For every house-boat not exceeding fifty feet in length	One shilling and sixpence.
For every house-boat exceeding fifty feet in length	Two shillings and sixpence.

The above charges to be for passing once through by or over a lock and returning on the same day.

In lieu of the above tolls pleasure boats may be registered on the payment to the Corporation of the under-mentioned sums and shall in consideration of such payment pass the several locks free of any other charge from the 1st day of January to the 31st day of December in each year:—

	Per annum.
For every steam pleasure-boat propelled by steam electricity or other mechanical power	One hundred shillings.
For every row-boat of Class 1	Forty shillings.
For every row-boat or yacht of Class 2	Fifty shillings.
For every row-boat of Class 3	Sixty shillings.
For every house-boat	One hundred shillings.

In computing the tolls every number less than the entire numbers above stated is to be charged as the entire number.

Every vessel carried in or upon another vessel through by or over any lock to be charged as if separately navigated through by or over such lock but to an extent not exceeding one third of such maximum tolls.



A.D. 1902

THE SECOND SCHEDULE.

FORM NO. 1

(FORM OF MORTGAGE.)

By virtue of the York Corporation Act 1902 and of other their powers in that behalf them enabling the lord mayor aldermen and citizens of the city of York (herein-after called "the Corporation") in consideration of the sum of \_\_\_\_\_ pounds paid to the treasurer of the city by \_\_\_\_\_ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of \_\_\_\_\_ pounds shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of \_\_\_\_\_ per centum per annum from the day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ until payment of the said principal sum such interest to be paid half yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year] And it is hereby agreed that the said principal sum of \_\_\_\_\_ pounds shall be repaid at the Guildhall in the said city [(subject as herein-after provided) on the day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ ] [by \_\_\_\_\_ ]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the lord mayor and town clerk of the said city for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

## THE ENDORSEMENT WITHIN REFERRED TO.

A.D. 1902.

The within-named \_\_\_\_\_ consenting the within-mentioned time  
 for repayment of the within-mentioned principal sum of \_\_\_\_\_  
 is hereby extended to the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine  
 hundred and \_\_\_\_\_ [and the interest to be paid thereon on and from the  
 \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_  
 is hereby declared to be at the rate of \_\_\_\_\_ per centum per  
 annum] Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine  
 hundred and \_\_\_\_\_

## (FORM OF TRANSFER OF MORTGAGE.)

I [the within-named] \_\_\_\_\_  
 [of \_\_\_\_\_] in consideration of the \_\_\_\_\_  
 sum of \_\_\_\_\_ pounds paid  
 to me by \_\_\_\_\_ of \_\_\_\_\_  
 (herein-after called "the transferee") do hereby transfer to the transferee  
 [his] executors administrators and assigns [the within written security]  
 [the mortgage number \_\_\_\_\_ of the revenues of the Corporation  
 of the city of York bearing date the \_\_\_\_\_ day of \_\_\_\_\_ ]  
 and all my right and interest under the same subject to the several conditions  
 on which I hold the same at the time of the execution hereof and I the  
 transferee for myself my executors administrators and assigns do hereby agree  
 to take the said mortgage security subject to the same conditions Dated this  
 \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ .

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 Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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