



## CHAPTER ccxlv.

An Act to consolidate the parishes in the city of Carlisle A.D. 1904  
 into one parish to make further and better provision  
 for the health good government and improvement of  
 the city and for other purposes. [15th August 1904.]

**W**HEREAS the city of Carlisle in the county of Cumberland  
 (in this Act called "the city") is a municipal city under  
 the government of the mayor aldermen and citizens thereof acting  
 by the council (in this Act called "the Corporation") and the  
 Corporation acting by the council are the urban district council :

And whereas the city comprises the parishes of Botchergate  
 Caldewgate Rickergate Saint Cuthbert Within Saint Mary Within  
 and Eaglesfield Abbey and those parishes are included in the  
 Carlisle Union and sixteen guardians are elected for the said  
 parishes :

And whereas by virtue of subsection (2) of section 53 of the  
 Local Government Act 1894 the property powers and duties of  
 the authority under the Burial Acts 1852 to 1900 for the area  
 comprised in the parishes within the existing city of Carlisle and  
 the parishes of Saint Cuthbert Without Cummersdale and Belle  
 Vue were transferred to the council of the city and to the parish  
 councils of the parishes of Saint Cuthbert Without Cummersdale  
 and Belle Vue and such powers and duties are exercised by a joint  
 committee appointed in pursuance of the said subsection :

And whereas by two Orders of the Local Government Board  
 dated respectively the seventeenth day of March and the sixth day  
 of June one thousand eight hundred and ninety-eight the powers  
 to appoint overseers and assistant overseers and certain powers  
 duties and liabilities of the overseers or of the churchwardens  
 and overseers of each of the parishes within the city and the

A.D. 1904. powers of the vestry of each such parish under sections 3 and 4 of the Poor Rate Assessment and Collection Act 1869 were transferred to the Corporation and the powers of a parish council with respect to the repair and maintenance of public footpaths were conferred upon the Corporation :

And whereas it is expedient that the said several parishes in the city be amalgamated so as to form a new parish to be called the parish of Carlisle :

And whereas the Corporation are the owners of the cattle market in the city and of the gasworks by which the city and the neighbourhood thereof are supplied with gas and it is expedient that they be empowered to borrow further moneys for the purposes of their cattle market and gasworks undertakings :

And whereas it is expedient that further powers in relation to recreation grounds and the supply of electricity and to the health good government and improvement of the city be conferred upon the Corporation and that such other provisions be made as are contained in this Act :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the seventeenth day of November one thousand nine hundred and three after ten clear days notice by public advertisement of the meeting and of the purposes thereof in the Carlisle Journal a local newspaper 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 paid out of the city fund and city rate and the district fund and general district rate in equal proportions :

And whereas such resolution was published twice in the Carlisle Journal a newspaper circulating in the city 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 fifth day of January one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed :

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):—

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## PART I.

## PRELIMINARY.

1. This Act may be cited as the Carlisle Corporation Act 1904. Short title.

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

Act divided  
into Parts.

Part I.—Preliminary.

Part II.—Consolidation of Parishes.

Part III.—Recreation Grounds.

Part IV.—Police.

Part V.—Milk Supply.

Part VI.—Ice Creams.

Part VII.—Infectious Diseases.

Part VIII.—Sanitary Provisions.

Part IX.—Streets Buildings and Sewers.

Part X.—Sky-Signs and Advertising Vehicles.

Part XI.—Common Lodging-Houses.

Part XII.—Licensing.

Part XIII.—Electricity Supply.

Part XIV.—Finance.

Part XV.—Miscellaneous Provisions.

3. In this Act unless the subject or context otherwise requires— Interpreta-  
tion.

“The town clerk” “the treasurer” “the medical officer” “the surveyor” and “the inspector of nuisances” mean respectively the town clerk the treasurer the medical officer of health the surveyor and the inspector of nuisances of the city and include their respective deputies;

“The city fund” and “city rate” mean respectively the city fund and city rate of the city;

“The district fund” and “general district rate” mean respectively the district fund and general district rate of the city;

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- “Burial joint committee” means the burial joint committee appointed for the city and the parishes of Belle Vue Cummersdale and Saint Cuthbert Without by virtue of section 53 (subsections 2 and 3) of the Local Government Act 1894 ;
- “Hackney carriage” and “omnibus” have the meanings assigned to them respectively by the Town Police Clauses Acts 1847 and 1889 ;
- “Daily penalty” means a penalty for every day on which any offence is continued after conviction therefor ;
- “Statutory securities” 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 authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;
- “Dairy” includes any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale ;
- “Dairyman” includes 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 ;
- “The Public Health Acts” means the Public Health Act 1875 and any Act amending the same ;
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act amending the same ;
- “The Act of 1887” means the Carlisle Corporation Act 1887 ;
- “Existing” means existing immediately before the passing of this Act.

Words or expressions to which meanings are assigned by the Public Health Act 1875 or by any enactment incorporated with this Act have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

4. This Act shall extend and apply to and within the city except where otherwise expressed or implied.

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Application  
of Act.

## PART II.

### CONSOLIDATION OF PARISHES.

5.—(1) From and after the passing of this Act the existing parishes in the city shall be consolidated so as to form one parish for all civil purposes to be known as the parish of Carlisle and to be within the Carlisle Union.

Constituting  
parish of  
Carlisle.

(2) The overseers and assistant overseers of the said several parishes shall be the overseers and assistant overseers for the parish of Carlisle and shall continue in office until the thirty-first day of March one thousand nine hundred and five and then go out of office and from and after that date there shall be three overseers appointed for the parish of Carlisle and no more.

(3) Subject as aforesaid the Corporation shall as often as need be appoint an assistant overseer or assistant overseers for the parish of Carlisle and determine and specify the duties to be by him or them executed and performed.

(4) Subject to the foregoing provisions the provisions of the general law with respect to overseers assistant overseers and collectors of rates shall apply.

6.—(1) The number of guardians for the parish of Carlisle shall be sixteen and for the purposes of elections of guardians the said parish shall be divided into five wards which shall respectively be co-terminous in area with and bear the same names as the existing wards of the city for municipal purposes.

Provisions as  
to guardians.

(2) The first guardians shall be the persons who immediately before the passing of this Act were holding the office of guardians of the poor for the several existing parishes in the city and the Corporation shall forthwith by an order which they are hereby empowered to make for the purposes of this section fix the number of guardians for each ward and apportion the existing guardians among the wards so as to provide as far as practicable for each guardian continuing to represent as large a number as possible of his former constituents and every such guardian shall hold his office in the ward to which he shall be so assigned for the same period as he would have held such office if the existing parishes had not been consolidated.

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(3) Notwithstanding anything contained in this Part of this Act the powers of the Local Government Board under the general law shall not be affected.

Ecclesiastical divisions and charities.

7. Nothing in this Act shall affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which now is applicable for the benefit of any of the existing parishes in the city.

Valuation list.

8. Until new valuation lists are in force the valuation lists of the existing parishes in the city shall be deemed to be the valuation list of the parish of Carlisle.

Settlement of paupers.

9.—(1) Every person who has acquired a settlement in any existing parish in the city shall be deemed to have acquired a settlement in the parish of Carlisle.

Irremovability of paupers.

(2) Any person who has acquired a status of irremovability from any existing parish in the city shall be deemed to have acquired a status of irremovability from the parish of Carlisle.

(3) For all purposes of settlement and removal residence prior to the passing of this Act in any existing parish in the city shall be deemed to have been residence in the parish of Carlisle.

Saving for contribution orders and precepts.

10. Notwithstanding the consolidation of parishes effected by this Act all contribution orders made by the guardians of the poor of the Carlisle Union and all precepts made by the burial joint committee before the passing of this Act shall be as valid in law and be enforced as if this Act had not been passed.

Arrears of rates &c.

11.—(1) All arrears of rates which at the passing of this Act shall be due or owing in respect of any hereditament in any existing parish in the city shall be due and payable to and may be collected or recovered by the overseers of the parish of Carlisle appointed under this Act in like manner as they could have been collected or recovered by the overseers of the parish in which such hereditament was previously situate.

(2) All sums of money which at the passing of this Act shall be in the hands of the overseers of any existing parish in the city on account of any rates levied in such parish shall be duly accounted for by them and paid over to the overseers of the parish of Carlisle appointed under this Act.

(3) All debts and liabilities incurred by the overseers of any existing parish in the city in connexion with their duties as

overseers shall be a charge upon and be defrayed out of the rates leviable by the overseers of the parish of Carlisle appointed under this Act.

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12. Nothing in this Act contained shall be deemed to alter the district of any poor law medical officer or other officer of the Carlisle Poor Law Union.

Saving for districts of poor law officers.

### PART III.

#### RECREATION GROUNDS.

13. The Corporation may provide apparatus for games and recreation for the use of the public frequenting any public park garden and recreation ground within the city and may charge for the use thereof and they may make regulations with respect to the use and the payment for the use of such apparatus.

Power to provide apparatus for games.

14. The Corporation may pay or contribute towards the payment of a band of music to perform in any recreation ground or building for the time being belonging to or held by the Corporation or elsewhere in the city as they may direct and the Corporation may in any such recreation ground inclose a small area within which such band shall play and make byelaws for regulating the time and place for the playing of the band and the payments to be made for admission within such building or inclosure and for securing good and orderly conduct during the playing of the band. Provided that the payments or contributions of the Corporation for or towards such band shall be paid out of the district fund and general district rate and shall not in any one year exceed the amount which would be produced by a rate of one half-penny in the pound on the assessable value of the city to the general district rate.

Band of music.

15. The Corporation may set apart any portion of any park garden or pleasure ground for the time being belonging to or held by them for cricket bowls football tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of meetings of public or local interest and may make an agreement with any club or association by which such portion may be secured to the club or association but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Corporation may make byelaws for regulating the use of the portions of the park garden or pleasure ground so set apart.

Power to set apart and close pleasure grounds for games.



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Power to  
appoint  
officers.

16. 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 warrant signed by the 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.

Chairs seats  
and shelters  
for public  
use.

17. The Corporation may place or authorise any person or persons to place chairs seats or shelters in any street recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of chairs seats and shelters and for preventing injury or damage thereto.

Application  
of moneys  
received  
under this  
Part of this  
Act.

18. All moneys received by the Corporation under the provisions of this Part of this Act shall be carried to the credit of the district fund.

#### PART IV.

##### POLICE.

Extended  
definition of  
public place  
and street  
for certain  
purposes.

19.—(1) (A) Any place of public resort or recreation belonging to or under the control of the Corporation and (B) 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 sections 24 25 and 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

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;

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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.

**20.** 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 bookmaking 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.

## PART V.

### MILK SUPPLY.

**21.** Every dairyman supplying milk within the city from premises whether within or beyond the city shall notify to the medical officer all cases of infectious disease among persons engaged in or in connexion with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists Any dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings.

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

**22.** If the medical officer shall have reasonable cause to believe that any person in the city is suffering from infectious disease attributable to milk supplied within the city he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons to whom he has within such six weeks supplied milk within the city and the Corporation shall pay to him for every such list the sum of sixpence and after the rate

Medical officer may require dairymen to furnish lists of sources of their supply of milk and of their customers.

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Penalty for selling milk of diseased cows.

**23.** 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 on failing to isolate diseased cows.

**24.** 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.

Obligation to notify cases of tuberculosis.

**25.** 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.

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

Power to take samples of milk.

**26.**—(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.

(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 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.

**27.**—(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 surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(5) If in their opinion the dairyman fails to show cause why such an order 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 any 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 county district in which it is situate.

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(6) The said order shall be forthwith withdrawn on the Corporation or the 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.

Appeal.

**28.**—(1) The dairyman may appeal against an order of the Corporation made 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 and Fisheries 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.

(2) The Board of Agriculture and Fisheries 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 and Fisheries in the matter of the appeal.

(3) The court or the Board of Agriculture and Fisheries 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 and Fisheries as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Corporation.

Compensation to dairyman.

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

The court or the Board of Agriculture and Fisheries 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.

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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 the Board of Agriculture and Fisheries 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.

**30.** 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.

Procedure.

**31.** 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 fund and 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.

As to expenses.

**32.** This Part of this Act may be carried into execution by a committee of the Corporation 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 Corporation.

Execution of this Part of Act by Committee.

**33.** The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Corporation under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the city for the reception measurement storage or delivery of milk by persons selling milk by retail in the street.

Provisions as to retailers of milk.

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Notice of provisions of this Part of Act.

**34.** 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.

#### PART VI.

#### ICE CREAMS.

For regulating manufacture and sale of ice creams &c.

**35.**—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice creams or other similar commodity who within the city—

(A) Causes or permits ice creams or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

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

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

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

(2) In the event of any inmate of any building any part of which is used for the manufacture of ice cream or any 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 may compensate the owners of the ice cream or similar commodity or materials so destroyed.

Inspection of premises.

**36.**—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice creams or other similar commodity for the purpose of inspecting such premises and the

materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 of the Public Health Act 1875 in the cases therein mentioned. A.D. 1904.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

**37.** Every dealer in ice creams or other similar commodity vending his wares from any cart barrow or other vehicle or stand must have his name and address legibly painted or inscribed on such cart barrow or stand and if he fails to comply with this enactment he shall be liable to a penalty not exceeding forty shillings. As to dealers in ice creams.

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

## PART VII.

### INFECTIOUS DISEASES.

**39.** Where on the certificate of the medical officer it appears to the Corporation that any articles in any house or part thereof are in such a filthy and dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Corporation may 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. Filthy and dangerous articles to be purified or destroyed.

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

**40.** Any person taking or sending to any public wash-house or to any person for any 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 Disinfection of infected clothes &c.



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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.

Prohibiting conveyance of infected persons in public vehicle.

41. It shall not be lawful for any owner or driver of a public vehicle used for the carrying of passengers at separate fares knowingly to convey or for any other person knowingly to place in any such public vehicle a person suffering from any infectious disease or for a person suffering from any such disease to enter any such vehicle and every person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Driver &c. conveying infected person to give notice to medical officer &c.

42. If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer and shall cause such vehicle to be disinfected and if he fails to do so he shall be liable to a penalty not exceeding five pounds and the owner or driver of such vehicle shall be entitled to recover in a summary manner from the person so conveyed by him or from the person causing that person to be so conveyed a sum sufficient to cover any loss and expense incurred by him in connexion with such disinfection. It shall be the duty of the Corporation when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering.

Child suffering from infectious disease not to attend school.

43.—(1) No person being the parent or having the care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others.

(2) If any person offend against this enactment he shall be liable to a penalty not exceeding forty shillings.

Power to medical officer to examine school children.

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

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

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

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

Principals of schools to furnish lists of scholars.

46. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the city or pick fruit intended for consumption within the city or engage in any trade or business connected with food intended for consumption within the city or carry on any trade or business in such a manner as to be likely to spread infectious disease within the city and if he does so he shall be liable to a penalty not exceeding forty shillings.

Infected person not to carry on business &c.

47. No person shall take out of any public or 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 public or lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Protection against infection of books in public libraries.

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Power to  
compensate  
persons sus-  
pending  
employment.

48. 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.

Corporation  
may pay  
expenses of  
person in  
hospital.

49. Where a person not being a pauper is received as a patient into any hospital for infectious diseases 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.

Byelaws  
regulating  
hospitals.

50. The Corporation may make byelaws for regulating the admission to and discharge of patients from any hospital for infectious diseases 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.

Penalty on  
furnishing  
false infor-  
mation to  
medical  
officer.

51.—(1) The occupier of any building in the city which is used for human habitation and in which there is or has been any person suffering from a dangerous infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) "Occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

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

52.—(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 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 shall pay to the owners of the clothes and bedding so disinfected or destroyed reasonable compensation for the injury or destruction thereof.

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

**53.** When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the city of such disease the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Certificate required before removal by railway &c. of body of person dying of infectious disease.

**54.—**(1) Where it appears to the Corporation upon the certificate of the medical officer that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to retain infection or the destruction of such articles would tend to prevent or check any infectious disease the Corporation may serve notice on the occupier or where the house or part thereof is unoccupied on the owner of such house or part thereof that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed by the Corporation unless the person so notified informs the Corporation within a time to be specified in the notice from the receipt of the said notice that he will cleanse or disinfect the house or part thereof with any such articles or destroy such articles to the satisfaction of the medical officer as testified by certificate by him within a time fixed in the notice.

Cleansing of infected house and removal of persons therefrom. Power to provide reception house.

(2) If either—

(A) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Corporation as aforesaid; or

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(b) Having so informed the Corporation he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice; or

(c) The occupier or owner as the case may be without such notice gives his consent;

the house or part thereof and the articles shall be cleansed and disinfected or such articles destroyed by the officers of and at the cost of the Corporation.

(3) For the purpose of carrying into effect this section the Corporation may enter on any premises between nine o'clock in the morning and six o'clock in the evening.

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

(5) When the Corporation have disinfected any house or part of a house or any article under the provisions of this section they shall compensate the occupier or owner of such house or part of a house or the owner of such article for any damage thereby caused to such house part of a house or article and when the Corporation destroy any article under this section they shall reasonably compensate the owner thereof and the amount of any such compensation shall be recoverable in a summary manner.

For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

(6) The Corporation may for the purposes of this section—

Themselves build a place of reception;

Contract for the use of any place of reception.

Any expenses incurred by the Corporation under this section shall be paid out of the district fund and general district rate.

**55.** 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 town hall and by the distribution of handbills among 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.

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Notice of provisions of Part VII. of this Act.

## PART VIII.

## SANITARY PROVISIONS.

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

Soil-pipes to be ventilated.

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

Rain-water pipes not to be used as soil-pipes.

**58.—(1)** When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may by written notice to the owner of any building require any existing closet accommodation (other than a watercloset) provided at or in connexion with such building to be altered so as to be converted into a watercloset which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

Conversion of existing closet accommodation into water-closets.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in



A.D. 1904. so doing Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such state as to create a nuisance or to be dangerous or injurious to health then the Corporation shall bear and pay such sum towards the expenses incurred by them (not less than one-half thereof) as the Corporation may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(4) The notice under the provisions of this section shall state the effect of the provisions of this section.

As to appeal under last preceding section.

**59.**—(1) Where any person deems himself aggrieved by any requirements of the Corporation under the last preceding section or disputes the reasonableness of the expenses charged to him by the Corporation under such section such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties :

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(2) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Byelaws as to water-closets &c.

**60.** The Corporation may make byelaws with respect to waterclosets and may by such byelaws prescribe the description or 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.

Provision for filling up cesspools.

**61.** 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 in writing 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 ashpit 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.

Where it appears that any such cesspool receptacle ashpit or well is used in common by the occupiers of two or more houses or parts of houses the notice for filling up or removal of any such cesspool receptacle ashpit or well may be served on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

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 in a summary manner as a civil debt or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

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

Provision as to houses without water supply.

**63.** The powers of the Corporation under section 39 of the Public Health Act 1875 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large and to provide and maintain in proper and convenient situations lavatories in or under any such street for the use of

Public conveniences and lavatories.

A.D. 1904. the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (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 frequenting the same and may let any such sanitary conveniences and any such lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

Inspection of drains &c.

64.—(1) On complaint made on oath by the surveyor medical officer or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such surveyor medical officer or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or cesspool or any water supply sink rain-water cistern trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for that purpose or for the purpose of ascertaining the course of any such work the surveyor medical officer or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twelve hours notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink rain-water cistern trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the surveyor medical officer or inspector of nuisances or their authorised assistants think fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor medical officer or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(2) If upon such inspection it shall be found that no nuisance exists or that the nuisance is not caused by or is not attributable to such drain sanitary convenience or cesspool water supply sink rain-water cistern trap syphon pipe or other work or apparatus the Corporation shall cause any of such works or apparatus which they may have taken up or disturbed to be reinstated and made

good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Corporation and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(3) If upon such inspection any drain sanitary convenience or cesspool water supply sink rain-water cistern trap syphon pipe or other work or apparatus is found to be in such a state as to cause a nuisance the Corporation shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to abate the nuisance and if such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings or the Corporation if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

(4) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

**65.—**(1) Whenever the medical officer 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 an order of a court of summary jurisdiction apply such test (except the test of water under pressure) as he may consider efficient to such drains for the purpose of discovering any defects therein. Any owner or occupier who refuses notwithstanding such order to allow such test to be made shall be liable to a penalty not exceeding forty shillings and to a daily penalty of twenty shillings.

Owners &c.  
to permit  
drains to be  
tested.

(2) If the drains be found defective the owner or occupier 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 carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the

A.D. 1904. works and recover the costs thereof from the owner or other person liable under the lease or contract in a summary manner as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Act.

(3) For the purposes of this section the word "drain" includes any sewer which is not vested in the Corporation.

Reconstruction of drains.

**66.** 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 and regulations relating to the drainage of new buildings.

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

Improper construction or repair of watercloset or drain.

**67.** If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a 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 proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

Wilful damage to drains water-closets &c.

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

**69.** If any trade refuse materials or rubbish of a like description be deposited in any watercloset privy cesspool ashpit or dustbin 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 and may be recovered summarily as a civil debt.

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Charge for emptying privies of trade refuse.

**70.** Any river stream or watercourse or any part or parts thereof respectively within the city so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into land and property adjacent thereto shall be deemed a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

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

## PART IX.

### STREETS BUILDINGS AND SEWERS.

**71.—(1)** No new street shall be laid out so as to be more than one hundred and fifty 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.

**72.** 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 indicate the approved line and level thereof. 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.

No buildings allowed until street defined.

**73.** 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

Provision for preventing formation of culs-de-sacs.

A.D. 1904. condition unless the person laying out the street can show that it is impossible for him to comply therewith and 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.

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

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

Materials in streets sewered and paved.

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

As to urgent repairs to private streets.

76.—(1) 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.



(2) If within such reasonable time as the Corporation may in such notice have specified repairs are not executed the Corporation may execute the repairs and may recover the cost of so doing from the owner or owners in default or if there be more than one owner in proportion to frontage summarily as a civil debt.

(3) If the Corporation are unable to discover the name or abode of any owner the Corporation may execute such repairs without having served upon him any notice.

77. 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 front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation and in case the Corporation for the space of one month after any plan 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 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 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.

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

78. 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 of 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

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



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

Separate  
sewers.

79. Where under the provisions of the Public Health Acts or this Act the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively And the Corporation may if such separate sewers have been provided from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only and where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers 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 :

Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid 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 house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and pending any such alteration the said penalty shall not apply.

Yards to be  
paved.

80. If any yard or open space in connexion with any dwelling-house erected before the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface water being carried off to the drains the Corporation may give to the owner of such house notice in writing requiring

him within fourteen days after such notice shall have been so given to proceed to form and to flag asphalt or pave the whole or so much of such yard or open space as will allow of the surface water being carried off to the drains and within twenty-eight days after such notice shall have been so given to complete such several works to the satisfaction of the Corporation and if such owner shall make default in complying with any of such requirements to the satisfaction of the Corporation within the respective times aforesaid the Corporation may if they think fit execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Corporation by such owner and shall be recoverable summarily as a civil debt.

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**81.** If in any new street the Corporation for the purpose of main drainage or otherwise shall require a larger sewer or drain to be made than they consider necessary for the ordinary sewerage or drainage of such new street the person laying out such new street shall construct such enlarged sewer or drain in accordance with the requirement of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Corporation may require enlarged sewer.

**82.** Where under the provisions of the Act of 1887 or 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 are recoverable by the Corporation from the owners or occupiers shall be paid by the owners or (as the case may be) occupiers 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.

**83.** The Corporation may declare any expenses incurred by them under the provisions of the Act of 1887 or 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.

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

Exemption of buildings of railway companies.

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## PART X.

## SKY-SIGNS AND ADVERTISING VEHICLES.

Sky-signs.

**85.**—(1) 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 :

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 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 :

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 consequence 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 or public way and includes all and every part of any such post pole standard framework or other support. The expression "sky-sign" shall also include 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 or public way but shall not include (i) any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement (ii) 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 (iii) any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway 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 or public place.

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

As to  
hoardings  
and other  
structures  
used for  
advertising  
purposes.

(2) It shall not be lawful after the passing of this Act to erect wholly or partly for advertising purposes any such hoarding or similar structure 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 or similar structure as the Corporation may determine.

(3) The owner or other person using any hoarding wall or other 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

**A.D. 1904.** if any paper affixed for advertising purposes to such hoarding wall or other structure falls off or becomes detached shall forthwith remove and clear away such paper.

(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) Any consent or condition given or made under this section may be under the hand of the town clerk or the surveyor.

(6) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk provided he give twenty-four hours written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable summarily as a civil debt.

(7) Section 147 of the Act of 1887 is hereby repealed.

Restriction  
on advertis-  
ing vehicles.

**87.** It shall not be lawful in any street in the city to use any vehicle exclusively or principally for the purpose of displaying advertisements 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 Any person aggrieved under this section by the refusal of the Corporation to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk provided he give twenty-four hours notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable summarily as a civil debt.

## PART XI.

### COMMON LODGING-HOUSES.

Regulations  
as to common  
lodging-  
house  
keepers.

**88.** 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 appointed by him for that purpose and whose name is registered at the office of the town clerk 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. If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

**89.** Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the Corporation be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all waterclosets and urinals shall be provided with a proper water supply laid on for flushing purposes. Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Corporation requiring him to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. The expression "sanitary conveniences" in this section includes urinals waterclosets and any similar convenience.

Sanitary conveniences to be provided for inmates of common lodging-houses.

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

(B) The Corporation may refuse to register or re-register any house which they do not consider suitable for the purposes of a common lodging-house.

(C) Any person aggrieved by any 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.

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(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 four 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.

Power to close infected common lodging-houses.

**91.** If the Corporation deem it necessary on account of the existence or recent existence therein of infectious disease to close a common lodging-house they may make an application to a justice for an order to close the same and the justice if satisfied of the necessity of such closing may make an order for the closing of such house until the same shall have been disinfected to the satisfaction of and certified to be free from infection by the medical officer and any keeper of a common lodging-house who shall receive any lodger or suffer to permit any lodger to remain in such house after an order has been made to close the same and during the continuance of such order shall be liable to a penalty of five pounds for every day during which the offence continues.

The Corporation shall make compensation to the keeper of any such lodging-house for any loss he may sustain by reason of such closing.

Notice to common lodging-house keepers.

**92.** 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 XII.

### LICENSING.

Signature of licences.

**93.** Any licence for a hackney carriage or omnibus or for the driver or conductor of a hackney carriage or omnibus may be signed by the town clerk and need not be under the seal of the Corporation.

Provisions as to licences.

**94.** An occasional licence for a hackney carriage or omnibus may be granted by the Corporation to be in force for such day or days or other period less than one year as may be specified in the licence.

As to licensing of slaughter-men.

**95.** The Corporation may by advertisement in a newspaper published in the city and by a notice affixed to the principal door of the town hall give notice that they are prepared to license fit



and proper persons to act as slaughtermen and from and after the expiration of two months from the date of such notice no person shall slaughter any animal in any slaughter-house in the city except he hold in his own right the licence of the Corporation in that behalf and the following provisions shall have effect (that is to say) :—

For every such licence there shall be paid to the Corporation such fee as the Corporation may from time to time fix not exceeding one shilling Every person seeking such licence shall sign a requisition therefor in the form from time to time provided by the Corporation and shall therein truly state his name age and place of abode and shall also if required give proof satisfactory to the Corporation of his fitness to receive a grant of such licence and if such person make any statement or give any proof required by this section falsely or wilfully omit to make any such statement he shall for every such offence be liable to a penalty not exceeding five pounds ;

In every such licence the name and surname and the place of abode of the owner thereof (herein-after called "the licencee") shall be stated and the number of his licence ;

The town clerk shall keep a book in which shall be truly entered the particulars of every licence and every offence committed by the licencee shall be duly entered therein and this book shall be open to inspection at reasonable hours without fee ;

Every such licence shall unless revoked be in force for one year only ;

The Corporation may upon the conviction of any licencee of any offence under this Act or any byelaw for the time being in force for the regulation of the slaughter-houses or for any other sufficient cause suspend or revoke his licence ;

The town clerk may indorse on the licence a memorandum of the conviction of any or every offence of which the holder thereof shall have been convicted :

And the Corporation may from time to time make and enforce regulations for all or any of the following purposes (namely) :—

For regulating the applications for such licences and the form and contents and signature thereof and the registration thereof ;

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For regulating the conduct of the licencees and for requiring them to wear badges and for preventing the use of obscene and blasphemous language in the slaughter-houses and the exercise of cruelty towards any animal therein or in the fasting-houses connected therewith;

For prescribing the respective parts of the slaughter-houses to which alone any particular persons or class of persons shall have access:

And every person who shall not comply with any such regulation shall be liable for every breach thereof to a penalty not exceeding five pounds.

Corporation  
may licence  
drovers.

**96.**—(1) The Corporation may grant to any person carrying on or desiring to carry on within the city the business or calling of a drover a licence on such terms and revocable in such cases and events as the Corporation may prescribe.

(2) The Corporation may demand and take for every such licence any sum not exceeding four shillings for twelve months and in the like proportion for any shorter period not being less than three months and may attach to such licence the terms and conditions of revocation or suspension of any such licence.

(3) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as a licensed drover he shall be liable to a penalty not exceeding twenty shillings.

### PART XIII.

#### ELECTRICITY SUPPLY.

Supply of  
electrical  
energy out-  
side city.

**97.** If the local authority for any district adjacent to 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 the Corporation and such local authority may enter into and carry into effect agreements for the supply of electrical energy in bulk by the Corporation to such authority but such agreements shall in all respects be subject to the approval of the Board of Trade:

Provided that any supply of electrical energy under this section and any works constructed for that purpose shall be subject to all provisions for the protection of the Postmaster-General's lines and his rights in respect thereof which are contained in the Carlisle Electric Lighting Order 1895.

**98.** Notwithstanding anything in the Electric Lighting Acts 1882 and 1888 or in the Carlisle Electric Lighting Order 1895 contained 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 and 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 Electrical Engineers.

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—  
As to supply of electricity where consumer has separate supply.

**99.** The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the same or other premises.

Corporation may refuse to supply electrical energy in certain cases.

**100.**—(1) The Corporation may within the city provide sell let for hire and fix set up alter repair and remove but shall not manufacture lamps meters electric lines fittings 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 apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) 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 supplied let fixed set up altered repaired or removed.

Corporation may provide electrical apparatus.

(2) Any expenses incurred by the Corporation in carrying into effect the provisions of this section shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall accordingly extend and apply

**A.D. 1904.** — to such expenses and any money received by the Corporation under this section shall be applied in manner provided by section 52 of the Carlisle Electric Lighting Order 1895 except capital money which shall be applied in manner provided by section 53 of that Order.

(3) No electric motor engine lamp meter electric line or other electrical fitting and apparatus for the use of electricity let for hire by the Corporation shall be subject to distress or to the landlord's remedy for rent nor 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 motor engine lamp meter fitting or apparatus is marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

**Discount on electrical charges &c.**

**101.** The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five 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 notice to this effect shall be contained 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.

**Altering date for filling up annual accounts for electric lighting.**

**102.** Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained 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 electric lighting 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 XIV.

##### FINANCE.

**Paid auditors.**

**103.** The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants in England and Wales or of the Incorporated Society of Accountants

and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in addition to the auditors appointed under the Municipal Corporations Act 1882.

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**104.** The accounts of the Corporation under this Act shall be audited in like manner and with the like incidents as the accounts of the Corporation under the Municipal Corporations Act 1882.

Accounts to be audited.

**105.** Notwithstanding anything in section 14 of the Lancaster and Carlisle Railway Act 1846 the sum of six thousand pounds therein mentioned may be invested in manner provided by section 283 of the Act of 1887.

Amending section 14 of Lancaster and Carlisle Railway Act 1846.

**106.** The Corporation may from time to time in addition to any moneys now borrowed by them and which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any general Act borrow at interest on the following securities and for the following purposes not exceeding the following sums or such part thereof as may from time to time be borrowed and to be repaid from time to time within the periods (to be calculated unless otherwise provided from the respective dates at which the same or any part thereof shall have been borrowed) set opposite to the same respectively in this section and herein-after referred to respectively as "the prescribed period" (that is to say) :—

Power to borrow.

For paying the taxed costs charges and expenses preliminary to and of and incidental to the preparing and applying for obtaining and passing of this Act the sum required for that purpose as to one-half thereof upon the city fund and city rate and as to the remainder on the district fund and general district rate to be repaid within the period of five years from the passing of this Act :

For the purposes of their cattle market undertaking such sum not exceeding two thousand pounds as the Local Government Board may sanction upon the district fund and general district rate to be repaid within such period as that Board may approve not exceeding fifty years :

For the purposes of their gasworks undertaking such sum not exceeding fifteen thousand pounds as the Local Government Board may sanction upon the city fund and city rate to be repaid within such period not exceeding fifty years as that Board may approve.

**107.** The Corporation may with the sanction of the Local Government Board borrow on the security of the city fund and

Power to borrow with sanction of

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Local Government Board.

city rate or the district fund and general district rate such further sums of money not exceeding in the whole ten thousand pounds as may be necessary for carrying into execution any of the purposes of this Act other than those mentioned in the last preceding section and all moneys so borrowed shall be repaid within such periods from the respective times of borrowing the same and subject to such terms of repayment or otherwise as that Board shall prescribe.

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

**108.** The powers of borrowing money by this Act given 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 shall not be reckoned.

Mode of raising money.

**109.** 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 contained in the section of this Act whereof the marginal note is "Sinking fund" 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 1875 as to mortgages to apply.

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

Mode of payment off of money borrowed.

**111.** The Corporation shall pay off all moneys 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.

Sinking fund.

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

(A) By payment to the fund throughout the prescribed period of such equal sums as will together amount to the

moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called "a non-accumulating sinking fund;" or

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

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking



A.D. 1904. fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided always 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 accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

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

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

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—  
Protection of  
lender from  
inquiry.

**114.** The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them under this Act or any previous Act or Order relating to the city 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 a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register.

Corporation  
not to regard  
trusts.

**115.** The mortgagees 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 In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

Appoint-  
ment of  
receiver.

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

Power to  
re-borrow.

**117.—(1)** The treasurer 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

Annual  
return to  
Local Go-  
vernment  
Board.

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is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of such treasurer 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 treasurer 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 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.

**118.** 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.

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Expenses of  
execution of  
Act.

**119.** All expenses incurred by the Corporation in the execution of this Act which are not defrayed out of borrowed moneys or otherwise provided for shall be defrayed out of the city fund and city rate or the district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure think fit.

## PART XV.

## MISCELLANEOUS PROVISIONS.

**120.** The Corporation may close to the public and reserve the exclusive use of any swimming bath belonging to them and may grant the use thereof to any company body or persons either gratuitously or for payment for swimming contests practices or exhibitions of aquatic sports or exercises and may demand and take such sums for the exclusive use of such baths or for the admission of persons thereto as they may think fit Provided that no such swimming bath shall be closed under the powers of this section for more than six hours on any one day nor on more than two days in any one week.

Power to  
close baths  
and charge  
for exclusive  
use thereof.

**121.** The Corporation may on the application of the owner or occupier of any premises within the Corporation's water gas or electricity limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water gas or electricity and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing of such supply.

Power to lay  
pipes in  
streets not  
dedicated to  
public use.

**122.** All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 except so much thereof as relates to byelaws made by a rural sanitary authority.

General pro-  
visions as to  
byelaws.

**123.** In the case of any notice or demand under this Act requiring authentication by the Corporation the signature of the mayor or town clerk or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by the two hundred and sixty-seventh section of that Act authorised to be served Provided

Authentica-  
tion and  
service of  
notices &c.

A.D. 1904. that in the case of any company any such notice or demand shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Minutes of proceedings of council may be in print.

**124.** The minutes of the proceedings of the council and of any committee appointed by the council shall be deemed to be fairly entered in a book as required by paragraph 12 of the Second Schedule to the Municipal Corporations Act 1882 or by any other enactment if a printed copy of such minutes signed in manner authorised by that Act or other enactment be inserted in a book kept for that purpose.

Damages and charges in case of dispute to be settled by justices.

**125.** Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by the court of summary jurisdiction before whom any offender is convicted.

Compensation how to be determined.

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

Informations &c. by whom to be laid.

**127.** Save as herein is expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder or of any of the provisions of the Town Police Clauses Act 1847 and the Towns Improvement Clauses Act 1847 as respectively incorporated with the Public Health Act 1875 and this Act or of the Town Police Clauses Act 1889 may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by the chief constable or any superintendent of police acting for or within the city.

Recovery of penalties &c.

**128.** 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.

As to appeal.

**129.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of

any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision of this Act may in cases where no other appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Corporation may in like manner appeal.

A.D. 1904.

**130.** All penalties recovered under this Act or under any byelaw thereunder (except penalties against the Corporation) shall be paid to the treasurer and be by him as to penalties in connexion with municipal matters carried to the credit of the city fund as to penalties in connexion with sanitary matters carried to the credit of the district fund and as to penalties in connexion with other matters carried to such fund as the Corporation may direct.

Penalties to be paid over to treasurer &amp;c.

**131.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for indictments.

**132.** Any summons or warrant issued or given for any purpose of this Act may contain in the body thereof or in a schedule thereto several sums.

Several sums in one summons.

**133.** No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member officer or clerk of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer clerk or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation.

Persons acting in execution of Act not to be personally liable.

**134.—(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

Inquiries by Local Government Board.

A.D. 1904. — 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 the sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Consents of Corporation to be in writing.

**135.** All consents of and permissions given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

Judges not disqualified.

**136.** 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.

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

Costs of Act.

**138.** All the costs charges and expenses preliminary to and of and incidental to the preparing and obtaining 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 as to one-half thereof out of the city fund and city rate and as to the other half out of the district fund and general district rate or out of moneys borrowed on the security thereof under the authority of this Act.

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