



CHAPTER clxxxviii.

An Act to empower the lord mayor aldermen and citizens of the city of York to construct a new street and street improvements and to provide and run trolley vehicles and motor omnibuses to make further provision in regard to their light railway electricity and markets undertakings and the health local government and improvement of the city and for other purposes.

A.D. 1914.

[10th August 1914.]

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

And whereas it is expedient to empower the Corporation to construct the new street and other street improvements referred to in this Act and to acquire lands for and in connection with the construction thereof and that the provisions of this Act relating thereto should be enacted :

And whereas in pursuance of powers conferred upon them by the York Corporation Light Railways Orders 1908 and 1912 the Corporation are the owners of and are working a system of light railways in the city and in the adjoining parish of Fulford Water and it is expedient to confer further powers upon them in relation to their light railway undertaking and to empower them to provide and work motor omnibuses and mechanically propelled vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") and to confer upon the Corporation all necessary and convenient powers with regard thereto :

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And whereas by the York Electric Lighting Order 1890 the Corporation were empowered to supply electrical energy for public and private purposes within the city and it is expedient to make further provision in regard to their electric lighting undertaking for the time being :

And whereas it is expedient to make further and better provision with regard to streets and buildings in the city and that the powers of the Corporation in regard to the health local government and improvement of the city be enlarged as by this Act provided :

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

(a) For and in connection with the purchase of lands for and the construction of the new street and street improvements authorised by this Act	£ 5,250
(b) For the provision of the trolley vehicles authorised by this Act	9,800
(c) For the provision of the electrical equipment and other works necessary for working the trolley vehicles authorised by this Act	8,700
(d) For the provision and equipment of motor omnibuses	12,000
(e) For the purchase of lands for the purposes of the light railway trolley vehicle and motor omnibus undertakings of the Corporation and for the erection of buildings thereon	15,350

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the city and are in this Act respectively referred to as the deposited plans sections and book of reference: A.D. 1914.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the York Corporation Act 1914. Short title.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Lands and Works.

Part III.—Trolley Vehicles Motor Omnibuses and
Light Railways.

Part IV.—Electricity.

Part V.—Markets.

Part VI.—Recreation Grounds &c.

Part VII.—Streets Buildings Sewers and Drains &c.

Part VIII.—Infectious Disease and Sanitary Provisions.

Part IX.—Common Lodging Houses and Houses let
in Lodgings.

Part X.—Financial Provisions.

Part XI.—Miscellaneous Provisions.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act. Incorporation of Acts.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or Interpretation.

A.D. 1914. context repugnant to such construction And in this Act unless the subject or context otherwise requires--

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

“The city” means the city of York;

“The council” means the council of the city;

“The borough fund” “the borough rate” “the district fund” “the general district rate” “dairyman” “infectious disease” “statutory security” and “daily penalty” have the meanings assigned to them respectively by section 3 (Interpretation) of the Act of 1902;

“The lord mayor” “the town clerk” “the medical officer” “the surveyor” and “the inspector of nuisances” mean respectively the lord mayor the town clerk the medical officer of health the surveyor and any inspector of nuisances of the city and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

“Trolley vehicle routes” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;

“Motor omnibus” means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power;

“The tribunal” means the jury arbitrator umpire or other authority to whom any question of disputed purchase money or compensation under this Act is referred;

“The Act of 1884” “the Act of 1902” and “the Act of 1913” mean respectively the York Extension and Improvement Act 1884 the York Corporation Act 1902 and the York Corporation Act 1913.

PART II.

LANDS AND WORKS.

Power to acquire lands.

5. Subject to the provisions and for the purposes of this Act (including the providing of space for the erection of

buildings adjoining or near to any street) the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference. A.D. 1914.

6. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

7. The quantity of land which may be taken by the Corporation from the common or commonable land known as Clifton Green in the parish of York under the powers conferred upon them by this Act shall not exceed three hundred square yards. Limiting quantity of commonable land to be taken.

8.--(1) Whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:— Owners may be required to sell parts only of certain lands and buildings.

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

A.D. 1914.

- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and

properly incurred by him in consequence of such notice: A.D. 1914.

(g) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 (No party to be required to sell part of a house) of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed upon every notice given thereunder to sell and convey any premises.

9. The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of their light railway trolley vehicle or motor omnibus undertakings or for other the purposes of this Act but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed five acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands. Power to purchase additional lands by agreement.

10. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts Persons under disability may grant easements &c.

A.D. 1914. with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
retain sell
&c. lands.

11. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them prior to or under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of
sale of sur-
plus lands.

12. So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired or held under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Provided that—

(a) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase:

(b) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

13. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works hereinafter described together with all necessary or proper works and conveniences connected therewith or incident thereto.

A.D. 1914.
Power to
construct
works.

The works hereinbefore referred to and authorised by this Part of this Act will be situate in the city and are—

Work No. 1 A new street commencing at the junction of Livingstone Street with Salisbury Terrace and Lincoln Street continuing in a north-westerly direction and terminating in Waterworks Lane near to the south-westerly bank of the River Ouse:

Work No. 3 A street improvement comprising an extension of the road known as Clifton and a widening of the road which adjoins the southerly side of Clifton Green on the north side thereof:

Work No. 4 A street improvement comprising a widening of Burton Stone Lane on the north-west side thereof:

Work No. 5 A street improvement comprising a widening of Burton Stone Lane on the southerly side thereof.

14. In the construction of the street works authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding three feet either upwards or downwards.

Limits of
deviation.

15.---(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the street works authorised by this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or any pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in

Subsidiary
works.

A.D. 1914. — any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(2) Provided further that the Corporation shall not alter divert or otherwise interfere with any pipe wire or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

As to Clifton Green.

16.—(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not under the provisions of this Act be entitled to acquire or use any part of the common land known as Clifton Green and numbered 22 upon the deposited plans and in the deposited book of reference except the portion thereof which is coloured pink upon the plan signed in duplicate by Percy J. Spalding on behalf of the Corporation and by E. Ralph Dodsworth on behalf of the lords of the manor of Clifton and the commoners and other parties interested in Clifton Green aforesaid but subject to the provisions of this section the Corporation may use the said portion coloured pink (hereinafter in this section called “the said portion of Clifton Green”) for the purpose of constructing Work No. 3 authorised by this Act and for other the purposes of this Act.

(2) The Corporation shall not be entitled to acquire the fee simple of the said portion of Clifton Green but shall have the right to use the said portion of Clifton Green in connection with their light railway trolley vehicle and motor omnibus undertakings on paying to the lords of the manor of Clifton (on behalf of themselves the commoners and all other interested parties) a sum by way of rent of three pounds per annum.

(3) The said portion of Clifton Green shall upon such one day in each year as the Corporation may determine be closed for the use of light railway cars trolley vehicles and motor omnibuses unless the consent of one of the lords of the manor or his representative be previously obtained to such user.

(4) If at any time after the passing of this Act the Corporation shall cease to require the said portion of Clifton Green for the purpose of working and using light railway cars trolley

vehicles or motor omnibuses thereon they shall restore the same as nearly as may be to its condition prior to the passing of this Act. A.D. 1914.
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17. Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act. Power to
alter steps
areas pipes
&c.

18.—(1) The Corporation during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same. Temporary
stoppage of
streets.

(2) The Corporation shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

(3) The Corporation shall at all times during the execution of any such works maintain a reasonably sufficient access both for vehicular and pedestrian traffic to the North Eastern Railway Company's railway stations within the city.

19. So soon as two justices acting for and residing in the city shall certify that the new street (Work No. 1) authorised by this Part of this Act has been completed to their satisfaction and is open for public use the Corporation may stop up and discontinue as a public highway the existing footpath in the city leading from Salisbury Terrace to Waterworks Lane and as from the date of the said certificate all rights of way over or along the said existing footpath shall be extinguished. Stopping up
of footpath.

PART III.

TROLLEY VEHICLES MOTOR OMNIBUSES AND LIGHT RAILWAYS.

20.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the trolley vehicle routes. Power to
use trolley
vehicles.

A.D. 1914.

(2) The trolley vehicle routes are wholly in the city and are—

Route No. 1 Along Station Road (following in that road the line of Railway No. 2 authorised by the York Corporation Light Railways Order 1908) Leeman Road Lendal Bridge Approach Road Lendal Bridge Museum Street St. Leonard's Place Bootham Bootham Railway Bridge Clifton (as extended under the provisions of this Act) and the portion of Clifton Green South which is authorised to be widened under the provisions of Part II. of this Act:

Route No. 2 Along Nessgate Coppergate Pavement Whip-ma-whop-ma-gate St. Saviour-gate St. Saviour's Place Peaseholme Green Peaseholme Green Bridge Layerthorpe East Parade and Heworth Road:

Route No. 3 Along Nessgate Spurriergate Market Street Feasegate Parliament Street Church Street Goodramgate Monk Bar Monkgate Huntington Road and Haley's Terrace:

Route No. 4 Commencing by a junction with Route No. 1 at the intersection of Clifton and Burton Stone Lane and passing along Burton Stone Lane Haughton Road and Ratcliffe Street.

(3) Provided that—

(A) If at any time after the Corporation shall have commenced to work and use trolley vehicles upon Route No. 1 hereinbefore referred to the Board of Trade shall be of opinion that in consequence of the increase of traffic in Station Road it is dangerous or otherwise undesirable for trolley vehicles to be turned in that road opposite to the covered cab stand at the entrance to the passenger station of the North Eastern Railway Company that Board may by order require the Corporation to turn such vehicles at such other point as may be determined by the said Board:

(B) The Corporation shall not construct the trolley vehicle equipment along the portion of Route No. 3 which passes or is situate within fifty yards of Monk Bar until the Board of Trade shall have determined (and that Board are hereby authorised to determine) whether the equipment for working the vehicles running from

Goodramgate to Monkgate shall pass through that bar or along the roadway and through the arch adjoining the easterly side of the same and the Corporation shall construct such equipment and work such vehicles either through the said bar or along the said roadway adjoining the same as the Board of Trade may determine: A.D. 1914.

(c) The Corporation shall not commence to use trolley vehicles upon Routes Nos. 2 and 3 until they shall have widened the carriageway of St. Saviour-gate and St. Saviour's Place and Goodramgate respectively in manner shown upon the two plans which have been respectively signed in triplicate by Ernest Gardner the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of each of which plans has been deposited in the Private Bill Office of the House of Commons another copy with the Clerk of the Parliaments House of Lords and the third in the office of the Corporation:

(d) Nothing in this Act shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any waggon cart or other carriage is to be kept except (subject to the foregoing provisions of this section) for the purpose of passing Monk Bar.

21. The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run trolley vehicles or in under or over the surface of the streets or roads along which it may be necessary or convenient so to do for the purpose of providing access for the trolley vehicles to any car shed or depôt used in connection with the trolley vehicle undertaking or along which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station provide place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles by electrical power and may for that purpose subject to the provisions of this Act or of any enactment incorporated therewith or applied thereby open and break up any such street or road and any sewers drains As to electrical works.

A.D. 1914. water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

22. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working trolley vehicles and any person except by agreement with the Corporation using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Vehicles not to be deemed light locomotives or motor cars.

23. Trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

Licence duties on trolley vehicles.

24. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

Approval of vehicles and equipment by Board of Trade.

25.—(1) Trolley vehicles and the working equipment shall be of such form weight construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade and no vehicle shall except with the consent of that Board exceed six feet three inches in width.

(2) No post or other apparatus shall be erected on the carriageway of any street or road except with the consent of the Board of Trade.

Inspection by Board of Trade.

26. The trolley vehicle routes shall not nor shall any part thereof be opened for public traffic until the working equipment for the trolley vehicles has been inspected and certified to be fit for such traffic by the Board of Trade.

For protection of owners of bridges and culverts.

27.—(1) The Corporation shall so construct maintain and use the trolley vehicle equipment under or upon any bridge belonging to or maintainable by any person other than the

Corporation (in this section referred to as "the owner") as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge by the construction maintenance or user of the trolley vehicle equipment the Corporation shall at their own expense and to the reasonable satisfaction of the owner make good and restore the same. Provided that if in consequence of any such injury or damage it becomes or if the construction of the trolley vehicle equipment or the user thereof will render it necessary that such bridge should be rebuilt or strengthened the owner shall give to the Corporation notice accompanied by sufficient plans sections and specifications of the intended works and may after twenty-eight days from the date of the notice (or forthwith in case of emergency) proceed with all due despatch to execute all such works as may be reasonably necessary and the owner may recover from the Corporation all moneys reasonably expended by him in the execution thereof. A.D. 1914.

(2) The Corporation shall give to the owner notice in writing of the intention to commence any works under or upon or which may affect or interfere with the structural works of any such bridge and shall at the same time send sufficient plans sections specifications and other information to show the nature of such works and such works shall be constructed and thereafter maintained according to the plans sections and specifications and under the superintendence (if such superintendence shall be given) and to the reasonable satisfaction of the owner. Provided that the Corporation shall not commence any such works until such plans sections and specifications have been approved by the owner or in case of difference between the owner and the Corporation by an arbitrator to be appointed as hereinafter provided and if the owner fails to signify his disapproval thereof within twenty-eight days after receiving the said plans sections and specifications he shall be deemed to have approved.

(3) Any works by the Corporation under this section in so far as they affect or interfere with any such bridge shall if the owner so require be executed by him at the reasonable expense of the Corporation. If the owner intends so to execute such works he shall give to the Corporation notice of his intention and shall with all reasonable despatch commence execute and complete the said works in accordance with such plans sections and specifications approved as aforesaid. Provided that unless

A.D. 1914. — the owner gives the said notice to the Corporation within twenty-eight days after receiving from the Corporation the notice hereinbefore prescribed the Corporation may in accordance with such plans sections and specifications and under such superintendence as aforesaid themselves proceed to execute the works.

(4) If any such bridge as aforesaid upon which the trolley vehicle equipment is constructed is altered widened or rebuilt by the owner the owner may require the Corporation to alter the trolley vehicle equipment in such manner as the circumstances of the case may reasonably require and shall at the same time send sufficient specifications and other information to show the nature of the alteration required.

(5) If the owner hereafter requires to widen lengthen strengthen reconstruct alter or repair any bridge upon or under which the trolley vehicle equipment is constructed or to widen or alter any railway thereunder or to lift or support any such bridge the Corporation shall afford to the owner all reasonable and proper facilities for the purpose and if it should be necessary for such purpose that the working or user of any part of the trolley vehicle equipment upon such bridge be wholly or in part stopped or delayed or that such part of the trolley vehicle equipment be wholly or in part taken up or removed and if the owner accordingly gives to the Corporation seven days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such part of the trolley vehicle equipment shall be stopped or delayed or such part of the trolley vehicle equipment shall be taken up or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such part of the trolley vehicle equipment shall be restored with all possible despatch and in such case the owner shall not be liable to pay compensation in respect of such stoppage delay or taking up or removal as aforesaid.

(6) The provisions of this section shall apply in respect of any culvert and of the approaches (if any) to any bridge or culvert in the same way as they apply in respect of any bridge.

(7) If any difference arises under this section between the Corporation and the owner such difference shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration. A.D. 1914.

28. In addition to the provisions of the section of this Act of which the marginal note is "For protection of owners of bridges and culverts" the following provisions for the protection in any case of any railway company (in this section respectively called and severally referred to as "the protected company") shall except so far as it may be otherwise agreed in writing between the Corporation and the protected company have effect (that is to say):— For protec-
tion of rail-
way com-
panies.

(1) The Corporation shall not in any manner in the execution maintenance user or repair of any of the trolley vehicle equipment obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the protected company or any traffic thereon:

(2) The Corporation shall be responsible for and make good to the protected company all losses damages and expenses which may be occasioned to the protected company by or by reason of the execution or failure of any of the intended works or by reason of any act or omission of the Corporation or their contractors or of any person in the employ of either of them and the Corporation shall effectually indemnify the protected company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission:

(3) The Corporation shall on demand pay to the protected company the reasonable expense of the employment by the protected company during the execution or repair by the Corporation under this Act of any trolley vehicle equipment affecting any bridge railway or other work belonging to the protected company of a sufficient number of inspectors watchmen and signalmen to be appointed by the protected company for preventing all interference obstruction danger and accident from any of the operations acts or

A.D. 1914.

defaults of the Corporation or their contractors or of any person in the employ of either of them:

- (4) Any additional expense in the maintenance of any bridge or other work occasioned to the protected company by the construction or user of the trolley vehicle equipment shall be borne by the Corporation:
- (5) The protection afforded to the protected company by this section shall not extend to the case of any interference with the wires lines and apparatus of the protected company or the currents therein to which the section of this Act of which the marginal note is "Special provisions as to use of electrical energy as motive power" applies but the protected company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise entitled:
- (6) If having regard to the proposed position of any trolley vehicle equipment of the Corporation by this Act authorised when considered in relation to the position of the works of the protected company at any point where the wires of the protected company pass over the trolley vehicle equipment it is advisable in order to guard against any danger which might arise from such wires breaking or falling that the electric telegraphic telephonic or signal wires or apparatus of the protected company should be altered the protected company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation:
- (7) If any difference arises under this section between the Corporation and the protected company that difference shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Working
agreements
&c.

29.—(1) Subject to the provisions of this Act the Corporation may enter into and carry into effect rescind and renew contracts and agreements with any person authorised to enter into such agreements and owning and working any light railway

or tramway or trolley vehicle system connecting with the trolley vehicle routes with respect to the following purposes or any of them (that is to say):— A.D. 1914.

The working use running over management and maintenance of the trolley vehicle routes and the conveyance of traffic thereon:

The payments to be made and the conditions to be performed with respect to the matters aforesaid:

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the undertakings of the contracting parties:

The fixing collection payment appropriation apportionment and distribution between the contracting parties of the rates income and profits levied taken or arising from the undertakings of the contracting parties or any part thereof.

(2) Any such agreement shall be submitted to and shall be subject to the approval of the Board of Trade.

(3) The Corporation or any person using the trolley vehicle routes under the authority of this Act may subject to the provisions of this Act enter into agreements with any person with respect to the receiving from or forwarding to any such person any passengers goods minerals parcels or animals and the fixing collection and apportionment of tolls charges or other receipts arising in respect of such traffic.

30. The trolley vehicles used by the Corporation may be moved by electrical energy subject to the following provisions (that is to say):— Provisions for safety of public.

(1) The electrical energy shall not be used except according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this section referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of electrical energy for propelling the trolley vehicles and for regulating the use of electrical energy:

(3) The Corporation using any electrical energy contrary to the provisions of this Act or of the Board of Trade regulations shall for every offence be liable to a penalty not exceeding ten pounds and also in the

A.D. 1914.

case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Corporation have made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of electrical energy as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Corporation to cease to use such electrical energy or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electrical energy as motive power.

31. The following provisions shall apply to the use of electrical energy under this Act unless such energy is entirely contained in and carried along with the trolley vehicles (that is to say):—

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electrical lines and circuits and other works of all descriptions and also in working the undertaking so as not to injuriously affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:
- (3) The electrical energy shall be used only in accordance with the regulations of the Board of Trade and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures

or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

- (4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electrical wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:
- (6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

32.—(A) Notwithstanding anything in this Act contained if any of the works by this Act authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of

For protection of Postmaster-General.

A.D. 1914. section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of the trolley vehicles being worked by electricity the following provisions shall have effect (that is to say) :—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be referred to arbitration :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3) Before any electric line is laid down or any act or work for working the trolley vehicles by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference

which arises between the Postmaster-General and the Corporation as to any requirements so made shall be referred to arbitration: A.D. 1914.

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the trolley vehicle equipment by this Act authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such equipment or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for the purposes of this Act at any works of the Corporation enter thereon for the purpose of inspecting the plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations:
- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

A.D. 1914.

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Corporation" includes any person owning working or running trolley vehicles over the trolley vehicle system.

As to use of posts by Postmaster-General.

33.—(1) The Postmaster-General may in any street or public road or part of a street or public road in which he is authorised to place a telegraph use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the trolley vehicle system and may lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time may alter any telegraph so supported subject to the following conditions :—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicle system: A.D. 1914.
- (B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing (accompanied by sufficient plans) of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:
- (C) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicle system or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- (D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

A.D. 1914.

- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided : .
- (I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicle system or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :
- (J) If it should become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay

the Corporation the value of the same Provided A.D. 1914.
that if the Corporation object to the retention of
the post standard or bracket by the Postmaster-
General a difference shall be deemed to have arisen
and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with the trolley vehicle system or with their other municipal undertakings or shall take away any existing right of the Corporation of using or permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and by such company or person respectively shall be determined as hereinafter provided.

(3) Any difference arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "the Corporation" includes any person owning or working or running trolley vehicles on the trolley vehicle system the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

34.—(1) The Corporation may demand and take for every passenger travelling upon the trolley vehicles including every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny per mile and in computing the said rates and charges a fraction of a mile shall be deemed a mile Provided that the Corporation may appoint stages upon the trolley vehicle routes each of not less than half a mile in length and may demand and take for every passenger travelling upon the trolley vehicles including every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed a stage. Rates for
passengers.

(2) A list of all rates and charges authorised to be taken for passengers shall be exhibited in a conspicuous place inside each of the trolley vehicles.

A.D. 1914.
As to fares
on Sundays
and holidays.

35. It shall not be lawful for the Corporation or any person working or using the trolley vehicle routes to take or demand on Sunday or any bank or other public holiday any higher rates or charges for passengers than those levied by them on ordinary week days.

Rates for
special trol-
ley vehicles.

36. The Corporation may run special trolley vehicles on the trolley vehicle routes and such trolley vehicles shall be distinguished from other trolley vehicles in such manner as the Corporation may direct and they may demand and take for such trolley vehicles such fares and charges as may be agreed between the Corporation and the persons paying the same Provided that the running of such vehicles shall in no way curtail the ordinary service of trolley vehicles.

Passengers'
luggage.

37. Every passenger travelling upon the trolley vehicles may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but all such personal luggage must be carried by hand and at the responsibility of the passenger and must not be placed so as to occupy any part of a seat and must not be of a form or description to annoy or inconvenience other passengers.

Cheap fares
for labour-
ing classes.

38.—(1) The Corporation at all times after the opening of the trolley vehicle routes for public traffic shall run a proper and sufficient service of trolley vehicles for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday excepted) at such times not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance but in no case shall the Corporation be bound to charge a less sum than one penny Provided that on Saturdays the Corporation instead of running such vehicles after five in the evening shall run the same at such times between noon and two in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section. A.D. 1914.

39. The Corporation may demand and take in respect of any goods materials articles or things conveyed by them on the trolley vehicles including every expense incidental to the conveyance any rates or charges not exceeding the following (that is to say) :— Rates for goods &c.

	Any distance.
For any parcel not exceeding seven pounds in weight	s. d. - - - - - 0 2
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	- - - - - 0 4
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	- 0 6
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight	- 0 9
For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the Corporation think fit :	

Provided that goods materials articles or things conveyed on the trolley vehicle system for any less distance than two miles the Corporation may demand rates and charges as for two miles Provided also that in computing the rates and charges the fraction of a mile shall be deemed a mile.

40. If at any time after three years from the opening for public traffic of the trolley vehicle routes or after three years from the date of any order made in pursuance of this section in respect of the trolley vehicle routes it is represented in writing to the Board of Trade by twenty ratepayers of the city or by the Corporation that under the circumstances then existing all or any of the rates and charges on the trolley vehicle routes should be revised the Board of Trade may (if they think fit) direct an inquiry to be held by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 If such referee reports that it has been proved to his satisfaction that all or any of such rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing the same in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified Periodical revision of rates and charges.

A.D. 1914. — by an order of the Board of Trade made in pursuance of this section Provided that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Act authorised.

Orders &c.
of Board of
Trade.

41. All orders and regulations made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Application
of certain
provisions of
Tramways
Act 1870 to
trolley
vehicles.

42. The following provisions of the Tramways Act 1870 shall apply to trolley vehicles and such provisions shall be read and have effect as if the works to be constructed in the foot-paths or carriageways of the streets for moving trolley vehicles by electrical power were tramways and as if trolley vehicles were carriages used on tramways:—

Part II. (Relating to the construction of tramways)
except sections 25 28 and 29;

Section 46 (Byelaws by local authority Promoters may make certain regulations);

Section 47 (Penalties may be imposed in byelaws);

Section 48 (Power to local authority to license drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 51 (Penalty on passengers practising frauds on the promoters);

Section 52 (Transient offenders);

Section 53 (Penalty for bringing dangerous goods on the tramway);

Section 55 (Promoters or lessees to be responsible for all damages);

Section 56 (Recovery of tolls penalties &c.);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities to widen &c. roads); and

Section 61 (Power for local or police authorities to regulate traffic in roads).

Board of
Trade may
authorise
new routes.

43.—(1) If the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets or roads in this Part of this Act hereinbefore referred to) they may make application to the Board of Trade describing the route and the Board of Trade shall be and are

hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any road or roads described in the application: A.D. 1914.

Provided that the Board of Trade shall not make a Provisional Order under this section relating to any road outside the city except with the consent of the local authority of the district in which such road is situate:

Provided also that the Board of Trade shall not make a Provisional Order under this section relating to any main road or county bridge in the west riding of the county of York except with the consent of the county council for that riding.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(a) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the city:

(b) Have also published such notice once in the months of October or November in the London Gazette:

(c) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application:

And each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the city in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may

A.D. 1914. settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be *prima facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Board of Trade in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connection with any inquiry under this section shall be paid by the Corporation.

Power to provide and run motor omnibuses.

44.—(1) The Corporation may provide (but shall not manufacture) maintain and equip motor omnibuses and may run the same within the city demanding and taking fares and charges for the conveyance of passengers therein not exceeding the fares and charges authorised in respect of the light railways of the Corporation by section 64 (Rates for passengers) of the Order of 1908.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them for or which they are authorised to appropriate and use for the purposes of this section or of their light railway or trolley vehicle undertakings omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such

motor omnibuses but the Corporation shall not create or permit any nuisance on any such lands. A.D. 1914.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in their motor omnibuses Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws and those provisions shall apply accordingly.

(4) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) If at any time the Board of Trade shall be of opinion that in consequence of the increase of traffic in Station Road it is dangerous or otherwise undesirable for motor omnibuses to be turned in that road opposite to the covered cab stand at the entrance to the passenger station of the North Eastern Railway Company that Board may by order prohibit the Corporation from turning such omnibuses opposite to the said cab stand.

45. The fares rates and charges authorised by this Act or by the provisions incorporated therewith shall be paid to such persons and at such places upon or near to the trolley vehicles or motor omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the lists of fares rates and charges appoint. Payment of fares rates and charges.

46. The Corporation may appoint the stations and places from which their trolley vehicles and their motor omnibuses shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such vehicles and omnibuses shall be allowed to remain at any such place. Corporation may appoint stopping and starting places.

47. On the occasion of race meetings and on any other special occasion the Corporation may appropriate sufficient cars on any of their light railway trolley vehicle or motor omnibus routes for the time being for the purpose of carrying passengers to and from such race meetings or for the purposes of such other occasions as aforesaid and the Corporation may charge such special fares on such occasions not exceeding a maximum fare for conveyance by such cars of sixpence for every person conveyed either way as they may determine Provided that the Provisions for dealing with traffic on race meetings and other special occasions.

A.D. 1914. running of such cars shall in no way curtail the ordinary service of cars.

Penalty for malicious damage.

48. If any person wilfully and unlawfully does or causes to be done with respect to any apparatus used for or in connection with the working of the light railways or trolley vehicles of the Corporation anything which is calculated to obstruct or interfere with the working of such light railways or trolley vehicles or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Dwelling-houses for persons in Corporation's employment and other buildings.

49. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their light railway trolley vehicle and motor omnibus undertakings and offices and other buildings for the purposes of those undertakings and may erect maintain and let dwelling-houses for such persons and offices and other buildings for the purposes of those undertakings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertakings.

Shelters or waiting-rooms.

50. The Corporation may erect and maintain shelters or waiting rooms for the accommodation of passengers on the routes of the trolley vehicles or motor omnibuses of the Corporation and of the servants of the Corporation and may with the consent of the local and road authority use for that purpose portions of the public streets or roads and of the public walks or pleasure grounds within the city and the powers of section 46 of the Tramways Act 1870 enabling the Corporation to make byelaws shall extend to and shall enable the Corporation to make and enforce byelaws for the regulation use and management of any such shelters or waiting rooms and the provisions of that Act shall apply accordingly:

Provided that before erecting any shelter or waiting room at or adjoining Clifton Green the Corporation shall submit to the lords of the manor of Clifton for their reasonable approval a design of such shelter or waiting room and any question as to whether such approval is unreasonably withheld shall be

determined by a single arbitrator to be appointed by the Board of Trade : A.D. 1914.

Provided also that no shelter or waiting room shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station of the North Eastern Railway Company except with the consent in writing of that company and any difference arising under this section between the Corporation and the North Eastern Railway Company shall be determined by an arbitrator to be agreed upon by both parties or failing such agreement to be appointed by the Board of Trade on the application of either party after notice in writing to the other.

51. Any property found in any light railway carriage trolley vehicle or motor omnibus of the Corporation or in any shelter or waiting room in connection with their light railway trolley vehicle or motor omnibus undertakings shall forthwith be handed to the conductor of the carriage vehicle or omnibus or be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the light railway undertaking. Lost property.

52.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the light railways trolley vehicles or motor omnibuses of the Corporation signs or directions indicating the position of stopping places for light railways trolley vehicles and motor omnibuses. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment. Attachment of signs indicating stopping places to lamp-posts &c.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

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(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

Conveyance
of mails.

53. The Corporation shall perform in respect of trolley vehicles and motor omnibuses all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Attachment
of brackets
to buildings.

54. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required or expedient for the working of their light railways or trolley vehicles by mechanical power:

Provided that—

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

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

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

(4) No brackets wires or apparatus shall without the previous consent in writing of the North Eastern

Railway Company be attached to any bridge or building of that company forming part of their railway undertaking. A.D. 1914.

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

55. Subject to the provisions of this Act the trolley vehicle and motor omnibus undertakings authorised by this Part of this Act shall be deemed to form part of the light railway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their light railway undertaking the receipts and expenditure upon and in connection with trolley vehicles and motor omnibuses shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking. Trolley vehicles and motor omnibuses to form part of light railway undertaking.

PART IV.

ELECTRICITY.

56.—(1) The Corporation may on the application of the owner or occupier of any premises within the area of supply for the time being of the Corporation abutting on or erected or being erected in any street laid out or made but not dedicated to public use supply such premises with electrical energy and may lay down take up alter relay repair remove and renew in across along or out of such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the York Electric Lighting Order 1890 and of the Electric Lighting Acts 1882 to 1909 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section. Power to lay electric lines &c. in streets not dedicated to public use.

(2) Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company nor shall the Corporation in carrying out the works authorised by this section unnecessarily obstruct or interfere with the convenient access to any such street.

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(3) Section 10 (Power to lay electric lines &c. in streets not dedicated to public use) of the Act of 1913 is hereby repealed.

As to over-head wires.

57.—(1) The consent of the local authority within the area of supply for the time being of the Corporation to the placing of electric lines above ground by the Corporation under section 14 (Restrictions as to above ground works) of the Electric Lighting Act 1882 and section 10 (*b*) of the schedule to the Electric Lighting (Clauses) Act 1899 shall not be unreasonably withheld in the case of electric wires along through or by means of which a high pressure supply or an extra high pressure supply of electrical energy (within the meaning of the Board of Trade regulations) is given.

(2) If any question arises between the Corporation and any such local authority as to whether such consent is unreasonably withheld that question shall be decided by the Board of Trade on the application of either party after notice in writing to the other.

As to supply of electricity in bulk.

58. Section 6 (Supply of electrical energy outside city) of the Act of 1902 shall be read and have effect as if the words “or by Act of Parliament” were therein inserted after the words “by provisional order confirmed by Parliament.”

PART V.

MARKETS.

Extension of sections 116 to 119 of Public Health Act 1875.

59.—(1) Any animal brought to any cattle market of the Corporation holden for the sale of fat animals shall be deemed to be deposited for the purpose of sale and intended for the food of man within the meaning of sections 116 to 119 of the Public Health Act 1875 and the provisions of those sections shall respectively apply to any such animal.

(2) The veterinary inspector of the Corporation may exercise in relation to any such animal as is referred to in subsection (1) of this section the powers of sections 116 to 119 of the Public Health Act 1875 in the same manner as the medical officer or the inspector of nuisances and the Public Health Acts shall apply within the city to any such animal as if such veterinary inspector were mentioned in the said sections 116 to 119 in addition to the medical officer and the inspector of nuisances.

(3) Any person causing directing or permitting any animal which is diseased or unsound or unwholesome or unfit for the

food of man to be brought to any such market of the Corporation and any person offering for sale or selling the same (including any auctioneer who knowingly offers for sale or sells any such animal) as well as the persons mentioned in section 117 of the Public Health Act 1875 shall be liable to a penalty as mentioned in the said section 117.

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(4) The veterinary inspector the market keeper any officer of the market the inspector of nuisances or any constable may detain for a reasonable period not exceeding twelve hours any emaciated or diseased animal brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

PART VI.

RECREATION GROUNDS &c.

60.—(1) The provisions of section 84 (Public band &c.) of the Act of 1902 shall extend and apply as if the expressions “public places” and “public place” wherever the same respectively occur in that section included any public building for the time being vested in the Corporation.

Further powers as to public bands.

(2) The Corporation may make such charges as they think fit for admission to any such building in connection with any concert or performance by any band or bands referred to in the said section 84 of the Act of 1902 or this section.

(3) The Corporation may pay or contribute towards the cost of providing and maintaining in any public place in the city and in newspapers published in the city advertisements of any concerts or performances given in pursuance of the said section 84 of the Act of 1902 or of this section but any payment or contribution of the Corporation under this subsection together with any amount defrayed by them under the provisions of the said section 84 as amended by this section shall not exceed in any one year the amount prescribed by subsection (1) of the said section 84.

61. The Corporation may make such reasonable charge as they may think fit for the use of any portion of any park or place of public resort or recreation set apart by them under the provisions of section 86 (Power to set apart land for games) of the Act of 1902 or under the provisions of any other Act of Parliament for the time being applicable to the Corporation or

Power to charge for portions of parks &c. set apart for games.

A.D. 1914. the city and specially laid out and maintained for any of the purposes mentioned in the said section 86 or any such Act.

Power to lay out bowling greens &c.

62.—(1) The Corporation may from time to time make and maintain bowling greens lawn-tennis courts skating rinks croquet lawns or other areas or grounds for games in portions of any park or place of public resort or recreation for the time being belonging to or held by them and set apart by them for games under the provisions of section 86 (Power to set apart land for games) of the Act of 1902.

(2) Notwithstanding anything contained in the said section 86 the Corporation may if they think fit exclude the public from any portion of any such park or place which may be laid out by them under the powers conferred upon them by this section.

Receipts under this Part of Act.

63. The moneys received by the Corporation under this Part of this Act shall (subject to the provisions of this Act) be carried to the credit of the district fund.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS &C.

Further provisions as to new streets.

64.—(1) When a road footpath or way within the city is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such street has been or is about to be built on the Corporation may instead of requiring the owner of such land to widen such road footpath or way to a width prescribed by the byelaws in force in the city require such owner to widen such road footpath or way so as to give a width of not less than one half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

(2) Provided that if and when the land on the opposite side of such road footpath or way is about to be built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Corporation.

(3) The provisions of this section shall not extend or apply to any land belonging to and used and occupied by the North Eastern Railway Company as a part of or in connection with their railway under any Act of Parliament upon which any building (not being a dwelling-house) is now or hereafter about to be erected.

65.—(1) Whenever application shall be made to the Corporation to approve the laying out of a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within the city the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme for the development or laying out of the estate or lands intended to be developed.

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Plans to be submitted as to new streets &c.

(2) Every person who fails to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

66.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the city distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line").

Building line in new streets to be shown on plan.

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Corporation.

(4) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of any such street than one half of the width of the street and six feet in addition the Corporation shall make

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A.D. 1914. compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

Appeal to petty sessional court.

67.—(1) Any person deeming himself aggrieved by any requirement of or by the Corporation under either of the last two preceding sections of this Act may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(2) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

Width of new streets in certain cases.

68.—(1) Where in the opinion of the Corporation a new street not being a back street will form a continuation of or means of communication with a main thoroughfare in the city or a continuation of or means of communication with a main approach to the city the Corporation may if they see fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may see fit.

(2) The Corporation shall thereupon make full compensation to the owner or owners of and to any other person interested in the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of such houses or other buildings being required to be set back as aforesaid and failing agreement the amount of such compensation shall be determined by arbitration in the manner provided by the Lands Clauses Acts Provided that no compensation shall be payable by the Corporation in respect of the setting back of houses or other buildings from the centre line as aforesaid to a distance not exceeding one half the minimum width (in relation to such street) of new streets prescribed by the byelaws

for the time being of the Corporation and an additional one seventh of such width. A.D. 1914:

(3) Provided always that the Corporation may if they think fit instead of paying the compensation to such owner or owners under this section agree with him or them for the purchase of the said lands or any part or parts thereof.

(4) For the purpose of this section "back street" means any street or passage intended to be used only as an access to the back of any building.

(5) Nothing contained in this section shall require any person to incur any greater expense in the execution of any street works under the provisions of section 150 of the Public Health Act 1875 or of the Private Street Works Act 1892 than he would have been required to incur if the new street had been of no greater width than fifty feet and any additional expense incurred in the execution of street works by reason of the new street being of such greater width shall be borne by the Corporation. Provided that if the Corporation purchase any lands in pursuance of the provisions of subsection (3) of this section such purchase shall not relieve any person of the liability to any expense in the execution of any street works to which he would otherwise have been liable under the provisions of this section.

69.—(1) The owner or owners of the premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or of any part of such court yard or passage shall flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphaltting concreting or paving and drain in good repair. Courts to be flagged and drained.

(2) If such owner or owners shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

70. Where premises abutting upon any street are so situate that surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within For preventing water flowing on footpaths.

A.D. 1914. — fourteen days after service of a notice by the Corporation for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Amendment
of section 22
of Act of
1902.

71. Section 22 (Trees or shrubs overhanging streets) of the Act of 1902 shall be read and have effect as if the words "light railway or trolley vehicle" were therein substituted for the word "tramway."

Means of
escape from
buildings in
case of fire.

72.—(1) (a) Every new building exceeding thirty feet in height the whole or part of which is used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school and every existing or new building exceeding thirty feet in height the whole or part of which shall after the passing of this Act commence to be so used; and

(b) Every new building exceeding thirty feet in height the whole or part of which is used or intended to be used as a shop in which building sleeping accommodation is or is intended to be provided for persons employed in or about such shop;

shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling employed or sleeping therein or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and no such building shall be permitted by the owner thereof to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) (a) From and after the first day of January nineteen hundred and fifteen the Corporation in the case of every existing building exceeding thirty feet in height and used or intended to be used (as to the whole or any part thereof) as a shop and in which building sleeping accommodation is or is intended to be provided for persons employed in or about such shop if in their opinion such building is not provided with proper and sufficient means of escape therefrom in case of fire for the persons dwelling employed or sleeping therein may at any time

serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(4) For the purposes of this section the height of any building shall be measured from the street level to the highest part of the wall where the same terminates at the eaves or parapet of the roof.

(5) Nothing contained in this section shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

(6) Any person who shall offend 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.

73.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order to either put such building (in this section referred to as a "neglected structure") into a state of repair and good condition to the satisfaction of the Corporation or take down the same and in addition to or in substitution for the foregoing

Removal of dilapidated and neglected buildings.

A.D. 1914. — order they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Corporation after executing the order may (unless the expenses of the Corporation under this section in relation to such neglected structure are paid to them within seven days after such execution) sell the materials if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation to the owner of the neglected structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the neglected structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Larders to
be provided.

74.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

75. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws—

A.D. 1914:

(1) For securing adequate lighting and air to staircases passages and lobbies in new buildings and in cases where structural alterations are proposed to be made to staircases passages and lobbies of existing buildings:

Power to make byelaws as to admission of light and air to buildings.

(2) For preventing the erection of new buildings or hoardings or other erections (not being hoardings erected for the purpose of preserving any right to light) in such a manner as to obstruct the access of daylight or air to existing dwelling-houses schools offices or other premises where persons are employed or to which persons resort.

76. The Corporation may make byelaws—

Byelaws as to stables.

(1) For securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about or arising out of (a) any existing building not being used as a stable at the time of the passing of this Act (such byelaws to apply if and when such building shall be used as a stable) and (b) any stable erected after the passing of this Act:

(2) For preventing insanitary conditions in or about or arising out of or in regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

77.—(1) Before the owner of any land shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as hereinafter provided require such owner so to construct and maintain any such culvert or so to cover over and maintain any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse:

Watercourse not to be covered in except in accordance with approved plan.

Provided that—

(a) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have

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been obliged to receive or to permit to pass if this section had not been enacted:

(b) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed or otherwise under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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

Corporation may require enlarged sewer.

78. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Prohibiting deposit of refuse &c. in rivers streams &c.

79.—(1) No person shall cast or deposit or cause or permit to be cast or deposited any stone gravel soil refuse or other solid matter whatsoever (in this section referred to as "solid matter") into the Rivers Ouse or Foss or into any streams or watercourses flowing into the same within the city and any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds.

(2) The provisions of this section shall be in addition to and may be enforced by the Corporation independently of the provisions of the Rivers Pollution Prevention Act 1876 the Public Health Acts Amendment Act 1890 or any other Act.

Power to lay drains in private streets.

80. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter

relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

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81. If the owner or occupier of any premises within the city desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication may in the discretion of the Corporation be made by the Corporation who may execute all works necessary for the purpose and the cost or estimated cost of making the communication and executing such works shall be secured to the Corporation to their satisfaction.

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

82. Section 114 (Construction of urinals by innkeepers and others) of the Act of 1884 is hereby repealed and in lieu thereof the provisions of this section shall apply and have effect (namely):—

Construction of urinals by innkeepers and others.

- (1) The Corporation may order the owner or occupier of any building permanent or otherwise now used or hereafter intended to be used as an inn public-house beer shop refreshment rooms church chapel school theatre or place of public worship amusement or entertainment or for holding a large number of persons (except barracks and any other buildings the property of the Crown and except workhouses) for any purpose to remove any urinal now or hereafter adjoining any such building which is reported by the surveyor the medical officer or the inspector of nuisances to be a nuisance or to alter or reconstruct the same and in the event of their ordering the removal thereof they may order the owner or occupier of any such building to construct or place adjoining or near to any such building a urinal in such position and according to such plan as the Corporation may approve Provided that if in the case of any urinal constructed under any order of the Corporation the Corporation shall make any further order for the removal and reconstruction of such urinal the expenses of such last-mentioned

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removal and reconstruction shall be borne by the Corporation :

- (2) If any such owner or occupier fail for fourteen days after the time allowed by the Corporation for the removal or the construction or reconstruction or placing of any such urinal to remove or construct or reconstruct or place the same according to such order he shall for every such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day after the expiration of fourteen days during which such order is not complied with.

Provisions as to houses without water supply.

83. The owner of any dwelling-house or tenement which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house or tenement was erected before the passing of this Act and such supply is not available.

Penalty on occupier refusing execution of Act.

84. If the occupier of any house or premises or part of a house or premises shall prevent the owner thereof or the Corporation in default of the owner from carrying into effect any requirement of the Corporation under this Part of this Act or under any byelaw made thereunder respectively then after notice of this provision shall have been given by the owner or Corporation to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner or Corporation to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner or Corporation to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Power of entry.

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

86. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament

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Saving for railway companies.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

87.—(1) Any parent or guardian having personal charge of a child in attendance at a school (which expression in this section includes a Sunday school) who is aware of or has reason to suspect the occurrence of any infectious disease in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings.

For preventing spread of infectious disease.

(2) If any person not less than sixteen years of age while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the disease in any street public place shop inn or any public conveyance or being in charge of any person so suffering wilfully exposes such sufferer he shall be liable to a penalty not exceeding five pounds.

(3) The provisions of this section shall cease to be in force within the city at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by an order made by the Local Government Board which order the Local Government Board are hereby empowered to make.

88.—(1) If the Corporation or a committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the city require the closing of any Sunday school or any department thereof or the exclusion of certain children for a specified time such requirement shall be at once complied with.

Power to close Sunday schools to prevent spread of disease.

(2) Any person responsible for the conduct or management of any Sunday school wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding one pound.

89.—(1) No person being the parent or having the care or charge of a child who is or has been attending any school which has been closed by order of the Corporation or of the

To prevent spread of infectious disease.

A.D. 1914.

amongst
children in
Sunday
schools &c.

education committee of the council with the view of preventing the spread of infectious disease shall permit such child to attend any Sunday school in the city without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school without undue risk of communicating disease to others.

(2) Any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Compensa-
tion to
dairymen.

90. If any dairyman shall at the request of the Corporation stop his milk supply within the city on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the city the Corporation may make compensation to him for any loss occasioned by such stoppage.

Extended
meaning of
"infectious
disease" for
certain pur-
poses.

91. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles german measles whooping cough and chicken pox.

For regula-
ting manu-
facture and
sale of ice-
cream &c.

92.—(1) Any person being a manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity who—

(a) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar 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 to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or similar

commodity) suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice-cream commodity or materials so destroyed. A.D. 1914.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) Section 59 (For regulating manufacture and sale of ice-cream &c.) of the Act of 1902 is hereby repealed.

93.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice-cream 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 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned. Inspection of premises of dealer in ice-cream.

(2) Any person refusing entry into or inspection of 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.

94. The provisions of section 34 (Power for Privy Council to make orders relative to dairies cowsheds and milkshops) 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 streets. Provisions as to retailers of milk.

95.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall Establishment &c. of offensive trades.

A.D. 1914. — be deemed to be established not only if it is established for the first time but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the consent in writing of the Corporation but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Corporation to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Corporation may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The expression "offensive trade" in this section means any trade which is for the time being an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907.

Discontinu-
ance of
offensive
trade.

96.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay compensation to such person for any loss sustained by him in consequence of the action of the Corporation. A.D. 1914.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Corporation with reference to offensive trades.

97. The Corporation may make byelaws for the purpose of securing cleanliness of barbers and hair dressers' shops and of the instruments towels and materials used therein. Byelaws as to barbers and hair-dressers' shops.

98.—(1) If the medical officer or the inspector of nuisances has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin. Houses infested with vermin to be cleansed.

(2) Where on the certificate of the medical officer or the inspector of nuisances it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable on summary conviction to a fine not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding

A.D. 1914. — forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Cleansing of
verminous
persons.

99.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is a child) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who or (where the person is a child) whose parent or guardian does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where two justices on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Corporation shall in every case cause the removal and detention to be effected and the conditions of any order satisfied without charge to the person removed or to the parent or guardian of that person.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) If any person at the request of the Corporation or under an order of such justices shall cease his employment in order to comply with such order the Corporation may and in

case of an order of the justices shall make compensation to him for any loss he may suffer thereby. A.D. 1914.

(4) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation or any boat lying in any river dock canal or other water within the city and used for the like purpose.

100. Section 22 (Sanitary conveniences for manufactories &c.) of the Public Health Acts Amendment Act 1890 shall be extended so as to confer upon the medical officer and the inspector of nuisances respectively the same power as is conferred upon the surveyor by subsection (2) of that section. Sanitary conveniences for manufactories &c.

101. The Corporation may by notice in writing require the owner or occupier of any house office warehouse shop stall or workshop to provide portable galvanised iron refuse bins and such bins shall be of such number material size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply in respect of any premises where ashpits ashtubs or other receptacles for refuse are in use at the passing of this Act so long as the same are of suitable number material size and construction and in proper order and condition. Regulation bins for refuse &c.

102.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the Guildhall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Public notice to be given of provisions of this Part of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART IX.

COMMON LODGING-HOUSES AND HOUSES LET IN LODGINGS.

103. Whenever the medical officer shall report in writing to the Corporation that there is a prevalence of dangerous Power medically to examine

A.D. 1914.
 inmates of
 common
 lodging-
 houses
 where infec-
 tious disease
 is supposed
 to exist.

infectious disease in the city or any adjoining county or neighbouring county borough and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the city by persons resorting to common lodging-houses the Corporation may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the city for such period as the Corporation having regard to the circumstances of the case shall in the resolution determine (that is to say):—

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation may exist or has recently existed in any common lodging-house in the city medically examine any person found in any common lodging-house in the city with a view to ascertaining whether such person is suffering or has recently suffered from such disease Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings:
- (2) A copy of every such resolution shall forthwith be sent by the Corporation to every keeper of a registered common lodging-house in the city and to the Local Government Board:
- (3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board:
- (4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

Power to
 close infected
 common
 lodging-
 houses.

104.—(1) 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 or 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. A.D. 1914.

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

105. Notice shall be given to the Corporation of the death of any common lodging-house keeper in the city forthwith after the same shall have occurred and the right by section 77 of the Public Health Act 1875 conferred upon the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and of receiving lodgers therein for four weeks after such death without registration shall not be exerciseable unless such notice shall have been duly given. Procedure on death of common lodging-house keeper.

106.—(1) Notice of the foregoing provisions of this Part of this Act shall be served upon the keeper of every common lodging-house within the city either personally or by leaving the same at or sending the same to the common lodging-house. Notice to common lodging-house keepers.

(2) A copy of a notice endorsed with a certificate purporting to be signed by the town clerk that such notice has been served in accordance with the requirements of the last preceding subsection shall be sufficient evidence that the provisions of such subsection have been complied with.

107. Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):— Byelaws as to lodging-houses.

(1) For requiring a placard to be fixed in each room so let or occupied setting forth the cubical content and accommodation thereof:

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

A.D. 1914.

PART X.

FINANCIAL PROVISIONS.

Power to borrow.

108.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column thereof (namely):—

1	2	3
Purpose.	Amount.	Period.
	£	
(a) For and in connection with the purchase of lands for and the construction of the new street and street improvements authorised by this Act.	5,250	Fifty years from the date or dates of borrowing.
(b) For the provision of the trolley vehicles authorised by this Act.	9,800	Ten years from the date or dates of borrowing.
(c) For the provision of the electrical equipment and other works necessary for working the trolley vehicles authorised by this Act.	8,700	Twenty years from the date or dates of borrowing.
(d) For the provision and equipment of motor omnibuses.	12,000	Five years from the date or dates of borrowing.
(e) For the purchase of lands for the purposes of the light railway trolley vehicle and motor omnibus undertakings of the Corporation and for the erection of buildings thereon.	15,350	Fifty years from the date or dates of borrowing.
(f) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2)—(a) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of Part III. (Trolley vehicles motor omnibuses and light railways) of this Act and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than purposes of that Part.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Board with whose consent it is borrowed.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge—

(a) As regards money borrowed for the purposes (a) mentioned in subsection (1) of this section the district fund and general district rate: A.D. 1914.

(b) As regards money borrowed for the purposes (b) (c) (d) (e) and (f) mentioned in subsection (1) of this section the revenue of the light railway undertaking of the Corporation and the borough fund and borough rate:

(c) As regards money borrowed with the consent of the Board of Trade or of the Local Government Board such revenue fund or rate as may be prescribed by the Board with whose consent the money is borrowed.

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by section 167 (Power to use one form of mortgage for all purposes) of the Act of 1902.

109. When under the provisions of any Act of Parliament or of any order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them or a reserve fund they may (in addition to any other powers for the time being vested in them) invest such sinking fund or reserve fund and the interest on the investments of such sinking fund in statutory securities. Power to invest funds in statutory securities.

PART XI.

MISCELLANEOUS PROVISIONS.

110. Notwithstanding anything contained in section 16 (Confirming scheduled heads of terms for lease) of the York (Micklegate Strays) Act 1907 the lease referred to in subsection (2) of that section may and shall be granted by the Corporation and until the same shall have been so granted the heads of lease set forth in the schedule to the York (Micklegate Strays) Act 1907 shall remain in force. Amendment of section 16 of Act of 1907.

111. The Corporation may close to the public and may reserve the exclusive use of any swimming bath belonging to them and may grant the use thereof to any company body or person (either gratuitously or for payment) for swimming contests practices or exhibitions of aquatic exercises or for any other entertainment or for meetings and may demand and take Use of swimming baths for exhibitions and entertainments.

A.D. 1914. — or authorise to be demanded and taken such sums for the exclusive use of such baths or for admission of persons thereto as they may think fit Provided that (subject to the provisions of the section of this Act of which the marginal note is "Use of swimming baths during winter") no such swimming bath shall be closed under the powers of this section before six o'clock in the evening for more than six hours on any one day nor more than two days in each week but after six o'clock in the evening such bath may be closed on such days as the Corporation may in their absolute discretion determine.

Use of swimming baths during winter.

112. The Corporation may from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1849 to 1899 or any Act amending the same.

Power to Corporation to subscribe to hospitals &c.

113. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary nursing institution or other institution of a similar character any sum not exceeding in the whole two hundred pounds per annum.

Amendment of section 125 of Act of 1884.

114. Section 125 (Expenses due from owners to be a charge on premises) of the Act of 1884 shall be read and have effect as if the words "by the Public Health Act 1875 or this Act" or any other Act or byelaw for the time being in force within "the city made payable by or recoverable from the owner of" any buildings or lands" were omitted therefrom and as if the words "the buildings or lands in respect of which the same have been or may be incurred" were therein inserted instead of the words "such buildings or lands."

Amendment of section 22 of Act of 1913.

115. So much of section 22 (Application of sections of Act of 1902) of the Act of 1913 as extends and applies the provisions of section 182 (Penalties to be paid over to treasurer) of the Act of 1902 to the purposes and to the exercise of the powers of the Act of 1913 is hereby repealed.

Application of provisions of Acts of 1902 and 1913.

116. The following provisions of the Act of 1902 and the Act of 1913 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):—

The Act of 1902—

A.D. 1914.

- Section 149 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);
- Section 150 (Mode of raising money);
- Section 151 (Provisions of Public Health Act as to mortgages to apply);
- Section 153 (Mode of payment off of money borrowed)
- Section 154 (Sinking fund);
- Section 155 (Protection of lender from inquiry);
- Section 156 (Corporation not to regard trusts);
- Section 157 (Appointment of receiver);
- Section 159 (Return respecting sinking fund to Local Government Board);
- Section 160 (Application of money borrowed);
- Section 161 (Expenses of execution of Act);
- Section 162 (Audit of accounts);
- Section 171 (As to breach of conditions of consent of Corporation);
- Section 173 (Expenses may be declared private improvement expenses);
- Section 175 (Application of sections 265 and 306 of the Public Health Act 1875);
- Section 176 (Inquiries by Local Government Board);
- Section 178 (As to appeal);
- Section 180 (Recovery of penalties);
- Section 184 (Crown rights):

The Act of 1913—

- Section 5 (Errors and omissions in plan and book of reference);
- Section 7 (Costs of arbitration &c. in certain cases);
- Section 8 (Provisions as to compensation);
- Section 20 (Powers of Act cumulative);
- Section 21 (Judges not disqualified):

Provided that the said section 153 of the Act of 1902 shall have effect as if there were inserted therein after the words "within one year" the words "or when the money is repaid by half-yearly instalments within six months":

A.D. 1914.

Provided also that in the application of section 8 of the Act of 1913 that section shall be read and have effect as if the words "nineteen hundred and thirteen" were therein substituted for the words "nineteen hundred and twelve."

Confirmation
of byelaws.

117. The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws made under any provision contained in Part III. (Trolley vehicles motor omnibuses and light railways) of this Act:

Provided that in the application of the said section 184 to byelaws made by the Corporation under the section of this Act of which the marginal note is "Byelaws as to stables" the said section 184 shall be read and have effect as if the Board of Agriculture and Fisheries were therein referred to as well as the Local Government Board wherever such last-mentioned Board is mentioned therein.

Evidence of
appoint-
ments autho-
rity &c.

118. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the city it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the lord mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

In executing
works for
owner Cor-
poration.

119. Whenever the Corporation or the surveyor or other duly authorised officer of the Corporation under any enactment

or byelaw for the time being in force within the city execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or other such officer as aforesaid or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

A.D. 1914.
liable for
negligence
only.

120.—(1) Where under the provisions of this Act or any local Act in force in the city the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Apportionment of expenses in case of joint owners.

(2) Section 172 (Apportionment of expenses in case of joint owners) of the Act of 1902 is hereby repealed.

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

Consent of Corporation to be in writing.

122. Proceedings for the recovery of any demand made under the authority of this Act or under the authority of any local Act or Provisional Order relating to the city or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the manner provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of demands.

123.—(1) Save as herein expressly provided all informations and complaints under and for the breach of any of the provisions of this Act any local Act or Provisional Order relating

Informations by whom to be laid.

A.D. 1914. — to the city or the Public Health Acts or of any byelaws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 the Municipal Corporations Acts the Electric Lighting Acts 1882 to 1909 or the Electric Lighting (Clauses) Act 1899 may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk.

(2) Section 181 (Information by whom to be laid) of the Act of 1902 is hereby repealed.

Damages
and charges
to be settled
by justices.

124. 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 a court of summary jurisdiction before whom any offender is convicted.

Saving for
indictments
&c.

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

Costs of Act.

126. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or borough rate and out of the district fund or general district rate in such proportions as the Corporation may determine or out of money to be borrowed under the powers of this Act for the purpose.

The SCHEDULE referred to in the foregoing Act. A.D. 1914.

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