



CHAPTER cclii.

An Act to make better provision for the health good government and improvement of the county borough of Gateshead and for other purposes. [14th August 1903.] A.D. 1903.

WHEREAS the borough of Gateshead in the county of Durham is subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation") acting by the council are the urban sanitary authority for the district of the borough :

And whereas it is expedient that the Corporation be empowered to make the street improvements by this Act authorised :

And whereas the Corporation are the burial board for the district of the borough except the part thereof which forms the parish or ecclesiastical district of Gateshead Fell and it is expedient that the Corporation be constituted the burial board for the entire borough of Gateshead :

And whereas it is expedient that further powers be conferred upon the Corporation with reference to streets buildings sewers and drains and that further provision be made for the health local government and improvement of the borough :

And whereas it is expedient that the Corporation be empowered to borrow further moneys for the purposes mentioned in this Act :

And whereas it is expedient to make further provision with respect to the levying of rates within the borough and other matters contained in this Act :

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

And whereas estimates have been prepared by the Corporation showing that they will require the sum of twelve thousand four

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

And whereas plans and sections describing the lines situations and levels of the said works and the lands to be taken for the purposes thereof and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Durham and are in this Act referred to respectively as the deposited plans sections and book of reference :

And whereas an absolute majority of the whole number of the council at a meeting held on the third day of December one thousand nine hundred and two after ten clear days' notice by public advertisement of the meeting and of the purposes thereof in the Newcastle Daily Leader a local newspaper circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be paid out of the borough fund and borough rate the district fund and general district rate or other funds and rates of the borough as the council might determine :

And whereas such resolution was published twice in the Newcastle Daily Leader a newspaper circulating in the borough and has received the approval of one of His Majesty's Principal Secretaries of State and of the Local Government Board in respect of matters within their respective jurisdiction :

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :— A.D. 1903.

PART I.

PRELIMINARY.

1. This Act may be cited as the Gateshead Corporation Act 1903. Short title.

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

Act divided into Parts.

- Part I.—Preliminary.
- Part II.—Street Improvements.
- Part III.—Burial Board.
- Part IV.—Recreation Grounds.
- Part V.—Police.
- Part VI.—Street Advertising and Sky Signs.
- Part VII.—Milk Supply.
- Part VIII.—Ice Creams.
- Part IX.—Infectious Diseases.
- Part X.—Sanitary.
- Part XI.—Buildings Streets and Sewers.
- Part XII.—Common Lodging Houses.
- Part XIII.—Marine Store Dealers.
- Part XIV.—Porters &c.
- Part XV.—Hackney Carriages.
- Part XVI.—Finance.
- Part XVII.—Miscellaneous Provisions.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) are incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.

4. In this Act unless the subject or context otherwise requires— Interpretation.

- “The borough” means the municipal borough of Gateshead;
- “The town hall” means the town hall of the borough;
- “The council” means the council of the borough;
- “The town clerk” “the treasurer” “the medical officer of health” “the surveyor” “the chief constable” and “the inspector of nuisances” respectively mean the town clerk the treasurer the medical officer of health (including any person duly authorised temporarily to act as medical officer of health) the surveyor the chief constable and the inspector of nuisances of the borough;
- “Borough fund” and “borough rate” mean respectively the borough fund and the borough rate of the borough;

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- “ District fund ” and “ general district rate ” mean respectively the district fund and the general district rate of the borough ;
- “ The Public Health Acts ” means the Public Health Act 1875 and any Act amending the same ;
- “ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and any Act amending the same ;
- “ Dairy ” includes any farm farmhouse cowshed milk-store milkshop or other place from which milk is supplied or in which milk is kept for purposes of sale ;
- “ Dairyman ” includes any cowkeeper purveyor of milk or occupier of a dairy milk-store or milkshop ;
- “ Infectious disease ” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough ;
- “ Ashpit ” includes any ash-tub or other receptacle for the deposit of ashes faecal matter or refuse ;
- “ Ground floor ” used with reference to any building means that ground floor thereof the upper surface of which is nearest to the level of the street or ground adjoining the principal or only entrance to such building ;
- “ Sky sign ” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign is or shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression “ sky sign ” shall also include any balloon parachute or other similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not include (i) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement or (ii) Any sign or any board frame or other contrivance securely fixed to or upon the top of any wall or parapet of any building or the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other

contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to or against or on which it is fixed or supported or (iii) Any such word letter model sign device or representation as aforesaid or any signal relating exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it cannot fall into any street or public place;

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“Hackney carriage” and “omnibus” have the meanings assigned to them respectively by the Town Police Clauses Acts 1847 and 1889;

“Existing” means existing immediately before the passing of this Act;

Daily penalty” means a penalty for each day on which any offence is continued after conviction therefor;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or of any local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation or annuities rentcharges or securities payable to bearer:

Words and expressions to which meanings are assigned by the incorporated Acts or by the Public Health Act 1875 have in this Act the same respective meanings unless the subject or context otherwise requires.

5. This Act shall except where otherwise expressed or implied apply exclusively to the borough.

Application of Act.

PART II:

STREET IMPROVEMENTS.

6. Subject to the provisions of this Act the Corporation may in the lines and situations and according to the levels shown on the deposited plans and sections and described in the deposited book of reference make and maintain the works next hereinafter described within the borough and may enter upon take and use

Power to execute street works.

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such of the lands delineated upon the said plans and described in the said book of reference as may be required for those purposes (that is to say):—

Work No. 1 An alteration and improvement of Coatsworth Road on the south-west side thereof commencing at the easternmost corner of the house No. 1 Union Place and terminating at the north-eastern corner of the shop No. 35 Coatsworth Road :

Work No. 2 A widening of the footpath of Sodhouse Bank on the western side thereof northward of Sour Milk Hill foot road in front of the houses Nos. 94 96 98 100 and 102 Old Durham Road :

Work No. 3 A widening of the footpath on the east side of West Street between the entrance to Tucker's Yard and Swinburne Street :

Work No. 4 A widening of the road of Ravensworth Terrace in front of the houses Nos. 21 22 and 23 in that terrace including the wall and entrance to the houses Nos. 24 and 25 in that terrace :

Work No. 5 A widening and improvement of Coatsworth Road on the east side thereof between Villa Place and Back Woodbine Terrace :

Work No. 6 A widening and improvement of Park Lane on the south side thereof commencing at High Street and terminating at a point about sixty-eight feet measured in an easterly direction therefrom.

Power to acquire lands to improve Coatsworth Road.

7. Subject to the provisions of this Act the Corporation may enter upon take and use the several pieces of land on the west side of Coatsworth Road in the borough and numbered 18 to 28 (both inclusive) on the deposited plans for the purpose of widening and improving the public footpath between Claremont Street and Sedgewick Place.

Period for compulsory purchase of lands.

8. The powers by this Act granted to the Corporation for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Owners may be required to sell parts only of certain properties.

9. And whereas in the construction of the street improvements by this Act authorised it may happen that portions only of the properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested

in the properties described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such houses without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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PART III.

BURIAL BOARD.

10. From and after the passing of this Act the council shall be the burial board for the whole borough to the exclusion of any other burial authorities within the borough and as fully as if the Order of Her late Majesty in Council made pursuant to the Burial Act 1854 and dated the twenty-third day of November one thousand eight hundred and sixty had extended to the whole borough and all property powers duties and liabilities now vested in or exercisable by or attaching to the Corporation under the Burial Acts 1854 to 1900 shall be vested in exercisable by and attach to the council as the burial board for the whole borough.

Council to be burial board for whole borough.

PART IV.

RECREATION GROUNDS.

11. The Corporation may set apart portions of Saltwell Park for cricket lawn tennis bowling football and other games and for the drill of volunteers yeomanry or cadets or any military or police force but so that the same shall be open to the public when not in use for such games or drill.

Power to set apart lands for games in Saltwell Park.

12. The Corporation may provide swings gymnasium apparatus and other apparatus for games and recreation for the use of the public in any public park garden or recreation ground within the borough and may charge for the use thereof and they may make regulations with respect to the use and the payment for the use of such swings and other apparatus and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus on such terms and conditions as they think proper.

Power to provide apparatus for games.

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Band of
music.

13. The Corporation may pay or contribute out of the district fund towards the payment of a band or bands of music to perform in any public park garden or recreation ground within the borough as the Corporation may prescribe and the Corporation may enclose an area in any such place within which the bands may play and may charge for admission to such enclosures. Provided that the payments or contributions by the Corporation for or towards such band or bands shall be paid out of the district fund and shall not in any one year exceed an amount which would be produced by a rate of one-twentieth of a penny in the pound on the assessable value of the borough to the general district rate.

Chairs and
seats for
public use.

14. The Corporation may place or authorise any person or persons to place seats or chairs in any public park garden or recreation ground or other public place within the borough for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of the seats or chairs and may make regulations for the use of seats and chairs and for preventing injury or damage thereto.

Power to
enclose lakes
&c. for skat-
ing and to
charge for
admission.

15. The Corporation during times of frost may for the purpose of protecting ice for skating on all or any part of any lake or piece of water in any public park garden or recreation ground within the borough enclose such parts of such park garden or ground as may be necessary to effect such purpose and charge for admission to any part so enclosed.

Corporation
may erect
buildings &c.

16. The Corporation may in any public park garden or recreation ground within the borough erect and maintain furnish and equip refreshment rooms pavilions and other buildings and conveniences which may be required or convenient for the purposes of such park garden or recreation ground and the public resorting thereto and may charge for admission to such pavilions or other buildings or conveniences or any of them or in respect of the use thereof or of any part or parts thereof respectively and may remove any such rooms pavilions buildings and conveniences which are no longer required or convenient for the purposes aforesaid.

Power to
Corporation
to let re-
freshment
rooms &c.

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

18. The Corporation may let any such pavilions or other buildings for the purposes of particular meetings or entertainments and may close to the public any such pavilions or buildings on such days as they think fit not exceeding twenty-one days in any one year nor seven consecutive days on any one occasion.

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Corporation may let pavilions &c.

19. The moneys (if any) received by the Corporation from the admission of any persons to any public park garden or recreation ground within the borough or any refreshment room pavilion building or convenience or from the letting of any refreshment rooms pavilions or other buildings or from the letting of any apparatus for playing at games or for the use of such apparatus shall after providing for the maintenance of such parks gardens and recreation grounds or any of them be carried to the district fund.

Application of moneys received from admission to public recreation grounds &c.

20. The Corporation may appoint officers for securing the observance of this Part of this Act and may procure such officers to be sworn in as constables for that purpose Provided that officers sworn in as constables shall not act as such unless in uniform or provided with a warrant.

Power to Corporation to appoint officers.

PART V.

POLICE.

21. The officer in charge of the police at any fire in the borough shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

Regulation of traffic at fires.

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

Captain of fire brigade to have control over operations.

A.D. 1903.
Firemen's
cottages.

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

Boxing com-
petitions.

24. After the passing of this Act no house room hall theatre or other building garden or other place in the borough shall be used for public boxing competitions without a licence for that purpose first obtained from the licensing justices of the borough and for the registration thereof a fee of five shillings shall be paid by the person applying therefor and the provisions of section 51 (except subsection (1) thereof) of the Public Health Acts Amendment Act 1890 relating to licences for music and dancing shall apply to such licences.

Unfenced
land adjoin-
ing street
deemed a
public place.

25. Any unfenced land adjoining or abutting upon any street or highway shall for the purposes of the Vagrancy Acts 1824 and 1873 be deemed to be a public place.

As to leading
or driving
animals.

26. The Corporation may prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the borough Provided that the route which it shall be lawful for the Corporation so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market and railway station or other place aforesaid and the Corporation shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals :

Provided also that any such directions shall only operate between the hours of eight in the morning and nine in the evening and shall not prevent the owner of any animals driving the same to his own premises and nothing in this enactment contained shall authorise the Corporation to interfere with the driving of any animals to any duly licensed slaughter-house.

Provisions as
to regulation
of street
traffic.

27. The Corporation may from time to time make regulations with respect to such streets to be specified in the regulations as are specially liable to be obstructed by reason of the amount and nature of the traffic :

(A) Prescribing the line to be kept at any street crossing by all persons riding or driving ; and

(B) Requiring the drivers of heavy and slow moving vehicles to keep their vehicles to a particular portion of the street. A.D. 1903.

All regulations under this section shall be subject to the approval of the Secretary of State.

Any person who shall contravene any such regulation after warning given by word or signal by a police constable stationed in the street to direct the traffic shall be liable to a penalty not exceeding forty shillings.

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

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

Every person who slaughters or dresses any cattle :

Every common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution :

Every person who wilfully and indecently exposes his person :

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language :

Every person who wantonly discharges any firearm or throws or discharges any stone or other missile.

PART VI.

STREET ADVERTISING AND SKY SIGNS.

29. It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may be for such a time and contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. Advertising vans.

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

(2) It shall not be lawful after the passing of this Act to erect any such hoarding or similar structure to be used either partly or

A.D. 1903. wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding as the Corporation may determine.

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

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

Appeal.

31. Any person aggrieved by the refusal of the Corporation to give any consent or by the terms and conditions of any consent under either of the two preceding sections of this Act may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal or the giving of such consent as the case may be provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable summarily as civil debts.

Sky signs.

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

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

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

- (ii) If any change be made in the sky sign or any part thereof; A.D. 1903.
- (iii) If the sky sign or any part thereof fall either through accident decay or any other cause;
- (iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof;
- (v) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed:

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

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

33. Any consent licence or condition given or made under this Part of this Act may be under the hand of the town clerk or the surveyor. Authentica-
tion of
licences &c.

PART VII.

MILK SUPPLY.

34. Every dairyman supplying milk within the borough from premises whether within or beyond the borough shall notify to the Corporation or to the medical officer of health all cases of infectious disease among persons engaged in or in connection with his dairy so soon as he becomes aware or has reason to suspect that such infectious disease exists Any such dairyman who commits any breach of this enactment shall be liable to a penalty not exceeding forty shillings. Dairymen to
notify infec-
tious disease
existing
among their
servants &c.

35. If the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough Dairymen to
furnish lists
of sources of
their supply

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of milk in
certain cases.

he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks.

Every such person failing to comply with such requirement shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Dairymen to
furnish lists
of customers
in certain
cases.

36. Whenever it shall be certified to the Corporation by the medical officer of health that the outbreak or spread of infectious disease is in the opinion of such medical officer of health attributable to the milk supplied by any dairyman the Corporation may require such dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such dairyman shall furnish such list accordingly and the Corporation shall pay to him for such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein and every person who shall when so required refuse to furnish such list shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty for
selling milk
of diseased
cows.

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

Penalty on
failing to
isolate dis-
eased cows.

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

Obligation to
notify cases
of tubercu-
losis.

39. Every dairyman who supplies milk within the borough and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer of health stating his name and address and the situation of the dairy or premises where the cow is.

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

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

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Power to
take samples
of milk.

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

41.—(1) If milk from a dairy situate within the borough is being sold or suffered to be sold or used within the borough the medical officer of health or any person provided with and if required exhibiting the authority in writing of the medical officer of health may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer of health or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

Power to
inspect cows
and to take
samples of
milk.

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

(3) If the medical officer of health has reason to believe that milk from any dairy situate outside the borough from which milk is being sold or suffered to be sold or used within the borough is likely to cause tuberculosis in persons residing within the borough the powers conferred by this section may in all respects be exercised in the case of such dairy provided that the medical officer of health or other authorised person shall first have obtained from a justice

A.D. 1903. — having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

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

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

(6) The said order shall be forthwith withdrawn on the Corporation or their medical officer of health being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the borough.

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

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

As to appeal
by dairyman.

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

(2) The Board of Agriculture may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture in the matter of the appeal. A.D. 1903.

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

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

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

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or the Board of Agriculture or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

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

45. All expenses incurred by the Corporation in carrying into execution the provisions of this Part of this Act shall be chargeable upon the district fund and general district rate and the Corporation may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being As to expenses.

A.D. 1903. supplied within the borough Provided that no such test shall be applied except with the previous consent of the owner of such cow.

Execution of this Part of Act by committee.

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

Provisions as to retailers of milk.

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

Notice of provisions of Part VII. of Act.

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

PART VIII.

ICE CREAMS.

For regulating manufacture and sale of ice creams &c.

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

- (A) Causes or permits ice creams or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any cellar or room in which there is an inlet or opening to a drain ; or
- (B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination ; or
- (c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer of health ;

shall be liable for every such offence on summary conviction to a penalty not exceeding forty shillings. A.D. 1903.

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

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

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

PART IX. INFECTIOUS DISEASES.

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

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

53. Whenever it shall be certified to the Corporation by the medical officer of health that in his opinion it is desirable with a view to prevent the spread of infectious disease that he should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes Persons engaged in washing or mangling clothes to furnish lists of owners of

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—
clothes in
certain cases.

the Corporation may by notice require such person to furnish to the medical officer of health within a reasonable time to be specified in the notice a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to such person for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Disinfection
of infected
clothes &c.

54. Any person taking or sending to any public wash-house or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from any infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Corporation or to the satisfaction of the medical officer of health and in default shall be liable to a penalty not exceeding forty shillings and the Corporation shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

Prohibiting
conveyance
of infected
persons in
public con-
veyance.

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

Driver &c.
conveying
infected per-
son to give
notice to
medical
officer of
health &c.

56. If any person suffering from any infectious disease is conveyed in any public conveyance the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer of health and shall cause such conveyance to be disinfected and if he fails to do so he shall be liable to a fine not exceeding five pounds and the owner or driver of such conveyance shall be entitled to recover in a summary manner from the person so conveyed by him or from the person causing that person to be so conveyed a sum sufficient to cover any loss and expense incurred by him in connection with such disinfection It shall be the duty of the Corporation when so requested by

the owner or driver of such public conveyance to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering.

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

Penalty on guardian permitting infected child to attend school.

58. Any teacher school attendance officer or person in charge of any school within the borough who shall knowingly permit any child to attend such school who is or has been suffering from any infectious disease without such certificate as is mentioned in the last preceding section shall be liable to a penalty not exceeding forty shillings.

Penalty on teacher &c. permitting infected children to attend school.

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

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

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

Infected person not to carry on business &c.

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Protection
against in-
fection of
books in
public
libraries.

61. No person shall take out of any lending library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice thereof to the inspector of nuisances who shall cause the same to be disinfected and then return the same to the library. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Wake not to
be held over
body of per-
son dying of
infectious
disease.

62. It shall not be lawful to hold any wake over the body of any person who has died of an infectious disease and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises or part of a house or premises and every person who with the knowledge of this prohibition attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.

Nurses.

63. The Corporation may if they think fit provide or contract with some person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the borough and they may either charge a reasonable sum for the services of any nurse provided by them or at their option they may defray the expenses thereof out of the district fund.

Power to
compensate
persons sus-
pending em-
ployment.

64. If any person shall at the request of the Corporation stop his employment for the purpose of preventing the spread of infectious disease the Corporation may if they think fit make compensation to him for any loss he may sustain by reason of such stoppage.

Corporation
may pay ex-
penses of
person in
hospital.

65. Where a person not being a pauper is received as a patient into any hospital for infectious diseases belonging to or managed by the Corporation the Corporation may if they think fit themselves pay the expenses arising out of the reception and maintenance of such person.

Cleansing of
infected
house and
removal of
persons
therefrom.

66.—(1) Where it appears to the Corporation upon the certificate of the medical officer of health that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to retain infection or the destruction of such articles would tend to prevent or check any infectious disease the Corporation may serve notice on the occupier or where the house or part thereof is unoccupied on the owner of such house or part thereof that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed by the Corporation

unless the person so notified informs the Corporation within a time to be specified in the notice from the receipt of the said notice that he will cleanse or disinfect the house or part thereof with any such articles or destroy such articles to the satisfaction of the medical officer of health as testified by certificate by him within a time fixed in the notice. A.D. 1903.

(2) If either—

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

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

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

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

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

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

(5) When the Corporation have disinfected any house or part of a house or any article under the provisions of this section they shall compensate the occupier or owner of such house or part of a house or the owner of such article for any unnecessary damage thereby caused to such house part of a house or article and when the Corporation destroy any article under this section they shall

A.D. 1903. — reasonably compensate the owner thereof and the amount of any such compensation shall be recoverable in a summary manner.

For the purpose of this section the word "house" includes any tent or van or any vessel lying in any river harbour or other water or ex adverso of any place within the borough.

(6) The Corporation may for the purpose of providing such temporary shelter as aforesaid—

Themselves build a place of reception ;

Contract for the use of any premises as a place of reception.

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

Corporation
may provide
ambulances.

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

Notice of
provisions of
Part IX. of
Act.

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

PART X.

SANITARY.

Penalty on
original
vendor of
unsound
food.

69. And whereas it is desirable that the provisions in force in the borough with respect to the sale of unsound food should be assimilated to those in force in the adjacent towns of Newcastle-upon-Tyne and South Shields Therefore be it enacted as follows :— Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 and found in the possession of any person was purchased by him from another person for the food of man and when so purchased was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be liable to the same fine as that imposed for an offence under the said section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said article he did not know and had no reason to believe that it was in such condition.

70. Section 189 of the Public Health Act 1875 shall for the purposes of this Act and of the borough be read and have effect as if instead of the words "inspector of nuisances" the words "inspector or inspectors of nuisances" had been inserted.

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Inspectors of nuisances may be appointed.

71.—(1) On the erection of any new building the Corporation shall when a sewer and water supply sufficient for the purpose are reasonably available be empowered by written notice to the person by whom plans relating to the new building are deposited to require that such new building shall be provided with such number of proper and sufficient waterclosets and of separate movable receptacles for ashes and house refuse as the circumstances of the case may require.

Power to require provision of waterclosets for new buildings.

(2) On the erection of any new building the Corporation shall when a sewer and water supply sufficient for a watercloset are not reasonably available be empowered by written notice to the person by whom plans relating to the new building are deposited to require one or more proper and sufficient earth-closets or privies and ashpits to be provided at or in connection with such building.

(3) Any person offending against any requirement of the Corporation under subsection (1) or (2) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings which shall be recoverable summarily.

(4) Where any person deems himself aggrieved by any requirement of the Corporation under this section he may within fourteen days after the service of notice of the requirement appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties.

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

Byelaws as to water-closets.

73. Any person depositing any trade refuse building materials or rubbish of a like description in any watercloset privy cesspool or ashpit shall be liable to a penalty not exceeding forty shillings and if any such refuse materials or rubbish be so deposited the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made and such charge may be recovered in a summary manner.

Charge for emptying privies of rubbish.

A.D. 1903.

As to pail-closets &c.

74. The Corporation may if they think fit authorise or require the provision of a pail-closet or ash-closet in any case in which they are authorised to require the provision of a privy watercloset or earth-closet and may prescribe the size and design of any pail-closet or ash-closet the position in which the same shall be placed and the materials of which any pail-closet or ash-closet shall be constructed and the times and mode of removing cleansing preserving and replacing of the pails tubs fittings and appliances of any such closet The provisions of this Act and subject thereto the provisions of the Public Health Act 1875 with respect to the providing of privies waterclosets and earth-closets shall apply mutatis mutandis in the case of pail-closets or ash-closets the provision of which may be so required or ordered by the Corporation and the Corporation may if they think fit from time to time provide and maintain and charge for the provision of such pail-closet or ash-closet pails tubs fittings and appliances or any or either of them or any part or parts thereof respectively and may recover such charges summarily In cases where the Corporation authorise or require the provision of an earth-pail or tub-closet they may require that urinals be provided Any person offending against this enactment shall be liable to a penalty not exceeding forty shillings.

Regulation of pails and tubs for privies &c.

75. The Corporation may from time to time regulate the size pattern and quality of pails and tubs used in privies and in case the owner of any dwelling-house use or permits to be used any pail or tub not of the size pattern or quality directed by the Corporation he shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding one shilling Provided that this section shall not apply to any pails or tubs in use at the commencement of this Act so long as the same are in proper order and condition.

Urinals for inns public-houses &c.

76. The Corporation may from time to time give notice in writing to the owner of any inn public-house or beershop whether built before or after the passing of this Act requiring him within a reasonable time to be specified in such notice to provide and maintain upon or adjoining such premises a proper and sufficient urinal or urinals in a convenient position and if such owner shall make default in complying with such requirement within the time specified in such notice or in any case where the approval of the licensing justices is required before the work is commenced if he shall make default in forthwith applying for such approval or if after obtaining such approval he shall make default in complying with such requirement to the satisfaction of the Corporation within

the time specified in such notice he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

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

Removal of
urinals.

78. If it appears to the Corporation by the report of the surveyor or inspector of nuisances or medical officer of health that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of any house or part of a house within the borough or any ashpit or any well belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice require the owner or occupier of such house or part of a house within a reasonable time to be specified in such notice to cause such cesspool receptacle ashpit or well to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed and taken away or to cause such cesspool receptacle ashpit or well to be so altered as to remove any such objection as aforesaid and in cases where it appears by such report that any such cesspool receptacle or ashpit is used in common by the occupiers of two or more houses or parts of houses such notice for the filling up removal or alteration of such common cesspool receptacle or ashpit may be served on the owners or occupiers respectively who have the right to use the same and the cost of filling up removing or alteration of such last-mentioned cesspool receptacle or ashpit shall be defrayed by the owners thereof in such proportion as the Corporation shall determine.

Provision as
to filling up
cesspools &c.

If any such notice as is mentioned in this section is not complied with or is not fully complied with the Corporation may at the

A.D. 1903. expiration of the time specified in such notice do any work thereby required to be done which has not been done by the owner or occupier and may recover in a summary manner from the owner or (if there be more than one owner) from the owners in such shares and proportions as shall be apportioned and determined by the Corporation the expenses incurred by them in so doing or may by order declare the expenses apportioned as aforesaid to be private improvement expenses.

Prohibition of blowing or stuffing carcases.

79. It shall not be lawful to blow inflate or stuff the carcase or any part of the carcase of any animal slaughtered or brought within the borough and any person offending against this enactment or selling or exposing or depositing for sale within the borough a carcase or any part of a carcase blown or inflated or stuffed shall be liable to a penalty not exceeding five pounds.

Discharge pipes from baths &c.

80. Every pipe from any slopstone bath or lavatory in a building erected before the passing of this Act shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully-grating at a suitable distance and every gully-grating or other inlet to any drain shall be properly trapped Any person acting in contravention of this enactment shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings Provided always that any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for twenty-eight days in complying with a notice from the Corporation or the surveyor or the inspector of nuisances requiring the owner of such building to comply with the provisions of this section Any expense incurred in respect of any such building beyond the sum of two pounds shall be borne by the Corporation.

Improper cisterns.

81. Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health shall be deemed a nuisance within the meaning of the Public Health Act 1875.

Cleansing of cisterns.

82. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles for storing of water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man :

Provided that no byelaw to be made under the powers of this section shall apply to any reservoirs or filter beds belonging to or used by the Newcastle and Gateshead Water Company. A.D. 1903.

83.—(1) Where a water company cut off the water supply to any inhabited dwelling-house and cease to supply such dwelling-house with water for non-payment of water rate or other cause the company shall in every case within twenty-four hours after exercising the said right give notice thereof in writing to the Corporation unless the supply shall have been restored within that period. Notice to Corporation of water supply being cut off.

(2) If the company neglect to comply with the foregoing provision they shall be liable to a penalty not exceeding twenty shillings.

84. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy such dwelling-house and the owner of any dwelling-house which is not provided with proper and sufficient means of water supply who shall allow such dwelling-house to be occupied shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Houses without proper supply of water.

85. The provisions of section 73 of the Public Health Act 1875 shall extend and apply to every person occupying or suffering to be occupied any cellar dwelling which does not conform with the requirements of section 72 of that Act although such cellar is not let or occupied or suffered to be occupied for hire or rent. Extending section 73 of Public Health Act 1875 to cellars not let or occupied for hire or rent.

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

87. If after the passing of this Act a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds : Improper construction or repair of watercloset or drain.

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court

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at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Inspection of
drains.

88.—(1) On complaint made on oath by the surveyor the medical officer of health or inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to him to inspect any drain closet or cesspool or any water supply sink trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for the purpose of ascertaining the course of any such work the surveyor medical officer of health or inspector of nuisances as the case may be at reasonable times in the daytime after not less than twenty-four hours' notice in writing has been given to the occupier of the premises to which such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises may enter and cause the ground to be opened wherever the surveyor medical officer of health or inspector of nuisances thinks fit doing as little damage as may be.

(2) If any person obstruct or attempt to obstruct or incite any person to obstruct the surveyor medical officer or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(3) If any such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection to be properly made in accordance with the Acts and byelaws in force within the borough and in proper order and condition the Corporation shall cause the same to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Corporation and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(4) If any such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection not to have been properly made as aforesaid or to be in bad order and condition and to require cleansing alteration or amendment or to be filled up the Corporation shall cause notice to be served on the

owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to place the work in proper order and condition. A.D. 1903.

(5) If such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation if they think fit in lieu of proceeding for a penalty may enter upon the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

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

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

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

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

91. Whenever the medical officer of health the inspector of nuisances or the surveyor has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke or coloured water or other similar test as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such Owners &c. to permit application of smoke test to drains.

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test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. If the drains be found defective the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts. Provided that no test by means of water under pressure shall be applied without the consent of such owner or other person liable as aforesaid.

For preventing soil and sand from being washed into streets.

92. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully and any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

Provided that such owner or occupier shall not be responsible for any soil and sand from land other than his own although such soil and sand may have passed over the land of such owner or occupier. Provided further that this section shall not apply to any lands of a bonâ fide agricultural character.

Separate system of sewerage.

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

(2) Where under the provisions of the Public Health Acts the Corporation have power to require any street to be sewered they

may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly.

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

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

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

94. Any river stream or watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into land and property adjacent thereto shall be deemed a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health. Provided that nothing in this section shall impose any liability upon the Tyne Improvement Commissioners.

Rivers streams &c. choked up to be a nuisance under Public Health Act 1875.

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

Power of entry.

96. The powers of the Corporation under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain sanitary conveniences and lavatories in or under any street repairable by the Corporation for the use of the public and to employ and pay attendants and to make reasonable charges for

Public conveniences and lavatories.

A.D. 1903. — the use of any sanitary conveniences (other than a urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons resorting to the same and may let any such sanitary conveniences and lavatories for such periods and upon and subject to such terms and conditions as they may think fit.

Defining
establishing
of a new
business
(section 112
Public
Health Act
1875).

97. For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established anew not only if it is established newly 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 nine months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Corporation but a trade business or manufacture shall not be deemed to be established anew 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.

PART XI.

BUILDINGS STREETS AND SEWERS.

What to be
deemed new
buildings.

98. From and after the passing of this Act—

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the framework of the ground floor storey thereof;

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

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

The making of any addition to a building by raising any part thereof or making any projection therefrom but (provided such addition does not increase the number of storeys) so far as regards such addition only;

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

The roofing or covering over of an open space between walls or buildings ; A.D. 1903.
shall for all purposes of this Part of this Act and of any of the former Acts and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a "new building."

99. There shall be exempted from so much of the provisions of this Part of this Act as relates to buildings and structures :-- Exemption.

Every building (not being a dwelling-house) belonging to a railway company and used by such company as a part of or in connection with their railway.

100. In all cases plans sections and written particulars or details deposited with the Corporation or the surveyor in pursuance of any byelaw made by the Corporation shall be retained by the Corporation unless the same shall have been supplied in duplicate when one copy shall be returned with the notice of approval or disapproval signed by the chairman of the committee of the Corporation to which such plans sections and written particulars or details may have been referred or by the town clerk or surveyor. Plans &c. deposited to belong to Corporation.

101.—(1) The approval by the Corporation of any plan or section of any street building or sewer shall be null and void if the execution of the work specified in such plan or section be not commenced and substantial progress made within the following periods (that is to say) :— Approval of plans &c. to be void after certain intervals.

As to any plan or section approved before the passing of this Act within three years from the passing of this Act ; and

As to any plan or section approved after the passing of this Act within three years from the date of such approval :

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

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

102. Every dwelling-house erected after the passing of this Act shall be provided with an entrance from the street which forms the principal approach or means of access to such dwelling-house Houses to have front entrances.

A.D. 1903. — and no dwelling-house which at the passing of this Act is provided with such an entrance shall be deprived thereof Any person offending against this enactment shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

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

103. All buildings or parts of buildings erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation reasonably approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation and in case the Corporation for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence in pursuance of any requirement of the Corporation.

Power to regulate level of ground floor in districts liable to floods.

104. The Corporation may by byelaw regulate the level of the ground floor of any new building in any part of the borough liable to be flooded.

Power to prohibit cellars in districts liable to floods.

105. The Corporation may from time to time in any part of the borough liable to be flooded or abutting upon any stream or watercourse prohibit the construction of any cellar or basement storey in any dwelling-house Any person constructing any cellar or basement storey in contravention of this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Height of buildings.

106. No new building shall without the approval of the Corporation be erected on the side of any street not existing at the passing of this Act which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance In determining the height of a building the measurement shall be taken from the

level of the centre of the street immediately opposite to the centre of the front of the building up to the top of the eaves of the roof or in the case of a flat roof to the top of the parapet facing the street In case of a gable facing the street the measurement shall be to a point half-way between the level of the eaves and the ridge In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

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107. The owner of any oven used by any baker for the first time after the passing of this Act and of any furnace used by any tradesman or artificer for the first time after the passing of this Act shall construct a wall of not less than nine inches in thickness between the fire of the oven or furnace and the wall of the building in which such oven or furnace shall be and such wall shall be constructed above below and around the oven or furnace to the satisfaction of the Corporation.

Ovens and furnaces to have protecting walls.

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

108. The entrance to any court not being a highway repairable by the inhabitants at large shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered.

Entrances to courts &c. not to be interfered with.

Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

109. The owner or owners of any existing or future court yard or passage used in common by two or more occupiers (not being a public highway adopted and kept in repair by the Corporation) or of any part of such court yard or passage shall flag asphalt concrete or pave such court yard or passage or part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphalt concrete or paving and drain in good repair to the satisfaction of the Corporation and if any such owner or owners for one month after notice in writing from the Corporation fail in any respect to comply with this provision 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 summarily.

Courts &c. to be flagged.

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Existing
courts not to
be rebuilt.

110. No building shall be erected in any existing court on any land on which a building shall not be standing at the commencement of this Act and when in any existing court any building shall be burnt or pulled down to or below half the front thereof such building shall be entirely pulled down and removed and shall not be rebuilt.

Except in cases where the owner is prohibited by existing byelaws from erecting a building on any land in a court the Corporation shall make compensation to the owner and occupier of such land for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt or of no building being erected as the case may be and in case of dispute as to the amount of compensation to be made by the Corporation under this section the same shall be settled by arbitration in manner provided by the Public Health Acts.

Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Yards to be
paved.

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

As to tem-
porary or
movable
buildings.

112.—(1) Before any person erects or sets up any temporary or movable building he shall apply to the Corporation for permission so to do and such application shall be accompanied by a plan and

sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

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

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

(4) If any such building is commenced erected or set up without such application accompanied by such plan and sections and specification or after the disapproval of the Corporation or before the expiration of one month without such approval or is in any respect not in conformity with any condition attached by the Corporation to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Corporation or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Corporation may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

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

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

(B) Any wooden or other erection of a movable or temporary character constructed or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction

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alteration or repair and if not so taken down or removed the Corporation may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion; and

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

Area of habitable rooms.

113.—(1) Every dwelling-house erected after the passing of this Act shall be provided with at least one living room and one bedroom with a floor area of not less than one hundred and twenty square feet.

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

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

Power to name and alter names of streets names to be put up and houses to be numbered &c.

114. The Corporation may name any street which is without a name or which bears two names and may from time to time with the consent of two-thirds in value of the ratepayers therein alter the name of any street or of any part of a street and may from time to time paint engrave or otherwise describe and place the name of any street on a conspicuous part of any building or other erection at or near each end corner or entrance thereof and number every building or other erection therein on the door thereof or otherwise and may alter the numbers as they think proper and if any person wilfully and without the consent of the Corporation destroys obliterates defaces removes or alters any such name or number or any part thereof he shall be liable to a penalty not exceeding forty shillings.

Plan &c. of new street to show position of sewers &c. therein.

115. Every plan and section for laying out a street required by any byelaw to be deposited with the Corporation shall show thereon the position and dimensions of the intended sewers and surface water drains with their respective gradients and of the intended gullies manholes and examining shafts and such sewers and drains shall be constructed in such position of such dimensions of such materials and at such level and with such fall and such gullies manholes and examining shafts shall be in such position and of such number as the Corporation may on the report of the

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surveyor require or approve as being sufficient for the requirements of the buildings and premises of the owner of the land on which the street is to be laid out and any other adjacent buildings and premises of such owner for which the sewers and drains are intended to be used. If any such work is not executed in conformity with this section or of any byelaw of the Corporation the Corporation may cause so much of the work as has been executed to be removed and may recover the expenses in or about such removal in a summary manner either from the person executing the work or from the person causing such work to be executed.

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

No buildings allowed until street defined.

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

117. No street shall be laid out of more than one hundred and fifty yards in length without an intersecting street. 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.

Intersecting streets.

118. The Corporation may by order vary or alter the intended position direction gradient or level of any intended new street for the purpose of causing it to communicate in a direct line or more direct line with any other street adjoining or leading thereto. The Corporation shall make compensation to all persons injuriously affected by the exercise of the powers of this section. Any person who shall lay out a street and not adhere to or observe any such order made by the Corporation shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Power to vary position or direction of new streets.

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

Continuation of existing streets to be deemed new streets.

Provided that this section shall not apply to or in the case of any continuation of any existing street the plan and section of

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Power to declare where new streets begin or end.

120. The Corporation may by order determine and declare the points or limits at or within which any new street is to be taken as beginning or ending.

Corporation may define future line of streets.

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

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

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

(4) After any such line shall be so defined and prescribed as aforesaid any person who shall act contrary to this enactment

shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1903.

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

122. The Corporation may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it is impossible for him to comply therewith and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings. Provision for preventing formation of cul-de-sac.

123. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall extend and apply to any crane or apparatus for hoisting or lowering goods or any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street. Prevention and removal of projections over streets.

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

Crossings for horses or vehicles &c. over footways.

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

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

Disposal of materials in streets.

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

Recovery of damages caused to footways by excavations.

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

Fencing lands adjoining streets.

128. If any land adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Corporation owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent

purpose or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the town clerk to the owner or occupier of the same or without any notice if the Corporation are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Corporation may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred may be recovered from such owner or occupier summarily as a civil debt.

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PART XII.

COMMON LODGING-HOUSES.

129. The keeper of every common lodging-house within the borough shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house or manage control and exercise proper supervision over the same and the inmates thereof as the case may be. Any person who offends against this enactment shall be liable for every such offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Regulations
as to common
lodging-
house keep-
ers.

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

Sanitary con-
veniences in
common
lodging-
houses.

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

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

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Registration
of common
lodging-
houses and
keepers.

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

(2)—(A) The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register or to re-register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

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

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

Notice to
common
lodging-
house keep-
ers.

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

PART XIII.

MARINE STORE DEALERS.

As to dealers
in old metal
and marine
stores.

133.—(1) Every person who shall carry on business as a dealer in old metal or as a marine store dealer shall register his name and every place of business warehouse store and place of deposit occupied or used by him for the purpose of such business at the Town Hall in a book to be kept by the Corporation for the purpose.

(2) Every person who after the expiration of three months from the passing of this Act shall carry on such business without having so registered shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation their officers and servants and persons authorised in that behalf by the Corporation shall have free access

at all reasonable times to every such place of business warehouse store and place of deposit to inspect the same and every person who shall prevent hinder or obstruct any officer servant or person so authorised in the execution of his duty under this subsection shall be liable for every such offence to a penalty not exceeding forty shillings. A.D. 1903.

(4) The Corporation shall give public notice of the provisions of this section by advertisement in two newspapers published in the borough.

PART XIV.

PORTERS &C.

134. The Corporation may from time to time grant to any person whom they may think fit a licence to carry on the calling of a luggage porter light porter public messenger or commissionaire. Licences to porters &c.

The Corporation may from time to time make byelaws for regulating the conduct of any persons so licensed and for fixing the charges to be made by them.

Every such licence may be granted for a year or for any less period according as the Corporation may think fit and may be suspended or revoked or endorsed by the Corporation for a breach of such byelaws or whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public. Provided that the existence of this power to suspend or revoke or endorse a licence shall be plainly set forth in the licence itself.

Every such licence whensoever issued shall expire on the thirty-first day of March next following the date of its issue and may contain conditions as to the badge which the holder of any such licence shall wear.

If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of representing himself as licensed to carry on any of the callings specified in this section he shall be liable to a penalty not exceeding twenty shillings.

PART XV.

HACKNEY CARRIAGES.

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

A.D. 1903.
Provision as
to licences.

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

Powers of
inspector of
hackney car-
riages.

137. The inspector of hackney carriages may at any time examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed. If any proprietor driver or conductor or other person shall obstruct or hinder such inspector in the execution of his duties such proprietor driver conductor or other person shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Hackney
carriage fares
to or from
railway sta-
tions.

138. The provisions of the Town Police Clauses Act 1847 and of any byelaws thereunder with respect to the fares to be charged by the drivers of hackney carriages plying for hire within the borough shall be as fully applicable in all respects to hackney carriages conveying passengers to or from any railway station within the borough as if such railway station were a public stand for hackney carriages :

Provided that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles.

PART XVI.

FINANCE.

Paid audi-
tors.

139. The Corporation may from time to time appoint and pay one or more persons being members of the Institute of Chartered Accountants in England and Wales or of the Incorporated Society of Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in addition to the auditors appointed under the Municipal Corporations Act 1882.

Power to
remit rates.

140. The Corporation may reduce remit or give time for the payment of any rate made or assessed by them on account of the poverty of any person liable to the payment thereof.

Power to
levy rates by
instalments.

141. The Corporation may levy any rate they are for the time being authorised to make either in one sum or by any number of instalments not exceeding four of such amounts and to be paid at such time within the financial year as they shall from time to time fix and determine at the time of making the rate but if

the rate is made payable by instalments and is collected by the Corporation the demand note shall in addition to other requisite particulars state the time appointed for payment of each instalment and all the powers rights and remedies of the Corporation and their officers for levying and recovering any such rate shall be extended and apply to each instalment thereof as if the same were a separate rate. A.D. 1903.

142. The Corporation may from time to time order that the owners of all hereditaments within the borough liable to assessment when the rateable value thereof does not exceed ten pounds shall for the purposes of all rates made by the Corporation be rated instead of the occupiers thereof. Owners to pay rates for property.

Where the owner instead of the occupier is rated by virtue of this section the following enactment shall have effect:—

- (A) Where the rateable value of the premises exceeds eight pounds but does not exceed ten pounds the owner shall be allowed an abatement or deduction of five per centum from the amount of the rate;
- (B) Where the rateable value of the premises does not exceed eight pounds the owner shall be allowed an abatement or deduction of ten per centum from the amount of the rate:

Provided that if the owner does not within a period of one month from the making of the rate give notice in writing to the Corporation that he objects to be rated in respect of the rateable hereditaments of which he is owner whether the same be occupied or not the Corporation shall rate such owner accordingly and allow to him a further abatement or deduction from the amount of the rate during the time he is so rated as follows (viz.) :—

- (i) Where the rateable value of the premises exceeds eight pounds but does not exceed ten pounds a further abatement or deduction not exceeding ten per centum;
- (ii) Where the rateable value of the premises does not exceed eight pounds a further abatement or deduction not exceeding twenty per centum:

Provided that in every case where the owner is rated by virtue of this section the abatement or deduction aforesaid shall be in place of every other abatement or deduction to which such owner if rated instead of the occupier would have been entitled if this Act had not passed and the proviso following shall in every such case apply to all such rates made by the Corporation and shall take effect in place of section 5 of the statute 32 and 33 Victoria chapter 41 :

A.D. 1903.

Provided also that when the owner who has been rated by virtue of this section omits or neglects to pay before the thirtieth day of September in any year any rate or any instalment thereof which has become due during the half year immediately preceding such thirtieth day of September or neglects or omits to pay before the thirty-first day of March in any year any rate or any instalment thereof which has become due during the half year immediately preceding such thirty-first day of March and such rate or instalment thereof has been duly demanded by a demand note delivered to him or left at his usual or last known place of abode he shall not be entitled to deduct or receive any abatement or deduction to which he would except for such omission or neglect be entitled to but shall be liable to pay and shall pay such rate or instalment in full.

Power to borrow.

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

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

For the construction of the street improvements by this Act authorised including the purchase of land therefor twelve thousand four hundred and ninety-eight pounds upon the district fund and general district rate to be repaid within the period of fifty years :

For the provision of a reception-house such sum as the Local Government Board may sanction upon the district fund and general district rate to be repaid within such period not exceeding fifty years as that Board may approve.

144. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

A.D. 1903.
—
Certain regulations of Public Health Act 1875 as to borrowing not to apply.

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

Mode of raising money.

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

Provisions of Public Health Act 1875 as to mortgages to apply.

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

Mode of payment off of money borrowed.

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

Sinking fund.

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

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

A.D. 1903.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking is formed be immediately invested in statutory securities the Corporation being at liberty to vary and transpose such investments.

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

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

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

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

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

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

necessary the Corporation shall increase the payments to such extent as the Board may direct. A.D. 1903.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

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

149. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation and any moneys so discharged shall not be re-borrowed :

Proceeds of sale of surplus lands to be treated as capital.

Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

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

Protection of lender from inquiry.

A.D. 1903. — the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

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

Appointment of receiver.

152. The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole. The application for the appointment of a receiver shall be made to the High Court.

Power to re-borrow.

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

Annual return to Local Government Board.

154.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may

require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of such town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1903.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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

Application
of money
borrowed.

156. All expenses incurred by the Corporation in the execution of this Act which are not defrayed out of borrowed moneys or otherwise provided for shall be defrayed out of the borough fund and borough rate or the district fund and general district rate as

Expenses of
execution of
Act.

A.D. 1903. the Corporation may in their discretion having regard to the object of the expenditure think fit.

PART XVII.

MISCELLANEOUS PROVISIONS.

Power to close baths and charge for exclusive use thereof.

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

Public drinking fountains.

158. The Corporation may from time to time when and as they think it expedient put up and continue and from time to time remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Corporation may think fit but not against or in the immediate proximity of any private dwelling-house warehouse counting-house shop or other building or the fence or wall of any garden or pleasure ground except with the consent of the owner and occupier thereof and every person who shall wilfully use any water so gratuitously supplied elsewhere or otherwise than as hereinbefore mentioned or foul such water shall for every such offence be liable to a penalty not exceeding forty shillings which penalty may be recovered summarily by the Corporation or by the water company.

Ejection of steam &c. so as not to be an annoyance to public.

159. All steam or gas or oil fumes ejected from any fixed steam gas or oil engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public.

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

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

A.D. 1903.
Trees or shrubs overhanging streets.

161. All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-five of the Public Health Act 1875 except so much thereof as relates to byelaws made by a rural sanitary authority.

General provisions as to byelaws.

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

Authentication and service of notices.

163. Where under this Act or any former Act of the Corporation the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to breach of conditions of consent of Corporation.

164. Subject to the provisions of this Act the Corporation may from time to time as and when they think fit sell and dispose of any lands acquired by them under the powers contained in this Act and not required for the purposes for which they were acquired and may enter into and carry into effect and confirm any contracts for the purpose. Any such sale may be by public auction or private contract and with or without any special conditions and the

Power to sell lands.

A.D. 1903. Corporation may subject to the like consent fix reserved biddings and buy in at auctions and alter or rescind on terms or gratuitously any contract for a sale and generally may sell in such manner and on such terms and conditions whatsoever as they think fit and may convey the premises agreed to be sold accordingly.

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

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

Compensation how to be determined.

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

Compensation may be in land &c.

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

Appearance of Corporation before court of summary jurisdiction.

168. The town clerk or any officer authorised generally or in respect of any special proceeding by resolution of the council or a committee of the council may as agent for and on behalf of the Corporation appear before any court of summary jurisdiction and may institute carry on or defend any proceeding or matter which the Corporation or council is authorised to institute carry on or defend before such court as aforesaid under the Municipal Corporations Acts or any special Act of the Corporation or any general Act adopted by the Corporation.

Informations by whom to be laid.

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

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

A.D. 1903.
Recovery of penalties &c.

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

As to appeal.

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

Penalties to be paid over to treasurer &c.

173. 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 such matter from any penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for indictments.

174. Any information complaint summons warrant or notice issued or given by the Corporation for any purpose of this Act may contain in the body thereof or in a schedule thereto several sums.

Several sums in one summons.

175. In case the occupier of any building or part of a building shall prevent the owner thereof from carrying into effect in respect thereof any notice given by the Corporation under Parts IX. X. and XI. of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the

Penalty on occupiers refusing execution of Act.

A.D. 1903. owner to the occupier any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the first-mentioned notice 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 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 five pounds and during the continuance of such 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.

In executing works instead of owner Corporation only liable for negligence.

176. Whenever the Corporation or the surveyor under this or any other Act or any byelaw for the time being in force within the borough 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 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 may be recovered from such owner occupier or other person or may be added to and shall be deemed part of any private improvement expenses payable by such owner or occupier.

Inquiries by Local Government Board.

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

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

Crown rights.

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

179. All the costs charges and expenses preliminary to and of and incidental to the preparing and obtaining this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation as to one half thereof out of the borough fund and borough rate and as to the other half out of the district fund and general district rate or out of moneys borrowed on the security thereof under the authority of this Act.

A.D. 1903.
Costs of Act.

A.D. 1903.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY ARE
REQUIRED BY THE CORPORATION.

Parish.	Numbers on deposited Plans.
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