



CHAPTER ccxl.

An Act to authorise the urban district council of Leyton in the county of Essex to construct and work tramways and to confer further powers on the Council in regard to their tramways undertaking and their electrical undertaking to empower the Council to execute certain street widenings to provide for vesting in the Council certain lammas lands as open spaces and recreation grounds to make further provision for the improvement health and local government of the district and for other purposes.

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[15th August 1904.]

WHEREAS the urban district of Leyton in the county of Essex (in this Act called "the district") is under the government of the urban district council of Leyton (in this Act called "the Council") and the Council are the local authority of the district within the meaning of the Tramways Act 1870 :

And whereas various powers in regard to tramways sanitary matters and the improvement and government of the district have been conferred on the Council by the Leyton Urban District Council Act 1898 (hereinafter called "the Act of 1898") and the Council are by the Leyton Electric Lighting Order 1894 (in this Act called "the Order of 1894") which was confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1894 authorised to supply electrical energy within the district :

And whereas the population of the district has continued since the passing of the Act of 1898 rapidly to increase and now exceeds one hundred thousand and the extension of tramway communication in and near the district will be of great local and public advantage :

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And whereas it is expedient that the Council should be empowered to construct the additional tramways in this Act described and to purchase certain short lengths of tramways outside their district :

And whereas it is expedient that the Council should be empowered to work the tramways constructed by them as well as any other tramways which have been or may hereafter be acquired by them :

And whereas in connection with the proposed new lines of tramways and otherwise it is expedient to authorise the Council to execute the street widenings in this Act described :

And whereas it is expedient to make further provision with regard to the electrical undertaking of the Council :

And whereas it is desirable to confer on the Council further powers for the regulation of streets and buildings sewerage and drainage and for the prevention of and otherwise in relation to infectious disease and also for the protection of the milk supply within the district and generally in regard to police and sanitary matters :

And whereas there are within the district certain lands over which lammas rights (that is to say rights of grazing a limited number of beasts at certain periods of the year) exist and such rights are or are reputed to be exerciseable by the inhabitants of the district or some of them :

And whereas owing to the growth of population and the spread of buildings such rights have become practically valueless to the inhabitants of the district and have with slight exceptions ceased to be exercised :

And whereas if the said lammas rights were purchased and taken by the Council under the Lands Clauses Acts the compensation which would be payable under the said Acts in respect of the extinguishment of the said lammas rights would be payable out of moneys chargeable on the ratepayers of the district who are for the most part identical with the persons entitled to exercise the said lammas rights and to receive such compensation :

And whereas in these circumstances it is expedient that provision be made for vesting in the Council the lammas lands shown on the lammas lands plan hereinafter mentioned in the manner and upon the terms in this Act set forth to be held by the Council subject to and in accordance with the provisions of this Act as and for an open space or recreation ground and that the future exercise

of the said lammas rights should be extinguished or regulated as hereinafter provided : A.D. 1904.

And whereas it is expedient that further powers should be conferred on the Council for regulating and managing the open spaces and recreation grounds in the district now existing or hereafter to be provided by them :

And whereas the small parcel of land (formerly copyhold) situate in or adjacent to High Street Leyton containing seven hundred and sixty square yards or thereabouts and more particularly described in the Third Schedule to this Act is or is reputed to be vested in the churchwardens and overseers or in the overseers of the parish of Leyton and was in or about the year 1888 by their directions enfranchised and there is now owing to Robert Thomas Wragg on account of the balance of costs of enfranchisement a sum of one hundred and fifty pounds or thereabouts :

And whereas the churchwardens and overseers of the parish of Leyton are willing and it is expedient that the said parcel of land be vested in the Council and that the Council be empowered to sell let or dispose of the same for the benefit of the inhabitants of the district and to pay and discharge the amount owing as aforesaid :

And whereas it is expedient that the powers and duties in other than ecclesiastical matters of the vestries of the parishes of Leyton and Cannhall be transferred to the Council :

And whereas it is expedient to confer on the Council such powers of borrowing money and such other powers as are in this Act contained :

And whereas the Council have caused to be prepared estimates showing that they will or may require to borrow the following sums for the following purposes (that is to say) :—

For tramway purposes the sum of one hundred and twenty-eight thousand pounds ;

For street widenings and improvements including the purchase of lands the sum of fourteen thousand three hundred pounds ;

For the purchase of lammas lands and rights and the laying out and improvement of open spaces and recreation grounds the sum of seven thousand pounds :

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

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And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-ninth day of December one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Eastern Mercury* a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the *Leytonstone Express and Independent* a newspaper published and circulating in the district and has received the approval of the Local Government Board:

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

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

And whereas plans and sections showing the lines and levels of the tramways street widenings and works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Essex and are in this Act respectively referred to as the deposited plans sections and books of reference:

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *Leyton Urban District Council Act 1904.*

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

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- Part I.—Preliminary.
- Part II.—Tramways.
- Part III.—Electricity.
- Part IV.—Street Widenings.
- Part V.—Streets and Buildings.
- Part VI.—Sewers Drains Closet Accommodation &c.
- Part VII.—Infectious Disease.
- Part VIII.—Sale of Ice Creams.
- Part IX.—Milk Supply.
- Part X.—Police Regulations &c.
- Part XI.—Lammis Lands and Recreation Grounds.
- Part XII.—Transfer of Powers of Vestries.
- Part XIII.—Lands.
- Part XIV.—Financial.
- Part XV.—Miscellaneous.
- Part XVI.—Procedure &c.

Division of
Act into
Parts.

3. This Act except where otherwise expressly provided shall be carried into execution by the Council.

Execution of
Act.

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

Incorporation
of Acts.

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

Section 3 (Interpretation of terms) and section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that section 19 shall be read and have effect as if the words “ but nothing in this “ Act contained shall authorise any local authority to place “ and run carriages upon such tramways and to demand “ and take tolls and charges in respect of the use of such “ carriages ” were omitted from that section Provided also that for the purposes of section 30 the adaptation of the existing tramways for working by electric traction shall be deemed to be the laying down of a tramway :

Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the

A.D. 1904. Tramways Act 1870) to any alteration to or interference with any telegraphic line belonging to or used by the Postmaster-General.

The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

Interpreta-
tion.

5. In this Act unless the subject or context otherwise require—

Terms to which meanings are assigned by the Act of 1898 or by enactments incorporated with this Act have in this Act the same respective meanings ;

"The tramways" means the tramways authorised by this Act and any other tramways for the time being belonging to the Council ;

"The undertakers" or "the promoters of the undertaking" in the Acts incorporated with this Act means the Council ;

"Closet accommodation" means any receptacle for human excreta and the fittings and apparatus connected therewith ;

"Dairy" means any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale ;

"Dairyman" means any cowkeeper purveyor of milk or occupier of a dairy ;

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

"The Lammas Lands plan" means the plan signed in triplicate by John Heywood Johnstone Esquire the chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy is deposited in the Private Bill Office of the House of Commons one copy in the Parliament Office of the House of Lords and one copy at the Town Hall Leyton ;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed (including this Act) or under any Provisional Order confirmed by Act of Parliament passed

or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and rates or contributions leviable by or on the precept of the Council.

PART II.

TRAMWAYS.

6. Subject to the provisions of this Act the Council may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and may enter on take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

Power to
make tram-
ways.

The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1 4 furlongs 9·00 chains in length (double line throughout) wholly situate in the parish and urban district of Leyton commencing at the boundary between the said parish and urban district and the parish of St. John-at-Hackney being also the boundary between the counties of London and Essex on the new road intended to be constructed as an extension in a direct line and in a southerly direction of that portion of Ruckholt Road which crosses over the Great Eastern Railway passing along the said new road in a north-easterly direction and along Ruckholt Road in a northerly and easterly direction and terminating in Leyton High Road by a junction with the existing Lea Bridge Leyton and Walthamstow Tramways at a point

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0·90 chain or thereabouts measured in a southerly direction from the junction of Ruckholt Road with Leyton High Road :

Tramway No. 1A 1·40 chains in length (double line throughout) wholly situate in the parish and urban district of Leyton commencing in Ruckholt Road by a junction with Tramway No. 1 at a point 0·90 chain or thereabouts measured in a westerly direction from the junction of Ruckholt Road with Leyton High Road and passing in a northerly direction into and terminating in Leyton High Road by a junction with the existing Lea Bridge Leyton and Walthamstow Tramways at a point 0·70 chain or thereabouts measured in a northerly direction from the said junction of Ruckholt Road with Leyton High Road :

Tramway No. 2 3 furlongs 5·90 chains in length (double line throughout) situate in the parishes of Leyton and Cannhall in the urban district of Leyton commencing in Leyton High Road by a junction with the existing Lea Bridge Leyton and Walthamstow Tramways at the termination of such tramways opposite Maud Road proceeding thence in a southerly direction along Leyton High Road and terminating therein at the boundary between the said parish and urban district of Leyton and the parish and county borough of West Ham :

Tramway No. 3 3 furlongs 5·85 chains in length (double line throughout) situate in the parish of Cannhall in the urban district of Leyton and in the parish and county borough of West Ham commencing by a junction with Tramway No. 2 in Leyton High Road at a point 1·00 chain or thereabouts measured in a northerly direction from its termination passing into and in an easterly direction along Crownfield Road and into and terminating in Leytonstone High Road by a junction with the existing North Metropolitan Tramways at a point 0·80 chain or thereabouts measured in a southerly direction from the junction of Crownfield Road with Leytonstone High Road :

Tramway No. 3A 1·40 chains in length (double line throughout) situate in the parish of Cannhall in the urban district of Leyton commencing in Crownfield Road by a junction with Tramway No. 3 at a point 0·93 chain or thereabouts measured in a westerly direction from the junction of Crownfield Road with Leytonstone High Road passing in

a northerly direction into Leytonstone High Road and terminating therein by a junction with the existing North Metropolitan Tramways at a point 0·90 chain or thereabouts measured in a northerly direction from the said junction of Crownfield Road with Leytonstone High Road :

Tramway No. 4 1 mile 0 furlongs 9·00 chains in length (double line throughout) situate in the parish of Cannhall in the urban district of Leyton and in the parish and county borough of West Ham commencing in Crownfield Road by a junction with Tramway No. 3 at a point 0·80 chain or thereabouts measured in a westerly direction from the junction of Crownfield Road with Leytonstone High Road passing thence in an easterly direction across Leytonstone High Road into and in an easterly direction along Cannhall Road in a southerly and easterly direction into and along Dames Road and Forest Road and in a southerly direction into and terminating in Woodford Road by a junction with the authorised tramways of the Corporation of West Ham at a point 1·00 chain or thereabouts measured in a southerly direction from the junction of Forest Road with Woodford Road :

Tramway No. 4A 1·30 chains in length (double line throughout) wholly situate in the parish of Cannhall in the urban district of Leyton commencing in Leytonstone High Road by a junction with the existing North Metropolitan Tramways at a point 0·77 chain or thereabouts measured in a northerly direction from the junction of Crownfield Road with Leytonstone High Road passing thence in an easterly direction into Cannhall Road and terminating therein by a junction with Tramway No. 4 at a point 0·90 chain or thereabouts measured in an easterly direction from the said junction of Crownfield Road with Leytonstone High Road :

Tramway No. 5 2·00 chains in length (double line throughout) wholly situate in the parish and urban district of Leyton commencing in Snaresbrook Road by a junction with the existing Lea Bridge Leyton and Walthamstow Tramways at or about the junction of Woodford New Road with Snaresbrook Road passing in an easterly direction into and along Snaresbrook Road and terminating therein at a point 2·00 chains from the commencement of the said tramway :

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Tramway No. 6 1 mile 0 furlongs 3·60 chains in length (double line throughout) wholly situate in the parish and urban district of Leyton commencing in Forest Rise by a junction with the existing Lea Bridge Leyton and Walthamstow Tramways at a point 1·30 chains or thereabouts measured in an easterly direction from the junction of Whipps Cross Road with Lea Bridge Road passing in a southerly direction into and along Whipps Cross Road and in a south-westerly direction into Leytonstone High Road and terminating therein by a junction with the existing North Metropolitan Tramways at their termination :

Tramway No. 6A 2·20 chains in length (double line throughout) wholly situate in the parish and urban district of Leyton commencing in Lea Bridge Road by a junction with the existing Lea Bridge Leyton and Walthamstow Tramways at a point 1·00 chain or thereabouts measured in a westerly direction from the junction of Whipps Cross Road with Lea Bridge Road passing thence in a southerly direction into Whipps Cross Road and terminating therein by a junction with Tramway No. 6 at a point 1·50 chains or thereabouts measured in a southerly direction from the junction of Whipps Cross Road with Lea Bridge Road :

Tramway No. 7 2·00 chains in length (double line in lieu of existing single line) wholly situate in Leytonstone High Road in the parish and urban district of Leyton commencing by a junction with Tramway No. 6 at its termination and terminating at a point 2·00 chains or thereabouts measured in a south-westerly direction from its said point of commencement :

Tramway No. 8 3·50 chains in length (interlacing line in lieu of existing single line) wholly situate in Leytonstone High Road in the parish and urban district of Leyton commencing and terminating at points respectively 2·80 chains measured in a northerly and 0·70 chain measured in a southerly direction from the junction of Harvey Road with Leytonstone High Road :

Tramway No. 9 5·70 chains in length (double line in lieu of existing single line) wholly situate in Leytonstone High Road in the parish and urban district of Leyton commencing and terminating at points respectively 4·00 chains or thereabouts measured in a northerly direction and 1·70 chains or thereabouts measured in a southerly direction

from the junction of Wellesley Road with Leytonstone High Road : A.D. 1904.

Tramway No. 10 5·20 chains in length (double line in lieu of existing interlacing line) wholly situate in Leytonstone High Road in the parish and urban district of Leyton commencing and terminating at points respectively 1·30 chains or thereabouts measured in a northerly direction and 3·90 chains or thereabouts measured in a southerly direction from the junction of Beechcroft Road with Leytonstone High Road :

Tramway No. 11 1 furlong 1·40 chains in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing and terminating at points respectively 13·70 chains and 2·30 chains or thereabouts both measured in a south-westerly direction from the centre of the bridge carrying Lea Bridge Road over the East London Waterworks Aqueduct :

Tramway No. 12 9·60 chains in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing and terminating at points respectively 1·70 chains or thereabouts measured in a south-westerly direction and 7·90 chains or thereabouts measured in a north-easterly direction from the centre of the bridge carrying Lea Bridge Road over the East London Waterworks Aqueduct :

Tramway No. 13 1 furlong 2·60 chains in length (double line in lieu of existing single line) situate wholly in Lea Bridge Road in the parish and urban district of Leyton commencing and terminating at points respectively 13·00 chains or thereabouts and 0·40 chain or thereabouts both measured in a south-westerly direction from the centre of the bridge carrying the Lea Bridge Road over the Great Eastern Railway :

Tramway No. 14 9·70 chains in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing and terminating at points respectively 9·40 chains or thereabouts measured in a south-westerly direction and 0·30 chain or thereabouts measured in a north-easterly direction from the junction of Elm Park Road and Lea Bridge Road :

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Tramway No. 15 1 furlong 9·80 chains in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing at a point 1·30 chains or thereabouts measured in a north-easterly direction from the junction of Elm Park Road with Lea Bridge Road and terminating at a point 3·60 chains or thereabouts measured in a north-easterly direction from the junction of Nursery Lane with Lea Bridge Road :

Tramway No. 16 1 furlong 6·90 chains in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing at a point 4·60 chains or thereabouts measured in a north-easterly direction from the junction of Nursery Lane with Lea Bridge Road and terminating at a point 1·55 chains or thereabouts measured in a north-easterly direction from the junction of Salcombe Road with Lea Bridge Road :

Tramway No. 17 1 furlong 9·50 chains in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing at a point 2·55 chains or thereabouts measured in a north-easterly direction from the junction of Salcombe Road with Lea Bridge Road and terminating at a point 0·65 chain or thereabouts measured in a north-easterly direction from the junction of Vicarage Road with Lea Bridge Road :

Tramway No. 18 1 furlong 0·70 chain in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing at a point 0·90 chain or thereabouts measured in a south-westerly direction from the junction of Whitney Road with Lea Bridge Road and terminating at or about the junction of Russell Road with Lea Bridge Road :

Tramway No. 19 8·60 chains in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing at a point 1·00 chain or thereabouts measured in a north-easterly direction from the junction of Russell Road with Lea Bridge Road and terminating at a point 0·80 chain or thereabouts measured in a north-easterly direction from the junction of Bromley Road with Lea Bridge Road :

Tramway No. 20 6·75 chains in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing and terminating at points respectively 0·70 chain or thereabouts and 7·45 chains or thereabouts measured in a north-easterly direction from the junction of College Road with Lea Bridge Road :

Tramway No. 21 1 furlong 0·55 chain in length (double line in lieu of existing single line) wholly situate in Lea Bridge Road in the parish and urban district of Leyton commencing and terminating at points respectively 9·00 chains or thereabouts measured in a south-westerly direction and 1·55 chains or thereabouts measured in a north-easterly direction from the junction of Western Road with Lea Bridge Road :

Tramway No. 22 1 furlong 7·25 chains in length (double line in lieu of existing single line) situate in Lea Bridge Road in the parish and urban district of Leyton and in the parish and urban district of Walthamstow commencing at a point 1·70 chains or thereabouts measured in a south-westerly direction from the junction of Eastern Road with Lea Bridge Road and terminating at a point 0·80 chain or thereabouts measured in an easterly direction from the junction of Whipps Cross Road with Lea Bridge Road :

Tramway No. 23 1 furlong 3·60 chains in length (double line in lieu of existing single line) wholly situate in the parish and urban district of Leyton commencing in Forest Rise at a point 1·80 chains or thereabouts measured in an easterly direction from the junction of Whipps Cross Road with Lea Bridge Road passing in a north-easterly direction along Forest Rise and into and along Snaresbrook Road and terminating therein at a point 4·40 chains or thereabouts measured in a south-westerly direction from the junction of Woodford New Road with Snaresbrook Road :

Tramway No. 24 1 furlong 4·20 chains in length (double line in lieu of existing single line) commencing in Snaresbrook Road at a point 3·40 chains or thereabouts measured in a south-westerly direction from the junction of Woodford New Road with Snaresbrook Road in the parish and urban district of Leyton passing thence in a northerly direction into and along Woodford New Road and terminating therein in the parish and urban district of Walthamstow at a point

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1·25 chains or thereabouts measured in a southerly direction from the centre of the principal entrance to "Woodlands":

Tramway No. 25 1 furlong 1·45 chains in length (double line in lieu of existing single line) wholly situate in Woodford New Road in the parish and urban district of Walthamstow commencing at a point 0·50 chain or thereabouts measured in a southerly direction from the principal entrance to "Woodlands" and terminating at a point 3·10 chains or thereabouts measured in a southerly direction from opposite the main entrance to the "The Rising Sun":

Tramway No. 26 2·00 chains in length (double line in lieu of existing single line) wholly situate in Woodford New Road in the parish and urban district of Walthamstow commencing and terminating at points respectively 2·25 chains and 0·25 chain respectively both measured in a southerly direction from opposite the main entrance to "The Rising Sun":

Tramway No. 27 9·60 chains in length (double line in lieu of existing single line) wholly situate in the parish and urban district of Leyton commencing in Lea Bridge Road by a junction with the existing Lea Bridge Leyton and Walthamstow Tramways at a point 1·00 chain or thereabouts measured in a north-easterly direction from the junction of Leyton High Road with Lea Bridge Road passing thence in a south-easterly direction into and along Leyton High Road and terminating therein at a point 2·50 chains or thereabouts measured in a south-easterly direction from the junction of William Street with Leyton High Road:

Tramway No. 28 1 furlong 5·20 chains in length (double line in lieu of existing single line) wholly situate in Leyton High Road in the parish and urban district of Leyton commencing at a point 0·80 chain or thereabouts measured in a north-westerly direction from the junction of Capworth Street with Leyton High Road and terminating at a point 1·00 chain or thereabouts measured in a southerly direction from the junction of Skelton's Lane with Leyton High Road:

Tramway No. 29 7·40 chains in length (double line in lieu of existing single line) wholly situate in Leyton High Road in the parish and urban district of Leyton commencing at a point 0·80 chain or thereabouts measured in a northerly direction from the junction of Abbott's Park Road with Leyton High Road and terminating at a point 0·40 chain

or thereabouts measured in a northerly direction from the junction of James Lane with Leyton High Road : A.D. 1904.
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Tramway No. 30 4·45 chains in length (in lieu of existing single line) wholly situate in Leyton High Road in the parish and urban district of Leyton commencing at a point 0·65 chain or thereabouts measured in a northerly direction from the junction of Midland Road with Leyton High Road and terminating at a point 2·50 chains or thereabouts measured in a northerly direction from the junction of Brewster Road with Leyton High Road This tramway will be a double line except from a point 1·60 chains or thereabouts from its termination to its termination where it will be an interlacing line :

Tramway No. 31 3·15 chains in length (double line in lieu of existing single line) wholly situate in Leyton High Road in the parish and urban district of Leyton commencing and terminating at points respectively 3 chains or thereabouts measured in a northerly direction and 0·15 chain or thereabouts measured in a south-westerly direction from a point opposite the lamp standard and refuge at the junction of Hainault Road with Leyton High Road :

Tramway No. 32 9·20 chains in length (double line in lieu of existing single line) wholly situate in Leyton High Road in the parish and urban district of Leyton commencing at a point 1·75 chains or thereabouts measured in a north-easterly direction from the junction at Brunswick Road with Leyton High Road and terminating at a point 1·80 chains or thereabouts measured in a south-westerly direction from the junction of Francis Road with Leyton High Road :

Tramway No. 33 9·15 chains in length (double line in lieu of existing single line) wholly situate in Leyton High Road in the parish and urban district of Leyton commencing at a point 3·60 chains or thereabouts measured in a northerly direction from the junction of Dawlish Road with Leyton High Road and terminating at or about the junction of Church Road with Leyton High Road :

Tramway No. 34 1 furlong 2·90 chains in length (in lieu of existing single line) wholly situate in Leyton High Road in the parish and urban district of Leyton commencing at a point 0·60 chain or thereabouts measured in a northerly direction from the junction of Thornhill Road with Leyton High Road and terminating at a point 1·90 chains or

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thereabouts measured in a southerly direction from the junction of Tyndall Road with Leyton High Road This tramway will be double line except between points respectively 1·50 chains or thereabouts and 2·70 chains or thereabouts measured in a southerly direction from the junction of Thornhill Road with Leyton High Road where it will be an interlacing line :

Tramway No. 35 8·85 chains in length (double line in lieu of existing single line) wholly situate in Leyton High Road in the parish and urban district of Leyton commencing at a point 2·00 chains or thereabouts measured in a north-westerly direction from the junction of Sidmouth Road with Leyton High Road and terminating at a point 1·10 chains or thereabouts measured in a south-easterly direction from the junction of Leyton Park Road with Leyton High Road :

Tramway No. 36 2·65 chains in length (double line in lieu of existing single line) wholly situate in Leyton High Road in the parish and urban district of Leyton commencing and terminating at points respectively 2·00 chains or thereabouts measured in a northerly direction and 0·65 chain or thereabouts measured in a southerly direction from the junction of Trelawn Road with Leyton High Road.

As to laying of tramways opposite postman's sorting office.

7. Notwithstanding anything contained in this Act or shown on the deposited plans the tramways shall not be so laid along the High Road Leyton opposite the postman's sorting office that a less space than nine feet six inches shall intervene between the nearest rail of the tramway and the outside of the footpath on that side of the said street on which such sorting office abuts.

Gauge of tramways.

8. The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon.

Rails of tramways.

9. The rails of the tramways shall be such as the Board of Trade may approve.

Plan of proposed mode of construction.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Council shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down and renewing such tramways and a statement of the materials intended to be used therein and the Council shall not

commence the construction laying down and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

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11.—(1) The Council shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and of all other tramways of the Council and the substructure upon which the same rest and if the Council at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds. The tramways of the Council for the purposes of this section include any tramways purchased by the Council or taken on lease by them during the continuance of any such lease.

Penalty for not maintaining rails and roads.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of the district that the Council have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Council to such penalty or penalties in respect thereof as is or are by this section imposed.

12. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Council may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways to be kept on level of surface of road.

13. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Council shall if and where required by the

Cross-overs to be constructed in certain cases.

A.D. 1904. Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs and to double tramway lines.

14.—(1) The Council may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Council.

(2) Notwithstanding anything shown on the deposited plans the Council may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Council may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that in the construction of any works under this section no rail shall except with the consent of the Board of Trade be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road or in the case of a widened road such less space as may be authorised under the powers of this Act or may have existed prior to the execution of such widening if one-third of the owners or occupiers of the houses shops or warehouses abutting on the place where such less space would intervene shall by writing under their hands addressed and delivered to the Council within three weeks after receiving notice from the Council in writing express their objection thereto.

Junctions with other tramways.

15. The Council may form junctions between the tramways of the Council and any tramways tramroads or light railways which can be worked in connection therewith but only with the consent of the owners and lessees of such tramways tramroads and light railways respectively and of the local and road authority within whose jurisdiction such junctions would be formed.

Temporary tramways

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways

is laid it is in the opinion of the Council necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Council may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

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—
may be made
where neces-
sary.

17. The Council may during the execution and for the purposes of any work by this Part of this Act authorised stop up any street in the district and prevent all persons other than those bonâ fide going to or returning from any house or any station or other premises of any railway company in any such street from passing along and using the same for any reasonable time. The Council shall provide reasonable access for all persons so bonâ fide going to or returning from any such house station or other premises.

Temporary
stoppage of
streets.

18. Any paving metalling or material excavated by the Council in the construction or re-construction of the tramways form any road under their jurisdiction or control shall absolutely vest in and belong to the Council and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application
of road
materials ex-
cavated in
construction
of works.

Any paving metalling or material excavated from any road within the county borough of West Ham shall vest in and belong to the corporation of West Ham and may be dealt with removed and disposed of by that corporation in such manner as they may think fit.

19. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

Motive
power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade Regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:

(3) The Council or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade Regulations shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds:

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

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

(b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

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

Special provisions as to use of electrical power.

20. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:—

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

(4) The Council shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Council either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade Regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(6) If any difference arises between the Council and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(7) The expression " Council " in this section shall include lessees licences and any person owning working or running carriages over any tramway of the Council.

21. In the event of any tramways of the Council being worked by electricity the following provisions shall have effect :—

For protection of Post Office telegraph lines.

(1) The Council shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and

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other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Council as to compliance with this subsection shall be determined by arbitration :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council of their electric lines and works or by the working of the undertaking of the Council the Council shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Council or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Council and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Council as to any requirement so made shall be determined by arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Council is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Council's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Council enter any of the Council's works for the purpose of inspecting the Council's plant and the working of the same and the Council shall in the presence of such engineer-in-chief or such appointed

person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Council pursuant to the Board of Trade Regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections two ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two

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both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act :

- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Council by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Council" includes their lessees and any person owning working or running carriages on any of the tramways of the Council.

Apparatus
used for
mechanical
power to be
deemed part
of tramway.

22. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Council for the purposes of mechanical power were parts of the tramway.

Attachment
of brackets
&c. to build-
ings.

23. The Council may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power :

Provided that—

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

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

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

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

24. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

Byelaws of Board of Trade.

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages :

For regulating the emission of smoke or steam from engines used on the tramways :

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all byelaws and Board of Trade Regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

25. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power but nothing in this section shall empower the

Power to Council to work tramways.

A.D. 1904. Council to construct any station for generating electrical power or to create or permit a nuisance.

Regulations by Council.

26. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Council be made by the Council alone.

Use of generating stations.

27. The Council may use any generating station erected or to be erected under the authority of any Act of Parliament or Order existing at the date of the passing of this Act for the supply of current for the working of all or any of the tramways and for the purposes of this Part of this Act the Council may make maintain and use works engines machinery dynamos and apparatus for the production storage and supply of electricity or other power at any such generating station as aforesaid.

Reconstruction of tramways and construction of electric works.

28. The Council may reconstruct any tramways for the time being belonging to them and make such alteration thereof as may be necessary or expedient for working the same by mechanical power and for the purpose of working any of the tramways by mechanical power the Council may place construct erect lay down make and maintain in on or under any street such posts electric conductors wires apparatus subways tunnels cables tubes and openings as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power or for the transmission of electricity to such tramways.

Inspection by Board of Trade.

29. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Period for completion of works.

30. Save as hereinafter provided the tramways shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Council for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided that—

- (1) So much of Tramway No. 1 as is to be laid on the new road intended to be constructed as in this Act mentioned shall be completed within three years from the construction and opening for traffic of the portion of the new road on which the said tramway is to be constructed :

(2) Tramways Nos. 7 to 36 shall not be constructed until after the acquisition by the Council or the Walthamstow Urban District Council of the existing tramways for which the said tramways are respectively to be substituted and shall be completed within three years from the respective dates of such purchase : A.D. 1904.
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(3) Tramway No. 35 shall not be constructed until the Leyton High Road has been widened so that no less space than nine feet six inches shall intervene for a length of thirty feet or upwards between the outside of the footpath on either side of the road and the nearest rail of the tramway unless with the consent of two-thirds of the owners and occupiers of the houses shops or warehouses abutting on the part of the road where such less space shall intervene as aforesaid.

31. The Council may demand and take for every passenger travelling on the tramways or any part or parts thereof including every expense incidental to the conveyance of such passenger a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Council be bound to charge a less sum than one penny : Passengers' fares.

Provided that the Council may appoint stages on any of the tramways each of not less than half a mile in length and may demand and take for every passenger travelling on the tramways including every expense incidental to the conveyance of such passenger a fare not exceeding one penny for each two stages or portion of that distance travelled and for this purpose the fraction of a stage shall be deemed a stage.

32. Every passenger travelling on the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers. Passengers' luggage.

33. The Council shall not be bound unless they think fit to carry on the tramways any goods animals or other things other than passengers and passengers' luggage under and subject to the foregoing provisions of this Act. Council not bound to carry animals and goods.

34. The Council shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week days. As to fares on Sundays or holidays.

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Cheap fares
for labouring
classes.

35.—(1) The Council at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance. On Saturdays the Council in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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

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

Provided that in the event of the corporation of West Ham constructing or purchasing and working so much of Tramway No. 4 as is situate in the county borough of West Ham under the powers in that behalf hereinafter contained the provisions of this section shall not thereafter apply to the said portion of Tramway No. 4.

Periodical
revision of
rates and
charges.

36. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Council that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject

to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section. Provided that a copy of this section shall be annexed to every table or list of fares published or exhibited by the Council.

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37. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the Council to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade Regulations but the byelaws of the Council may restrict the rate of speed to a lower rate than that so authorised.

Byelaws as to speed.

38. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the tramways anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Council shall be liable to a penalty not exceeding twenty pounds.

Penalty for malicious damage.

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

Orders &c. of Board of Trade.

40.—(1) The Council may enter into and carry into effect agreements with the owner or lessee of any tramway within the district with respect to the purchase of such tramway or any part or parts thereof or with respect to the surrender or transfer of any lease thereof or with respect to the purchase or hire by the Council of any lands buildings works materials rolling stock or plant in connection with any such tramway or with respect to the transfer to the Council of any of the powers of such owner or lessee as to the construction maintenance or working of the tramway.

Working and other agreements.

(2) The Council may subject to the provisions of this Act enter into agreements with the owner or lessee of any tramway

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within or beyond the district which can be worked with any of the tramways (each of whom is in this section referred to as "the owning authority") with respect to the following purposes or any of them and all matters incidental or necessary thereto (that is to say):—

- (i) The working running over use management occupation and maintenance by either of the contracting parties of the undertakings and tramways of or leased to the other of them or any part or parts thereof respectively :
- (ii) The working and leasing of their respective tramways or any part thereof and the conveyance of traffic thereon :
- (iii) The supply under any agreement for the undertakings and tramways of the contracting parties or either of them being worked by the other of them of carriages engines and horses necessary for the purposes and during the continuance of any such agreement and the employment of officers and servants :
- (iv) The supply to either of the contracting parties of motive power by the other of them :
- (v) The interchange of traffic between the respective undertakings of or leased to the contracting parties :
- (vi) The payment collection and apportionment of tolls rents fares charges or other receipts arising upon the respective tramways :
- (vii) The appointment of joint committees for the carrying into effect of such agreements :

And for the purposes of and during the continuance of any such agreement the Council or the owning authority working or running over managing or occupying any tramways shall in accordance with and to the extent provided by such agreement have and may exercise in respect of the tramways worked run over used managed occupied or maintained by them all such and the like powers rights and remedies for the taking collection and recovery of tolls fares and charges and otherwise howsoever as are by or under the Acts respectively relating to such tramways conferred upon the Council or owning authority.

Provided that no electrical energy shall be supplied or shall continue to be supplied by the Council under the provisions of this section in any district in which any other local authority company or person shall be supplying energy under statutory authority

without the consent in writing of such local authority company or person. A.D. 1904.

For the purposes of this section the word "tramway" or "tramways" includes a tramroad and light railway.

41. The Council may provide and run omnibuses moved by animal or mechanical power in connection with the tramways when the running of carriages thereon is impracticable or during the construction alteration or repair thereof and may demand and take tolls and fares for the use of such omnibuses : Omnibuses in connection with tramways.

Provided that the Council shall not use electrical energy as the motive power on such omnibuses unless the electrical energy is entirely contained in and carried along with the omnibuses in such manner that no magnetic or other influence is created which is likely to affect telegraphic communication by means of any telegraphs of the Postmaster-General.

42. For the purpose of using any mechanical power it shall be lawful for the Council to acquire hold and exercise patent and other rights or licences (not being exclusive) relating to motive power or otherwise. Power to acquire patent rights.

43. The Council shall apply all money received by them on account of revenue in respect of their tramways undertaking in manner and in the order following (that is to say) :— Application of revenue of tramways undertaking.

First In payment of the working and establishment expenses and cost of maintenance of the undertaking (including the maintenance of so much of the roads in which the tramways are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870) ;

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of the undertaking ;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Council for the purposes of the undertaking ;

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking ;

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in any of the securities specified in section 89 (2) of the Act of 1898 and accumulating the same at compound interest until

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the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the tramways of the Council or of the works connected therewith and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum :

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of their tramway undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

Case of deficiency of tramway revenue.

44. Any deficiency in the annual revenue of the tramway undertaking of the Council which is not made good out of the reserve fund shall be made good out of the general district rate made next after such deficiency is ascertained.

Special provisions as to tramways in West Ham.

45. With respect to so much of Tramway No. 4 by this Act authorised as is situate in the county borough of West Ham being 1 furlong 6·25 chains in length the following provisions shall have effect (that is to say) :—

- (1) The corporation of West Ham may within nine months after the passing of this Act give notice in writing to the Council of their intention to exercise instead of the Council in respect of the said portion of Tramway No. 4 and the street widenings Nos. 6 and 7 authorised by this Act the powers by this Act conferred on the Council and thereupon the said corporation shall be entitled exclusively to exercise those powers and they may for that purpose borrow a sum not exceeding three thousand pounds and with the sanction of the Board of Trade such further sum as they may require on the

security of their tramway revenue and of their borough fund and borough rate subject to the like provisions as if they had been authorised to borrow such moneys for tramway purposes under the West Ham Corporation Act 1900:

- (2) If the corporation of West Ham exercise the said powers then the duties and obligations of the Council under this Part of this Act in respect of the said portion of Tramway No. 4 and the said street widenings shall so far as they are applicable apply to the corporation of West Ham instead of to the Council:
- (3) If the corporation of West Ham give such notice as aforesaid but fail to construct electrically equip and open for traffic the said portion of Tramway No. 4 before the thirty-first day of December one thousand nine hundred and six then the powers of the corporation of West Ham in relation thereto shall cease and the Council may exercise the powers by this Act conferred on them in respect of the said portion of Tramway No. 4 and in respect of the street widenings Nos. 6 and 7 and the provisions of the sections of this Act whereof the marginal notes are "Period for completion of works" shall in respect of the said portion of Tramway No. 4 and the said street widenings apply as if the thirty-first day of December one thousand nine hundred and six were substituted for the date of the passing of this Act:

Provided that the corporation of West Ham may at any time after the completion of the said portion of Tramway No. 4 by the Council by notice in writing require the Council to sell and thereupon the Council shall sell the said portion of Tramway No. 4 to the corporation for such sum in gross and upon terms to be agreed on between the Council and the corporation or in default of agreement to be settled by an arbitrator to be appointed as hereinafter mentioned and when such sale has been made all the rights powers and authorities of the Council in respect of such portion of Tramway No. 4 shall be transferred to and vested in the corporation and the duties and obligations of the Council in respect thereto under this Part of this Act shall devolve

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upon and be discharged by the corporation of West Ham :

- (4) If the corporation of West Ham under the powers in this section contained shall construct or purchase and shall work the said portion of Tramway No. 4 the provisions of the West Ham Corporation Act 1898 and of the West Ham Corporation Act 1900 shall so far as the same are applicable extend and apply to the said portion of Tramway No. 4 and to the corporation in respect thereof in as full and complete a manner as if the said tramway were authorised by the said Acts or one of them and nothing in this Act contained shall be deemed to alter or vary the said provisions or any of them in relation to the said portion of Tramway No. 4 :
- (5) Notwithstanding anything in this Act contained or shown on the deposited plans the said portion of Tramway No. 4 shall not be constructed unless and until the widenings Nos. 6 and 7 authorised by this Act have been completed :
- (6) The said portion of Tramway No. 4 shall not be constructed otherwise than as shown on the deposited plans except with the consent of the corporation signified in writing under the hand of their town clerk :
- (7) If any difference arises under this section between the Council and the corporation of West Ham that difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party.

For protection of mayor aldermen and burgesses of county borough of West Ham.

46. For the protection of the mayor aldermen and burgesses of the county borough of West Ham (hereinafter called "the corporation") the following provisions shall have effect (that is to say) :—

- (1) The Council and the corporation shall each respectively if required by the other permit all necessary and convenient junctions to be made and maintained between the tramways of the Council and the tramways of the corporation and shall each respectively if required by the other grant to the other and to their respective assignees lessees and licencees all such reasonable running powers and traffic facilities over and on their

respective tramways upon such terms and conditions as to payment compensation or otherwise as may be agreed upon between them or in case of difference as shall be settled by an arbitrator to be appointed as occasion arises on the application of either party by the Board of Trade whose decision shall be final:

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- (2) The Council shall at their own expense pave and maintain the whole width of the carriageway of that portion of Crownfield Road which is situate within the county borough of West Ham and along which Tramway No. 3 is proposed to be constructed.

47. Whereas the Walthamstow Urban District Council and the Council are agreed that so much of the tramways authorised by the Lea Bridge Leyton and Walthamstow Tramways Act 1881 as are situate in the urban district of Walthamstow can be most conveniently worked in conjunction with the tramways of the Council Therefore the Council may notwithstanding the provisions of the Tramways Act 1870 and the Lea Bridge Leyton and Walthamstow Tramways Act 1881 exercise the powers of purchase conferred by sections 43 and 44 of the Tramways Act 1870 on a local authority in respect of so much of the tramways authorised by the Lea Bridge Leyton and Walthamstow Tramways Act 1881 as are situate in the urban district of Walthamstow as if the Council were the local authority for the urban district of Walthamstow Provided that nothing in this section shall authorise the compulsory acquisition by the Council of the said tramways except at the periods mentioned in the said 43rd section.

Power to purchase certain tramways in parish of Walthamstow.

48. Where the Council have acquired or shall at any time after the passing of this Act acquire any of the tramways authorised by the North Metropolitan Tramways Act 1870 the North Metropolitan Tramways Act 1880 the Lea Bridge Leyton and Walthamstow Tramways Act 1881 the Lea Bridge Leyton and Walthamstow Tramways (Extensions) Act 1884 the Lea Bridge Leyton and Walthamstow Tramways Act 1889 the Lea Bridge Leyton and Walthamstow Tramways Order 1890 or any of them the following provisions shall have effect (that is to say):—

Application of Act to existing tramways.

- (A) In the case of tramways acquired before the passing of this Act—from the date of the passing thereof; and
(B) In the case of tramways acquired after the passing of this Act—from the date of such acquisition :

A.D. 1904. The said Acts of 1870 1880 1881 1884 1889 the Order of 1890 and the Act of 1898 shall cease to apply to the tramways so acquired and the provisions of this Act and of the Conveyance of Mails Act 1893 shall apply thereto with the requisite modifications and adaptations as if such tramways had been constructed under this Act and the expression "the tramways" and "the undertaking" in this Act shall be construed accordingly.

For protec-
tion of
Waltham-
stow Urban
District
Council.

49. For the protection of the urban district council of Walthamstow (in this section called "the Walthamstow Council") the following provisions shall unless otherwise agreed in writing between the Council and the Walthamstow Council obtain and have effect (that is to say):—

- (1) The Council shall whenever required by the Walthamstow Council grant to that council all such reasonable running powers and traffic facilities over any part of the tramways and light railways for the time being acquired or constructed by the Council which can be worked in connection with the railways authorised by the Walthamstow and District Light Railway Order 1903 upon such terms and conditions as may be agreed between the Council and the Walthamstow Council or in case of difference as shall be settled by arbitration :
- (2) If the Council at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways where laid on any road within the Walthamstow district the Council shall at their own expense remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road but the Council shall not use salt or other unsuitable material for thawing the snow on any such road Provided that any dirt or other matter removed by the Council from the grooves of the rails of the said tramways shall not be allowed to remain in the road but shall be at once taken away by the Council :
- (3) Subject to other the provisions of this Act and of any regulations made thereunder by the Board of Trade the size position design and construction of all posts standards and brackets and their several attachments erected by the Council within the Walthamstow district shall be such as the Walthamstow Council and the Council may agree or as shall be settled by arbitration :

- (4) Advertisements other than notices relating to the working of the tramways shall not be displayed upon any posts standards or brackets erected by the Council within the Walthamstow district: A.D. 1904.
- (5) Except in case of emergency the Council shall not use animal power upon any of the tramways within the Walthamstow district without the consent in writing of the Walthamstow Council:
- (6) The Council shall pave maintain and keep in good condition and repair with wood blocks to the satisfaction of the Walthamstow Council so much of the road whereon Tramway No. 25 is laid as is opposite to Saint Peter's Church and as extends fifty feet beyond each end of such church and as is repairable by them under the provisions of section 28 of the Tramways Act 1870:
- (7) Any paving metalling or other material lawfully excavated by the Council from any road in the Walthamstow district except such granite setts forming part of the Lea Bridge Leyton and Walthamstow Tramways within the Walthamstow district as the Council under the provisions in that behalf in this Act contained may purchase may be applied by the Council in or towards the reinstating of any such road and the maintenance for six months after completion of the tramway upon such road of so much thereof as the Council are by this Act required to maintain and the Council shall at their own expense if so required by the Walthamstow Council deliver the surplus paving metalling or other material not used for the purposes aforesaid at such place not being more than one mile from the place of excavation as the Walthamstow Council shall appoint Provided that if within seven days after notice in writing to the Walthamstow Council that any such surplus is ready for delivery they shall not appoint a place for the delivery thereof such surplus shall vest in and belong to the Council:
- (8) If any difference arises under this section between the Council and the Walthamstow Council that difference shall be settled in manner provided by section 33 of the Tramways Act 1870.

50. For the protection of the Tottenham and Forest Gate Railway Company (in this section called "the company") the

For protection of Tottenham and

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Forest Gate
Railway
Company.

following provisions shall unless otherwise agreed in writing between the company and the Council have effect (that is to say) :—

- (1) The Council shall not in constructing or maintaining any works for the purpose of working the tramways by mechanical power in any way vary alter or interfere with the structure of any of the bridges carrying the railway of the company over the Lea Bridge Road Leyton High Road Leytonstone High Road and Cannhall Road and they shall so construct and maintain the tramways and all works and apparatus connected therewith under every such bridge as not injuriously to affect the same :
- (2) In the event of any injury being caused to any such bridge by the construction maintenance repairing use or removal of the tramways or any such works or apparatus as aforesaid the company may restore such bridge or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the reasonable costs incurred by the company in so doing shall be repaid them by the Council :
- (3) All works which may be necessary in constructing and maintaining any of the tramways or for working the tramways by mechanical power under any such bridge shall be constructed and maintained to the reasonable satisfaction of the principal engineer of the company or in case of difference in such manner as may be determined by an engineer to be appointed by the Board of Trade on the application of either the company or the Council and no such works shall be commenced (except in case of emergency) until the Council shall have given to the said principal engineer twenty-eight clear days' notice in writing thereof :
- (4) No turnout crossing passing place siding junction or other work beyond those shown on the deposited plans shall be made upon the portions of the tramways which shall be situate in front of or within a distance of thirty yards from the respective entrances to the Leyton and Leytonstone stations of the company without the consent of the company under their common seal and without the like consent no tramcar or other vehicle or carriage

used on the tramways shall be stopped or permitted to be stopped within such distance except for and only for so long as shall be absolutely necessary for the purposes of discharging and taking up passengers :

- (5) If any difference shall arise between the Council and the company touching the foregoing provisions of this section or anything to be done or not to be done thereunder the same shall be determined by an engineer to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either party after notice in writing to the other :
- (6) No bracket wire or apparatus for or in connection with the working of the tramways by electrical power or for or in connection with the lighting of any street shall be affixed to any bridge building or premises of the company without the previous consent and approval of the company and in the event of the company so consenting and approving and subsequently being desirous of altering or reconstructing any such bridge or building then the Council shall at their own expense remove and refix all such brackets wires or apparatus as may be required by the company to be removed for the purposes of such alteration or reconstruction :
- (7) The term " Council " shall for the purposes of this section be deemed to include any person or body of persons leasing or working the tramways or any of them.

51. If in the course of the construction of the tramways authorised by this Act the Council shall discover lying under the tramway track any gas mains or pipes belonging to the West Ham Gas Company they shall lower such mains and pipes to a depth of two feet from the surface of the roadway in the event of such mains or pipes not already being laid to that depth and shall re-connect such lowered mains and pipes with the existing mains and pipes Provided that this section shall not apply to mains or pipes lying under any tramway existing at the passing of this Act and further shall not oblige the Council to excavate to any greater depth than is needed for the construction of the tramway for the purpose of endeavouring to discover such mains and pipes and shall not confer upon the West Ham Gas Company any right to excavate for such purpose.

For protec-
tion of West
Ham Gas
Company.

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For protec-
tion of front-
agers in
Whipps
Cross Road.

52 Notwithstanding anything in this Act contained or shown upon the deposited plans or sections so much of the Tramway No. 6 as lies between Cotton's Lane and Forest Glade shall be laid as near as reasonably may be to the north-east side of Whipps Cross Road and so that in any event there shall be between the outer rail and the kerb on the south-west side of the said road a space of not less than nine feet six inches. The space intervening between the rails and for a distance of eighteen inches beyond each external rail of such part of the tramway as aforesaid shall be paved and maintained with wood blocks and any posts standards wire carriers or other erections put up or used for the working thereof shall be on the north-east side of the said road.

For protec-
tion of
Samuel
Courthope
Bosanquet
and Fred-
erick Albert
Bosanquet.

53. In reconstructing and equipping for electrical traction and before using so much of the tramway in Leyton High Road as is opposite to Nos. 1 2 3 4 and 5 Richmond Terrace and Nos. 1 and 2 York Terrace such part thereof shall be laid as an interlacing line and in such manner as to leave a space of not less than seven feet between the outer rail and the kerb on the west side of the said road. Provided that where practicable a space of eight feet shall intervene between such outer rail and the kerb.

For protec-
tion of Essex
Sewers Com-
mission.

54. For the protection of the commissioners of sewers for the levels of Havering and Dagenham Ripple Barking East Ham Leyton and Walthamstow in the county of Essex (in this section called "the commissioners") the following provisions shall unless otherwise agreed have effect (that is to say):—

- (1) The provisions of section 31 of the Tramways Act 1870 shall in all respects apply to the river walling banks sewers watercourses and all other works and defences within the jurisdiction of and under the control and management of the commissioners as if the commissioners were an authority within the meaning of that section and the works and defences under their control and management were expressly referred to in that section:
- (2) Nothing in this Act shall take away limit affect or abridge the jurisdiction of the commissioners within the district of the Council or empower the Council to interfere otherwise than in accordance with this section with any works or property of the commissioners.

For protec-
tion of Great
Eastern Rail-
way Com-
pany re
tramways.

55. In constructing reconstructing and maintaining the tramways authorised by this Act to be constructed reconstructed and maintained or in executing any other works where the same pass

over upon or near any bridge or bridge approaches of the Great Eastern Railway Company (hereinafter called "the company") the following provisions shall have full force and effect:—

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(1) The Council shall not without the consent in writing of the company as aforesaid in any way vary alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so construct reconstruct and maintain the tramways and works over any such bridge and the approaches thereto as not injuriously to affect the same:

(2) (A) In the event of any injury being caused to any such bridge or approaches by the construction reconstruction maintenance use or removal of the tramways and works the company may restore any such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the reasonable costs incurred by the company in so doing shall be repaid by the Council:

(B) Whenever and so often as the company shall think fit to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways thereunder or to lift or support any such bridge or approaches owing to the subsidence thereof and it shall be necessary for effecting any of such purposes that the working and user of the tramways over any such bridge or approaches shall be wholly or partially stopped or delayed or that the tramways or other works shall be temporarily diverted or wholly or in part taken up or removed and shall except in case of emergency (in which case they shall give the longest notice practicable) give to the Council seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of the tramways shall be stopped or delayed or such portion of the said tramways as may be necessary shall be diverted or taken up or removed accordingly at the reasonable expense of the Council and under the superintendence of their engineer if such engineer gives such superintendence but only for so long as may be absolutely necessary for effecting such purposes and without the company being liable for any

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compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto And in case the principal engineer of the company or in case of difference a referee to be appointed as hereinafter mentioned shall be of opinion that any such strengthening reconstruction or alteration is rendered necessary owing to the carriages or other vehicles used on any such tramway being or intended to be moved by steam or any mechanical power (including electrical power) such strengthening reconstruction or alteration shall be effected in all things at the expense of the Council who shall pay to the company any additional expense which they may reasonably incur or be put to in effecting any such strengthening reconstruction or alteration or any widening lengthening repairs lifting or supporting by reason of the existence of the tramways or any of the works connected therewith :

(c) With respect to tramways numbered 2 13 and 14 and any other tramways of the Council where the same will respectively pass in front of or near to the entrances to the Leyton and Lea Bridge stations of the company no crossing passing-place siding junction or other work shall be made for or in connection therewith for the distance thereon extending in front of the said entrances to such stations and for a length of 10 yards at each end of such distance and without the consent of the company under their common seal no tramcar or other vehicle or carriage used on the said tramways numbered 2 13 and 14 and any other tramways of the Council as last aforesaid shall be stopped or permitted to be stopped within such distance and length except for and only for so long as shall be absolutely necessary for the purposes of taking up and setting down passengers :

(d) All works which may be necessary in constructing reconstructing and maintaining any tramways or for working the same by mechanical power (including electrical power) over any such bridge and approaches shall be constructed reconstructed and maintained in all respects to the reasonable satisfaction of the principal engineer of the company or in case of difference of an engineer

to be appointed by the Board of Trade on the application of either the company or the Council and no such works shall be commenced except in case of emergency until the Council shall have given to the said principal engineer fourteen clear days' notice in writing thereof :

- (E) No bracket wire or apparatus (for or in connection with the working of the tramways by electrical power or for or in connection with the lighting of any street) shall be affixed to any bridge building or premises of the company without the previous consent and approval of the company and in the event of the company so consenting and approving and subsequently being desirous of altering or reconstructing any such bridge or building then the Council shall at their own expense remove and refix all such brackets wires or apparatus as may be required by the company to be removed for the purpose of such alteration or reconstruction :
- (F) The term " Council " shall for the purposes of this section be deemed to include any person or body of persons leasing or working the tramways or any of them :
- (G) If any difference not otherwise expressly provided for shall arise under this subsection between the Council and the company as to anything to be done or not to be done under the provisions of this section or as to the reasonableness of any requirements or of any charges under this section the matter in difference shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.

56. Nothing in this Part of this Act contained shall exempt the Council or the tramways from the provisions of any general Act relating to tramways passed before or after the passing of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Provision as to general Tramway Acts.

PART III.

ELECTRICITY.

57. Where the local authority of any district adjacent to any part of the district desire to be supplied with electrical energy by the Council such local authority (if themselves authorised to distribute electrical energy under any Act or Order confirmed by

Power to supply electrical energy in neighbouring district

A.D. 1904. — Parliament) may apply to the Council intimating such their desire and thereupon the Council may supply to the local authority and such local authority may take from the Council electrical energy in bulk at or near the boundary of the district on such terms and conditions and in such manner as may be agreed between the Council and the local authority.

As to electric apparatus.

58.—(1) The Council may purchase and may supply sell and let for hire but shall not manufacture electric motors apparatus and things for cooking heating and ventilating and for motive power and may provide materials and do all work necessary and proper for the fixing setting up connecting with supply mains alteration repair or removal thereof and may take such remuneration in money or such rents or charges for and make such terms and conditions with respect to such supply sale letting or use setting up altering repairing or removal and for securing the safety and return to the Council of such motors apparatus and things let as may be agreed between the Council and the persons to or for whom the same are sold supplied fixed or set up Provided that nothing in this section shall authorise the Council by their own servants or workmen to fix upon any consumer's premises electric light fittings or electric wiring in connection therewith other than may be required to complete the service line between the Council's supply mains and the meter on such consumer's premises.

(2) Any motors apparatus and things as aforesaid let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such motors apparatus and things have upon them respectively a distinguishing metal plate fixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

As to supply of electricity where consumer has separate supply.

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

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

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60. Twenty-four hours' notice in writing shall be given to the Council by every electric lighting consumer before he shall quit any premises supplied with electric current by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply electric current to such premises whichever shall first occur. Provided that notice of the effect of this enactment shall be endorsed on every demand note for rent for current.

Electric lighting consumers to give notice to Council before removing.

61. The Council may refuse to supply electrical energy to any person whose payment for the supply of electrical energy is for the time being in arrear whether such payment be due to the Council in respect of a supply to the same or other premises.

Council may refuse to supply electrical energy in certain cases.

62. The Council and any local authority or person for the time being authorised to supply electrical energy may with the approval of the Board of Trade and subject to the provisions of the respective Acts or Orders under which such local authority or Company are or may be empowered to supply electrical energy enter into and carry into effect agreements for the supply of electrical energy in bulk by such local authority or company to the Council.

Purchase of electricity in bulk.

63. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Council for the supply of electric light or electrical power or energy from every person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges. Provided that the Council shall make the same allowance to all consumers under similar circumstances.

Discount on electric lighting and power accounts.

64. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of

Altering date for filing up annual

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accounts for
electric
lighting.

the electric lighting undertaking of the Council for the time being shall after the passing of this Act be filled up on or before the thirtieth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Council as if the thirtieth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

Estimates of
electricity
undertaking
to be pre-
pared.

65.—(1) The Council shall so soon as the annual statement of accounts of the electricity undertaking has been filled up in the form prescribed by the Board of Trade under the Electric Lighting Act 1882 publish in a newspaper circulating in the district a notification that such statement of accounts has been filled up and that copies of it can be obtained at the offices of the Council at a price not exceeding one shilling a copy and such publication shall be in addition to and not in substitution for any publication prescribed by the Board of Trade under the Electric Lighting Act 1882.

(2) The Council shall after the thirty-first day of March one thousand nine hundred and eight and on the expiration of each third succeeding year reconsider and if necessary revise and thereafter maintain the scales of prices charged for electrical energy under the Order of 1894 so that so far as is reasonably practicable no rate will be required for the purpose of defraying the future expenses of the said undertaking during the next three years Provided nevertheless that (A) the prices to be charged shall not exceed the maximum prices which may be charged under the Order of 1894 (B) the scales of prices so reconsidered and revised may be from time to time in like manner reconsidered and revised by the Council.

(3) Nothing in this section contained shall prevent the Council from entering into contracts for periods which may extend beyond the periods at which any revision may take place under the provisions of this section on special terms under special circumstances not applicable to ordinary consumers but each such contract shall provide that the price to be charged for energy supplied under such contract shall either—

(A) Be subject to revision at the next triennial revision provided for in this section; or

(B) Vary in the same proportion as the price charged to ordinary consumers:]

Provided that the Council shall not without their consent be required to accept any price lower than the minimum price mentioned in such contract. A.D. 1904.

(4) There shall not be made against the district rate or any other rate for energy used by the Council for street lighting or any other purpose a charge at a higher price than that charged to consumers using energy for similar purposes and for the like hours of supply.

66. Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses. Expenses and revenue under this Part of Act.

Any moneys received by the Council under this Part of this Act shall be applied in manner provided by Articles 52 and 53 of the Order of 1894.

PART IV.

STREET WIDENINGS.

67. Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street widenings hereinafter described with all necessary or proper works approaches and conveniences. Power to execute street improvements.

The street widenings authorised by this Part of this Act are as follows:—

Widening No. 1 (In the parish and urban district of Leyton)
A widening of Ruckholt Road and Leyton High Road on the south and west sides thereof respectively commencing in Ruckholt Road at a point 17 yards or thereabouts measured in a westerly direction from the junction of Ruckholt Road with Leyton High Road and terminating in Leyton High Road at a point 15 yards or thereabouts measured in a southerly direction from the said junction of Ruckholt Road with Leyton High Road:

Widening No. 2 (In the parish of Cannhall in the urban district of Leyton) A widening of Leyton High Road and Crownfield Road on the east and north sides thereof

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respectively commencing in Leyton High Road at a point 14 yards or thereabouts measured in a northerly direction from the junction of Crownfield Road with Leyton High Road and terminating in Crownfield Road at a point 16 yards or thereabouts measured in a southerly direction from the said junction of Crownfield Road with Leyton High Road :

Widening No. 3 (In the parish of Cannhall in the urban district of Leyton) A widening of Crownfield Road and Leytonstone High Road on the south and west sides thereof respectively commencing in Crownfield Road at a point 17 yards or thereabouts measured in a westerly direction from the junction of Crownfield Road with Leytonstone High Road and terminating in Leytonstone High Road at a point 15 yards or thereabouts measured in a southerly direction from the said junction of Crownfield Road with Leytonstone High Road :

Widening No. 4 (In the parish of Cannhall in the urban district of Leyton) A widening of Crownfield Road and Leytonstone High Road on the north and west sides thereof respectively commencing in Crownfield Road at a point 15 yards or thereabouts measured in a westerly direction from the junction of Crownfield Road with Leytonstone High Road and terminating in Leytonstone High Road at a point 14 yards or thereabouts measured in a northerly direction from the said junction of Crownfield Road with Leytonstone High Road :

Widening No. 5 (In the parish of Cannhall in the urban district of Leyton) A widening of Leytonstone High Road and Cannhall Road on the east and north sides thereof respectively commencing in Leytonstone High Road at a point 9 yards or thereabouts measured in a northerly direction from the junction of Crownfield Road with Leytonstone High Road and terminating in Cannhall Road at a point 11 yards or thereabouts measured in an easterly direction from the said junction of Crownfield Road with Leytonstone High Road :

Widening No. 6 (In the parish and county borough of West Ham) A widening of Dames Road and Forest Road on the north-east and north sides thereof respectively commencing in Dames Road at a point 10 yards or thereabouts measured in a north-westerly direction from the junction of Forest

Road with Dames Road and terminating in Forest Road at a point 7 yards or thereabouts measured in an easterly direction from the said junction of Forest Road with Dames Road :

Widening No. 7 (In the parish and county borough of West Ham) A widening of Forest Road and Woodford Road on the south and west sides thereof respectively commencing in Forest Road at a point 21 yards or thereabouts measured in a westerly direction from the junction of Forest Road with Woodford Road and terminating in Woodford Road at a point 16 yards or thereabouts measured in a southerly direction from the said junction of Forest Road with Woodford Road :

Widening No. 8 (In the parish and urban district of Leyton) A widening of Leyton High Road on the east side thereof from a point 3 yards or thereabouts measured in a southerly direction from the junction of Sedgwick Road with Leyton High Road and terminating at a point 18 yards or thereabouts measured in a southerly direction from the junction of Tyndall Road with Leyton High Road :

Widening No. 9 (In the parish and urban district of Leyton) A widening of Leyton High Road on the south-west side thereof between points respectively 38 yards or thereabouts measured in a north-westerly direction and 30 yards or thereabouts measured in a southerly direction from the junction of Dunedin Road with Leyton High Road :

Widening No. 10 (In the parish and urban district of Leyton) A widening of Ruckholt Road on the north side thereof between points respectively 70 yards or thereabouts and 40 yards or thereabouts both measured in a westerly direction from the junction of Ruckholt Road with the road leading from Ruckholt Road to the mortuary :

Widening No. 11 (In the parish and urban district of Leyton) A widening of Leyton High Road on the north-east side thereof commencing at a point 18 yards or thereabouts measured in a north-westerly direction from the junction of Belmont Park Road with Leyton High Road and terminating at a point 55 yards or thereabouts measured in a south-easterly direction from the junction of William Street with Leyton High Road :

Widening No. 12 (In the parish and urban district of Leyton) A widening of Leyton High Road on the east side thereof

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commencing at a point 92 yards or thereabouts measured in a northerly direction from the junction of Canterbury Road with Leyton High Road and terminating at the northern side of Colchester Road :

Widening No. 13 (In the parish and urban district of Leyton) A widening of Leyton High Road on the east side thereof commencing at a point 38 yards or thereabouts measured in a northerly direction from the junction of Francis Road with Leyton High Road and terminating at a point 93 yards or thereabouts measured in a southerly direction from the centre of the entrance to Grove House :

Widening No. 14 (In the parishes of Leyton and Cannhall in the urban district of Leyton) A widening of Leyton High Road on the west side thereof commencing at the southern side of Westdown Road and terminating at a point 28 yards or thereabouts measured in a northerly direction from the junction of Crownfield Road with Leyton High Road and on the east side commencing at the southern side of Downsell Road and terminating at a point 28 yards or thereabouts measured from the said junction of Crownfield Road with Leyton High Road.

Power to
deviate.

68. In the execution of the said street widenings and works the Council may deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

Period for
completion
of works.

69. Save as hereinbefore provided with respect to street widenings Nos. 6 and 7 if the street widenings and works by this Part of this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for executing the same shall cease except as to so much thereof as shall be then completed.

Power to
make sub-
sidiary
works.

70. Subject to the provisions of this Act and within the limits defined on the deposited plans the Council in connection with the street widenings and works by this Part of this Act authorised and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said widenings and works and may raise lower or alter any vault arch cellar or area under or adjoining any roadway or footway and may make diversions widenings or alterations of lines or levels of any existing street for the purpose of connecting the same with the said widenings or works or of crossing under or over the same or

otherwise. Provided that the Council shall make to the owners lessees and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference or alteration full compensation for all damage sustained by them or any of them by the exercise of the powers of this section.

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71.—(1) The Council may for the purposes of or in connection with the street widenings and works by this Act authorised and within the limits of deviation raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building adjoining or near to the said widenings and works and also any gas main or other pipe and also any pipe tube or apparatus laid down for telegraphic or other purposes and any pipe tube wire or apparatus laid down for supplying electricity and may remove any other obstruction making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any person who suffers damage by any such alteration.

Alteration of position of mains and pipes.

(2) Before the Council alter the position of any such main or other pipe or apparatus laid down or used by any gas or water company they shall (except in cases of emergency) give to the company to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done at the expense of the Council under the superintendence of the company to whom such pipe belongs unless such company refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Council shall execute such work to the reasonable satisfaction of the engineer of such company.

(3) The Council shall not cause the position of any water or gas main or other pipe to be altered so as to leave over such main or other pipe in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Council shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or more than six feet where the cover now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Council in such case provide

A.D. 1904. special means of access to the same to the satisfaction of the engineer of such company.

(4) If any difference arise between the Council or their engineer and any such company or their engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Council to any such company or touching any work matter or thing with reference to such mains: pipes or apparatus under such provisions to be done or executed by the Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the Council's engineer and such company respectively or failing agreement by such engineer as shall on the application of the Council's engineer or such company be named by the President of the Institution of Civil Engineers.

(5) The Council shall not raise sink or otherwise alter or in any way interfere with any pipe tube or apparatus laid down for telegraphic or other purposes and belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(6) Nothing in this section shall give the Council any further powers of interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 than they have under section 15 of the former Act.

Execution of alterations of mains by companies.

72. If within seven days after a notice under the preceding section of this Act given to the East London Waterworks Company the West Ham Gas Company or the Lea Bridge District Gas Company any of these companies so elect they shall themselves execute all such alterations to their mains and pipes as may from time to time be necessary Provided always that such alterations shall be forthwith carried out in accordance with the directions of and to the reasonable satisfaction of the Council's engineer with all reasonable despatch and the reasonable cost of executing such works shall be repaid by the Council to the company.

Alteration of position of overhead wires &c.

73.—(A) The Council may for any purpose in connection with the street widenings and works by this Act authorised require the owner of any overhead wire conductor or cable used for the purpose of telegraphic or telephonic communication or of any support or attachment thereto to remove the same or alter the position thereof on giving to such owner one month's notice in writing and if such owner neglects or refuses to remove or alter the same the Council may themselves execute the necessary works.

(B) The Council shall bear and pay the expense of such removal or alteration and of all proper substituted works and shall also make reasonable compensation to such owner for any damage occasioned by such removal or alteration. A.D. 1901.

(c) If any difference arise between the Council and such owner touching the amount of any expenses or compensation under the provisions of this section to be paid by the Council to such owner or touching any work matter or thing with reference to such wires conductors cables supports or attachments under such provisions to be done or executed or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon between the Council and such owner or failing agreement by such engineer as shall on the application of the Council or of such owner be named by the President for the time being of the Institution of Electrical Engineers whose decision shall be final and binding and the costs of any such reference shall be borne as the referee may direct.

(D) Nothing in this section shall apply to any telegraphic line of the Postmaster-General but if the Council require for the purposes of the improvements under this Act any removal or alteration of any such line they shall be subject to and shall comply with the provisions of the Telegraph Act 1878.

74. The Council may during the execution and for the purposes of the street widenings and works by this Act authorised from time to time stop up any street and prevent all persons other than those bonâ fide going to or returning from any house or any station or other premises of any railway company in the street from passing along and using the same for any reasonable time. The Council shall provide reasonable access for all persons so bonâ fide going to or returning from any such house station or other premises. Temporary stoppage of streets.

75. All lands acquired by the Council under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time by law maintained and repaired. Lands laid into streets to form part thereof.

76. The provisions of this Part of this Act shall not apply to any pipes tubes wires or other apparatus of any railway company or to such company in respect of such pipes tubes wires or apparatus. This Part of Act not to apply to apparatus of railway companies.

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PART V.

STREETS AND BUILDINGS.

(i) *Streets.*

Council may declare where street begins and ends.

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

Continuation of existing street to be deemed new street.

78. 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 district be deemed to be a new street.

Notice of name of street.

79. Before any name is given to any street notice of the intended name shall be given to the Council and the Council may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name. It shall not be lawful to set up any name to any street in the district until the expiration of one month after notice thereof has been given as aforesaid to the Council or to set up any name objected to as aforesaid and any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Width of new streets in certain cases.

80. Where in the opinion of the Council a new street will form a continuation of or means of communication with a main thoroughfare in the district or a continuation of or means of communication with a main approach to the district the Council may if they see fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may see fit and the Council shall thereupon make compensation to the owner or owners of the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of his or their being unable to build upon the land situate between the line of such new street and the line of the houses erected or to be erected on either side thereof and failing agreement the amount of such compensation shall be determined by arbitration in the manner provided by the Lands Clauses Acts :

Provided always that the Council may if they think fit instead of paying the compensation under this section agree with the owner or owners of the lands referred to in the said section for the purchase of the said lands or any part or parts thereof.

81.—(1) The Council 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 such street can show that it would be impossible for him to comply therewith.

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Prevention
of formation
of culs de-
sacs.

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

82.—(1) It shall not be lawful for any person without the consent in writing of the Council first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Council.

Restriction
on deposit
of building
materials
and excava-
tions.

(2) If any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Council 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.

83. If the footway of any street repairable by the inhabitants at large be injured by or in consequence of any excavations or other works on lands adjoining thereto the Council 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 Council by the owner of the lands on which such excavations or other works have been made or by the person causing or responsible for the injury.

Recovery of
damages
caused to
footways by
excavations.

84. The Council may remove appropriate use and dispose of any old materials existing in any street at the time of the execution by the Council 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

Disposal of
material in
streets
sewered and
paved by
Council.

A.D. 1904. materials or their respective proportions thereof and the Council 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 Council.

Urgent repairs to private streets.

85.--(1) In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs dangers exist to passengers or vehicles in such street the Council may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs.

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

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

Forecourts to be fenced off from streets.

86. Whenever the person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Council be well and sufficiently fenced off from the footpath or street by a railing parapet or dwarf wall or otherwise.

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

(ii) *Buildings.*

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

87.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or erects any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance

with a plan approved by the Council and in case the Council for the space of one month after any plan of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

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(2) The Council 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.

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

88. The Council may make byelaws with respect to the following matters:—

Byelaws as to buildings.

(1) The materials with which new buildings shall be constructed:

(2) The manner in which and the materials with which grates stoves and fire places shall be set in new buildings.

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

Means of escape from buildings in case of fire.

Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

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

90. Where a temporary or other building referred to in section 35 of the Act of 1898 is taken down or removed by the Council under the powers of the Act of 1898 the Council may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards the costs and expenses incurred by them in relation to such building and shall pay the balance thereof to the owner of such building.

Power to sell materials of temporary buildings removed by Council.

A.D. 1904.

Water or
stack pipes
not to be
used as ven-
tilating
shafts.

91.—(1) No water pipe stack pipe or down spout in existence at the date of the passing of this Act used for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain.

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

Courts &c.
to be flagged.

92. 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 Council) 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 Council require and keep such flagging asphalt concrete paving and drain in good repair.

If any such owner or owners for one month after notice in writing from the Council 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 ten shillings and the Council 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.

Exemption
of railways.

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

For protec-
tion of Great
Eastern
Railway
Company.

94. The provisions of the sections of this Act of which the marginal notes are "Restriction on deposit of building materials and excavations" "Urgent repairs to private streets" and "Courts &c. to be flagged" shall not apply to the lands forming the private roads or ways of the Great Eastern Railway Company leading to the goods yards of the Leyton and Lea Bridge stations of that company respectively or to the private footpath of the said company running parallel with their Loughton Branch Railway at or near their Leytonstone station.

Exempting
railway
arches &c. of
Tottenham
and Forest

95. The provisions of the sections of this Act of which the marginal notes are respectively "Restriction on deposit of building materials and excavations" "Urgent repairs to private streets" and "Courts &c. to be flagged" shall not apply to the existing

railway arches or goods yards of the Tottenham and Forest Gate Railway Company or to any existing roadway footway or passage (not being a public highway) belonging to that company forming the access to any such arches or goods yards and used solely as means of access to such arches or goods yards.

A.D. 1904.
Gate Rail-
way Com-
pany.

PART VI.

SEWERS DRAINS CLOSET ACCOMMODATION &C.

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

Provisions
as to sepa-
rate system
of sewerage.

(2) Where under the provisions of the Public Health Acts or the Act of 1898 the Council have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly.

(3) (A) Where in any street separate sewage sewers and surface water sewers shall have been provided no sewage shall be allowed to pass from any premises into the surface water sewers 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 Council.

(B) Any person who shall offend against the provisions of this subsection 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 Council 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 Council may if they think fit make all such alterations.

(D) Section 47 of the Act of 1898 is hereby repealed.

97. If in any new street the Council for the purpose of main drainage or otherwise shall require a larger sewer or drain to be

Council may
require en-
larged sewer.

A.D. 1904. — made than they consider necessary for the ordinary sewerage or drainage of such new street the person laying out such new street shall construct such enlarged sewer or drain in accordance with the requirement of the Council and the additional cost thereof shall be paid by the Council.

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

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

As to communication of old drains with sewers.

99. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Council shall be made to communicate with any sewer of the Council the Council 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. Any person offending against this section shall be liable to a penalty not exceeding five pounds.

As to reconstruction of drains already communicating with sewers.

100.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws relating to the drainage of new buildings.

(2) 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.

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

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

If the drains be found defective so as to cause risk to health the owner or occupier of the premises shall be bound on receiving notice from the Council to that effect specifying generally the nature of the defect to carry out all reasonable operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Council may enter and execute the work and recover the expenses thereof from the owner or occupier in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts but nothing in this section shall affect contracts between owner and occupier.

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102. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

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

Improper repair or construction of watercloset or drain.

104.—(1) The Council may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the person by whom plans relating to the new building are deposited require that such new building shall be provided with proper and sufficient waterclosets.

Power to require waterclosets to new buildings.

(2) On the erection of any new building the Council may when a sewer and water supply sufficient for a watercloset are not reasonably available by written notice require one or more proper and sufficient earth closets to be provided at or in connection with such building.

A. D. 1901.

(3) Any person offending against any requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to require conversion into watercloset system in certain cases.

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

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

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

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

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

As to appeal under last two preceding sections.

106.—(1) Where any person deems himself aggrieved by any requirements of the Council under either of the last two preceding sections or disputes the reasonableness of the expenses charged to him by the Council under such sections such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary

jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties : [A.D. 1904.]

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

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

107.—(1) If it shall appear to the Council by the report of the medical officer of health surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ashpit or any well or disused well belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Council may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ashpit or well to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed or taken away or to cause such cesspool receptacle ashpit or well to be so altered as to remove any such objection as aforesaid. Filling up
cesspools &c.

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

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

108. The powers of the Council under section 39 of the Public Health Act 1875 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide Public con-
veniences
and lava-
tories.

A.D. 1904. and maintain in proper and convenient situations sanitary conveniences and lavatories in or under any street repairable by the inhabitants at large for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any such sanitary conveniences (other than a urinal) or of any lavatory so provided and the Council may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

Charge for removing trade refuse.

109. If any trade refuse building or other materials or rubbish of a like description shall be deposited in any dustbin ashpit or ashtub the Council may make a reasonable charge for the removal of the same which charge shall be paid to the Council by the occupier of the premises in respect of which the charge is made and may be recovered summarily as a civil debt.

PART VII.

INFECTIOUS DISEASE.

Council may pay expenses of person in hospital.

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

Child suffering from infectious disease not to attend school.

111.—(1) No person being the parent or having the care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer 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 without undue risk of communicating such disease to others.

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

Power to medical officer of health to examine school children.

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

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

A.D. 1904.

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

113. Whenever any scholar who attends any school within the district shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith on becoming aware of the fact send notice thereof to the medical officer of health and shall furnish to the Council 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 Council shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and after the rate of sixpence for every twenty-five scholars named therein.

Principals of schools to furnish lists of scholars in certain cases.

114. Any person taking or sending to any public wash-house or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Council 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 Council shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

Disinfection of clothes.

115. If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer of health and shall cause such vehicle to be disinfected and if he fails so to do he shall be liable to a penalty not exceeding five pounds and the owner or driver of such vehicle shall be entitled to

Notice in case of infected person conveyed in public vehicle.

A.D. 1904.

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

Cleansing of infected house and articles and removal of persons therefrom.

116.—(1) Where it appears to the Council 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 Council 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 Council unless the person so notified informs the Council 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.

(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 Council as aforesaid; or
- (B) Having so informed the Council 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 Council.

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

(4) When the Council have disinfected any house part of a house or any article under the provisions of this section they shall

compensate the occupier or owner of such house or part of a house or the owner of such article for any damage thereby caused to such house part of a house or article and when the Council destroy any article under this section they shall reasonably compensate the owner thereof and the amount of any such compensation shall be recoverable in a summary manner. A.D. 1904.

(5) If the Council 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 Council 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 Council 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.

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

(7) The Council may for the purposes of this section—

Themselves build a place of reception;

Contract for the use of any place of reception.

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

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

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

A.D. 1904. such certificate shall be liable to a penalty not exceeding ten pounds.

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

118. Public notice of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two local newspapers circulating in the district and by a notice affixed outside the offices of the Council and by hand-bills or such further means as the Council deem reasonable for conveying notice of the provisions of this Part of this Act to persons affected or likely to be affected thereby. A copy of any newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART VIII.

SALE OF ICE CREAMS.

For regulating manufacture and sale of ice creams &c.

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

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

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

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice creams 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 Council shall compensate the owner of the ice cream or similar commodity or material so destroyed.

120.—(1) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice creams or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Council would have under section 102 of the Public Health Act 1875 in the cases therein mentioned.

A.D. 1904.
Inspection of premises.

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

121. 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 &c.

122. The like public notice of the provisions of this Part of this Act shall be given as is required in the case of the preceding Part of this Act relating to Infectious Disease.

Public notice to be given of provisions of Part VIII. of this Act.

PART IX.
MILK SUPPLY.

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

Penalty for selling milk of diseased cows.

Section 58 of the Act of 1898 is hereby repealed.

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

Penalty on failing to isolate diseased cows.

125. Every dairyman who supplies milk within the district 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

Obligation to notify case of tuberculosis.

A.D. 1904. name and address and the situation of the dairy or premises where the cow is.

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

Power to take samples of milk.

126.—(A) 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 district for examination samples of milk produced or sold or intended for sale within the district.

(B) The like powers in all respects may be exercised outside the district 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.

Power to inspect cows and to take samples of milk.

127.—(A) If milk from a dairy situate within the district is being sold or suffered to be sold or used within the district 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 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.

(B) If the medical officer of health is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the district from consumption of the milk supplied from a dairy situate within the district or from any cow kept therein he shall report thereon to the Council and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Council 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 district until the order has been withdrawn by the Council.

(C) If the medical officer of health has reason to believe that milk from any dairy situate outside the district from which milk is being sold or suffered to be sold or used within the district is likely

to cause tuberculosis in persons residing within the district 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 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.

A.D. 1904.

(D) 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 of health 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 of health person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(E) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Council 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 district on the council of the borough or district in which it is situate.

(F) The said order shall be forthwith withdrawn on the Council 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 district.

(G) If any person after any such order has been made supplies any milk within the district in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

128. The dairyman may appeal against an order of the Council made under the last preceding section or the refusal of the Council to withdraw any such order either to a petty sessional court having jurisdiction within the district or at his option if the dairy is situate outside the district to the Board of Agriculture and Fisheries who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the district and give notice thereof to the dairyman and the clerk not less than

Appeal.

A.D. 1904. — forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

The board 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 in the matter of the appeal.

The court or the board 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 as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Council.

Compensation to dairyman.

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

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

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or board 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.

Public notice to be given of provisions of Part IX. of this Act.

130. Public notice of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two local newspapers circulating in the district and by a notice affixed outside the offices of the Council and by hand-bills or such further means as the Council deem reasonable for conveying notice of the provisions of this Part of this Act to persons affected or likely to be affected thereby. A copy of any newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

131. Offences under this Part of this Act may be prosecuted and penalties may be recovered by the Council before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise. A.D. 1904.
Procedure.

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

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

PART X.

POLICE REGULATIONS &c.

134.—(1) Any place of public resort or recreation belonging to or under the control of the Council; and Extended
definition of
public place
and street for
certain pur-
poses.

(2) Any unfenced ground adjoining or abutting upon any street; shall for the purposes of the Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same be deemed to be an open and public place and shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

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

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

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

Every person who wilfully and indecently exposes his person:

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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 fire-arm or throws or discharges any stone or other missile or makes any bonfire or throws or sets fire to any firework :

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

Ejection of steam not to be an annoyance to public.

135. All steam ejected from any fixed 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 but nothing in this section shall apply to steam ejected from any locomotive boiler or engine now or hereafter belonging to any railway company.

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

As to establishment of new business within meaning of s. 112 of Public Health Act 1875.

136. 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 Council 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.

Prohibition of blowing or inflating carcasses.

137. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the district and any person offending against this enactment or exposing or depositing for sale within the district a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

PART XI.

A.D. 1904.

LAMMAS LANDS AND RECREATION GROUNDS.

138. In this Part of this Act the expression "the lammas lands" means such of the lands in the district shown on the lammas lands plan and thereon coloured pink and yellow and described in the deposited books of reference as are subject to lammas rights.

Leyton lammas lands defined.

139. If within three months after the passing of this Act the Council pass a resolution to the effect that it is desirable to acquire the lammas lands or any part thereof under the powers of this Act then the lammas lands or such part shall from and after the passing of the resolution become and be vested absolutely in the Council subject to all existing lammas rights over the same and the Council shall from and after the passing of such resolution and subject to the provisions of this Act hold the same (excepting any highways thereover) discharged from all estates interests rights titles charges and incumbrances whatsoever other than rights of lammas or stinted common in to over or affecting the same or any part thereof as and for an open space for the perpetual use thereof for exercise and recreation and shall maintain preserve manage and regulate the same as such accordingly :

Vesting of Leyton lammas lands in Council.

Provided that if at any time after the vesting in the Council of the piece or parcel of lammas land coloured yellow on the lammas lands plan the Great Eastern Railway Company shall by notice in writing require the Council to convey to them the said piece or parcel of lammas land or any portion thereof for the purposes of their undertaking the Council shall forthwith convey the same to the said company free from all incumbrances and free from all common commonable and other rights subject nevertheless to the right of way over the existing footpath thereon by means of a duly stamped deed of conveyance free of charge and expense to the said company upon the said company paying to the Council a sum of money proportionate to the average price per acre paid by the Council as compensation for or in respect of the lammas lands which shall have become vested in them under the provisions of this Act and upon the said company throwing into the Leyton Marsh and conveying to the Council by means of a duly stamped deed of conveyance free of charge and expense to the Council as a place of recreation for the benefit of the public so much of the piece or parcel of land abutting on the lammas lands and coloured green on the said lammas lands plan as immediately

A.D. 1904. — adjoins the lammas lands and will be equal in area to the said piece or parcel of lammas land coloured yellow or such portion thereof as may be required as aforesaid by the said company Provided further that if the Council shall not be in a position to convey the said piece or parcel of land coloured yellow or such portion thereof as before mentioned to the said company in the manner aforesaid upon being requested so to do the said company shall be at liberty to exercise the powers of purchasing the same conferred upon them by the Great Eastern Railway (General Powers) Act 1899 or any Act or Acts extending the same.

Compensation to owners.

140.—(1) All persons who immediately before the passing of such resolution were entitled as owners (including in such term all parties by the Lands Clauses Consolidation Act 1845 or the Settled Land Acts 1882 to 1890 enabled to sell and convey or release lands) of any estate interest or right (other than rights of lammas or stinted common) of a profitable or beneficial nature in over or affecting the lammas lands (excepting any highway thereon) acquired by the Council under this Act shall be entitled to claim compensation from the Council in respect of such estate interest or right and the amount of the compensation payable to such persons respectively by the Council shall be such as may be settled by agreement or failing agreement by arbitration under the provisions of this Act Provided that if any owner of or other person interested in any land adjoining or near the lammas lands would be injuriously affected by the extinguishment or closing of any private right of way over the said lands under the powers of this Act the Council may if they think fit at any time after receiving any notice of claim for compensation in respect of the extinguishment or closing thereof notify in writing to the claimant under the seal of the Council that they will not prevent such right of way from being exercised and enjoyed to the same extent and in the same manner as theretofore And in such case such right of way shall continue unaffected by this Act and may be exercised as if this Act had not been passed and no compensation shall be payable by the Council in respect thereof.

(2) All arbitrations under this section shall be conducted by a standing arbitrator appointed as by this Part of this Act prescribed and subject thereto in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and such standing arbitrator shall for the purposes of each arbitration under this Part of this Act be deemed to be a single arbitrator appointed by both parties.

(3) Compensation agreed or awarded to be payable under this Part of this Act shall (subject in the case of an award to any direction by the arbitrator to the contrary) be deemed to have been and to be due as from the date of the passing of the resolution hereinbefore referred to and (except as otherwise provided by any agreements) to be payable together with interest thereon in the meantime until payment or deposit as by this Part of this Act prescribed at the rate of three pounds per centum per annum.

(4) If any part of the lammas lands acquired by the Council under the powers of this Act is subject to any lease or tenancy nothing in this Act shall be deemed to compel the Council to purchase or acquire or to make compensation for such lease or tenancy provided they leave the same to expire by effluxion of time or terminate it by notice in accordance with the terms of such lease or the agreement for tenancy.

Upon payment of any money agreed or awarded to be paid by way of compensation under this Part of this Act together with interest thereon at the rate (except as may be by agreement otherwise provided) of three pounds per centum per annum from the date of the passing of the said resolution to any person who shall adduce a good title to the satisfaction of the Council to the estate interest or right in respect of which such money shall be payable or upon the deposit in the Bank of England of any such money in manner prescribed by the Lands Clauses Acts in any case in which any person shall neglect or fail or be unable to adduce or make out to the satisfaction of the Council a good title to the estate interest or right in respect of which such money shall be payable or to give a valid receipt for such money and in any of the other cases specified in the Lands Clauses Acts in which compensation is required or authorised to be deposited in the Bank of England such person or the cashier of the said bank shall give to the Council or to the person paying or depositing such money a receipt for such money specifying for what (and in the case of the same having been so deposited the title of the account to which) the same has been paid or deposited and such receipt shall be a sufficient discharge to the Council for the same.

141. For the purpose of determining the amount of compensation in respect of any claim under this Part of this Act directed to be determined by arbitration there shall be a standing arbitrator appointed and acting as follows (that is to say):—

Appointment
of standing
arbitrator.

- (1) The High Court may at any time after the passing of this Act on the application of the Council to be made

A.D. 1904.

ex parte by motion or summons intituled In the matter of this Act appoint a person to act as standing arbitrator and may on the like application remove from his office a standing arbitrator for any cause for which an arbitrator may be removed under the Arbitration Act 1889 and may from time to time appoint a new standing arbitrator in the place of any standing arbitrator who may die resign or be removed from office in the same manner as if he were a single arbitrator appointed under the Arbitration Act 1889 and as if the notices prescribed by section 5 of that Act had been served by the Council and seven clear days had elapsed after service of such notice without any appointment having been made:

- (2) The court may on the like application give any direction and exercise any powers which may be given or exercised by the court under the Arbitration Act 1889 in relation to arbitrations under that Act:
- (3) The Council shall unless all claims for compensation under this Part of this Act have been previously settled by agreement make application to the High Court for the appointment of a standing arbitrator within nine months after the passing of the resolution referred to in the section of this Act the marginal note whereof is "Vesting of Leyton lammas lands in Council" and in the event of such application not being then made the High Court may appoint the standing arbitrator as hereinbefore provided on the application of any person claiming compensation under this Part of this Act.

Power of Council to grant rights or easements over Leyton lammas lands.

142.—(1) The Council may from time to time as the consideration or as part of the consideration for the purchase of lands or for any consideration which they may deem of public advantage grant (for a limited time or in perpetuity) to any person upon such terms and conditions as may be agreed upon between the Council and such person any right or easement in over or affecting the lammas lands or any part thereof.

(2) The standing arbitrator shall at the request of the Council award that instead of making compensation for any private right of way over the lammas lands or any part thereof the Council shall permit such private right of way to be exercised and enjoyed by any person entitled thereto as before the passing of this Act.

(3) The standing arbitrator may if he thinks fit at the request of the Council and with the consent of any person entitled to compensation under this Part of this Act award that the Council shall grant and thereupon the Council shall grant any such right or easement as aforesaid to such person in satisfaction wholly or in part of such compensation. Provided that no such right or easement shall be such as in the opinion of the Council shall be inconsistent with the due carrying into execution by the Council of the purposes for which the lammas lands or any part thereof are acquired by the Council under this Act.

A.D. 1904.

143.—(1) The Council may by agreement with any person who may by virtue of any such agreement or award as aforesaid for the time being be entitled to any such right of way or easement in over or affecting the lammas lands or any part thereof purchase or acquire such right of way or easement on such terms and conditions as the Council shall think fit.

Purchase of rights &c. by agreement.

(2) Any person empowered by the Lands Clauses Acts or the Settled Land Acts 1882 to 1890 to sell and convey or release lands may subject to the provisions of the said Acts enter into any such agreement with the Council for the sale or release of any such right or easement as aforesaid.

144.—(1) The Council may from time to time sell or lease any part of the lammas lands acquired by them under this Act which they may consider unsuitable for the purpose of an open space or recreation ground.

Power to Council to exchange lands.

(2) The Council may by agreement with any person exchange any lands forming part of those lammas lands for any other adjoining lands which the Council may think it desirable to substitute for such first-mentioned lands.

(3) Any lands given by the Council in exchange under the authority of this Part of this Act shall thereupon cease to form any part of the lammas lands although the same be shown on the deposited plans as part thereof.

(4) Any lands taken by the Council in exchange under the authority of this Part of this Act shall thereupon be deemed to be and shall be held by the Council together with and as though the same were part of the lammas lands acquired by them under this Act and this Part of this Act shall be construed accordingly.

(5) Any person empowered by the Lands Clauses Acts or the Settled Land Acts to sell and convey or release lands may subject

A.D. 1904. to the provisions of the said Acts enter into any such agreements with the Council for exchange of lands aforesaid.

(6) The Council shall not under the powers of this section sell or dispose of any greater quantity of land than in the aggregate twenty acres.

Power of Council as to roads over lammas lands.

145. The Council may open or make or permit or suffer any person (upon such terms and conditions as the Council may think fit) to open or make any foot carriage or other way over the lammas lands acquired by them under this Act or any part thereof which the Council may deem proper for the use of the public.

As to lammas rights.

146. All lammas rights exerciseable over any part of the lammas lands shall remain unaffected by any of the provisions of this Part of this Act except as provided by this section but the Council may extinguish or deal with the same in manner hereafter authorised.

The Council may from time to time by resolution declare as regards all or any part of the lammas lands acquired by them under this Act that as from a date to be specified in such resolution all lammas rights over the same shall be extinguished.

The Council shall within three months after the date of any such resolution convene a meeting of the persons entitled to exercise lammas rights over the said lands in respect of which they have resolved to extinguish the lammas rights in the same manner as if those rights were commonable rights within the meaning of section 102 of the Lands Clauses Consolidation Act 1845.

If at such meeting such persons or three-fourths of those present at such meeting shall so decide all such lammas rights shall be extinguished in consideration of the said lands or some parts thereof being devoted to the purposes of a public open space or recreation ground.

If such persons at such meeting shall not so decide such meeting shall proceed to the appointment of a committee in manner provided by section 103 of the Lands Clauses Consolidation Act 1845 and in the event of such committee and the Council being unable to agree upon a sum of money to represent the value of such rights over the said lands the question shall be referred to the standing arbitrator appointed under this Part of this Act and such arbitrator shall make an award setting out the sum which properly represents the value of such rights and the Council shall carry such a sum as may be agreed upon or as may be stated in such award as the case may be to a separate account and shall

apply the same only for the purpose of improving or extending any open space or recreation ground of the Council. A.D. 1904.

The Council may from time to time let any rights of grazing in any part of the said open space or recreation ground subject to such regulations as they may think necessary to prevent the exercise of such rights in any way interfering with the use of the lammas lands acquired by them under this Act as an open space or recreation ground.

147. The provisions of Part VII. of the Act of 1898 relating to recreation grounds shall apply to any recreation grounds or open spaces laid out or appropriated to the public under the provisions of this Act. Application of Part VII. of Act of 1898.

148. The Council may appoint officers for securing the observance of Part VII. of the Act of 1898 and of this Part of this Act and of the byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose but such officer shall only act when in uniform or provided with a warrant. Power to Council to appoint officers.

149. The Council may set apart any portion of any park garden or pleasure-ground for the time being belonging to or held by them for cricket bowls football tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force and may make an agreement with any club or association by which such portion may be secured to the club or association for a period not exceeding three months but so that the same shall be open to the public when not in use for such games or drill or other purposes. Power to set apart portions of recreation grounds for games.

Section 73 of the Act of 1898 is hereby repealed.

150. Notwithstanding anything contained in this Part of this Act nothing in this Act shall authorise or enable the Council without the previous consent in writing of the East London Waterworks Company to temporarily or permanently acquire or in any way deal with any lammas lands of or belonging to the company. For protection of East London Waterworks Company.

PART XII.

TRANSFER OF POWERS OF VESTRIES &c.

151.—(1) From and after the passing of this Act all and every right custom privilege or power other than in matters ecclesiastical vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of the parish of Leyton and of the parish

A.D. 1904. — of Cannhall respectively shall cease to be so vested or exerciseable and shall be incident and attach to the Council and be exerciseable by them.

(2) All deeds papers and writings books of account and minutes of proceedings (other than those relating solely to ecclesiastical matters) belonging to the parish of Leyton and to the parish of Cannhall shall be deposited in the Town Hall or at some office or place appointed by the Council and be there kept and preserved by the clerk or some officer to be appointed by the Council and shall be open to public inspection during office hours without fee.

Abolition of office of vestry clerk.

152. From and after the thirty-first day of December one thousand nine hundred and four the office of vestry clerk of the parish of Leyton and the office of vestry clerk of the parish of Cannhall shall be abolished and the powers and duties incident or attaching to such offices respectively shall be transferred to and exerciseable by the Council.

Compensation to existing vestry clerks.

153. From and after the date of abolition of the said offices the Council shall pay to Robert Thomas Wragg the present vestry clerk of the parish of Leyton as full compensation for the loss of the legal emoluments of his office the sum of two hundred and fifty pounds per annum and shall pay to William Blewitt the present vestry clerk of the parish of Cannhall as full compensation for the loss of the legal emoluments of his office the sum of one hundred pounds per annum.

Every such payment shall be made clear of all deductions whatsoever on the usual quarter days and the first of such payments to the said Robert Thomas Wragg and William Blewitt respectively shall be made on the 25th day of March one thousand nine hundred and five and in the event of the decease of the said Robert Thomas Wragg or William Blewitt between the dates of any quarterly payments under this section the Council shall pay to his legal personal representatives the sum accruing due from the date of the last quarterly payment to the date of the decease.

As to poor-rate collectors and assistant overseers.

154. From and after the thirty-first day of December one thousand nine hundred and four the office of any existing collector of poor rates or assistant overseer in the district shall cease and determine and the power of the guardians of the West Ham Union to appoint collectors of poor rates for the parishes within the district shall also cease and determine.

155. From and after the date of the abolition the said office of collector of poor rate and assistant overseer for the parishes of Leyton and Cannhall the Council shall pay to Robert Stevens Walker the collector of poor rates and assistant overseer for the parish of Leyton and to Alfred Miller the collector of poor rates and assistant overseer for the parish of Cannhall by way of compensation for the loss of the legal emoluments of their respective offices the superannuation allowance of forty-sixtieths of the average amount of their respective salaries and emoluments during the five years ending on the quarter day which immediately precedes the day on which they shall respectively cease to hold such office or employment and the provisions of the 18th section of the Poor Law Officers Superannuation Act 1896 shall apply in the event of any question arising in reference to the superannuation allowances to be paid as aforesaid.

A.D. 1904.
Compensation to existing collectors and assistant overseers.

Every such payment shall be made by equal quarterly instalments on the usual quarter days clear of all deductions whatsoever and in the event of the decease of the said Robert Stevens Walker and Alfred Miller respectively between the dates of any quarterly payments under this section the Council shall pay to their legal personal representatives the sum accruing due from the date of the last quarterly payment to the date of the decease.

156. From and after the passing of this Act the vestry hall in the parish of Leyton shall be by virtue of this Act without any conveyance or other instrument transferred from the official trustee of charitable lands to the Council freed and discharged from all rights interests claims and demands in respect thereof and the Council subject to the approval of the Local Government Board may sell lease or otherwise dispose of the said vestry hall and may apply and deal with all moneys arising from any such sale lease or disposal in such manner as they may think fit.

Vesting of vestry hall in Council.

PART XIII.

LANDS.

157. Subject to the provisions of this Act the Council may enter on take and use all or any of the lands shown on the deposited plans and described in the deposited books of reference.

Power to take lands.

158. The Council shall not otherwise than by agreement acquire or interfere with any portion of the structure of the King

As to King William the Fourth public-house.

A.D. 1904. William the Fourth public-house numbered 79 on the deposited plans in the parish of Leyton but nothing in this section shall prevent the acquisition by the Council in accordance with the provisions of this Act of any part of the forecourt of the said public-house exclusive of the cellars thereunder and the rolling way giving access thereto.

Power of persons under disability to grant easements &c.

159. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Correction of errors &c. in deposited plans and books of reference.

160. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Council after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Essex for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Essex and a duplicate thereof shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

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

161. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions

or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto
Therefore the following provisions shall have effect :—

A.D. 1904.

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

A.D. 1904.

compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

162. The Council if and when they think fit may sell or exchange and absolutely dispose of or otherwise at their option demise or grant upon building or other leases for such estate term or interest and to such persons and on such terms and conditions as the Council think fit all or any part of the lands described in the Second Schedule to this Act or of the lands acquired by them under this Act and not required for the purposes thereof Any purchase money received on any sale of lands or other property in the nature of capital acquired or sold under this Act and any money received as a fine on the granting of any lease of any such lands by the Council shall be distinguished as capital in the accounts of the Council and applied in discharge of any moneys borrowed under this Act but shall not be applicable to the payment of instalments or to payments into any sinking fund except to such extent and on such terms as may be approved by the Local Government Board Provided that any borrowed moneys so paid off or discharged shall not be re-borrowed Provided also that if borrowed money is so discharged then the payments to any sinking fund applicable to the repayment of such borrowed money may be reduced to such an extent and on such terms as may be approved by the Local Government Board.

A.D. 1904.
Council may
sell exchange
or lease lands
not required.

163. So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by way of fine or premium on the grant or renewal of leases as aforesaid in the purchase of lands so remaining to be acquired but as to any capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that the amount to be applied in the purchase of land under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the acquisition of such lands Provided further that the borrowing powers by this Act authorised for the acquisition of such lands shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Proceeds of
sale of sur-
plus lands.

164. Notwithstanding anything in section 175 of the Public Health Act 1875 any lands acquired by the Council in pursuance

Lands ac-
quired for
some pur-

A.D. 1904.
—
poses of Pub-
lic Health
Act 1875
may be used
for others.

of any powers in that Act contained and not required for the purpose for which they were acquired may with the approval of and subject to such conditions as may be imposed by the Local Government Board be retained and used by the Council for any other purpose in like manner as if they had been originally acquired for such last-mentioned purpose.

Vesting in
Council of
parcel of land
in High
Street.

165. The small parcel of land (formerly copyhold) situate in or adjacent to High Street Leyton containing seven hundred and sixty square yards or thereabouts and more particularly described in the Third Schedule to this Act shall from and after the passing of this Act be by virtue of this Act without conveyance or other assurance vested in the Council for all the estate and interest therein of the churchwardens and overseers or of the overseers of the parish of Leyton freed and discharged from all rights and power of the West Ham guardians in or over the same and the Council may with the approval of the Local Government Board sell lease and dispose of the same at such time in such manner and subject to such conditions as they may resolve. All moneys accruing from any sale lease or other disposition under this section shall be carried to the credit of the district fund and the Council shall out of that fund or out of the general district rate pay to Robert Thomas Wragg the balance of his account for enfranchisement of the said lands.

PART XIV.

FINANCIAL.

Power to
borrow.

166. The Council may from time to time in addition to any money which they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Acts borrow at interest on the following securities and for the following purposes being purposes to which capital is properly applicable and not otherwise the following sums:—

- (A) For tramway purposes on the security of the tramway revenue and of the district fund and general district rate any sum not exceeding one hundred and twenty-eight thousand pounds:
- (B) For street widenings and improvements including the purchase of lands on the security of the district fund and general district rate any sum not exceeding fourteen thousand three hundred pounds:

(c) For the purchase of lammas lands and the laying out and improvement of open spaces and recreation grounds on the security of the district fund and general district rate any sum not exceeding seven thousand pounds:

(d) For the payment of the costs charges and expenses of and incidental to preparing and obtaining this Act on the security of the district fund and general district rate the sums required for the purpose.

In addition to the moneys which the Council are by this section authorised to borrow they may borrow such further sums of money for tramway purposes as the Board of Trade may sanction and such further sums of money for the electricity undertaking of the Council and for any of the other purposes mentioned in this section or for other the purposes of this Act as the Local Government Board may sanction.

Provided that the Council may borrow such proportion as may appear to them fair and equitable of the moneys which they are by this Act authorised to borrow for the widening and improvement of any street within the district on which any tramway is laid or authorised to be laid on the security of the tramway revenue and district fund and general district rate in lieu of on the security of the district fund and general district rate alone.

In calculating the sums which the Council may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Council as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

167. The following provisions of the Act of 1898 shall apply as if they were herein with any necessary modifications re-enacted (that is to say):—

Certain provisions of Act of 1898 extended to this Act.

- Section 85 (Mode of raising money);
- Section 87 (Application of provisions of Public Health Acts as to mortgages);
- Section 88 (Mode of payment off of money borrowed);
- Section 89 (Sinking fund);
- Section 90 (Protection of lender from inquiry);
- Section 91 (Council not to regard trusts);
- Section 92 (Appointment of receiver);
- Section 93 (Power to re-borrow);
- Section 94 (Annual return to Local Government Board):

A.D. 1904.

And the said section 94 shall apply to all moneys raised for the purpose of the electric lighting undertaking of the Council.

Repayment
of borrowed
moneys.

168. All moneys borrowed under the powers of this Act for the purpose respectively mentioned in subsections (A) (B) and (C) of the section of this Act the marginal note whereof is "Power to borrow" shall be repaid within any period not exceeding the following respective periods from the respective dates of the borrowing of such moneys respectively (that is to say) :—

For the purposes in subsection (A) thirty years ;

For the purposes in subsection (B) forty years ;

For the purposes in subsection (C) fifty years :

And moneys borrowed for the purpose mentioned in subsection (D) shall be repaid within five years from the passing of this Act :

Provided that any moneys borrowed with the sanction of the Board of Trade or of the Local Government Board as the case may be shall be repaid within such respective periods as may be sanctioned by the Board of Trade or the Local Government Board respectively.

Provision as
to moneys
borrowed for
electricity
undertaking.

169. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 moneys borrowed by the Council either before or after the passing of this Act for the purposes of their electricity undertaking shall not be reckoned in calculating the amount which the Council may borrow for the purposes of the Public Health Act 1875.

Sinking fund
may be ad-
justed in cer-
tain events.

170. If the Council out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Power to use
one form of
mortgage for
all purposes.

171.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Council and may be made in the

form contained in the Fourth Schedule to this Act or to the like effect. A.D. 1904.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and with all other securities granted by the Council.

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

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

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

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

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

A.D. 1904.

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

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

Scheme for fixing equated period.

172.—(1) The Council may at any time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

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

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

Increase of library rate.

173. For the better and more effectual carrying into execution the powers and duties of the Council under the Public Libraries Acts 1892 and 1893 those Acts shall be read and have effect as if the limit thereby imposed on the amount authorised to be levied by or added to a rate were extended so as not to exceed the sum of one penny halfpenny in the pound.

Expenses of execution of Act.

174. All expenses incurred by the Council in the execution of this Act and not otherwise provided for may be defrayed by the Council out of the district fund and general district rate.

PART XV.

A.D. 1904.

MISCELLANEOUS.

175. The Council 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 or on more than two days in any one week or on more than twelve days in any year or on Sundays and Bank Holidays.

Power to close baths and charge for exclusive use thereof.

176. The Council may put up continue 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 Council may think fit 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.

Public drinking fountains.

177. Section 97 of the Act of 1898 shall extend to authorise the Council to provide and maintain a pianoforte for use at public musical entertainments and the provisions of the said section shall apply to pianoforte recitals and any profits derived by the Council therefrom.

Extension of section 97 of Act of 1898.

178.—(1) The Council may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Power to grant gratuities in certain cases.

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

179. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Council shall not

For protection of Great Eastern Rail-

A.D. 1904. (except with the previous consent in writing of the Great Eastern
way Com- Railway Company under their common seal) purchase or acquire
pany re lands. any lands or property of that company other than the lands
numbered 69 202A. and 203 on the deposited plans.

PART XVI.

PROCEDURE &c.

General pro-
visions as to
byelaws.

180. All the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws made by the Council under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 are applied by this Act.

Apportion-
ment of ex-
penses in case
of joint
owners.

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

In executing
works for
owner Coun-
cil to be in-
dennified
against
damages in
absence of
negligence.

182. Whenever the Council or the surveyor under this or any other Act or any byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner or occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council 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 or re-executing or altering of such work or of the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council 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.

Penalty on
occupiers
refusing
execution
of Act.

183. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part V. and Part VI. of this Act or under any byelaw made under the powers of Part V. of this Act then

after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council 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 two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

A.D. 1904.

184. Save as otherwise in this Act expressly provided all informations and complaints under and for the breach of any of the provisions of this Act or of any byelaws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk.

Informations
&c. by whom
to be laid.

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

Authentica-
tion and
service of
notices &c.

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

Recovery
of penalties.

187. All penalties recoverable by the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer to the Council and carried

Penalties to
be paid
over to
treasurer.

A.D. 1904. by him to the credit of the district fund or to such other fund as the Council direct.

As to appeal.

188. 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 Council or of or by any officer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Council may in like manner appeal.

Damages and charges to be settled by justices.

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

Compensation to be determined under Public Health Acts.

190. 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.

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

Saving for indictments.

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

Powers of Act cumulative.

193. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be

deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. A.D. 1904.

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

195. The costs charges and expenses preliminary to and of and incidental to preparing this Act (including the costs incurred by the Council in or with the object of complying with the provisions of the Borough Funds Acts 1872 and 1903 with respect to the Bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund or out of the moneys borrowed by them under the authority of this Act And the corporation of West Ham shall repay to the Council such proportion of such costs charges and expenses as may be agreed or failing agreement may be determined by the said taxing officer to be fairly attributable to the inclusion in the Bill for this Act of the powers of such Bill proposed to be conferred upon the corporation of West Ham and such proportion of such costs charges and expenses shall be paid by the corporation of West Ham out of their borough fund. Costs of Act.

A.D. 1904. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.

Urban District or Borough.	Nos. in Books of Reference and on deposited Plans.
Urban district of Leyton	36 37 38 39 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 62A 63 64 65 66 67 68 69 70 70A 71 72 73 74 75 76 77 78 79 80 81 82 85 86 87 88 89 89A 89B 90 91 92 92A 92B 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 164 165 166 167 168 169 170 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 199.
County borough of West Ham	41 42.

THE SECOND SCHEDULE.

PARISH OF LEYTON.

Vacant land at the junction of Grange Park Road and Leyton High Road
Area 756 square yards.

Land on the west side of Blue Row Leyton High Road in the occupation
of Mr. Collier Area 1,025 square yards.

Vacant land having a frontage of 22 feet to the west side of Leyton
High Road The south corner being 52 feet from Capworth Street Area
117 square yards.

Vacant land having a frontage of 27 feet to the west side of Leyton
High Road The south corner being 220 feet from Capworth Street Area
228 square yards.

THE THIRD SCHEDULE.

A. D. 1904.

DESCRIPTION OF PARCEL OF LAND IN OR ADJOINING HIGH ROAD
LEYTON.

A small piece of land situate in the parish of Leyton containing seven hundred and sixty square yards or thereabouts and having a frontage to the south-west side of High Road Leyton of eighty-two feet or thereabouts bounded on the south-east by land in the occupation of Thomas Cook and on the south-west and north-west by land belonging to the trustees of Jesse Jackson deceased.

THE FOURTH SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Leyton Urban District Council Act 1904 and of other their powers in that behalf them enabling the Council of the urban district of Leyton in the county of Essex (hereinafter called "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the district by _____ (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the _____ day of _____ and the _____ day of _____ in each year]

And it is hereby agreed that the said principal sum of _____ pounds shall be repaid at the Town Hall in Leyton [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be

A.D. 1904. — mentioned and specified in an endorsement to be made hereon under the hand of the clerk of the Council for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein In witness whereof the Council have caused their seal to be hereunto affixed this day of one thousand nine hundred and

THE ENDORSEMENT WITHIN REFERRED TO.

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

FORM OF TRANSFER OF MORTGAGE.

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

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