



CHAPTER lxiii.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Morley in relation to their water and electric lighting undertakings and to make further provision in regard to the health improvement and good government of the said borough and for other purposes. A.D. 1905.

[30th June 1905.]

WHEREAS the borough of Morley in the west riding of the county of York is under the management and local government of the mayor aldermen and burgesses of the borough of Morley (in this Act called "the Corporation") :

And whereas the Corporation are the owners of waterworks and are supplying water in pursuance of provisions contained in the Public Health Acts the Morley Corporation Water Act 1890 and the Morley Corporation Act 1900 :

And whereas it is expedient to empower the Corporation to make and maintain the waterworks referred to in this Act and to empower the Corporation and the mayor aldermen and burgesses of the borough of Halifax (in this Act called "the Halifax Corporation") to enter into and fulfil contracts and agreements for the supply by the Halifax Corporation to the Corporation of water in bulk and to make further provision in regard to the water undertaking of the Corporation :

And whereas in pursuance of the Morley Corporation Electric Lighting Order 1897 (confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1897) the Corporation are supplying electrical energy for public and private purposes within the borough and it is expedient to make further provision in regard to their electric lighting undertaking :

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And whereas it is expedient that better provision be made with reference to streets buildings sewers and drains within the borough and that the powers of the Corporation in regard to the health improvement and good government of the borough be enlarged as by this Act provided :

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

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

And whereas estimates have been prepared by the Corporation for and in connection with the construction of the waterworks authorised by this Act and such estimates amount to the sum of twenty thousand pounds :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the fourteenth day of December nineteen hundred and four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Morley Observer* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the ninth day of January nineteen hundred and five 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 works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners

and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and are in this Act respectively referred to as the deposited plans sections and book 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.

1. This Act may be cited as the Morley Corporation Act 1905. Short title.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Water.

Part III.—Electricity.

Part IV.—Streets Buildings Sewers and Drains.

Part V.—Sanitary Provisions.

Part VI.—Milk Supply (Tuberculosis).

Part VII.—Common Lodging-houses.

Part VIII.—Sky Signs.

Part IX.—Police.

Part X.—Finance and Miscellaneous.

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

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(a) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847 ;

(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts :

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

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Interpreta-
tion.

4. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of the borough of Morley ;

“The borough” means the borough of Morley ;

“The council” means the council of the borough ;

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

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

“Dairy” means any farm farmhouse cow-shed 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 cow-keeper purveyor of milk or occupier of a dairy ;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough ;

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

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;

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

“The Act of 1890” means the Morley Corporation Water Act 1890 “the Order of 1897” means the Morley Corporation Electric Lighting Order 1897 confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1897 and “the Act of 1900” means the Morley Corporation Act 1900.

PART II.

WATER.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated upon the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the following works and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for those purposes (that is to say):—

Power to
construct
works.

Work No. 1 A conduit consisting of one or more lines of pipes to be situate in the borough of Brighouse the parish of Clifton the urban districts of Cleckheaton Gomersal and Birstal and the borough commencing in the borough of Brighouse at the junction of Wakefield Road and Police

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Street with Clifton Road and terminating in the borough at the Bruntcliffe service reservoir of the Corporation at Birk Lane ;

Work No. 2 A conduit consisting of one or more lines of pipes to be situate in the borough commencing by a junction with Work No. 1 at the junction of the Leeds and Elland Road with the Bradford and Wakefield Road and terminating at the Victoria service reservoir of the Corporation at the Bradford and Wakefield Road ;

together with all proper tanks basins gauges meters sluices outfalls discharge pipes aqueducts culverts cuts channels conduits mains pipes hydrants stand-pipes junctions valves engines pumps machinery apparatus appliances buildings works and conveniences connected with the said works or any of them or necessary or proper for inspecting maintaining repairing cleaning and managing the same.

For protec-
tion of West
Riding
County
Council.

6. The provisions of section 7 (For the protection of the West Riding County Council) of the Act of 1890 so far as they relate to the main roads and bridges affected by the works authorised by this Part of this Act shall apply mutatis mutandis to such works Provided that the conduits authorised by this Act shall at the option of the Corporation be carried over any stream crossed by any county or main road bridge either by means of wrought iron riveted tubing entirely separate from and independent of such bridge or in a manner to be shown on plans previously submitted to and approved by the surveyor to the county council of the west riding of Yorkshire or in case of difference to be determined by arbitration in accordance with subsection (6) of the said section.

For protec-
tion of York-
shire (Wool-
len District)
Electric
Tramways
(Limited) and
Dewsbury
Batley and
Birstal
Tramways
Company
(Limited).

7.—(1) Any works authorised by this Act which shall interfere with any railways or works constructed in pursuance of the Spen Valley Light Railway Order 1901 shall be executed in accordance with and subject to the provisions of section 41 (Rights of authorities and companies &c. to open roads) of that Order and subject to the provisions hereinafter set forth :—

(a) The notice required to be given under subsection (1) (b) of section 41 of the said Order shall except in cases of emergency be a seven days' notice and shall be accompanied by plans of the proposed works :

(b) The Corporation shall comply with all reasonable directions of the Yorkshire (Woollen District) Electric

Tramways Limited (in this section referred to as "the company") and shall save harmless the company against all expenses occasioned by the works: A.D. 1905.

- (c) All interference with the railways and works of the company may if they so desire be effected by the company at the reasonable expense of the Corporation. Provided that if the company intend to effect such interference themselves they shall give notice thereof to the Corporation within three days of receiving notice under subsection (a) of this section and shall proceed with the work with all reasonable despatch and that if they fail to complete it within a reasonable time the Corporation may themselves effect such interference as if no notice had been given under this subsection:
- (d) If any question arises under this section between the company and the Corporation that question shall be referred to arbitration under the said Order.

(2) Any works authorised by this Act which shall interfere with any tramways to which the Tramways Act 1870 applies shall be executed in accordance with and subject to the provisions of section 32 (Rights of authorities and companies to open roads) of that Act.

8. The provisions of section 17 (For the protection of the Lancashire and Yorkshire Railway Company) of the Act of 1890 shall be deemed to be incorporated in this Act and shall apply and have effect for the benefit and protection of the Lancashire and Yorkshire Railway Company in relation to the conduit (Work No. 1) by this Act authorised in any part of any road under or near the Bailiff Bridge Branch Railway or the Cleckheaton Branch Railway of the said company.

For protection of Lancashire and Yorkshire Railway Company.

9. The following provisions for the protection of the Great Northern Railway Company (hereinafter in this section called "the company") shall unless with the previous consent of the company in writing under their common seal apply and have effect:—

For protection of Great Northern Railway Company.

- (1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not enter upon take or use any land railway or work of the company:

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(2) The provisions contained in section 9 of the Act of 1890 for the protection of the company are incorporated with this Act and shall extend and apply to the works by this Act authorised as if such section had been re-enacted in this Act.

For protection of London and North Western Railway Company.

10.—(1) The provisions of section 10 (For protection of London and North Western Railway Company) of the Act of 1890 shall extend and apply to the conduits authorised by this Part of this Act as if the same had been authorised by the Act of 1890.

(2) The Corporation shall so construct the conduits authorised by this Part of this Act where the same will be laid in front of the private road entrance to the Cleckheaton Station of the London and North Western Railway Company as to interfere as little as possible with the access to and from such station.

Power to deviate.

11. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding four feet upwards and to any extent downwards. Provided that except for the purpose of crossing over a stream railway or road no part of the conduits shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

12. If the works authorised by this Act and shown on the deposited plans and sections are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed. Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the conduits authorised by this Act lay down additional lines of pipes as and when occasion may require.

Temporary discharge of water into streams.

13.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any conduit authorised by this Act the Corporation may cause the water in such conduit to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

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14.—(1) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the conduits authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of their water undertaking.

Application of Waterworks Clauses Act 1847 to conduits discharge pipes and telephones.

(2) Provided that no telephonic or telegraphic apparatus made and maintained under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

15. The Corporation and the Halifax Corporation may enter into and fulfil contracts and agreements for the supply by the Halifax Corporation to the Corporation of water in bulk and any such contract or agreement may provide for the limitation of the supply of water to be furnished thereunder in times of frost unusual drought or other unavoidable cause or accident and that in the event of any such limitation being necessary the same shall be in proportion to the limitation of the supply of water to other bodies or persons within the water limits of supply of the Halifax Corporation.

Agreements with Halifax Corporation.

16. Nothing in this Act contained shall in any way prejudice or affect the rights and privileges of the urban district councils of Soothill Upper and Thornhill under the Halifax Water and Gas Extension Act 1870 or the obligation of the Halifax Corporation to afford to the urban district councils of Soothill Upper and Thornhill a supply of water for all purposes and at the pressure mentioned in section 11 of the said Halifax Water and Gas Extension Act 1870 up to the maximum limit of one million gallons a day and any agreement for a supply of water by the Halifax Corporation to the Corporation and any supply of water to be given under such agreement shall be subject to the prior right of such urban district councils to a supply of water under

For protection of urban district councils of Soothill Upper and Thornhill.

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such Act and nothing in this Act shall affect the right of such councils or either of them to sell and supply water either inside or outside the limits of supply of the Halifax Corporation.

Contracts for
supplying
water in
bulk.

17.—(1) The Corporation may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the borough to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that—

(a) A supply of water shall not be given under the powers of this section to any district in or to which water is not now being supplied by the Corporation except with the consent of any local authority company or person supplying water under parliamentary authority within the district for or within which the supply is to be given and of the local authority of that district; and

(b) Every such agreement shall either provide that water shall not be supplied in pursuance thereof if and so long as such supply would interfere with the supply of water for domestic purposes within the borough or shall provide that if it shall be necessary at any time to limit the supply of water for domestic purposes in consequence of the Corporation being unable to supply sufficient water to meet the requirements of the inhabitants of the borough and of the inhabitants of the district for or in which the supply is to be given in pursuance of this section the limitation shall apply proportionately within the borough and that district.

(2) For the purpose of enabling the Corporation to give and any local authority to take a supply of water under this section the Corporation may exercise any of their powers under the Public Health Acts in regard to the construction and maintenance of waterworks (including the powers of a local authority for carrying water mains without their district) and the purposes of this section shall be deemed to be purposes of those Acts.

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

18. The Corporation may on the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not dedicated to public use within the borough supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and

apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street had been dedicated to the public use. A.D. 1905.

19. The works by this Act authorised shall for all purposes be deemed part of the existing water undertaking of the Corporation. Works to form part of undertaking.

20.—(1) Notwithstanding anything in this Act contained but except as otherwise agreed between the Corporation and the mayor aldermen and citizens of the city of Bradford (in this section called “the Bradford Corporation”) the Corporation shall not either directly or indirectly supply any water nor enter into any contract with any corporation urban or rural district council or any local authority company or person whereby any water may be either directly or indirectly supplied or used within the limits for the purposes of water supply of the Bradford Corporation defined by some or one of the Bradford Acts set out in the preamble to the Bradford Corporation Tramways and Improvement Act 1897 nor to or within any township district or place to or within which water is at the time of the passing of this Act either directly or indirectly supplied by the Bradford Corporation. For protection of Bradford and Morley Corporations.

(2) Except as otherwise agreed between the Corporation and the Bradford Corporation the Bradford Corporation shall not either directly or indirectly supply any water nor enter into any contract with any corporation urban or rural district council or any local authority company or person whereby any water may be either directly or indirectly supplied or used within the limits for the purposes of water supply of the Corporation nor to or within any township district or place to or within which water is at the time of the passing of this Act either directly or indirectly supplied by the Corporation.

(3) The order of the High Court entered the eighteenth day of April one thousand nine hundred and five in the action between the Bradford Corporation and the Halifax Corporation and any other order which may have been or may be made in that action shall not operate so as to prevent the supply by the Corporation to the urban district of Gildersome of water other than that obtained from the Halifax Corporation nor to prevent the Corporation from obtaining water from the Halifax Corporation or from using or supplying such water in or to any place not being within the water limits of the Bradford Corporation nor to prevent the Halifax Corporation from supplying such water.

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PART III.

ELECTRICITY.

Continuance
and exten-
sion of
generating
station.

21.—(1) The Corporation may upon the lands hereinafter referred to continue maintain alter improve extend rebuild and renew and may use their station for generating electricity together with such existing and additional buildings machinery engines works matters or things of whatever description as may be required by the Corporation to enable them to supply electricity and to carry into effect the objects of the Order of 1897.

(2) The lands hereinbefore referred to are situate in the borough and are as follows:—

A piece of land in Corporation Street containing four thousand one hundred and thirty-two square yards bounded on the north-east by Corporation Street on the south-east by the public baths of the Corporation on the north-west by the highway depôt of the Corporation and on the south-west by property which abuts on Little Fountain Street.

(3) The provisions of section 70 (Undertakers not exempted from proceedings for nuisance) of the Order of 1897 shall not apply in regard to the lands referred to in this section or to any buildings or works constructed or to be constructed thereon.

Power to lay
electric
mains in
streets not
dedicated to
public use.

22. The Corporation may on the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not dedicated to public use within the borough supply such premises with electricity and may in accordance with and subject to the provisions contained in the Order of 1897 so far as such provisions are applicable lay down take up alter relay or renew in across or along such street or road such electric mains cables and apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street or road had been dedicated to the public use but doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers.

Supply of
energy to
premises hav-
ing a separ-
ate supply.

23. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 or in the Order of 1897 a person shall not be entitled to demand from the Corporation a supply or the continuance of a supply of electrical energy for premises having a separate supply unless he shall have previously agreed

to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by them to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration under the Electric Lighting Act 1882.

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24.—(1) Twenty-four hours' notice in writing shall be given to the Corporation by every consumer before he shall quit any premises supplied with electrical energy by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation 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 Corporation to supply electrical energy to such premises whichever shall first occur.

Electric lighting consumers to give notice to Corporation before removing.

(2) Notice of the effect of this enactment shall be contained in or endorsed on every demand note for charges for electrical energy.

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

25.—(1) No new street shall be laid out so as to be more than one hundred and twenty yards in length without an intersecting street.

Intersecting streets.

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

(3) Section 22 (Intersecting streets) of the Act of 1900 is hereby repealed.

26.—(1) Where any street or road in the borough repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the

Corporation may define future line of existing streets.

A.D. 1905. — surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

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

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

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

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Recovery of
damages
caused to
streets by
excavations.

27. 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 Corporation may repair or replace the footway so injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on

which such excavations or other works have been made or by the person causing or responsible for the injury. A.D. 1905.

28.—(1) The Corporation may with the consent of two thirds in number and value of the ratepayers in any street alter the name of such street or any part of such street.

Power to alter names of streets.

(2) The Corporation may cause the name of any street or of any part of a street to be painted or otherwise marked on a conspicuous part of any building or other erection.

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

29.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully.

For preventing soil and sand from being washed into streets.

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

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

30. Section 69 (Future projections of houses &c. to be removed on notice) and section 70 (Commissioners may cause existing projections to be removed on giving notice and making compensation) of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Prevention and removal of projections over streets.

31.—(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory

Height of chimneys.

A.D. 1905. — brewery sizing-house dye-house corn-mill foundry or building used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height.

(2) Any person who shall erect a chimney otherwise than in accordance with this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

As to
nuisances.

32. For the purposes of the Public Health Act 1875—

- (1) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health ;
- (2) Any gutter drain shoot stack-pipe or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building ; and
- (3) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health ;

shall be deemed to be a nuisance within the meaning of the said Act.

Regulation
dustbins.

33. The Corporation may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron or enamelled iron dustbins in lieu of ashpits and such dustbins shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any dustbins or ashpits in use at the passing of this Act so long as the same are of suitable size and in proper order and condition.

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

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Extension of section 22 of Public Health Acts Amendment Act 1890.

35.—(1) Where any inn public-house beerhouse eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Corporation may by notice in writing require the owner of such inn public-house beerhouse eating-house or other place of public entertainment to provide and maintain on the premises for the use of persons frequenting such inn public-house beerhouse eating-house or other place of public entertainment a reasonably sufficient urinal or urinals.

Urinals to be attached to refreshment rooms.

(2) Any person who shall fail within a reasonable time to comply with any requirement under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

36.—(1) If any urinal or other sanitary convenience now or hereafter opening on any street shall be so placed or constructed as to be a nuisance or offensive to public decency the Corporation by notice in writing may require the owner to remove such urinal or convenience or otherwise to reconstruct the same in such manner and with such materials as may be required to abate the nuisance and remove the offence against public decency.

Corporation may require offensive urinals &c. to be removed.

(2) Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

37.—(1) Every person who shall construct an ashpit in connection with or for the purposes of a building erected after the passing of this Act shall so construct and maintain the same that it does not open on to a public highway and shall provide and maintain an adequate roadway not less than six feet six inches in width to any such ashpit which may be used as a receptacle for excrement or otherwise as or in connection with a midden privy so that the contents of the ashpit may be emptied directly into a cart for the purpose of removal.

As to ash-pits.

(2) Any person who shall construct an ashpit in contravention of the provisions of this section or shall fail to maintain the same or to provide or maintain a roadway thereto in accordance with the provisions of this section shall be liable to a penalty not

A.D. 1905. — exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to require waterclosets for new buildings.

38.—(1) The Corporation 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 water-closets.

(2) Any person who shall offend against any requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Conversion of existing closet accommodation into water-closets.

39.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may by written notice to the owner of any building require any existing closet accommodation (other than a watercloset) provided at or in 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) (A) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing :

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

(3) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation

in pursuance of this section in any case in which they may not be required to bear any part of such expense. A.D. 1905.

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

40.—(1) Where any person deems himself aggrieved by any requirements of the Corporation under either of the two last preceding sections or disputes the reasonableness of the expenses charged to him by the Corporation 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 : As to appeal under two last preceding sections.

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

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

41. The powers given by section 19 (Extension of 38 and 39 Vict. c. 55. s. 41) 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.

42.—(1) On complaint made on oath by the medical officer surveyor or inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such medical officer surveyor or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or cesspool or any water supply sink rain water cistern trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for that purpose or for the purpose of ascertaining the course of any such work the medical officer surveyor or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twelve hours' notice in writing has been given to the occupier of the premises to which Inspection of drains &c.

A.D. 1905. such drain sanitary convenience or cesspool water supply sink rainwater cistern trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the medical officer surveyor or inspector of nuisances or their authorised assistants think fit doing as little damage as may be.

(2) If any person obstructs or attempts to obstruct or incites any person to obstruct the medical officer surveyor or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall be liable to a penalty not exceeding five pounds.

(3) If upon such inspection it shall be found that no nuisance exists or that the nuisance is not caused by or is not attributable to such drain sanitary convenience or cesspool water supply sink rainwater cistern trap syphon pipe or other work and apparatus the Corporation shall cause any of such works or apparatus which they may have taken up or disturbed to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Corporation and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(4) If upon such inspection any drain sanitary convenience or cesspool water supply sink rainwater cistern trap syphon pipe or other work or apparatus be found to be in such a state as to cause a nuisance the Corporation shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to abate the nuisance.

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

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

43.—(1) Whenever the medical officer has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining an order of a court of summary jurisdiction apply such test (except the test of water under pressure) as he may consider efficient to such drains for the purpose of discovering any defects therein.

A.D. 1905.
Owners to permit drains to be tested.

(2) Any owner or occupier who refuses notwithstanding such order to allow such test to be made shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) If the drains be found defective the owner or occupier of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the works and recover the costs thereof from the owner or other person liable under the lease or contract summarily as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

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

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

Reconstruction of drains.

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

45.—(1) No person shall cause any drain watercloset earth-closet privy ashpit or dustbin to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith

Wilful damage to drains and water-closets.

A.D. 1905. or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

(3) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Old drains to be laid open for examination before communicating with sewers.

46. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Corporation shall be made to communicate with any sewer of the Corporation the Corporation may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer.

Pipes from slopstones &c. to be disconnected from sewers.

47. Every pipe from any slopstone bath or basin in a building shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains shall be properly trapped Any person neglecting or refusing to comply with a notice from the Corporation requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings Provided always that any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for twenty-eight days in complying with such notice Provided also that this section shall only apply to buildings existing at the passing of this Act and any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Corporation.

Power to charge for removal of trade refuse &c.

48. If any trade refuse or any building or other materials or rubbish of a like description be deposited in any privy cesspool ashpit or dustbin the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made.

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

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Power of entry.

50. Nothing in this Part of this Act or in any byelaw 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 under any Act of Parliament.

Saving for railway companies.

PART V.

SANITARY PROVISIONS.

51.—(1) No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the borough or pick fruit intended for consumption within the borough or engage in any trade or business connected with food intended for consumption within the borough or carry on any trade or business in such a manner as to be likely to spread such infectious disease within the borough.

Infected person not to carry on business &c.

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

52.—(1) If the medical officer shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons with their addresses to whom he has within such six weeks supplied milk within the borough and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein.

Dairymen to furnish lists of sources of their supply of milk and customers in certain cases.

(2) Every person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

53.—(1) Every dairyman supplying milk within the borough from premises whether within or beyond the borough shall notify to the medical officer all cases of infectious disease among persons

Dairymen to notify infectious diseases existing

A.D. 1905.
among their
servants.

engaged in or in connection with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists.

(2) Any dairyman who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings.

Compensa-
tion to
dairymen.

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

Infected
child not to
attend
school.

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

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

Power to me-
dical officer
to examine
school
children.

56.—(1) The medical officer may enter any public elementary school within the borough 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.

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

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

57.—(1) No person shall take out of any public or lending library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any public or lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice that it has been exposed to infection to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor.

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—
Protection against infection of books from lending library.

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

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

Byelaws regulating hospitals.

59. When a person not being a pauper is received as a patient into any hospital for infectious disease the Corporation may themselves pay the whole or any part of the expenses arising out of the reception and maintenance of such person.

Corporation may pay expenses of person in hospital.

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

Compensation to persons ceasing employment.

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

For regulating manufacture and sale of ice cream &c.

(a) Causes or permits ice cream or any similar commodity 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

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

shall be liable to a penalty not exceeding forty shillings.

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

(3) Every dealer in ice cream 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 any person who shall fail to comply with this subsection shall for every such offence be liable to a penalty not exceeding forty shillings.

Inspection of premises of dealer in ice cream.

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

(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.

Driver of infected person to give notice.

63.—(1) If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer and shall cause such vehicle to be disinfected and if he fails 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 recover in a summary manner from the person so conveyed 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.

(2) It shall be the duty of the Corporation when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering. A.D. 1905.

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

(2) If either—

- (a) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Corporation as aforesaid ; or
- (b) Having so informed the Corporation he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice ; or
- (c) The occupier or owner as the case may be without such notice gives his consent ;

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

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

(4) When the Corporation 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

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part of a house or the owner of such article for any damage thereby caused to such house part of a house or article and when the Corporation destroy any article under this section they shall reasonably compensate the owner thereof.

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

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

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

(7) The Corporation may for the purposes of this section either themselves build a place of reception or contract for the use of any place of reception.

Disinfection
of clothes.

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

Exposure of
infected
persons.

66. The provisions of section 126 (Penalty on exposure of infected persons and things) of the Public Health Act 1875 shall extend and apply to any person who being in charge of a person suffering from any dangerous infectious disorder permits such sufferer to expose himself without proper precautions against spreading the said disorder in any street public place shop inn or

public conveyance within the borough or to enter any public conveyance within the borough without previously notifying to the owner conductor or driver thereof that he is so suffering.

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

Wake not to be held over body of person dying of infectious disease.

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

Penalty on withholding information from medical officer.

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

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

69. The Corporation may provide or contract with any person or persons to provide nurses for attendance upon any persons suffering from any infectious disease within the borough and may charge a reasonable sum for the services of any nurse so provided.

Corporation may provide nurses.

70. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Corporation but a trade business or manufacture shall not be deemed to be established on any premises by reason only that the ownership of such premises is wholly or partially changed or that the

Defining the establishing of a new business.

A.D. 1905. — 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.

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

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

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

Expenses of Part V. of Act.

72. Any expenses of the execution by the Corporation of this Part of this Act shall be defrayed out of the district fund and general district rate.

PART VI.

MILK SUPPLY (TUBERCULOSIS).

Penalty for selling milk of diseased cows.

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

Penalty on failing to isolate diseased cows.

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

Obligation to notify cases of tuberculosis.

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

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

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

A.D. 1905.
Power to
take samples
of milk.

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

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

Power to
inspect cows
and to take
samples of
milk.

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

(3) If the medical officer has reason to believe that milk from any dairy situate outside the borough from which milk is being sold or suffered to be sold or used within the borough is likely to cause tuberculosis in persons residing within the borough the powers conferred by this section may in all respects be exercised in the case of such dairy Provided that the medical

A.D. 1905. officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

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

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

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

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

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

Appeal.

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

The said officer shall for the purposes of the appeal have all the powers of a petty sessional court. A.D. 1905.

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

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

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

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

(3) Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 (Compensation in case of damage by local authority) 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.

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

81. All expenses incurred by the Corporation in carrying into execution the provisions of this Part of this Act shall be chargeable upon the district fund and general district rate and Expenses of Part VI. of Act.

A.D. 1905. — the Corporation may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the borough Provided that no such test shall be applied except with the previous consent of the owner of such cow.

Execution of this Part of Act by committee.

82. 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.

Notice of provisions of this Part of Act.

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

PART VII.

COMMON LODGING-HOUSES.

Regulations as to common lodging-house keepers.

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

(2) Any keeper of a common lodging-house who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

A.D. 1905.
Sanitary conveniences in common lodging-houses.

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

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

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

Registration of common lodging-houses and keepers.

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

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

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

A.D. 1905.

Notice to
common
lodging-
house
keepers.

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

PART VIII.

SKY SIGNS.

Sky signs.

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

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

- (i) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor ;
- (ii) If any change be made in the sky sign or any part thereof ;
- (iii) If the sky sign or any part thereof fall either through accident decay or any other cause ;
- (iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof ; or
- (v) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed :

(c) Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the

sky sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 (Future projections of houses &c. to be removed on notice) of the Towns Improvement Clauses Act 1847. A.D. 1905.

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

(3) For the purposes of this section—

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

The expression “sky sign” shall also include any balloon parachute or other similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way ;

But shall not include—

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

A.D. 1905.

(c) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place.

PART IX.

POLICE.

Byelaws as
to crying
newspapers.

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

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

Dangerous
riding or
driving.

90. Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty not exceeding forty shillings and may be arrested without warrant by any constable who witnesses the offence.

Betting.

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

PART X.

A.D. 1905.

FINANCE AND MISCELLANEOUS.

92.—(1) The Corporation may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

Power to borrow.

(a) For and in connection with the construction of the waterworks authorised by this Act the sum of twenty thousand pounds ;

(b) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for those purposes ;

and with the consent of the Local Government Board such further money as may be necessary for any of the purposes of this Act or of the water undertaking of the Corporation.

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

As regards money borrowed for the purposes of the water undertaking of the Corporation the revenue of that undertaking and the district fund and the general district rate or either of those securities :

As regards money borrowed for any other purpose the borough fund and the borough rate the district fund and the general district rate or either of them as the Corporation having regard to the purposes for which the money is borrowed may deem equitable.

(3) The Corporation shall pay off all money borrowed by them under this section within the respective periods (in this Act referred to as “the prescribed periods”) following (that is to say) :—

As to money borrowed for the said purposes (a) within fifty years from the date or dates of borrowing the same :

As to money borrowed for the said purposes (b) within five years from the date of the passing of this Act :

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

A.D. 1905.
Mode of
payment off
of money
borrowed.

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

Expenses of
execution of
Act.

94. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund and borough rate or the district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Application
of financial
provisions of
Morley Cor-
poration
(Gas &c.)
Act 1898.

95. The following sections of the Morley Corporation (Gas &c.) Act 1898 shall apply to the purposes of this Act as if the same were re-enacted therein (namely) :—

- Section 44 (Certain regulations of Public Health Act as to borrowing not to apply) ;
- Section 45 (Mode of raising money) ;
- Section 46 (Provisions of Public Health Act as to mortgages to apply) ;
- Section 49 (Sinking fund) (omitting the words “or the “ mortgage or debenture debts of the “ Morley Gas Company ”) ;
- Section 50 (Protection of lender from inquiry) ;
- Section 51 (Corporation not to regard trusts) ;
- Section 52 (Appointment of receiver) ;
- Section 53 (Power to re-borrow) ;
- Section 54 (Annual return to Local Government Board) ;
- Section 55 (Application of money borrowed) ;
- Section 56 (Proceeds of sale of surplus lands) ;
- Section 62 (Audit of accounts) ;
- Section 63 (Inquiries by Local Government Board).

Application
of provisions
of Act of
1900.

96. The following sections of the Act of 1900 shall apply to the purposes of this Act as if the same were re-enacted therein (namely) :—

- Section 51 (Compensation how to be determined) ;
- Section 54 (Informations by whom to be laid) ;
- Section 55 (Penalties to be paid over to treasurer) ;
- Section 56 (Judges not disqualified).

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

A.D. 1905.
Power to invest all sinking funds in statutory securities.

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

Power to use one form of mortgage for all purposes.

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

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

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

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

(6) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within

A.D. 1905. fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

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

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

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

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

Power to use
sinking fund
instead of
borrowing.

99.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such

purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of— A.D. 1905.

(a) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein ; or

(b) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

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

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

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

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

100. Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in

Apportionment of expenses in case of joint owners.

A.D. 1905. such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

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

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

General provisions as to byelaws.

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

Section 182 (Authentication and alteration of byelaws);

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

Section 184 (Confirmation of byelaws); and

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

so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act except byelaws to which the provisions of section 23 (Power of council to make byelaws) of the Municipal Corporations Act 1882 are applied by this Act.

Application of sec. 265 of Public Health Act 1875.

103. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

As to notices &c.

104.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

A.D. 1905.

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

As to appeal.

106. 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.

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

Crown rights.

108. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of moneys borrowed under the provisions of this Act.

Costs of Act.

A.D. 1905.

The SCHEDULE referred to in the foregoing Act.

FORM OF MORTGAGE.

By virtue of the Morley Corporation Act 1905 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Morley (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds paid to the treasurer of the borough 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 Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as 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 the said borough [(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 mentioned and specified in an endorsement to be made hereon under the hands of the mayor and town clerk of the said borough for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein:

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____

[5 EDW. 7.]

Morley Corporation Act, 1905.

[Ch. lxiii.]

The Endorsement within referred to.

A.D. 1905.

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 mayor aldermen and
burgesses of the borough of Morley 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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