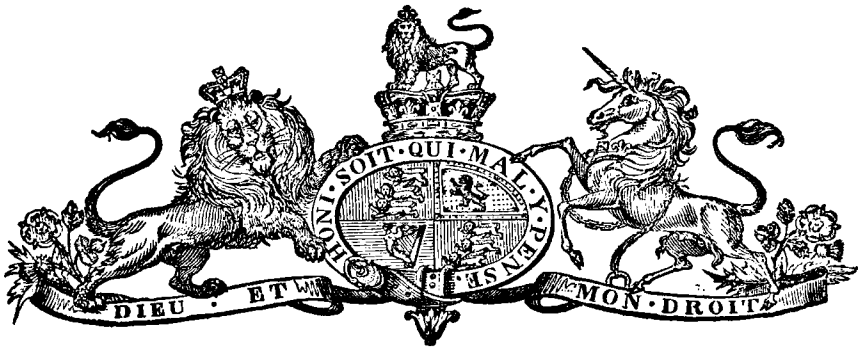


ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. LXIII.

An Act for promoting the Public Health.

[31st *August* 1848.]

WHEREAS further and more effectual Provision ought to be made for improving the sanitary Condition of Towns and populous Places in *England* and *Wales*, and it is expedient that the Supply of Water to such Towns and Places, and the Sewerage, Drainage, cleansing, and paving thereof, should, as far as practicable, be placed under one and the same local Management and Control, subject to such general Supervision as is herein-after provided: Be it therefore enacted by the Queen'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, That this Act may from Time to Time be applied, in manner herein-after provided, to any Part of *England* and *Wales*, except the Parts next herein-after mentioned; (that is to say,) the City of *London* and the Liberties thereof, the Parts within the Limits of certain Commissions of Sewers bearing Date at *Westminster* the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and forty-seven, also the Parts within the Limits of a certain other Commission of Sewers bearing Date at *Westminster*, the Fourth Day of *December* in the Year last aforesaid, and the Parts subject to the Jurisdiction of the Commissioners acting in the Execution of an Act of the Fifth Year of the Reign of King

Parts to which this Act may be applied.

George the Fourth, for (amongst other things) more effectually paving, lighting, watching, cleansing, and regulating the *Regent's Park*, and in the Execution of the several Acts for extending the Jurisdiction of such Commissioners.

Interpretation of Terms:

II. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context or Subject Matter in which such Words or Expressions occur; (that is to say,)

Number: Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Gender: Words importing the Masculine Gender shall include Females:

"Person:" The Word "Person" and Words applying to any Person or Individual shall apply to and include Corporations, whether aggregate or sole:

"Lands:" "Premises:" The Word "Lands" and the Word "Premises" shall include Messuages, Buildings, Lands, and Hereditaments of any Tenure:

"Owner:" The Word "Owner" shall mean the Person for the Time being receiving the Rack Rent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rack Rent:

"Rack Rent:" The Expression "Rack Rent" shall mean Rent which is not less than Two Thirds of the full net annual Value of the Property out of which the Rent arises; and the full net annual Value shall be taken to be the Rent at which the Property might reasonably be expected to let from Year to Year, free from all usual Tenant's Rates and Taxes, and Tithe Commutation Rentcharge (if any), and deducting therefrom the probable average annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a State to command such Rent:

"Month:" The Word "Month" shall mean Calendar Month:

"Commissioners of the Treasury:" The Expression "Commissioners of Her Majesty's Treasury" shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being:

"Superior Courts:" The Expression "Superior Courts" shall include Her Majesty's Superior Courts of Record at *Westminster*, and the Court of Common Pleas of the County Palatine of *Lancaster*, and the Court of Pleas of the County of *Durham*:

"Justice:" The Word "Justice" shall mean any Justice of the Peace acting for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justice" arises:

"Two Justices:" The Expression "Two Justices" shall mean Two or more Justices assembled and acting together in Petty Sessions, or One Stipendiary or Police Magistrate acting in any Police Court, for the Place

Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices" arises:

The Expression "Court of General or Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace having Jurisdiction over the whole or any Part of the District or Place, as the Case may be, in which the Matter requiring the Cognizance of the "Court of General or Quarter Sessions" arises: "Court of General or Quarter Sessions:"

The Word "Arbitrators" shall include a single Arbitrator; and the Words "Arbitrators" and "Arbitrator" shall include an Umpire: "Arbitrators:"

The Word "Oath" shall mean and include an Affirmation in the Case of Quakers, and a Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath: "Oath:"

The Expression "Corporate Borough" shall mean any Corporate Borough mentioned in the Schedules annexed to an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act for the Regulation of Municipal Corporations in* England *and* Wales, and any Borough incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act: "Corporate Borough:" 5 & 6 W. 4. c. 76.

The Word "District" shall mean the entire Area, Places, or Parts of Places comprised within the Limits of any District to which this Act or any Part thereof shall be applied by Order in Council or Provisional Order of the General Board of Health, sanctioned by Parliament: "District:"

The Expression "Corporate District" shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are exercised and executed by the Council of a Corporate Borough: "Corporate District:"

The Expression "Noncorporate District" shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are not exercised and executed by the Council of a Corporate Borough: "Noncorporate District:"

The Word "Street" shall apply to and include any Highway (not being a Turnpike Road), and any Road, public Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the Limits of any District: "Street:"

The Word "House" shall include Schools, Factories, and other Buildings in which more than Twenty Persons are employed at One Time: "House:"

The Word "Drain" shall mean and include any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom, with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed: "Drain:"

The Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies: "Sewer:"

The Term "Slaughter-house" shall mean and include the Buildings and Places commonly called Slaughter-houses and Knackers Yards, "Slaughter-house:"

Interpretation of Terms.

Yards, and any Building or Place used for slaughtering Cattle, Horses, or Animals of any Description for Sale:

"Waterworks Company:" The Expression "Waterworks Company" shall mean any Corporation, Person, or Company of Persons supplying or who may hereafter supply Water for their own Profit:

"Waterworks:" The Term "Waterworks" shall include Streams, Springs, Wells, Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings, and Things for supplying or used for supplying Water, also the Stock in Trade of any Waterworks Company:

"The Local Board of Health:" The Expression "the Local Board of Health" shall mean the Persons authorized to execute in each District all or any of the Powers, Authorities, and Duties vested in or imposed upon the Local Board of Health by this Act:

"The Clerk," &c. The Expressions "the Officer of Health," "the Clerk," "the Treasurer," "the Surveyor," "the Inspector of Nuisances," shall mean the Persons respectively appointed to be or authorized to execute the Offices of the Officer of Health, Clerk, Treasurer, Surveyor, and Inspector of Nuisances respectively in each District for the Purposes of this Act.

Mode of citing this Act.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Public Health Act, 1848."

General Board of Health.

General Board of Health to be constituted.

IV. And be it enacted, That the First Commissioner for the Time being of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, together with such Two other Persons as Her Majesty by Warrant under the Royal Sign Manual may be pleased to appoint, shall be and constitute a Board for superintending the Execution of this Act, and shall be called "The General Board of Health," and shall have and execute all the Powers and Duties vested in or imposed on such Board by this Act, and the said First Commissioner shall be the President of the said Board; and Her Majesty may from Time to Time, at Her Pleasure, remove all or any of the Persons so appointed by Her, and appoint others in their Stead; and the Powers and Duties vested in the said Board by this Act may be exercised and executed by any Two Members thereof; and during any Vacancy in the said Board the continuing Members or Member thereof may act as if no Vacancy had occurred: Provided always, that the said General Board of Health shall be continued only for Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament, and no longer.

Power to General Board of Health to appoint Officers and Servants, subject to Approval of Treasury, and to cause a Seal to be made.

V. And be it enacted, That the said Board may from Time to Time appoint a Secretary and such Clerks and Servants as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary for the Purposes of this Act; and every Person so appointed shall be removable at the Pleasure of the said Board; and the said Board shall cause to be made a Seal for their Use in the Execution of this Act, and Documents or Copies of Documents purporting to proceed from them, and to be signed by any Two or more of them, and to be sealed or stamped with such

such Seal, shall be received as *primâ facie* Evidence in all Courts and Places whatsoever.

General Board of Health.

VI. And be it enacted, That the General Board of Health may from Time to Time appoint so many proper Persons as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary, to be Superintending Inspectors for the Purposes of this Act; and every Person so appointed shall have all the Powers, Duties, and Liabilities vested in or imposed upon any Superintending Inspector by this Act, and shall assist in the Superintendence and Execution of this Act, when, where, and in such Manner as the said Board shall direct, and shall be removable at their Pleasure.

Power to appoint Superintending Inspectors, subject to Approval of Treasury.

VII. And be it enacted, That there shall be paid to such One of the Members of the General Board of Health, not being the President, as Her Majesty shall direct, and to the said Secretary, Clerks, and Servants, such Salaries or Wages, and to the said Superintending Inspectors such Allowances, as shall from Time to Time be appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be provided by Parliament for that Purpose: Provided always, that the Allowance to a Superintending Inspector shall not exceed the Sum of Three Pounds Three Shillings for every Day he shall be actually employed or travelling in the Performance of the Duties of his Office; provided also, that the Commissioners of Her Majesty's Treasury may allow to any Superintending Inspector such reasonable travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office under this Act, in addition to his said Allowance.

Power to Treasury to grant Salaries, &c. to General Board of Health, Superintending Inspectors, &c.

Preliminary Inquiry.

VIII. And be it enacted, That from Time to Time after the passing of this Act, upon the Petition of not less than One Tenth of the Inhabitants rated to the Relief of the Poor of any City, Town, Borough, Parish, or Place having a known or defined Boundary, not being less than Thirty in the whole, or where it shall appear or can be ascertained from the last Return for the Time being made up by the Registrar General of Births, Marriages, and Deaths from the Deaths registered in a Period of not less than Seven Years that the Number of Deaths annually in any City, Town, Borough, Parish, or Place during the Period in respect whereof such Return shall have been made have on an Average exceeded the Proportion of Twenty-three to a Thousand of the Population of such City, Town, Borough, Parish or Place, the General Board of Health may, if and when they shall think fit, direct a Superintending Inspector to visit such City, Town, Borough, Parish, or Place, and to make public Inquiry, and to examine Witnesses, as to the Sewerage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Local Acts of Parliament in force within such City, Town, Borough, Parish, or Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, or having relation to the Purposes of this Act, also as to the natural Drainage Areas, and the existing municipal, parochial, or other local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this

Upon Petition of a certain Proportion of Householders, &c., or when the Deaths in any City, &c. appear upon the Registrar General's Returns to be above a certain Proportion, Superintending Inspector to make local Inquiry.

Preliminary Inquiry.

Act, and as to any other Matters in respect whereof the said Board may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty, or making a Provisional Order, as herein-after mentioned.

Inspector to give Notice of Inquiry, and report to General Board the Result of the same.

IX. And be it enacted, That before proceeding upon such Inquiry the said Inspector shall give Fourteen Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry, by Advertisement in some One or more of the public Newspapers usually circulated in the Parts to which the Inquiry will relate, and by causing such Notice to be affixed on the Doors of the principal Churches, Chapels, public Buildings, and Places where public Notices are usually affixed within such Parts, and in such other Manner as may appear to the said Inspector to be necessary; and so soon as can be after the Completion of such Inquiry he shall report in Writing to the General Board of Health, in such Manner as they may direct, upon the several Matters with respect to which he has been directed to inquire as aforesaid, and upon any other Matters with respect to which he may deem it expedient to report for the Purposes of this Act; and if upon such Report it appear to the said General Board that the Boundaries which may be most advantageously adopted for the Purposes of this Act are not the same as those of the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, they shall cause the same or some other Superintending Inspector to visit the Parts within the Boundaries proposed to be adopted for the Purposes of this Act, and, after having given such Notice as is herein-before prescribed, to hear all Persons desirous of being heard before him upon the Subject of the said Report, and to make such further Inquiry and Report to the said Board as they may direct; and upon the Presentation of such Report or further Report the said Board shall cause Copies thereof respectively to be published in the Parts to which such Report or further Report respectively relate, in such Manner as they may direct, and shall also cause other Copies thereof respectively to be deposited with the Town Clerk of any Corporate Borough affected thereby, and with the Clerk to the Commissioners or Trustees acting under any Local Act of Parliament in force within such Parts for lighting, paving, cleansing, watching, regulating, supplying with Water, or improving such Parts, or any of them, or in any wise relating to the Purposes of this Act, and with the Clerk to the Justices acting for any Petty Sessional Division in which such Parts may be, and with the Clerk of the Board of Guardians of the Union or Parish the whole or Part of which may be affected thereby; and if such Report or further Report relate to Parts not being within any Corporate Borough the said Board shall cause other Copies of the same to be deposited with the Churchwardens or Overseers of the Poor of any Parish in which such Parts or any of them may be; and the Copies so published or deposited shall be accompanied by a Notice stating that within a certain Time, not being less than One Month from the Time of such Publication and Deposit, written Statements may be forwarded to the said Board with respect to any Matter contained in or omitted from the said Report or further Report, or any

Upon such Report General Board may, if they think fit, cause Inspector to make further Inquiries respecting Boundaries, and present a further Report, which shall be published, &c.

any Amendment proposed to be made therein; and all such Statements shall be deposited with such Town Clerk, Clerk to Justices, Clerk to the Board of Guardians, and with such Churchwardens or Overseers respectively, in like Manner as the said Copies, and shall, together with such Copies, be open to public Inspection from the Hour of Eleven in the Forenoon till the Hour of Three in the Afternoon every Day during the Time specified in the last-mentioned Notice, *Sundays*, *Christmas Days*, *Good Fridays*, and Days appointed for General Fasts or Thanksgivings only excepted; and any Town Clerk, Clerk to Justices, Clerk to the Board of Guardians, Churchwardens, or Overseers who shall refuse to receive any Document or Copy of any Document directed to be deposited with him or them as aforesaid, or to allow such Inspection, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; and after the Expiration of such last-mentioned Notice the said Board may, if they think fit, direct such further Inquiry and Report as to them may seem necessary and proper.

Preliminary Inquiry.

Application of the Act.

Cases in which Act shall be put in force by Order of Her Majesty in Council.

X. And be it enacted, That if after such Inquiry or further Inquiry as aforesaid it appear to the said General Board of Health to be expedient that this Act or any Part thereof should be applied to the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, upon the Petition of such Inhabitants as aforesaid, and within the same Boundaries as those of such City, Town, Borough, Parish, or Place, and within which there is no Local Act of Parliament in force for paving, lighting, (otherwise than for the Profit of Proprietors or Shareholders,) cleansing, watching, regulating, supplying with Water, or improving such City, Town, Borough, Parish, or Place, or any Part thereof, or in anywise relating to the Purposes of this Act, they shall report to Her Majesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to order that this Act or any Part thereof shall be applied to and be put in full Force and Operation within such City, Town, Borough, Parish, or Place; and if after such Inquiry or further Inquiry as aforesaid it appear to the said General Board to be expedient that this Act or any Part thereof should be put in force within Boundaries not being the same as those of the City, Town, Borough, Parish, or Place from which the said Petition proceeded, or within Boundaries where no Petition has been presented from such Inhabitants as aforesaid, or within any City, Town, Borough, Parish, or Place in which any such Local Act of Parliament as aforesaid is in force, they shall make a Provisional Order under their Hands and Seal of Office accordingly, with such Provisions, Regulations, Conditions, and Restrictions with respect to the Application and Execution of this Act or any Part thereof, and with respect to any such Local Act, and the Repeal, Alteration, Extension, or future Execution of the same, and in all respects whatsoever as they may think necessary under all the Circumstances of the Case; and such Provisional Order shall be published in the Parts to which the same relates in such Manner as the said General Board may direct, and shall be deposited with the Town Clerk of any Corporate Borough affected

Cases in which Act shall be put in force by Provisional Order of General Board, and sanctioned by Parliament.

Application of the Act.

affected thereby, and with the Clerk to the Commissioners or Trustees acting under any such Local Act, also with the Clerk to the Justices acting for any Petty Sessional Division in which such Parts may be, and with the Clerk of the Board of Guardians of the Union or Parish the whole or Part of which may be affected thereby; and if such Provisional Order relate to Parts not being within any Corporate Borough, the said Board shall cause other Copies of the same to be deposited with the Churchwardens or Overseers of the Poor of any Parish in which such Parts or any of them may be; and in case it shall be enacted by any Act of Parliament hereafter to be passed that the whole or Part of any Provisional Order or Orders of the General Board of Health shall be confirmed and be absolute, the whole or Part of such Provisional Order or Orders which shall be so confirmed shall be as binding and of the like Force and Effect as if the same had been expressly enacted by Parliament, and every such Act shall be deemed a Public General Act; but no such Provisional Order shall have any Force or Effect, nor shall this Act or any Part thereof be applied in either of the Cases last aforesaid, except for the Purposes of such Inquiry, further Inquiry, Report, or Provisional Order, without the previous Authority of Parliament; and no such Provisional Order, or any altered or amended Order, shall be made with respect to any Local Act of Parliament under which any Waterworks Company is empowered to construct Waterworks or supply Water for their own Profit, without the Consent of the Waterworks Company empowered by such Local Act first had and obtained: Provided always, that, except for the Purposes of Main Sewerage, no Corporate Borough or any Part thereof shall be included in any District not exclusively consisting of the whole or Part of One such Borough without the previous Consent of the Council under the Common Seal of the Borough; but nothing herein contained shall be construed to require such Consent to the Constitution of a District exclusively consisting of the whole or Part of One such Borough for all or any of the Purposes of this Act, nor to hinder or prevent the Application of all or any of the Provisions of this Act to Parts exclusively consisting of the whole or Part of One such Borough, although the same Parts or any of them may have been already included within a District for the Purposes of Main Sewerage: Provided also, that, except for the Purposes of Main Sewerage, no Parts beyond the Boundaries of a Corporate Borough shall be included in any District comprising the whole or Part of any such Borough, except upon the Petition of a Majority of the Owners of Property and Rate-payers who would be qualified to vote in the Election of Members of a Local Board of Health for the Parts proposed to be so included; but nothing herein contained shall be construed to require such Petition in order to the Constitution of a District exclusively consisting of Parts not within the Boundaries of any such Borough, nor to hinder or prevent the Application of all or any of the Provisions of this Act to a District exclusively consisting of such last-mentioned Parts, although the same Parts, or any of them, may have been already included within a District for the Purposes of Main Sewerage.

Exception with respect to certain Local Acts for supplying Water.

Consent of Town Council, &c. in certain Cases.

XI. And

Preliminary Inquiry (continued).

Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates.

XI. And be it enacted, That from and after the making of any such Order in Council, or the passing of any Act of Parliament confirming any Provisional Order of the General Board of Health, the Costs, Charges, and Expenses especially incurred by or under the Direction of the said General Board, or of any Superintending Inspector, in relation to any Inquiry or further Inquiry as aforesaid, shall, to such Extent and Amount as the Commissioners of Her Majesty's Treasury by Order under their Hands may think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the said Commissioners by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as shall from Time to Time remain unpaid.

Local Boards of Health.

Town Council to be the Local Board in Districts consisting of One Borough, &c.

Selection, &c. of Local Boards by Town Councils.

Selection of Part of Local Board by Town Councils, and Part by Owners and Rate-payers.

XII. And be it enacted, That in every District exclusively consisting of the whole or Part of One Corporate Borough the Mayor, Aldermen, and Burgesses of such Borough shall be, by the Council of the Borough, within and for such District the Local Board of Health under this Act, and such Council shall exercise and execute the Powers, Authorities, and Duties of such Local Board according to the Laws for the Time being in force with respect to Municipal Corporations in *England* and *Wales;* and in every District exclusively consisting of Two or more of such Boroughs, or of One or more of such Boroughs and also of Part of any other such Borough or Boroughs, or exclusively consisting of Part of Two or more of such Borough or Boroughs, the Mayors for the Time being of the Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order as aforesaid to be selected by each of such Councils respectively out of their own Number, or from Persons qualified to be Councillors of the Borough in respect of which the Selection is to be made, and shall be named and selected by such Councils accordingly, shall, within and for such District, be the Local Board of Health under this Act; and in every District comprising the whole or Part of any such Borough or Boroughs, and also Parts not within the Boundaries of any such Borough, the Mayor or Mayors for the Time being of the Borough or Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order to be selected by such Council or each of such Councils respectively out of their own Number, or from the Persons qualified to be Councillors of the Borough in respect whereof the Selection is to be made, and shall be named and selected by such Council or Councils accordingly, shall, together with such Number of Persons as shall be elected as herein-after mentioned in respect of such Noncorporate Parts, be, within and for such District, the Local Board of Health under this Act; and the first Selection by any such Council in pursuance of this Act shall be made on a Day to be appointed by Parliament; and each Person selected by the Council out of their own Number shall be a Member of the Local Board with which he is selected to act so long as he continues without Re-election to be Member of the Council from whom he was selected, and no longer;

Local Boards of Health.

and each Person selected by the Council otherwise than out of their own Number shall be a Member of the Local Board with which he is selected to act for One Year from the Date of his Selection, and no longer; and in case of any Vacancy in the Number selected some other Person or Persons (as the Case may require) shall be selected by the Council by whom the Person or Persons causing the Vacancy was or were selected, within One Month after the Occurrence of the Vacancy; and the Meeting of any Council at which any Selection as aforesaid is made in pursuance of this Act shall to all Intents and Purposes be deemed to be a Meeting held in pursuance of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act for the Regulation of Municipal Corporations in* England *and* Wales.

5 & 6 W. 4. c. 76.

Election of Members of Local Board by Owners and Rate-payers.

XIII. And be it enacted, That in every District comprising the whole or Part of any Corporate Borough or Boroughs as aforesaid, and also any Part or Parts not within the Boundaries of any Corporate Borough or Boroughs, such Number of Persons, qualified as herein-after prescribed, as shall be fixed by such Provisional Order as aforesaid to be elected for such Part or Parts, or for each of such Parts respectively, shall from Time to Time be elected in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, together with the Persons selected as aforesaid in respect of the Corporate Parts of such District, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Corporate Borough or Boroughs, but being a District to which this Act may be applied by Order of Her Majesty in Council, such Number of Persons, qualified as herein-after prescribed in this Behalf, as shall be fixed by such Order in Council, shall be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Corporate Borough or Boroughs, and being a District to which this Act cannot be applied without the Authority of Parliament, such Number of Persons, qualified as herein-after prescribed, as shall be fixed by such Provisional Order as aforesaid, shall be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and the First Election for any District or Part of a District shall take place on a Day to be appointed by Order of Her Majesty in Council or by Parliament (as the Case may require); and One Third of the Number elected for the whole or any Part or Parts of a District respectively shall go out of Office on such Day in each Year subsequently to that of the First Election as shall be appointed by such Order in Council or Provisional Order as aforesaid (as the Case may require); and the Order in which the Persons first elected shall go out of Office shall be regulated by each Local Board: Provided always, that if the Number of Persons to be elected be not divisible by Three the Proportion to go out of Office in each Year shall be regulated by such Order in Council or Provisional Order (as the Case may require) so that as nearly as may be One Third shall go out of Office in each Year; and if the Number of

Local Boards of Health.

Persons to be elected for any Part of a District be less than Three the Persons elected shall go out of Office on such Day in each Year, or at such other Period, not being less than a Year, as such Order in Council or Provisional Order (as the Case may require) shall direct; but no Person elected shall in any Case continuously remain in Office for more than Three Years; and on the Days appointed for going out of Office a Number of Persons shall be elected equal to the Number of those so going out, and so many others as may be necessary to complete the full Number of the Local Board of Health in respect of which the Election is to be made.

Regulations as to the Number of Persons to be selected or elected Members of Local Boards.

XIV. And be it enacted, That the Number of Persons to be selected or elected for the whole or any Part of a District shall from Time to Time be regulated by such Order in Council or Provisional Order as aforesaid (as the Case may require), due Regard being had to the Size and Circumstances of each District, as may appear to be just and proper; and that any Member of the Local Board of Health, after going out of Office, resigning, or otherwise ceasing to be such Member, may, if otherwise qualified, be again selected or elected (as the Case may require); and in the event of any Vacancy in the Number of Persons elected, by Death, Resignation, or otherwise, between the Times appointed for Election as aforesaid, or if at any Time the said Local Board be without its full Number of Members, the remaining Members shall continue and be as competent to act until the Time appointed for Election, or until the full Number is selected or elected, (as the Case may require,) as if no Vacancy had occurred; and if any Person be both selected and elected to be a Member of the Local Board of Health he shall, within Three Days after Notice thereof from the Clerk, choose, or in default of such Choice the Local Board of which he is so selected and elected to be Member shall determine, the Title in respect of which he shall serve, and immediately upon such Choice or Determination the Person so selected and elected shall be deemed to be Member only in respect of the Title so chosen or determined, and his Office as Member in respect of any other Title shall thereupon become vacant.

In case of Vacancies, remaining Members may act.

Persons both selected and elected, &c. to serve in respect of One Title only.

Members elected for Part of a Sewerage District to constitute separate Board for other Purposes of the Act.

XV. Provided always, and be it enacted, That if any Corporate Borough or Part thereof be included only for the Purposes of Sewerage in any District comprising any Part or Parts not within the Boundaries of any such Borough, and the last-mentioned Part or Parts, or any of them, be constituted a District or Districts for any other Purposes of this Act, the Persons elected for such Sewerage District shall, within and for the separate District within which they shall have been so elected, be and constitute the Local Board of Health, in the same Manner and as fully to all Intents and Purposes as if they had been expressly elected to constitute the same.

Qualification of elected Members.

XVI. And be it enacted, That every Person elected as aforesaid shall at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, be resident within the District for which or for Part of which he is elected, or within Seven Miles thereof, and be seised or possessed of Real or Personal Estate, or both, to such Value or Amount as shall be fixed by such Order in Council or Provisional

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Provisional Order as aforesaid (as the Case may require), within the Limits next herein-after provided, or be so resident, and rated to the Relief of the Poor of some Parish, Township, or Place of which some Part is within such District or Part of a District, upon such annual Value as shall be fixed by such Order in Council or Provisional Order (as the Case may require), within the Limits next herein-after provided: Provided always, that it shall not be lawful to require that any Person be seised or possessed as aforesaid to a Value or Amount exceeding One thousand Pounds, or to require that any Person be rated upon an annual Value exceeding Thirty Pounds; provided also, that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which if equally divided between them would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected; but the same Property shall not at the same Time qualify both the Owner and the Occupier thereof.

Declaration to be made by Members of Local Boards before acting.

XVII. And be it enacted, That no Person elected as aforesaid, or selected by any Council otherwise than out of their Number, shall act as Member of the Local Board of Health (except in administering the following Declaration) until he shall have made and signed before Two or more other Members for the District for which he is elected a Declaration in Writing to the Effect following; (that is to say,)

'I *A.B.* do solemnly declare, That I am seised or possessed of Real or Personal [*or* Real and Personal] Estate to the Value or Amount of [*or* that I am rated to the Relief of the Poor of upon the annual Value of].

(Signed) *A.B.*'

'Made before us, *C.D.* and *E.F.*, Members of the Local Board of Health for the District of this Day of .'

False Declaration a Misdemeanor.

And such Declaration shall be made and signed by the Person making the same, and shall be filed and kept by the Clerk; and any Person who shall falsely or corruptly make and subscribe the said Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Persons neglecting to make Declaration or to act for Three Months to cease to be a Member.

XVIII. And be it enacted, That any Person elected as aforesaid, or selected by any Council otherwise than out of their own Number, who neglects to make and subscribe the Declaration required by this Act for the Space of Three Months next after his Selection or Election, and any Person selected or elected under this Act who during Three successive Months is absent from all Meetings and Committees of the Local Board of Health of which he is elected or selected to be Member, shall be deemed to have refused to act, and shall cease to be a Member of such Local Board, and his Office as such shall thereupon become vacant.

Disqualifications.

XIX. And be it enacted, That no Bankrupt, Insolvent, or other Person not qualified as aforesaid shall be capable of being elected as aforesaid;

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aforesaid; and if any Person, after being so elected or selected by any Council otherwise than out of their own Number, shall lose or discontinue to hold his Qualification, or shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or shall compound with his Creditors, or if any Member selected or elected under this Act shall accept or hold any Office or Place of Profit under the Local Board of Health of which he is Member, or shall in any Manner be concerned in any Bargain or Contract entered into by such Board, or participate in the Profit thereof, or of any Work done under the Authority of this Act in or for the District for which he is Member, then and in every such Case such Person shall, except in the Cases next herein-after provided, cease to be such Member, and his Office as such shall thereupon become vacant; and any Person who, not being duly qualified to act as Member of the said Local Board, or who has not made and subscribed the Declaration required of him by this Act, or who after being disqualified or disabled from acting by any Provision of this Act shall so act, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; and in such Action it shall be sufficient for the Plaintiff to prove in the first instance that the Defendant at the Time when the Offence is alleged to have been committed acted as such Member; and the Burthen of proving Qualification, and the making and Subscription of the Declaration, or negativing Disqualification, by reason of Nonresidence, or not being seised or possessed of the requisite Real or Personal Estate, or both, shall be upon the Defendant: Provided always, that no Person, being a Proprietor, Shareholder, or Member of any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, shall be disabled from being, continuing, or acting as Member of the said Local Board by reason of any Contract entered into between such Company or Concern and such Board; but no such Person shall vote as Member of the said Local Board upon any Question in which such Company or Concern is interested: Provided also, that all Acts and Proceedings of any Person disqualified, disabled, or not duly qualified as aforesaid, or who has not made and subscribed the said Declaration, shall, if done previously to the Recovery of the last-mentioned Penalty, be valid and effectual to all Intents and Purposes whatsoever.

Election of Local Boards.

Qualification of Electors, and Scale of voting.

XX. And be it enacted, That at every such Election as aforesaid the Rate-payers in respect of Property in the District or Part of a District for which the Election is held, and the Owners of such Property, shall be entitled to vote according to the Scale following; (that is to say,) if the Property in respect of which the Person is entitled to vote be rated upon a rateable Value of less than Fifty Pounds he shall have One Vote, if such rateable Value amount to Fifty Pounds and be less than One hundred Pounds he shall have Two Votes, if it amount to One hundred Pounds and be less than One hundred and fifty Pounds he shall have Three Votes, if it amount to One hundred and fifty Pounds and be less than Two hundred Pounds he shall have Four Votes, if it amount to Two hundred Pounds and be less than Two

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hundred and fifty Pounds he shall have Five Votes, and if it amount to or exceed Two hundred and fifty Pounds he shall have Six Votes; and any Person who is Owner and also *bonâ fide* Occupier of the same Property shall be entitled to vote both in respect of such Ownership and of such Occupation; and the Votes shall be given, taken, collected, and returned according to the Directions herein-after contained; and the Majority of the Votes actually collected and returned shall be binding on the District or Part of a District for which the Election is had; and whosoever shall not vote or shall not comply with such Directions shall be omitted in the Calculation of Votes, and be deemed to have had no Vote: Provided always, that the Word "Owner" and "Owners," when used in this Act in relation to the Right of voting at any Election under this Act, shall respectively be construed to mean any Person or Persons for the Time being in the actual Occupation of any Kind of Property rateable to the Relief of the Poor, and not let to him or them at a Rack Rent, or any Person or Persons receiving, either on his or their own Account, or as Mortgagee or Mortgagees, or other Incumbrancer or Incumbrancers, in possession, the Rack Rent of any such Property; and no Person shall be deemed a Rate-payer or be entitled to vote as such at any such Election unless he shall have been rated to the Relief of the Poor in the District or Part of a District for which he claims to vote for the Space of One whole Year immediately preceding the Day of tendering his Vote, and shall have also paid all Rates made upon him for the Relief of the Poor in such District or Part of a District for the Period of One whole Year, and shall have also paid all such Rates, and all Rates due from him under this Act, before that Day, in such District or Part of a District, except Rates which shall have been made or become due within the Six Months immediately preceding: Provided also, that in case of Property belonging to a Corporation Aggregate, or to a Joint Stock or other Company, or to any Body of Proprietors or Undertakers, such Corporation, Company, Body of Proprietors or Undertakers respectively, shall be deemed to be One Owner for the Purpose of voting under this Act, and shall vote by Proxy appointed in Writing under the Common Seal (in case of a Corporation) or (in any other Case) under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern; and no Member of such Corporation, nor any Proprietor or Person interested in such Company or Concern, shall be entitled to vote individually as Owner in respect of such Property; and no Owner whosoever shall be entitled to vote as such, unless, Fourteen Days at least previously to the Day of tendering his Vote, he shall have delivered to the Clerk, or (in case of the first Election) to such Person within the District in which the Qualification to vote is situate as shall be directed by such Order in Council or Provisional Order (as the Case may require), a Statement in Writing of his Name and Address, and containing a Description of the Nature of his Interest or Estate in the Property giving the Qualification, and a Statement of the Amount of all Rent-service (if any) which he may receive or pay in respect thereof, and of the Persons from whom he may receive or to whom he may pay the same; and no such Corporation Aggregate, Joint Stock or other Company, Body of Proprietors or Under-

Definition of the Words "Owner" and "Owners" as applied to this Act.

Undertakers, shall be entitled to vote unless such Statement contain the Name and Address of the Proxy appointed, and a true Copy of the Appointment of such Proxy. *Election of Local Boards.*

XXI. And be it enacted, That at every Election by Owners of Property and Rate-payers under this Act the Chairman of the Local Board of Health, or, in case of the first Election, such Person as shall be appointed by Order of Her Majesty in Council, or by Provisional Order of the General Board of Health, (as the Case may require,) shall have the Powers and perform the Duties vested in or imposed upon the said Chairman by this Act in relation to any such Election, and shall perform all other Duties which it may be requisite for him to perform in conducting and completing Elections under this Act; and in case the Office of Chairman shall be vacant at the Time when any such Power or Duty must be executed or performed, or in case the Chairman or Person appointed as last aforesaid, from Illness or other sufficient Cause, shall be unable to exercise or discharge such Powers or Duties, or shall be absent, or shall refuse to act, some other Person who shall be appointed (in case of the first Election) by such Order in Council or Provisional Order, or (in any other Case) by the Local Board of Health, shall exercise or perform such of the said Powers and Duties as then remain to be exercised or performed; and the said Local Board, or (in case of the first Election) the Person appointed by such Order in Council or Provisional Order, shall, before or during the Election, appoint a competent Number of Persons to assist and attend upon the Chairman or the Person so appointed (as the Case may require) in conducting and completing the same. Elections, by whom to be conducted.

XXII. And be it enacted, That the Clerk of the Board of Guardians of any Union, and the Overseers or other Officers of every Parish, wholly or in part within the Parts for which any such Election shall be held, and having the Custody of any Books or Papers relating to the Election of Guardians of the Poor, or the Poor Rate Books relating to any such Parish, shall permit the same to be inspected and Copies or Extracts to be taken therefrom by the said Chairman, or (in case of the first Election) by any Person appointed by such Order in Council or Provisional Order as aforesaid; and the said Chairman may, if he shall see fit, cause to be made an Alphabetical List of the Persons entitled to vote at the Election. Production of Parochial Books, &c. for Purposes of Election. List of Voters, &c. to be made, if necessary.

XXIII. And be it enacted, That the said Chairman shall, before every such Election, prepare, sign, and publish a Notice, which shall contain the Particulars following; that is to say, the Number and Qualification of the Persons to be elected, the Persons by whom and the Places where the Nomination Papers herein-after mentioned are to be received, and the last Day on which they are to be sent, the Mode of voting in case of a Contest, and the Days on which the Voting Papers will be delivered and collected, and the Time and Place for the Examination and casting up of the Votes; and he shall also cause such Notice to be affixed on such Places in the Parts for which the Election is to be held as are ordinarily made use of for affixing thereon Notices of Parochial Business: Provided always, that whenever Publication of Notices previously to Election.

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ever the Day appointed for the Performance of any Act in relation to any such Election shall be on a *Sunday*, *Christmas Day*, or *Good Friday*, or any Day appointed for public Fast or Thanksgiving, such Act shall be performed on the Day next following.

Nomination and Election of Candidates.

XXIV. And be it enacted, That any Person entitled to vote may nominate for the Office of Member of the Local Board of Health himself (if qualified to be elected), or any other Person or Persons so qualified (not exceeding the Number of Persons to be elected); and every such Nomination shall be in Writing, and shall state the Names, Residence, Calling, or Quality of the Persons nominated, and shall be signed by the Party nominating, and be sent to the said Chairman; and if the Number of Persons nominated shall be the same or less than the Number of Persons to be elected, such Persons (if duly qualified) shall be deemed to be elected, and shall be certified accordingly by the said Chairman under his Hand; but if the Number so nominated exceed the Number to be elected, the said Chairman shall cause Voting Papers, in the Form contained in the Schedule (A.) to this Act annexed, to be prepared and filled up, and shall insert therein the Names of all the Persons nominated, in the Order in which the Nomination Papers were received, but it shall not be necessary to insert more than once the Name of any Person nominated; and the said Chairman shall, Three Days before the Day of Election, cause One of such Voting Papers to be delivered by the Persons appointed for that Purpose to the Address in the Parts for which the Election is to be held of each Owner and Proxy, and at the Residence of each Rate-payer entitled to vote therein: Provided always, that if any Person put in nomination shall tender to the Officer conducting the Election his Refusal in Writing to serve as a Member of the Local Board of Health, and if in consequence of such Refusal the Number of Persons nominated shall be the same as or less than the Number of Persons to be elected, all or so many of the remaining Candidates as shall be duly qualified shall be deemed to be elected, and shall be certified as such by the Chairman under his Hand.

Mode of voting.

XXV. And be it enacted, That each Voter shall write his Initials in the Voting Paper delivered to him against the Name or Names of the Person or Persons (not exceeding the Number of Persons to be elected) for whom he intends to vote, and shall sign such Voting Paper; and when any Person votes as a Proxy he shall in like Manner write his own Initials, and sign his own Name, and state also in Writing the Name of the Corporation, Company, or Body of Proprietors or Undertakers for which he is Proxy: Provided always, that if any Voter cannot write he shall affix his Mark at the Foot of the Voting Paper in the Presence of a Witness, who shall attest and write the Name of the Voter against the same, as well as the Initials of such Voter against the Name of every Candidate for whom the Voter intends to vote.

Regulations as to Collection of Voting Papers.

XXVI. And be it enacted, That the said Chairman shall cause the Voting Papers to be collected on the Day of Election by the Persons appointed or employed for the Purpose in such Manner as he shall direct;

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direct; but no Voting Paper shall be received or admitted unless the same have been delivered at the Address or Residence as aforesaid of the Voter within the Parts for which the Election is had, nor unless the same be collected by the Persons appointed or employed for that Purpose, except as next herein-after provided: Provided always, that if any Person qualified to vote shall not have received a Voting Paper as aforesaid, he shall, on Application before that Day to the said Chairman, be entitled to receive a Voting Paper from him, and to fill up the same in his Presence, and then and there to deliver the same to him: Provided also, that in case any Voting Paper duly delivered shall not have been collected, through the Default of the said Chairman, or the Persons appointed or employed to receive the same, the Voter in Person may deliver the same to the said Chairman before Twelve o'Clock at Noon on the Day, or the first Day, (as the Case may be,) appointed for the Examination and casting-up of the Votes.

Regulations as to Examination of Votes and Elections of Local Boards.

XXVII. And be it enacted, That the Chairman shall, on the Day immediately following the Day of the Election, and on as many Days immediately succeeding as may be necessary, attend at the Office of the Local Board of Health, and ascertain the Validity of the Votes, by an Examination of the Rate Books and such other Books and Documents as he may think necessary, and by examining such Persons as he may see fit; and he shall cast up such of the Votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the Number of such Votes for each Candidate; and the Candidates to the Number to be elected who, being duly qualified, shall have obtained the greatest Number of Votes, shall be deemed to be elected, and shall be certified as such by the said Chairman under his Hand; and to each Person so elected the said Chairman shall send or deliver Notice of such Election; and the said Chairman shall also cause to be made a List containing the Names of the Candidates, together with (in case of a Contest) the Number of Votes given for each, and the Names of the Persons elected, and shall sign and certify the same, and shall deliver such List, together with the Nomination and Voting Paper which he shall have received, to the Local Board of Health at their first or next Meeting (as the Case may be), who shall cause the same to be deposited in their Office, and the same shall, during Office Hours thereat, be kept open to public Inspection, together with all other Documents relating to the Election, for Six Months after the Election shall have taken place, without Fee or Reward; and the said Chairman shall cause such List to be printed, and Copies thereof to be affixed at the usual Places for affixing Notices of Parochial Business within the Parts for which the Election shall have been made.

Notices to be sent to Persons elected.

List of Persons elected, &c. to be transmitted to Local Boards, who shall deposit the same, which shall be open to Inspection.

Penalty upon Persons conducting Elections neglecting to comply with Provisions of this Act.

XXVIII. And be it enacted, That if the said Chairman or other Person charged with taking, collecting, or returning the Votes at any such Election as aforesaid shall neglect or refuse to comply with any of the Provisions of this Act in that Behalf, he shall be liable for every such Offence to a Penalty not exceeding Fifty Pounds; and any Person employed for the Purposes of any such Election, by or under the said Chairman or other Person charged as aforesaid, who shall be guilty of any such Neglect or Refusal, shall

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be liable for every such Offence to a Penalty not exceeding Five Pounds.

Defects in Election, &c. not to invalidate Proceedings.

XXIX. And be it enacted, That all Proceedings of the Local Board of Health, and of any Person acting as Member or under the Authority thereof, shall, notwithstanding any Defect in the Selection or Election of such Board or any Member thereof, be as valid and effectual as if no such Defect had ever existed.

Expenses of Elections to be defrayed out of General District Rates.

XXX. And be it enacted, That the necessary Expenses attendant upon any such Election as aforesaid, and such reasonable Remuneration to Returning Officers and other Persons for Services performed or Expenses incurred by them in relation thereto as shall from Time to Time be allowed by the Local Board of Health in that Behalf, shall be paid out of the General District Rates to be levied under this Act.

Local Board of Health in Oxford and Cambridge to consist of Oxford and Cambridge Improvement Commissioners.

52 G. 3. c. lxxii.

34 G. 3. c. civ.

XXXI. Provided always, and be it enacted, That nothing hereinbefore contained with respect to the Appointment, Selection, or Election of any Local Board of Health, or Member thereof, shall apply to the City of *Oxford*, or the Parts within the Jurisdiction of the Commissioners for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and the adjoining Parish of *Saint Clement*, (which Commissioners are herein-after called the *Oxford* Commissioners,) or to the Borough of *Cambridge*, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King *George* the Third, for amending and enlarging the Powers of a former Act of the same Reign, for the better paving, cleansing, and lighting the Town of *Cambridge*, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town (which Commissioners are herein-after called the *Cambridge* Commissioners); and if the City of *Oxford*, or the Parts within the first-mentioned Jurisdiction, become a District under this Act, the same shall be called the *Oxford* District, and the said *Oxford* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act; and if the Borough of *Cambridge*, or the Parts comprised within the Jurisdiction secondly above mentioned, become a District under this Act, the same shall be called the *Cambridge* District, and the said *Cambridge* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act.

With respect to the Execution of the Act by Commissioners under Local Acts in other Cases.

XXXII. And be it declared and enacted, That whenever by any such Provisional Order as aforesaid the Commissioners or Trustees acting under any Local Act of Parliament are constituted the Local Board of Health under this Act, such Commissioners or Trustees shall, within and for the District to which such Provisional Order applies, exercise and execute the Powers, Authorities, and Duties vested in or imposed on the Local Board of Health by this Act, and so much of this Act as relates to the Appointment, Election, or Selection of Local Boards of Health shall not apply to such District.

XXXIII. And

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Local Board of Health, in case of a District afterwards becoming a Corporate Borough.

XXXIII. And be it enacted, That if, after the Application of this Act to any District, the Parts constituting the District shall afterwards become or be entirely comprised within the Limits of a Corporate Borough, the Mayor, Aldermen, and Burgesses of such Borough shall from and after such Day as shall have been specified in the Charter of Incorporation in this Behalf be, by the Council of the Borough, the Local Board of Health within and for such District; and in case any Day shall have been so specified, but not otherwise, the Powers, Authorities, Duties, Property, and Liabilities of any other Persons as such Local Board shall from and after that Day absolutely cease and determine, and be vested in such Mayor, Aldermen, and Burgesses, as fully to all Intents and Purposes as if they had always been the Local Board of Health from the Time when the District was originally constituted.

Meetings, &c. of Local Boards.

Meetings of Local Boards of Noncorporate Districts, and Regulation of Business, &c.

XXXIV. And be it enacted, That the Local Board of Health of every Noncorporate District shall hold an annual Meeting and other Meetings for the Transaction of Business under this Act once at least in each Month, and at such other Times as may be necessary for properly executing its Powers and Duties under this Act, and shall from Time to Time make Bye Laws with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business by such Board under this Act: Provided always, that no Business shall be transacted at any such Meeting unless at least One Third of the full Number of Members be present thereat, except in either of the Districts to be called the *Oxford* or *Cambridge* Districts, in which Cases Business may be transacted if at least Seven Members be present; and all Questions shall be decided by a Majority of Votes; and the Names of the Members present, as well as of those voting upon each Question, shall be recorded; and the said Local Board shall at their First Meeting under this Act, and afterwards from Time to Time at their annual Meeting, appoint One of their Number to be Chairman for One Year at all Meetings at which he is present; and in case the Chairman so appointed be absent from any Meeting at the Time appointed for holding the same the Members present shall appoint One of their Number to act as Chairman thereat; and in case the Chairman appointed as first aforesaid die, resign, or become incapable of acting, another Member shall be appointed to be Chairman for the Period during which the Person so dying, resigning, or becoming incapable would have been entitled to continue in Office, and no longer; and the Chairman at any Meeting shall have a Second or casting Vote in case of an Equality of Votes; but nothing herein contained with respect to the Appointment of Chairman shall apply to any District to be called the *Oxford* or *Cambridge* District, and in such Districts the *Oxford* or *Cambridge* Commissioners respectively shall appoint a Chairman as heretofore.

Local Boards to provide Offices for transacting Business, and cause a

XXXV. And be it enacted, That the Local Board of Health shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business and that of their Officers and Servants under this Act, and (in the Case of a Noncorporate District) shall cause to be made a Seal for the Use of such Board in the Execution

Meetings, &c. of Local Boards.

Seal to be made.

Execution of this Act; and Documents or Copies of Documents purporting to proceed from the said Local Board, and to be signed by any Five or more Members thereof, and to be sealed or stamped with such Seal, or (in the Case of a Corporate District) to be sealed with the Common Seal, shall be received as *primâ facie* Evidence in all Courts and Places whatsoever.

Committees may be appointed.

XXXVI. And be it enacted, That the Local Board of Health may from Time to Time appoint out of their own Number so many Persons as they may think fit, for any Purposes which in the Opinion of the said Local Board would be better regulated and managed by means of a Committee: Provided always, that the Acts of every such Committee shall be submitted to the said Local Board for their Approval.

Local Officers.

Power to Local Boards to appoint Surveyor, Inspector of Nuisances, Clerk, Treasurer, &c.

XXXVII. And be it enacted, That the Local Board of Health shall from Time to Time appoint fit and proper Persons to be Surveyor, Inspector of Nuisances, Clerk, and Treasurer for the Purposes of this Act, and shall appoint or employ such Collectors and other Officers and Servants as may be necessary and proper for the efficient Execution of this Act, and shall make Bye Laws for regulating the Duties and Conduct of the several Officers and Servants so appointed or employed; and the said Local Board may pay, out of the General District Rates to be levied under this Act, to such Officers and Servants, such reasonable Salaries, Wages, or Allowances as the said Local Board may think proper; and every such Officer and Servant shall be removable by the said Local Board at their Pleasure, subject nevertheless, in the Case of the Removal of the Surveyor, to the Approval of the General Board of Health: Provided always, that the same Person may be both Surveyor and Inspector of Nuisances; but neither the Person holding the Office of Treasurer, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer; and whosoever offends in any of the Cases enumerated in this Proviso shall forfeit and pay the Sum of One hundred Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Same Person may be Surveyor and Inspector of Nuisances, but not Clerk and Treasurer.

Penalty upon Officers, &c. interested in Contracts or taking Fees improperly.

XXXVIII. And be it enacted, That no Officer or Servant appointed or employed by or under the Local Board of Health shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act; and if any such Officer or Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

XXXIX. And

Local Officers.

Officers, &c. intrusted with Money to give Security, and to account.

XXXIX. And be it enacted, That before any such Officer or Servant enters upon any Office or Employment under this Act by reason whereof he will or may be intrusted with the Custody or Control of Money, the Local Board of Health by whom he is appointed shall require and take from him sufficient Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof; and every such Officer or Servant employed in the Collection of Rates under the Authority of this Act shall, within Seven Days after he shall have received any Monies on account of such Rates, pay over the same to the Treasurer, and shall, as and when the said Local Board may direct, deliver a List, signed by him, containing the Names of all Persons who have neglected or refused to pay any such Rate, and the Sums respectively due from them; and every Officer and Servant appointed or employed by or acting under the said Local Board shall respectively, when and in such Manner as shall be required by such Board, make out and deliver to them a true and perfect Account in Writing of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall, together with such Account, deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer all Monies owing by him upon the Balance of Accounts; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if for the Space of Five Days after being thereunto required he fail to deliver up to the said Local Board all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to such Board, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him, or left at his last known Place of Abode or Business, and if it appear to the last-mentioned Justices that he has failed to render any such Accounts, or to produce and deliver up any such Vouchers or Receipts, or any such Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, they may, by Warrant under their Hands and Seals, commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Accounts, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appear that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, the last-mentioned Justices may, by a like Warrant, cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress commit him to Gaol, there to remain, without Bail, for a Period of Three Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any Justice that there is probable Cause for believing

Summary Proceedings to be taken in case of failing to account, &c.

that

Local Officers.

that the Party charged intends to abscond, such Justice may without previous Summons, by Warrant under his Hand and Seal cause him to be forthwith apprehended; and in such Case the said Party shall, within Twenty-four Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

Power to appoint an Officer of Health.

XL. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, appoint a fit and proper Person, being a legally qualified Medical Practitioner or a Member of the Medical Profession, to be and be called the Officer of Health, who shall be removable by the said Local Board, and shall perform such Duties as the said General Board shall direct; and the same Person may be Officer of Health for Two or more Districts; and the Local Board or Boards of Health of the District or Districts respectively for which any such Officer is appointed may pay to him, out of the General District Rates to be levied under this Act, such Remuneration by way of annual Salary or otherwise as the said Local Board or Boards may by Order in Writing determine and appoint, and (in case of a joint Appointment for Two or more Districts) in such Proportions as the said General Board may by Order in Writing determine and appoint: Provided always, that the Appointment and Removal of the Officer of Health shall be subject to the Approval of the said General Board.

District Maps &c.

Map exhibiting System of Sewerage.

XLI. And be it enacted, That the said Local Board of Health may, if they shall think fit, cause to be prepared, or to procure, a Map exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act, upon a Scale to be prescribed by the General Board of Health; and every such Map shall be kept at the Office of the said Local Board, and shall at all reasonable Times be open to the Inspection of the Rate-payers of the District to which it applies.

Expense of Surveys, &c.

XLII. And be it enacted, That the Expense of Surveys, Maps, or Plans made, prepared, or procured by the Local Board of Health for the Purposes of this Act shall be defrayed out of the General District Rates to be levied under this Act.

Sewers.

Sewers, &c. vested in Local Board.

XLIII. And be it enacted, That all Sewers, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers made by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and except Sewers made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, and Sewers under the Authority of any Commissioners of Sewers appointed by the Crown,) together

together with all Buildings, Works, Materials, and Things belonging or appertaining thereto, shall vest in, belong to, and be entirely under the Management and Control of the Local Board of Health.

Power to purchase, &c. certain Sewers.

XLIV. And be it enacted, That the Local Board of Health may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of any Sewers within their District, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the said Local Board; and in case of any such Sale, the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Local Board of Health purchasing the same, any thing to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Making, Alteration, and Discontinuance of Sewers vested in Local Board.

XLV. And be it enacted, That the Local Board of Health shall from Time to Time repair the Sewers vested in them by this Act, and shall cause to be made such Sewers as may be necessary for effectually draining their District for the Purposes of this Act; and the said Local Board may carry any such Sewers through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and, after reasonable Notice in Writing in that Behalf, (if upon the Report of the Surveyor it should appear to be necessary,) into, through, or under any Lands whatsoever; and the said Local Board may from Time to Time enlarge, lessen, alter, arch over, or otherwise improve all or any of the Sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the Discontinuance, closing up, or Destruction of any Sewer shall be so done as not to create a Nuisance; and if by reason thereof any Person is deprived of the lawful Use of any Sewer the said Local Board shall provide some other Sewer as effectual for his Use as the one of which he is so deprived.

As to cleansing and emptying Sewers, &c. by Local Board.

XLVI. And be it enacted, That the Local Board of Health shall cause the Sewers vested in them by this Act to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied; and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause

Sewers.

cause all or any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or to cause the Sewage and Refuse therefrom to be collected for Sale for any Purpose whatsoever, but so as not to create a Nuisance.

Penalty for making unauthorized Sewers, and building over Sewers and under Streets.

XLVII. And be it enacted, That it shall not be lawful to cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board of Health, nor to cause any Building to be newly erected over any such last-mentioned Sewer, nor to cause any Vault, Arch, or Cellar to be newly built or constructed under the Carriageway of any Street, without the written Consent of the said Local Board first had and obtained; and whosoever offends against this Enactment shall forfeit to the said Local Board the Sum of Five Pounds, and a further Penalty of Forty Shillings for every Day during which the Offence is continued after Notice in Writing from them in this Behalf; and if any Sewer, Drain, Building, Vault, Arch, or Cellar be made, erected, or constructed contrary to this Enactment the said Local Board may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in the summary Manner herein-after provided.

Use of Sewers by Persons beyond District.

XLVIII. And be it enacted, That any Owner or Occupier of Premises adjoining or near to but beyond the Limits of any District may cause any Sewer or Drain of or from such Premises to communicate with any Sewer of the Local Board of Health upon such Terms and Conditions as shall be agreed upon between such Owner and Occupier and such Local Board, or, in case of Dispute, as shall be settled by Arbitration in the Manner provided by this Act.

Drains, Privies, &c.

No new House to be built without Drains, &c.

XLIX. And be it enacted, That it shall not be lawful newly to erect any House, or to rebuild any House which may have been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House so newly erected or rebuilt, unless and until a covered Drain or Drains be constructed, of such Size and Materials, and at such Level, and with such Fall as upon the Report of the Surveyor shall appear to be necessary and sufficient for the proper and effectual Drainage of the same and its Appurtenances; and if the Sea, or a Sewer of the Local Board of Health, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of the Site of the House to be built or rebuilt, the Drain or Drains so to be constructed shall lead from and communicate with such one of those Means of Drainage as the said Local Board shall direct, or if no such Means of Drainage be within that Distance, then the last-mentioned Drain or Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the said Local Board shall direct; and whosoever erects or rebuilds any House or constructs any Drain contrary to this Enactment shall be liable for every such Offence to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs

Costs of Suit, by Action of Debt; and if at any Time, upon the Report of the Surveyor, it appear to the said Local Board that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without any Drain, or without such a Drain or Drains communicating with the Sea or a Sewer as is or are sufficient for the proper and effectual Drainage of the same and its Appurtenances, and if the Sea, or a Sewer of the said Local Board, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of such House, they shall cause Notice in Writing to be given to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to construct and lay down, in connexion with such House and One of those Means of Drainage, One or more covered Drain or Drains, of such Materials and Size, at such Level, and with such Fall as upon the last-mentioned Report shall appear to be necessary; and if such Notice be not complied with the said Local Board may, if they shall think fit, do the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided.

Drains, Privies, &c.

Local Board may, upon Report of Surveyor that any House is without a Drain, cause one to be constructed, &c.

L. And be it enacted, That if it shall appear to a Majority of not less than Three Fifths of the rated Inhabitants of any Parish or Place containing less than Two thousand Inhabitants on the then last Census, in which this Act shall not have been applied by Order in Council or Provisional Order as aforesaid, assembled at a Public Meeting to be called as is herein-after provided, that it would contribute to the Health and Convenience of the Inhabitants that any Pond, Pool, open Ditch, Sewer, Drain, or Place containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health, should be drained, cleansed, covered, or filled up, or that a Sewer should be made or improved, a Well dug, or a Pump provided, for the public Use of the Inhabitants, the Churchwardens and Overseers of such Parish or Place shall procure a Plan and an Estimate of the Cost of executing such Works, or any of them, and shall lay the same before another public Meeting of such rated Inhabitants, to be called as is herein-after provided; and if the same shall be approved and sanctioned by a Majority of the rated Inhabitants assembled at such last-mentioned Meeting, such Churchwardens and Overseers shall cause the Works in respect of which such Estimate shall have been made and sanctioned as aforesaid to be executed, and shall pay the Cost thereof out of the Poor Rates of such Parish or Place: Provided always, that Notice of every such Meeting shall be given by such Churchwardens and Overseers as is by this Act directed to be given by Superintending Inspectors, before proceeding upon Inquiries previously to the Application of this Act, and every such Notice shall also contain a Statement of the Works proposed or intended to be submitted for Consideration and Approval.

Execution of minor Works by Overseers, &c.

As to Construction of Sewers, Wells, Pumps, &c. for Parishes, &c. with less than 2,000 Inhabitants, and in which this Act is not otherwise applied.

Drains, Privies, &c. (continued.)

Penalty on Persons erecting Houses without Watercloset, &c.

LI. And be it enacted, That it shall not be lawful newly to erect any House, or to rebuild any House pulled down to or below the Floor commonly called the Ground Floor, without a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings; and whosoever offends against this Enactment shall be liable to a Penalty not exceeding Twenty Pounds; and if at any Time, upon the Report of the Surveyor, it appear to the Local Board of Health that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, the said Local Board shall give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to provide a sufficient Watercloset or Privy and an Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with, the said Local Board may, if they shall think fit, cause to be constructed a sufficient Watercloset or Privy and an Ashpit, or either of them, or do such other Works as the Case may require; and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in manner hereinafter provided: Provided always, that where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, or if, in the Opinion of the said Local Board, a Watercloset or Privy may be so used, they need not require the same to be provided for each House.

Local Board may, upon Report of Surveyor, order Watercloset, &c. to be erected in Houses, whether built before or after this Act is applied, &c.

Certain Watercloset to be constructed in Factories, &c.

LII. And be it enacted, That if at any Time it appear to the Local Board of Health, upon the Report of the Surveyor, that any House is used or intended to be used as a Factory or Building in which Persons of both Sexes, and above Twenty in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the said Local Board may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Watercloset or Privies for the separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Notice of building and rebuilding, with respect to Levels of Houses, Situation of Privies, &c.

LIII. And be it enacted, That, Fourteen Days at the least before beginning to dig or lay out the Foundations of or for any new House, or to rebuild any House pulled down to the Extent aforesaid, the Person intending so to build or rebuild shall give to the Local Board of Health written Notice thereof, together with the Level or intended Level of the Cellars or lowest Floor, and the Situation and Construction of the Privies and Cesspools to be built, constructed, or used in connexion with such House; and it shall not be lawful to begin to build or rebuild any such House, or to build or construct any such Privy or Cesspool, until the Particulars so required to be stated have been

Drains, Privies, &c.

been approved by the said Local Board; and in default of such Notice, or if any such House, Privy, or Cesspool be built, rebuilt, or constructed as aforesaid without such Approval, or in any respect contrary to the Provisions of this Act, the Offender shall be liable to a Penalty not exceeding Fifty Pounds; and the said Local Board may, if they shall think fit, cause such House, Privy, or Cesspool to be altered, pulled down, or otherwise dealt with as the Case may require, and the Expenses incurred by them in so doing shall be repaid by the Offender, and be recoverable from him in the summary Manner herein-after provided: Provided always, that if the said Local Board fail to signify their Approval or Disapproval of the said Particulars for the Space of Fourteen Days after receiving such Notice it shall be lawful to proceed according to such Notice if the same be otherwise in accordance with the Provisions of this Act.

Local Board to provide that Drains, Water-closets, &c. do not become a Nuisance.

LIV. And be it enacted, That the Local Board of Health shall see and provide that all Drains whatsoever, and the Watercloseta, Privies, Cesspools, and Ashpits within their District, are constructed and kept so as not to be a Nuisance or injurious to Health; and the Surveyor may, by written Authority of the said Local Board (who are hereby empowered to grant such Authority, upon the written Application of any Person showing that the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which Application is made is a Nuisance or injurious to Health, but not otherwise), and after Twenty-four Hours Notice in Writing, or in case of Emergency without Notice, to the Occupier of the Premises to which such Drain, Watercloset, Privy, Cesspool, or Ashpit is attached or belongs, enter such Premises, with or without Assistants, and cause the Ground to be opened, and examine and lay open such Drain, Watercloset, Privy, Cesspool, or Ashpit; and if the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which such Examination is made be found to be in proper Order and Condition, he shall cause the Ground to be closed, and any Damage done to be made good as soon as can be, and the Expenses of the Works shall be defrayed by the said Local Board; but if upon such Examination such Drain, Watercloset, Privy, Cesspool, or Ashpit appear to be in bad Order and Condition, or to require Alteration or Amendment, he shall cause the Ground to be closed, and the said Local Board shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Examination was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works; and if such Notice be not complied with, the Person to whom it is given shall be liable to a Penalty not exceeding Ten Shillings for every Day during which he continues to make default, and the said Local Board may, if they shall think fit, execute such Works, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Surface Cleansing, &c.

Cleansing of Streets, Removal of Dust, &c.

LV. And be it enacted, That the Local Board of Health shall from Time to Time and at all convenient Times provide that all Streets within

Surface Cleansing, &c.

within their District, including the Foot Pavements thereof, are properly swept, cleansed, and watered, and that all Dust, Ashes, Rubbish, Filth, Dung, and Soil thereon are collected and removed; and they may make Bye Laws with respect to the Removal by the Occupier, or (in case of his Default) by the said Local Board, of Dust, Ashes, Rubbish, Filth, Manure, Dung, and Soil collected, placed, or found in or about any House, Stable, Cowhouse, Street, or Place whatsoever, and for preventing the Deposit thereof in or by the Side of any Street, or so as to be a Nuisance to any Person, and with respect to the Times and Manner of cleansing and emptying Waterclosets, Privies, and Cesspools.

Local Board to cause Places for Deposit of Dust, Soil, &c. to be provided.

LVI. And be it enacted, That the Local Board of Health may, in their Discretion, provide, in proper and convenient Situations, Boxes or other Conveniences for the temporary Deposit and Collection of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the Deposit of the Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected by such Board; and all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish so collected by the said Local Board, or in any Convenience provided as aforesaid, shall be vested in and be sold and disposed of by such Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned; and whosoever, without the Consent of the said Local Board, collects or removes any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish belonging to them, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Public Necessaries.

LVII. And be it enacted, That the Local Board of Health may, if they think fit, provide and maintain, in proper and convenient Situations, Waterclosets, Privies, and other similar Conveniences for public Accommodation, and defray the necessary Expenses out of the District Rates to be levied under this Act.

Nuisances.

Offensive Ditches, Drains, &c. to be cleansed or covered.

LVIII. And be it enacted, That the Local Board of Health shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up any such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge thereof, as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the said Local Board shall execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from him in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided: Provided always, that the said Local Board may order that the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed

Nuisances.

defrayed out of the Special or General District Rates to be levied under this Act, and in case of any such Order the whole or such Portion of the Expenses as may be mentioned therein shall be defrayed and levied accordingly.

Penalties for keeping Swine, &c. in improper Situations, allowing waste Water to remain in Cellars, &c.

LIX. And be it enacted, That whosoever keeps any Swine or Pigstye in any Dwelling House, or so as to be a Nuisance to any Person, or suffers any waste or stagnant Water to remain in any Cellar or Place within any Dwelling House for Twenty-four Hours after written Notice to him from the Local Board of Health to remove the same, and whosoever allows the Contents of any Watercloset, Privy, or Cesspool to overflow or soak therefrom, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty of Five Shillings for every Day during which the Offence is continued; and the said Local Board shall abate or cause to be abated every such Nuisance, and the Expenses incurred by them in so doing shall be repaid to them by the Occupier of the Premises upon which the same exists, and be recoverable from him in the summary Manner herein-after provided; and if at any Time it appear to the Inspector of Nuisances that any Accumulation of Manure, Dung, Soil, or Filth, or other offensive or noxious Matter whatsoever, ought to be removed, he shall give Notice to the Person to whom the same belongs, or to the Occupier of the Premises whereon it exists, to remove the same; and if at the Expiration of Twenty-four Hours after such Notice the same be not complied with, the Manure, Dung, Soil, or Filth, or Matter referred to, shall be vested in and be sold or disposed of by the said Local Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned.

Removal of Filth, on Certificate of Inspector of Nuisances.

Houses to be purified, on Certificate of Officer of Health, or of Two Medical Practitioners.

LX. And be it enacted, That if upon the Certificate of the Officer of Health (if any), or of any Two Medical Practitioners, it appear to the Local Board of Health that any House or Part thereof is in such a filthy or unwholesome Condition that the Health of any Person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any House or Part thereof would tend to prevent or check infectious or contagious Disease, the said Local Board shall give Notice in Writing to the Owner or Occupier of such House or Part thereof to whitewash, cleanse, or purify the same, as the Case may require; and if the Person to whom Notice is so given fail to comply therewith within such Time as shall be specified in the said Notice, he shall be liable to a Penalty not exceeding Ten Shillings for every Day during which he continues to make default; and the said Local Board may, if they shall think fit, cause such House, Building, or Part thereof to be whitewashed, cleansed, or purified, and the Expenses incurred by them in so doing shall be repaid by the Owner or Occupier in default, and be recoverable from either of them in the summary Manner herein-after provided.

Slaughter-houses, &c.

Slaughter-houses to be registered.

LXI. And be it enacted, That every Building or Place used as a Slaughter-house shall, within Three Months after this Act is applied to the District in which it is situate, or, in the Case of a Building or Place newly used as a Slaughter-house after that Time, within Three

Slaughter-houses, &c.

Months after the Commencement of such User, be registered by the Owner or Occupier thereof at the Office of the said Local Board, in a Book which shall be kept by such Board for that Purpose; and whosoever uses or suffers to be used any Building or Place as a Slaughter-house without its being registered as required by this Act shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Ten Shillings for every Day during the Continuance of the Offence after written Notice thereof from the said Local Board.

Local Board may provide Slaughter-houses, and make Bye Laws with respect to Slaughter-houses in general.

LXII. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, provide Premises for the Purpose of being used as Slaughter-houses; and they shall make Bye Laws for and with respect to the Management and Charges for the Use of the Premises so provided, and with respect to the Inspection of all Slaughter-houses, and for keeping the same in a cleanly and proper State: Provided always, that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated by any Local Act of Parliament passed before the passing of this Act for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, Borough, or Place.

Power to Inspector of Nuisances to enter Places used for Sale of Butcher's Meat, &c.

LXIII. And be it enacted, That the Inspector of Nuisances may, and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butcher's Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to a Justice, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, which Penalty may be recovered before Two Justices in the Manner herein-after provided with respect to Penalties the Recovery whereof is not expressly provided for.

Offensive Trades newly established to be subject to Regulation of Local Board of Health.

LXIV. And be it enacted, That the Business of a Blood-boiler, Bone-boiler, Fellmonger, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place, after this Act is applied to the District in which such Building or Place is situate, without the Consent of the Local Board of Health, unless the said General Board shall otherwise direct; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further

Nuisances.

Penalty of Forty Shillings for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Bye Laws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

Act not to affect present Law as to Nuisances.

LXV. And be it declared and enacted, That nothing in this Act shall be construed to render lawful any Act, Matter, or Thing whatsoever which but for this Act would be deemed to be a Nuisance, nor to exempt any Person from any Liability, Prosecution, or Punishment to which he would have been otherwise subject in respect thereof.

Lodging Houses.

Common Lodging Houses to be registered.

LXVI. And be it enacted, That it shall not be lawful to keep any common Lodging House unless the same be registered as next herein-after mentioned; and the Local Board of Health shall cause a Register to be kept, in which shall be entered the Name of every Person applying to register any common Lodging House kept by him, and the Situation of every such House; and the said Local Board shall from Time to Time make Bye Laws, for fixing the Number of Lodgers who may be received into each House so registered, for promoting Cleanliness and Ventilation therein, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the Person keeping any such Lodging House shall give Access to the same when required by any Persons who shall produce the written Authority of the said Local Board in this Behalf, for the Purpose of inspecting the same, or for introducing or using therein any disinfecting Process, and the Expenses incurred by the said Local Board in so introducing or using any disinfecting Process shall be recoverable by them in a summary Manner from the Person keeping the Lodging House in which the same shall have been used or introduced; and whosoever shall receive Lodgers in any common Lodging House without having registered the same as required by this Act, or shall refuse to admit therein, at any Time between the Hour of Eleven in the Forenoon and the Hour of Four in the Afternoon, any Person authorized by the said Local Board as last aforesaid, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on Neglect.

Occupation of Cellars, &c.

Cellars, &c. newly built not to be let as Dwelling Rooms.

No Cellars, &c. to be let except under certain Conditions.

LXVII. And be it enacted, That it shall not be lawful to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room built or rebuilt after the passing of this Act, or which shall not have been so let or occupied before the passing of this Act; and it shall not be lawful to let or continue to let, or to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room whatsoever, unless the same be in every Part thereof at least Seven Feet in Height, measured from the Floor to the Ceiling thereof, nor unless the same be at least Three Feet of its Height above the Surface of the Street or Ground adjoining or nearest to the same, nor unless there be outside of and adjoining the same Vault, Cellar, or Room, and extending along the entire Frontage thereof, and upwards from Six Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least Two Feet and Six Inches wide in every Part, nor unless

Occupation of Cellars, &c.

unless the same be well and effectually drained by means of a Drain the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, nor unless there be appurtenant to such Vault, Cellar, or Room the Use of a Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, kept and provided according to the Provisions of this Act, nor unless the same have a Fireplace with a proper Chimney or Flue, nor unless the same have an external Window of at least Nine Superficial Feet in Area clear of the Sash Frame, and made to open in such Manner as shall be approved by the Surveyor, except in the Case of an inner or back Vault, Cellar, or Room let or occupied along with a front Vault, Cellar, or Room as Part of the same Letting or Occupation, in which Case the external Window may be of any Dimensions, not being less than Four Superficial Feet in Area clear of the Sash Frame; and whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, for Hire or Rent, any Vault, Cellar, or underground Room, contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied after Notice in Writing from the Local Board of Health in this Behalf: Provided always, that in any Area adjoining a Vault, Cellar, or underground Room there may be Steps necessary for Access to such Vault, Cellar, or Room, if the same be so placed as not to be over, across, or opposite to the said external Window, and so as to allow between every Part of such Steps and the external Wall of such Vault, Cellar, or Room a clear Space of Six Inches at the least, and that over or across any such Area there may be Steps necessary for Access to any Building above the Vault, Cellar, or Room to which such Area adjoins, if the same be so placed as not to be over, across, or opposite to any such external Window: Provided also, that every Vault, Cellar, or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act: Provided also, that the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms shall not, so far as the same relate to Vaults, Cellars, and underground Rooms which shall have been let or occupied as Dwellings before the passing of this Act, come into force or operation until the Expiration of One Year from the passing of this Act, nor within any District until the Expiration of Six Months from the Time when this Act shall have been applied thereto; and all Churchwardens and Overseers of the Poor shall from Time to Time after the passing of this Act cause public Notice of the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

Act not to come into operation until the Expiration of a certain Time, in case of Cellars, &c. already occupied as Dwellings.

Churchwardens, &c. to give Notice of Enactment.

Management of Streets.

LXVIII. And be it enacted, That all present and future Streets, being or which at any Time become Highways within any District, and the Pavements, Stones, and other Materials thereof, and all Buildings, Implements, and other Things provided for the Purposes thereof by any Surveyor of Highways, or by any Person serving the Office of Surveyor of Highways, shall vest in and be under the Management and Control of the said Local Board of Health; and the said Local Board

Management of Streets vested in Local Board.

Board shall from Time to Time cause all such Streets to be levelled, paved, flagged, channelled, altered, and repaired, as and when Occasion may require, and they may from Time to Time cause the Soil of any such Street to be raised, lowered, or altered as they may think fit, and place and keep in repair Fences and Posts for the Safety of Foot Passengers; and whosoever wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any such Street, without the Consent of the said Local Board, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and a further Sum not exceeding Five Shillings for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured.

Management of Streets.

LXIX. And be it enacted, That in case any present or future Street, or any Part thereof, (not being a Highway,) be not sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, such Board may, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts thereof as may require to be sewered, levelled, paved, flagged, or channelled, require them to sewer, level, pave, flag, or channel the same within a Time to be specified in such Notice; and if such Notice be not complied with, the said Local Board may, if they shall think fit, execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, and in such Proportion as shall be settled by the Surveyor, or in case of Dispute as shall be settled by Arbitration (having regard to all the Circumstances of the Case) in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Power to compel paving, &c. of private Streets.

LXX. And be it enacted, That if any present or future Street, not being a Highway at the Time when this Act is applied to the District in which it is situate, be sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, the said Local Board may, if they shall think fit, by Notice in Writing put up in any Part of the Street, declare the same to be a Highway, and thereupon the same shall become a Highway, and be from Time to Time repaired by them out of the Rates levied in that Behalf under the Authority of this Act; and every such Notice shall be entered amongst the Proceedings of the said Local Board: Provided always, that no Street shall become a Highway as last aforesaid if within One Month after Notice in Writing shall have been put up as last aforesaid the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, shall by Notice in Writing to the said Local Board object thereto.

Certain Streets not Highways to be deemed such, and repaired by Local Board.

LXXI. And be it enacted, That if and when for the Purposes of this Act the Local Board of Health deem it necessary to raise, sink, or

Power to require Gas and Water Pipes to be moved.

Management of Streets.

or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong to raise, sink, or otherwise alter the Situation of the same in such Manner and within such reasonable Time as shall be specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act; and if such Notice be not complied with the said Local Board may make the Alteration required: Provided always, that no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent the Water or Gas from flowing as freely and conveniently as usual; provided also, that where under any Local Act of Parliament the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are or shall be directed to be borne by the Person to whom such Pipes or Works belong, his Liability in that respect shall continue, in the same Manner and under the same Conditions in all respects as if this Act had not been passed.

Notice to be given to Local Board before laying out new Streets, who shall fix the Levels and Widths thereof.

LXXII. And be it enacted, That One Month at the least before any Street is newly laid out as aforesaid written Notice shall be given to the Local Board of Health, showing the intended Level and Width thereof; and the Level and Width of every such Street shall be fixed by the said Local Board, and it shall not be lawful to lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width so fixed, unless, upon Disapproval by the said Local Board of the Level or Width specified in such Notice, the General Board of Health shall otherwise direct; and whosoever shall lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width fixed by the said Local Board, or approved by the said General Board, shall be liable for every such Offence to a Penalty not exceeding Twenty Pounds for every Day during which he shall permit or suffer such Street to continue to be so improperly laid out, made, or built upon; and the said Local Board may, if they shall think fit, cause any such Street laid out or made at a Level or Width otherwise than in accordance with the Level and Width so fixed or approved as aforesaid, or any Building built in any such Street otherwise than in accordance with such Level and Width, to be altered in such Manner as the Case may require, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in a summary Manner: Provided always, that if no such Level or Width be fixed, and no Approval or Disapproval of the Level or Width proposed be signified by the said Local Board within One Month from the last-mentioned Notice, the intended Street may be laid out and made upon the Level and of the Width specified in such Notice, if the same be otherwise in accordance with the other Provisions of this Act.

Local Board may purchase Premises in

LXXIII. And be it enacted, That the said Local Board may, by Agreement, purchase any Premises for the Purpose of widening, opening, enlarging, or otherwise improving any Street; and any Part

of the Premises so purchased which shall not be wanted for that Purpose shall be resold at the best Price that can be gotten for the same, and the Proceeds of such Resale shall be carried to the District Fund Account herein-after mentioned.

order to improve Streets.

Public Pleasure Grounds.

Local Board may provide Places of public Recreation, &c.

LXXIV. And be it enacted, That the Local Board of Health, with the Approval of the said General Board, may provide, maintain, lay out, plant, and improve Premises for the Purpose of being used as public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

Supply of Water.

Local Board to provide sufficient Supplies of Water, and may erect Waterworks, &c.

LXXV. And be it enacted, That the Local Board of Health may provide their District with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the said Local Board may from Time to Time, with the Approval of the General Board of Health, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper; and any Waterworks Company may contract with the Local Board of Health to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to any Local Board of Health willing to take the same; and the said Local Board may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the District supplied: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the said Local Board shall give Notice in Writing to every Waterworks Company within whose Limits the said Local Board may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the said Local Board; and it shall not be lawful for the said Local Board to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the said Local Board, and upon such Terms as shall be certified to be reasonable by the General Board of Health, after Inquiry and Report by a Superintending Inspector in this Behalf, or (in case such Company shall be dissatisfied with such Certificate) upon such Terms as shall be settled by Arbitration in the Manner provided by this Act; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the said Local Board, or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration in the Manner provided by this Act.

In case of Waterworks constructed by Local Board, the Water may be kept constantly under Pressure.

Local Board not to construct Waterworks, &c. if any Waterworks Company within their District be able and willing to supply Water upon Terms.

LXXVI. And

Supply of Water.

Local Board may require that Houses be supplied with Water, &c. in certain Cases.

LXXVI. And be it enacted, That if upon the Report of the Surveyor it appear to the Local Board of Health that any House is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rate not exceeding Two-pence *per* Week, the said Local Board shall give Notice in Writing to the Occupier, requiring him, within a Time to be specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with the said Local Board may, if they shall think fit, do such Works, and obtain such Supply accordingly, and make and levy Water Rates upon the Premises, not exceeding in the whole the Rate of Two-pence *per* Week, in manner herein-after provided, as if the Owner or Occupier of the Premises had demanded a Supply of Water, and were willing to pay Water Rates for the same; and the Expenses incurred by them in doing such Works as last aforesaid shall be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Water for public Baths, or trading or manufacturing Purposes.

LXXVII. And be it enacted, That the Local Board of Health may, if they shall think fit, supply Water from any Waterworks purchased or constructed by them under this Act to any public Baths or Wash-houses, or for trading or manufacturing Purposes, upon such Terms and Conditions as may be agreed upon between the said Local Board and the Persons desirous of being so supplied.

Maintenance and Construction of public Cisterns for gratuitous Use.

LXXVIII. And be it enacted, That the Local Board of Health may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants to be continued, maintained, and plentifully supplied with Water, or they may substitute, continue, maintain, and plentifully supply with Water other such Works equally convenient; and the said Local Board may, if they shall think fit, construct any Number of new Cisterns, Pumps, Wells, Conduits, and Works for the gratuitous Supply of any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Poor or Borough Rates.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

LXXIX. And be it enacted, That whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Local Board of Health, or constructed, continued, or maintained under this Act, in any Parish or Place in which there shall be no Local Board of Health, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the said Local Board, or so constructed, continued, or maintained in any such Parish or Place, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the said Local Board, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the said Local Board, or, in the Case of a Parish or Place in which there shall

shall be no Local Board of Health, to the Churchwardens and Overseers of the Poor, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on Persons for causing Water in Reservoirs to be fouled;

LXXX. And be it enacted, That whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Local Board of Health, or in any Reservoir, Conduit, Aqueduct, or other Waterworks constructed, continued, or maintained under this Act in any Parish or Place in which there shall be no Local Board of Health, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do any Thing whatsoever whereby any Water belonging to the said Local Board or under their Management or Control, or whereby any Water of or contained in any such Reservoir, Conduit, Aqueduct, or other Waterworks so constructed, continued, or maintained in any such Parish or Place as aforesaid shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the said Local Board, or, in the Case of a Parish or Place in which there shall be no Local Board of Health, to the Churchwardens and Overseers of the Poor, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the said Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the said Local Board for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or under the Management or Control of the said Local Board be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Local Board for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the said Local Board in this

and on Proprietors of Gasworks, &c.

Supply of Water.

this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the said Local Board may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the said Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided.

Reception Houses for the Dead.

Power to provide Premises for the Reception of the Dead previously to Interment.

LXXXI. And for the Purpose of preventing the manifold Evils occasioned by the Retention of the Dead in the Dwellings of the Poor, be it enacted, That the Local Board of Health may, if they shall think fit, provide, fit up, and make Bye Laws with respect to the Management and Charges for the Use of, Rooms or Premises in which Corpses may be received and decently and carefully kept previously to Interment; and the said Local Board may, upon proper Application, and subject to such Regulations and at such Rates and Charges as shall be prescribed by any such Bye Laws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any Rooms or Premises so provided in pursuance of this Enactment.

Burial Grounds.

Burial Grounds, &c. dangerous to Health may be prohibited.

LXXXII. And be it enacted, That if upon the Representation of the Local Board of Health, and after Inquiry and Report by a Superintending Inspector, notified to the Lord Bishop of the Diocese, and made, notified, and published in manner herein-before directed with respect to the Inquiry and Report of Superintending Inspectors previously to the Constitution of a District under this Act, and after Inquiry by such other Ways and Means as the General Board of Health may think fit to direct, the said General Board shall certify (such Certificate to be published in the *London Gazette*, and in some One or more of the public Newspapers usually circulated within the District) that any Burial Ground situate within any District to which this Act is applied is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of Public Worship within any such District is dangerous to the Health of Persons frequenting the same, by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful, after a Time to be named in such Certificate, to bury or permit or suffer

to

Burial Grounds.

to be buried any further Corpses or Coffins in, within, or under the Ground, Church, or Place of Worship to which the Certificate relates, except in so far as may be allowed by such Certificate; and whosoever, after Notice of such Certificate, buries, or causes, permits, or suffers to be buried, any Corpse or Coffin contrary to this Enactment, shall for every such Offence be liable to a Penalty of Twenty Pounds.

As to Interments within Churches or Burial Grounds newly erected or formed.

LXXXIII. And be it enacted, That no Vault or Grave shall be constructed or made within the Walls of or underneath any Church or other Place of Public Worship built in any District after the passing of this Act, and no Burial Ground shall be made or formed within any District after the passing of this Act, without the Consent of the General Board of Health first had and obtained, unless the same be made or formed upon Land purchased or authorized by Parliament to be appropriated for the Purpose of being used as a Burial Ground before the passing of this Act; and whosoever shall bury, or cause, permit, or suffer to be buried, any Corpse or Coffin in any Vault, Grave, or Burial Ground constructed, made, or formed contrary to this Enactment, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, in an Action of Debt.

Purchase, &c. of Lands.

Power to Local Boards to purchase Lands, &c. under 8 & 9 Vict. c. 18.

LXXXIV. And be it enacted, That the Local Board of Health, by Agreement, may purchase, or take upon Lease, sell, or exchange, any Lands or Premises for the Purposes of this Act; and the Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Local Board of Health mentioned in this Act; and all Lands and Premises which shall be purchased, hired, or taken on Lease by the Local Board of Health of any Noncorporate District shall be conveyed, demised, and assured to such Local Board and their Successors, in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate.

Contracts.

Contracts by Local Board.

LXXXV. And be it enacted, That the Local Board of Health may enter into all such Contracts as may be necessary for carrying this Act into execution; and every such Contract whereof the Value or Amount shall exceed Ten Pounds shall be in Writing, and (in the Case of a Noncorporate District) sealed with the Seal of the Local Board by whom the same is entered into, and signed by Five or more Members thereof, and (in the Case of a Corporate District), sealed with the Common Seal, and shall specify the Work, Materials, Matters, or Things to be furnished, had, or done, the Price to be paid, and the Time or Times within which the Contract is to be performed, and shall fix and specify some pecuniary Penalty to be paid in case the Terms

Contracts.

Terms of the Contract are not duly performed; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Local Board by whom the same is executed, and their Successors, and upon all other Parties thereto, and their Executors, Administrators, Successors, or Assigns, to all Intents and Purposes: Provided always, that the said Local Board may compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract, or in any Bond or otherwise, for such Sums of Money or other Recompence as to such Local Board may seem proper: Provided also, that before contracting for the Execution of any Works under the Provisions of this Act the said Local Board shall obtain from the Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same; also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting only for the Execution of the Work, or for executing and also maintaining the same in repair during a Term of Years or otherwise: Provided also, that before any Contract of the Value or Amount of One hundred Pounds or upwards is entered into by the said Local Board Ten Days public Notice at the least shall be given expressing the Nature and Purpose thereof, and inviting Tenders for the Execution of the same; and the said Local Board shall require and take sufficient Security for the due Performance of the same.

Composition for Penalties in respect of Breach of Contracts.

Estimates to be made before commencing Works.

As to Contracts above the Value of 100*l.*

Rates.

LXXXVI. And be it enacted, That whenever any Expenses are incurred or to be incurred by the Local Board of Health in making, enlarging, altering, arching over, covering, or enclosing any Sewer vested or to be vested in them by this Act, or purchased or acquired by them by virtue thereof, or in or about any other Works, Matters, and Things of a permanent Nature, and executed or done for the Benefit of any District or Part of a District, the said Local Board shall make and levy, in respect of the Premises situate in the District or Part of a District for the Benefit of which the Expenses are incurred or to be incurred, a Rate or Rates, to be called Special District Rates, of such Amount as will be sufficient to discharge the Amount of such Expenses, and Interest thereon, within such Period, not exceeding Thirty Years, as the said Local Board shall in each Case determine: Provided always, with respect to the Cost of making any such new Sewer, that if it appear to the said Local Board that any Premises were sufficiently drained before the new Sewer was made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the said Local Board may, under all the Circumstances of the Case, deem to be just.

Special District Rate.

LXXXVII. And be it enacted, That the Treasurer shall keep a separate Account, to be called "The District Fund Account," and the Monies carried to such Account under the Directions of this Act shall be applied by the Local Board of Health in defraying such of the Expenses incurred or to be incurred by the said Local Board in

District Fund Account to be kept.

carrying this Act into execution, and not otherwise expressly provided for, as they may think proper; and the said Local Board shall from Time to Time, when and as often as Occasion may require, make and levy, in addition to any other Rate, a Rate or Rates to be called "General District Rates," for defraying such Expenses as are charged upon that Rate by this Act, and such other Expenses of executing this Act in any District as are not provided for by any other Rate, or defrayed out of the said District Fund Account. General District Rate.

LXXXVIII. And be it enacted, That the said Special and General District Rates shall be made and levied upon the Occupier (except in the Cases herein-after provided) of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the full net annual Value of such Property ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the respective Assessments under this Act; and for the Purpose of making any such Assessment the Local Board of Health, or any Person appointed by them so to do, may from Time to Time, at all reasonable Times, inspect, take Copies of, or make Extracts from any Rate for the Relief of the Poor within their District, or any Assessments by which the same are made; and whosoever, having the Custody of such last-mentioned Rate or Assessment, refuses to permit such Inspection, or the taking of any such Copy or Extract, shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that if in any District or Part of a District there be no Rate for the Relief of the Poor the said Special and General District Rates shall be made upon an Estimate of the net annual Value of the several Premises liable thereto in such District or Part of a District, by a fit Person appointed by the Local Board of Health in that Behalf, and such Estimate shall be made, as near as Circumstances will permit, in the Manner prescribed by an Act passed in the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments: Provided also, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal, or Towing Path for the same, or as a Railway, constructed under the Powers of any Act of Parliament, for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof: Provided also, that if within any District or Part of a District any Kind of Property shall before the passing of this Act have been exempted from rating by any Local Act, in respect of all or any of the Purposes for which General or Special District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes, and to the same Extent within the Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General or Special District Rates under this Act. Property assessable to Special and General District Rates. If in any District there be no Rate for Relief of the Poor, Rates shall be made in manner prescribed by 6 & 7 W. 4. c. 66. Exemptions under Local Acts.

LXXXIX. And be it enacted, That the Local Board of Health may make and levy the said Special and General District Rates, or any Rates may be prospective or retrospective.

Rates.

any or either of them, prospectively, in order to raise Money for the Payment of future Charges and Expenses, or retrospectively in order to raise Money for the Payment of Charges and Expenses which may have been incurred at any Time within Six Months before the making of the Rate; and if at the Time of making any General or Special District Rate any Premises in respect of which the Rate may be made are unoccupied, such Premises shall be included in the Rate, but the Rate shall not be charged upon any Person in respect of the same whilst they continue to be unoccupied; and if any such Premises are afterwards occupied during any Part of the Period for which the Rate was made, and before the same shall have been fully paid, the Name of the incoming Tenant shall be inserted in the Rate, and thereupon so much of the Rate as at the Commencement of his Tenancy may be in proportion to the Remainder of the said Period shall be collected, recovered, and paid in the same Manner in all respects as if the Premises had been occupied at the Time when the Rate was made; and if any Owner or Occupier assessed or liable to any such Rate cease to be Owner or Occupier of the Premises in respect whereof he is so assessed or liable before the End of the Period for which the Rate was made, and before the same is fully paid off, he shall be liable to pay only such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier; and in every such Case, if any Person afterwards become Owner or Occupier of the Premises during Part of the said Period, he shall pay such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier, and the same shall be recovered from him in the same Manner as if he had been originally assessed or liable; and the said Local Board may from Time to Time divide their District, or any Street therein, into One or more Parts, for all or any or either of the Purposes of this Act, and make a separate Assessment upon any such Part for and in respect of all or any of the Purposes for which the same is formed; and every such Part, so far as relates to the Purposes in respect of which such separate Assessment is made, shall be exempt from any other Assessment under this Act: Provided always, that if any Expenses are incurred or to be incurred in respect of Two or more Parts of a District in common the same shall be apportioned between them in a fair and equitable Manner.

Assessment to District Rates in case of unoccupied Premises.

Apportionment of Rates between outgoing and incoming Tenants, &c.

Parts of District may be separately assessed.

Private Improvement Rates.

XC. And be it enacted, That whenever the Local Board of Health have incurred or become liable to any Expenses which by this Act are or by the said Local Board shall be declared to be Private Improvement Expenses, the said Local Board may, if they shall think fit, make and levy upon the Occupier of the Premises in respect of which the Expenses shall have been incurred, except in the Cases herein-after provided, in addition to all other Rates, a Rate or Rates, to be called Private Improvement Rates, of such Amount as will be sufficient to discharge such Expenses, together with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, in such Period not exceeding Thirty Years as the said Local Board shall in each Case determine: Provided always, that whenever any Premises in respect of which any Private Improvement Rate

Rate is made become unoccupied before the Expiration of the Period for which the Rate was made, or before the same is fully paid off, such Rate shall become a Charge upon and be paid by the Owner of the Premises so long as the same continue to be unoccupied. *Rates.*

Proportion of Private Improvement Rate may be deducted from Rent.

XCI. And be it enacted, That if the Occupier by whom any Private Improvement Rate is paid holds the Premises in respect of which the Rate is made at a Rent not less than the Rack Rent he shall be entitled to deduct Three Fourths of the Amount paid by him on account of such Rate from the Rent payable by him to his Landlord, and if he hold at a Rent less than the Rack Rent he shall be entitled to deduct from the Rent so payable by him such Proportion of Three Fourths of the Rate as his Rent bears to the Rack Rent; and if the Landlord from whose Rent any Deduction is made under the Provision last aforesaid is himself liable to the Payment of Rent for the Premises in respect of which the Deduction is made, and holds the same for a Term of which less than Twenty Years is unexpired, but not otherwise, he may deduct from the Rent so payable by him such Proportion of the Sum deducted from the Rent payable to him as the Rent payable by him bears to the Rent payable to him, and so in succession with respect to every Landlord (holding for a Term of which less than Twenty Years is unexpired) of the same Premises both receiving and liable to pay Rent in respect thereof: Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.

Redemption of Special District and Private Improvement Rates.

XCII. Provided always, and be it enacted, That at any Time before the Expiration of the Period for which any Special District Rate or Private Improvement Rate is made, the Owner or Occupier of the Premises assessed thereto may redeem the same, by paying to the Local Board of Health the Expenses in respect of which the Rate was made, or such Part thereof as may not have been defrayed by Sums already levied in respect of the same.

Water Rate.

XCIII. And be it enacted, That whenever and so long as any Premises are supplied with Water by the Local Board of Health, for the Purposes of domestic Use, Cleanliness, or Drainage, they shall make and levy, in addition to any other Rate, a Water Rate upon the Occupier, except as herein-after provided; and the Rate so made shall be assessed upon the net annual Value of the Premises, ascertained in the Manner herein-before prescribed with respect to the said Special and General District Rates; and when several Houses in the separate Occupation of several Persons are supplied by One common Pipe, the respective Houses shall be charged with the Payment of Water Rates, in the same Manner as if each House had been supplied with Water by a separate Pipe: Provided always, that in any District to be called the *Oxford* or *Cambridge* District the Local Board of Health, with the Consent of the said General Board, may supply Water to any Hall, College, or Premises of the University within such District, upon such Terms with respect to the Mode of paying for such Supply as

Agreements with Universities.

Rates.

as shall from Time to Time be agreed upon between such University, or any Hall or College thereof, and the said Local Board.

Water Rate payable in advance. Power to stop Water in case of Nonpayment of Rates.

XCIV. And be it enacted, That the said Water Rate shall be payable in advance; and whenever any Person supplied with Water under the Provisions of this Act neglects to pay the Water Rate due from him, upon Demand, the Local Board of Health may prevent the Water from flowing into the Premises of the Defaulter in such Manner as they may think fit, and may recover the Arrears due, together with the Expenses of stopping the Supply, in the Manner herein-after provided with respect to the Recovery of Rates made under the Authority of this Act: Provided always, that the stopping or cutting off any Supply of Water by the said Local Board under this Enactment shall not relieve any Person from any Penalty or Liability to which he would have been otherwise subject.

Composition for and Recovery of Rates upon Tenements under the annual Value of Ten Pounds, &c.

XCV. Provided always, and be it enacted, That when the net annual Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds, or whenever any Premises liable to such Assessment are let to weekly or monthly Tenants, or in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly, the Local Board of Health, may from Time to Time, if they shall think fit, compound with the Owner of such Premises for the Payment of all or any of the Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less than Two Thirds or more than Four Fifths of the net annual Value at which the Premises are then assessed, as the said Local Board shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition, or any Rate to which an Owner is assessed as last aforesaid, be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default, wheresoever they may be found, or of the Occupier or Occupiers of the Premises, in the same Manner as is herein-after provided with respect to the Recovery of Rates made under this Act: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rates as aforesaid: Provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due, or from Time to Time becoming due, from him or them, unless there be an Agreement to the contrary; and the Receipt for the Amount paid by him or them shall to that Extent be, as against the Owner in default, a sufficient Discharge for Rent.

XCVI. Pro-

Power to reduce or remit Rates on account of Poverty.

XCVI. Provided also, and be it enacted, That it shall be lawful for the Local Board of Health to reduce or remit the Payment of any Rate on account of the Poverty of any Person liable to the Payment thereof.

Act not to affect existing Agreements between Landlord and Tenant.

XCVII. Provided also, and be it enacted, That nothing in this Act shall alter, interfere with, or affect any Lease, Contract, or Agreement which shall have been made or entered into between Landlord and Tenant before this Act is applied to the District in which the Premises are situate in respect of which the Lease, Contract, or Agreement was made.

Estimate to be prepared before making Rates.

XCVIII. And be it enacted, That the Local Board of Health, before proceeding to make any General or Special District Rate or Private Improvement Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to public Inspection during Office Hours thereat.

Notice of Rate.

XCIX. And be it enacted, That public Notice of Intention to make any General or Special District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board of Health, in the Week immediately before the Day on which the Rate is intended to be made, and at least Seven Days previously thereto; but in case of Proceedings to levy or recover any Rate it shall not be necessary to prove that such Notice was given.

Rates to be open to Inspection.

C. And be it enacted, That any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Description of Owner or Occupier in Rates if his Name be unknown.

CI. And be it enacted, That whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description.

Rates may be amended.

CII. And be it enacted, That the Local Board of Health may from Time to Time amend any Rate made in pursuance of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name inserted, or by inserting the Name of any Person who

Rates.

ought to have been assessed, or by striking out the Name of any Person who ought not to have been assessed, or by raising or reducing the Sum at which any Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated, or by making any other Alteration which will make the Rate conformable to the Provisions of this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that any Person who may feel himself aggrieved by any such Amendment shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made, and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until Seven Days after such Notice shall have been given to him.

Rates made under this Act to be published as Poor Rates, and collected as Local Board shall appoint.

Justices may summon Persons for Nonpayment, and in default may recover by Distress.

CIII. And be it enacted, That all Rates made or collected under the Authority of this Act shall be published in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and shall be made in such Manner and Form, and be collected by such Persons, and either together or separately, or with any other Rate or Tax, as the Local Board of Health shall from Time to Time appoint; and if any Person assessed to any such Rate fail to pay the same when due, and for the Space of Fourteen Days after the same shall have been lawfully demanded in Writing, any Justice may and he is hereby empowered to summon the Defaulter to appear before him, or any other Justice, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear should not be paid; and in case the Defaulter fail to appear according to the Exigency of the Summons, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the same to be levied by Distress of the Goods and Chattels of the Defaulter: Provided always, that if no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such Warrant is granted, and it so appear upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall indorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed in the last-mentioned County or Jurisdiction; and if any Person quit or be about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuse to pay the same after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods are found may and he is hereby empowered to summon him to appear, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid; and in case the Defaulter fail to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter.

CIV. And

Rates.

Form of Distress Warrant.

Penalty upon Constables refusing to levy.

CIV. And be it enacted, That Warrants of Distress for the Recovery of any Rate payable under the Authority of this Act may be in the Form contained in the Schedule (D.) annexed to this Act, or to the like Effect; and any Constable authorized by any such Warrant who shall neglect or refuse to make Distress or Sale pursuant to the same, after being required so to do by a Collector of the District in which the Rate in arrear was made, shall be liable to a Penalty not exceeding Five Pounds.

Quota of Rates to be paid by the Universities, &c.

CV. Provided always, and be it enacted, That nothing in this Act shall be deemed to alter or interfere with the Liability of the Universities of *Oxford* and *Cambridge* respectively to contribute in the Proportion and Manner specified in any Local Act under which the *Oxford* and *Cambridge* Commissioners respectively now act towards the Expense of paving and pitching, repairing, lighting, and cleansing, under the Powers of any such Local Act, the several Streets, Lanes, Ways, Alleys, Passages, and Places within the Jurisdiction of such Commissioners respectively; and in case any Difference shall arise between either of the said Universities and the Local Board of Health with respect to the Proportion and Manner in which the University shall contribute towards any Expenses under this Act, and to which the University is not liable under any such Local Act, the same shall be settled by the General Board of Health: Provided also, that all Rates, Contributions, and Sums of Money which may become payable under this Act by the said Universities respectively, and their respective Halls and Colleges, may be recovered from such Universities, Halls, and Colleges in the same Manner in all respects as Rates, Contributions, and Sums of Money may now be recovered from them by virtue of any such Local Act.

Evidence of Rates.

CVI. And be it enacted, That the Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as *primâ facie* Evidence of the making and Validity of the Rates mentioned therein.

Mortgage of Rates.

Rates may be mortgaged.

CVII. And be it enacted, That the Local Board of Health may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act, borrow and take up at Interest, on the Credit of the Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced the respective Rates upon the Credit of which the Sums are borrowed; and the respective Mortgagees shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be repaid the Sums so advanced, with Interest, without any Preference over the others of them by reason of any Priority of Advance or the Date of his Mortgage: Provided always, that the Money borrowed under the Authority of this

No Priority amongst Mortgagees.

Mortgage of Rates.

this Act shall be borrowed only for Works of a permanent Nature, and shall not at any Time exceed in the whole the assessable Value for One Year of the Premises assessable under this Act within the District or Part of the District for or in respect of which such Money shall be borrowed, and shall (as far as practicable) be borrowed upon the Credit of the respective Rates applicable to the Works, Matters, or Things in respect of which the Money is required; and the Money borrowed for the Purpose of defraying any Costs, Charges, or Expenses incurred or to be incurred in respect of Part of a District only shall be charged (as far as practicable) upon the Credit of any separate Rates made or to be made for the Purposes of such Part; and in case any such Costs, Charges, or Expenses shall apply to or be incurred in respect of Two or more of such Parts, the Money borrowed in respect of the same shall be equitably apportioned by the Local Board upon any Rates made or to be made for the Purposes of such Parts respectively.

Commissioners of Public Works may make Advances to Local Boards under 5 & 6 Vict. c. 9.

CVIII. And be it enacted, That the Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund, to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may, if they shall think fit, make Advances to the Local Board of Health of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rates.

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

CIX. And be it enacted, That if the Local Board of Health can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order, with the Consent of the Mortgagee, to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Power to borrow Money to pay off former Mortgages.

CX. And be it enacted, That if at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board of Health are unable to pay off the same, they may, if they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Costs, Charges, and Expenses incurred by the Local Board of Health in the Execution of this Act.

CXI. And

Mortgage of Rates.

Form of Mortgage.

CXI. And be it enacted, That every Mortgage authorized to be made under this Act shall be by Deed, truly stating the Date, Consideration, and the Time and Place of Payment, and shall (in the Case of a Noncorporate District) be sealed with the Seal of the Local Board of Health by or on the Part of whom the same is executed, and be signed by Five or more Members thereof, (or in the Case of a Corporate District) be sealed with the Common Seal, and may be made according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Mortgages upon each Rate, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Description of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds.

Register of Mortgages.

Transfer of Mortgages.

CXII. And be it enacted, That any Mortgagee or other Person entitled to any such Mortgage may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date and the Consideration for the Transfer; and such Transfers may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Transfers of Mortgage charged upon each Kind of Rate, and within Thirty Days after the Date of such 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 Clerk, who shall, upon Payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Register of Transfers.

Interest to be paid half-yearly.

Mortgage Debts to be paid off by means of a Sinking Fund.

CXIII. And be it enacted, That the Interest secured by any Mortgage authorized to be made under this Act shall, unless otherwise provided, be paid half-yearly; and in order to pay off any Monies borrowed and secured by any such Mortgage, the Local Board of Health shall in every Year, until the same be paid off, appropriate and set apart as a Sinking Fund such Sum as, together with the Interest from Time to Time to accrue thereon, will in the Period of Thirty Years amount to a Sum sufficient to repay the Monies borrowed and secured by any such Mortgage, and shall from Time to Time cause such Sinking Fund, and the Interest thereon, to be invested in the Purchase of Exchequer Bills or other Government

Mortgage of Rates.

ment Securities, and to be increased by Accumulation in the Way of Compound Interest or otherwise; and whenever the said Local Board are enabled to pay off One or more of the Mortgages charged upon the same Property or Rate, and are not able to pay off the whole of the Mortgages so charged, they shall, in default of Arrangement between the Local Board of Health and the Mortgagees, decide by Lot the Order in which the same shall be paid off.

Receiver may be appointed in certain Cases

CXIV. And be it enacted, That if at the Expiration of Six Months from the Time when any Principal Money or Interest has become due upon any Mortgage of Rates made under this Act, and after Demand in Writing, the same be not paid, the Mortgagee or other Person entitled thereto may, without prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint in Writing under their Hands and Seals some Person to collect and receive the whole or a competent Part of the Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees of such Rates, and shall be rateably apportioned between them: Provided always, that no such Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to One thousand Pounds, or unless a joint Application be made by Two or more Mortgagees or other Persons to whom there may be due, after such Lapse of Time and Demand as last aforesaid, Monies collectively amounting to that Sum.

Bye Laws.

Bye Laws of Local Board not to be in force till confirmed by Secretary of State.

CXV. And be it enacted, That all Bye Laws made by the Local Board of Health under and for the Purposes of this Act shall be in Writing under their Seal, and the Signature of any Five or more of their Number, or (in the Case of a Corporate District) under the Common Seal; and the said Local Board may by any such Bye Laws impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Board; and the said Local Board may alter or repeal any such Bye Laws by any subsequent Bye Laws, sealed and signed or (in case of a Corporate District) sealed as last aforesaid: Provided always, that all such Bye Laws imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that no such Bye Laws shall be repugnant to the Laws of *England* or to the Provisions of this Act, and the same shall not be of any Force or Effect unless and until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to allow or disallow the same, as he may think proper: Provided also, that no such Bye Laws shall be confirmed

Notice of Confirmation, &c.

Bye Laws.

firmed unless Notice of Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the District to which such Bye Laws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Bye Laws shall be kept at the Office of the Local Board of Health, and be open during Office Hours thereat to the Inspection of the Rate-payers of the District to which such Bye Laws relate, without Fee or Reward; and the Clerk shall furnish every such Rate-payer who shall apply for the same with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Bye Laws to be printed, &c.

CXVI. And be it enacted, That all Bye Laws made by the Local Board of Health in pursuance of this Act shall be printed, and hung up in the Office of the said Local Board; and Copies thereof shall be delivered to any Rate-payer of the District to which such Bye Laws relate, upon his Application for the same.

Powers transferred, &c.

Local Board to be Surveyors of Highways;

CXVII. And be it enacted, That the Local Board of Health within the Limits of their District shall, exclusively of any other Person whatsoever, execute the Office of and be Surveyor of Highways, and have all such Powers, Authorities, Duties, and Liabilities as any Surveyor of Highways in *England* is now or may hereafter be invested with or be liable to by virtue of his Office by the Laws in force for the Time being, except in so far as such Powers, Duties, or Authorities are or may be inconsistent with the Provisions of this Act; and the Inhabitants of any District shall not in respect of any Property situate therein be liable to the Payment of Highway Rate or other Payment, not being a Toll, in respect of making or repairing Roads or Highways within any Parish, Township, or Place, or Part of any Parish, Township, or Place, situate beyond the Limits of such District: Provided always, that the several Persons who at the Time when this Act is applied to any District are Surveyors of Highways within the same District may recover any Highway Rate made in respect of the said District, and then remaining unpaid, in the same Manner as if this Act had not been passed; and the Money so recovered shall be applied, in the first place, in reimbursing themselves any Expenses incurred by them as such Surveyors, and in discharging any Debts legally owing by them on account of the Highways within their Jurisdiction; and the Surplus (if any) shall be paid by them to the Treasurer, and carried to the District Fund Account mentioned in this Act: Provided also, that neither the Allowance by Justices, nor the Signature by the Local Board of Health, shall be necessary in the Case of any Rate made by the Local Board of Health under this Act.

but existing Surveyors to recover Rates in arrear.

Existing Liabilities to make Sewers, &c. not to be discharged.

CXVIII. And be it enacted, That, notwithstanding the Application of this Act to any District, the Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea, or of paving or flagging or putting in order any Street

Powers transferred, &c.

Street or Part thereof within the District, shall, if incurred previously to the Time when this Act is so applied, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

General Superintendence.

Mortgage of Rates to be made only with Approval of General Board.

CXIX. And be it enacted, That it shall not be lawful for the Local Board of Health to borrow or take up at Interest any Sum or Sums of Money upon the Credit of any Rates authorized to be made or collected under this Act, without the previous Consent of the General Board of Health.

Parties aggrieved by Proceedings of Local Board as to Recovery of certain Expenses may appeal to the General Board.

CXX. And be it enacted, That if in any Case in which the Local Board are empowered to recover any Expenses incurred by them in a summary Manner, or to declare such Expenses to be Private Improvement Expenses, any Person shall deem himself to be aggrieved by the Decision of the said Local Board thereupon, he may, within Seven Days after Notice of such Decision, address a Memorial to the said General Board, stating the Grounds of his Complaint; and the said General Board may make such Order in the Matter as to them may seem equitable, and the Order so made shall be binding and conclusive upon the said Local Board; and if the said Local Board shall have proceeded to recover such Expenses in a summary Manner, the said General Board may, if they shall think fit, direct the said Local Board to pay to the Person so proceeded against such Sum as they may consider to be a just Compensation for the Loss, Damage, or Grievance thereby sustained by him.

Superintending Inspectors may summon Witnesses, call for Plans, Rates, &c.

CXXI. And be it enacted, That during any Inquiry by a Superintending Inspector under this Act he may and he is hereby empowered to summon before him any Persons whomsoever, and to examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians, or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District or Place to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding Five Pounds: Provided always, that no Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than Ten Miles from his Place of Abode.

CXXII. And

General Superintendence.

As to Audit of Accounts.

CXXII. And be it enacted, That the Accounts of the Receipts and Expenditure of the Local Board of Health shall be audited and examined once in every Year at the least, at such Time or Times as shall be appointed by such Local Board, in case of a Corporate District, by the Auditors of the Corporate Borough, whereof the whole or Part is within such District; and in case of a District exclusively consisting of the whole or Part of Two or more Corporate Boroughs, or of One or more of such Boroughs, and also of Part of any such Borough or Boroughs, by such Two of the Auditors for the Time being of the Corporate Boroughs respectively, whereof the whole or Part is within such District as shall from Time to Time be appointed by the Local Board of Health; and in case of any other District as soon as can be after the Twenty-fifth Day of *March* in every Year, by the Auditor of Accounts relating to the Relief of the Poor for the District for the Audit of such Accounts, or for the Parish or Union in which such District under this Act is comprised, or if any District under this Act be partly situate in Two or more Parishes, Unions, or Districts for the Audit of Accounts, by such One of the Auditors for the Time being of the Parishes, Unions, or Districts for the Audit of Accounts (whereof the whole or Part is within such District under this Act) as shall from Time to Time be appointed by the Local Board of Health; and for the Purposes of any Audit and Examination of Accounts under this Act, every such Auditors or Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which they or he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before them or him at any such Audit and Examination, or Adjournment thereof, and to make and sign a Declaration with respect to the same; and if any such Person neglect or refuse so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall be liable for every Neglect or Refusal to a Penalty of Forty Shillings, and if he falsely or corruptly make or sign any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and all Accounts certified by the Auditors or Auditor acting under this Act shall be final and conclusive to all Intents and Purposes; and such Auditors or Auditor shall in respect of each Audit be paid by the Local Board of Health, out of the General District Rates levied under this Act, such reasonable Remuneration as they shall from Time to Time by Order in Writing determine and appoint: Provided always, that before each Audit and Examination of Accounts under this Act the Clerk shall give Ten Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers usually circulated within the District for which the Audit and Examination will be made; and a Copy of the Accounts to be audited and examined shall be deposited in the Office of the Local Board of Health, and be open during Office Hours thereat, to the Inspection of all Persons interested, for Seven Days before the Audit and Examination; and all such Persons shall be at liberty to take Copies

Power to Auditor to require Production of Books, &c.

Penalty on Persons for Neglect.

Accounts previous to Audit to be deposited, and open to Inspection, &c.

General Superintendence.

Copies of or Extracts from the same without Fee or Reward; and within Fourteen Days after the Audit and Examination shall have been completed the Auditors or Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk, who shall cause the same to be deposited in the Office of the Local Board of Health, and to be published in some One or more of the public Newspapers usually circulated in the District to which it relates

Arbitration.

Mode of referring to Arbitration.

CXXIII. And be it enacted, That in case of Dispute as to the Amount of any Compensation to be made under the Provisions of this Act (except where the Mode of determining the same is specially provided for), and in case of any Matter which by this Act is authorized or directed to be settled by Arbitration, then, unless both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter shall be referred; and every such Appointment when made on the Behalf of the Local Board of Health shall (in the Case of a Noncorporate District) be under their Seal and the Hands of any Five or more of their Number, or under the Common Seal in case of a Corporate District, and on the Behalf of any other Party under his Hand, or if such Party be a Corporation Aggregate under the Common Seal thereof; and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party operate as a Revocation; and if for the Space of Fourteen Days after any such Matter shall have arisen, and Notice in Writing by one Party who has himself duly appointed an Arbitrator to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fail to appoint an Arbitrator, the Arbitrator appointed by the Party giving the Notice shall be deemed to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatsoever.

Death, &c. of One of several Arbitrators;

of single Arbitrator.

CXXIV. And be it enacted, That if before the Determination of any Matter so referred any Arbitrator die, or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fail so to do for the Space of Seven Days after Notice in Writing from the other Party in that Behalf the remaining Arbitrator may proceed *ex parte;* and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator die, or become incapable to act, before the making of his Award, or fail to make his Award within Twenty-one Days after his Appointment, or within such extended Time, if any, as shall have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

CXXV. And

Arbitration.

Appointment of Umpire by the Parties; by Quarter Sessions.

CXXV. And be it enacted, That in case there be more than One Arbitrator the Arbitrators shall, before they enter upon the Reference, appoint by Writing under their Hands an Umpire, and if the Person appointed to be Umpire die, or become incapable to act, the Arbitrators shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for Seven Days after being requested so to do by any Party to the Arbitration, the Court of General or Quarter Sessions shall, on the Application of any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within Twenty-one Days after the Day on which the last of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending to the same in the Case of a single Arbitrator, shall apply to an Umpirage.

Time within which Award must be made.

CXXVI. Provided always, and be it enacted, That the Time for making an Award under this Act shall not be extended beyond the Period of Three Months from the Date of the Submission or from the Day on which the Umpire shall have been appointed (as the Case may be).

Power to Arbitrator to require Production of Documents. As to Costs of Reference.

CXXVII. And be it enacted, That any Arbitrator, Arbitrators, or Umpire, appointed by virtue of this Act, may require the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or Arbitrators, or of the Umpire (in case the Matters referred are determined by an Umpire under the Power herein-before contained in that Behalf); and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.

Submission may be made a Rule of Court.

Declaration to be made by Arbitrator and Umpire.

CXXVIII. And be it enacted, That before any Arbitrator or Umpire shall enter upon any such Reference as aforesaid he shall make and subscribe the following Declaration before a Justice of the Peace; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Public Health Act, 1848. *A.B.*'

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire shall wilfully act contrary to such Declaration he shall be guilty of a Misdemeanor.

Legal Proceedings.

Recovery of Damages, &c.

CXXIX. And be it enacted, That in all Cases in which the Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner the same may be

Legal Proceedings.

be ascertained by and recovered before Two Justices, together with such Costs of the Proceedings as the Justices may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication; and any Penalty imposed by or under the Authority of this Act, or any Bye Law made under this Act, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be recovered before Two Justices, together with such Costs of the Proceedings as they may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication; and such Justices or either of them may order that any Offender convicted as last aforesaid be detained and kept in safe Custody until Return can be conveniently made to the last-mentioned Warrant, unless he give sufficient Security, by way of Recognizance or otherwise, for his Appearance on the Day appointed by the Return, such Day not being more than Eight Days from the Time of taking the Security; and if before issuing such Warrant, or upon the Return thereof, it appear to the Satisfaction of the last-mentioned Justices that no sufficient Distress can be had within their Jurisdiction, they may, by Warrant under their Hands and Seals, cause the Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty and Costs be sooner paid.

Form of Conviction.

CXXX. And be it enacted, That the Justices before whom any Person is convicted of any Offence against the Provisions of this Act may cause the Conviction to be drawn up according to the Form and Directions contained in the Schedule (E.) annexed to this Act, or to the like Effect; and any Conviction so drawn up shall be valid and effectual to all Intents and Purposes.

Mode of proceeding before Justices.

CXXXI. And be it enacted, That in proceeding before any Justice or Justices under the Provisions of this Act, in any Case in which the Mode of proceeding is not specially prescribed, any One Justice may summon the Party charged to appear before the Justice or Justices by whom the Matter is to be determined at a Time and Place to be named; and upon the Appearance of the Party charged, or in his Absence upon Proof of Service of the Summons upon him personally, or by leaving a Copy thereof at his last known Place of Abode or Business, the last-mentioned Justice or Justices may hear and determine the Matter, and for that Purpose examine the Parties or any of them, and their Witnesses, on Oath; and the Costs of all such Proceedings shall be in the Discretion of the last-mentioned Justice or Justices; and where in this Act any Sum of Money whatsoever is directed to be levied by Distress and Sale of the Goods and Chattels of any Party, the Overplus arising from such Sale shall, after satisfying such Sum, and the Costs and Expenses of the Distress and Sale, be returned to him, on Demand; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any

Distress how to be levied;

not unlawful for Want of Form.

any Party making the same be a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall he be a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case. *Legal Proceedings.*

CXXXII. And be it enacted, That Justices of the Peace, being also Members of any Local Board of Health, may, if acting in Petty Sessions, notwithstanding their being such Members, exercise the Jurisdiction vested in them as such Justices under this Act. Justices, though Members of Local Board, may act under this Act.

CXXXIII. And be it enacted, That no Proceedings for the Recovery of any Penalty incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party grieved, or the Local Board of Health in whose District the Offence is committed, or by the Churchwardens and Overseers of the Poor (where any such Penalty is directed to be paid to the Churchwardens and Overseers of the Poor), without the Consent in Writing of Her Majesty's Attorney General first had and obtained; and that no such Penalty shall be recovered unless Proceedings for the Recovery thereof shall have been commenced within Six Calendar Months after the Commission or Occurrence of the Offence upon which the Penalty attaches; and if the Application of the Penalty be not otherwise provided for, One Half thereof shall go to the Informer, and the Remainder to the Local Board of Health of the District in which the Offence was committed: Provided always, that if the said Local Board be the Informer they shall be entitled to the whole of the Penalty recovered, and all Penalties or Sums recovered on account of any Penalty by them shall be paid over to the Treasurer, and shall by him be placed to the District Fund Account mentioned in this Act. Common Informers not to sue without Consent of Attorney General. Proceedings for Penalties to be taken within Six Months. Application of Penalties.

CXXXIV. And be it declared and enacted, That, notwithstanding the Liability of any Person to any Penalty under the Provisions of this Act, he shall not be relieved from any other Liability to which he would have been subject if this Act had not been passed. Liability to Penalty not to relieve from other Liabilities.

CXXXV. And be it enacted, That any Person who shall think himself aggrieved by any Rate made under the Provisions of this Act, or by any Order, Conviction, Judgment, or Determination of or by any Matter or Thing done by any Justice or Justices, in any Case in which the Penalty imposed or the Sum adjudged shall exceed the Sum of Twenty Shillings, may appeal to the Court of General or Quarter Sessions holden next after the making of the Rate objected to, or Accrual of the Cause of Complaint; but the Appellant shall not be heard in support of the Appeal, unless within Fourteen Days after the making and Publication of the Rate appealed against, or Accrual of the Cause of Complaint, he give to the Local Board of Health or Justice or Justices by whose Act he may think himself aggrieved Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal; and the said Court, upon hearing and finally determining the Matter of the Appeal, shall and may, according to its Discretion, Appeal to Quarter Sessions.

Legal Proceedings.

award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents and Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid before the Sessions holden as last aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard: Provided also, that on the hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

Power of Sessions upon Appeals against Rates.

CXXXVI. And be it enacted, That the said Court of General or Quarter Sessions shall upon Appeals under this Act against any Rate have the same Power to amend or quash any Rate or Assessment, and to award Costs between the Parties to the Appeal, as is or may by Law be vested in any Court of General or Quarter Sessions with respect to amending or quashing any Rate or Assessment, or awarding Costs, upon Appeals with respect to Rates for the Relief of the Poor; and the Costs awarded by the said Court under this Act may be recovered in the same Manner in all respects as Costs awarded upon the last-mentioned Appeals: Provided always, that, notwithstanding the quashing of any Rate appealed against, all Monies charged by such Rate shall, if the Court before whom the Appeal is heard think fit so to order, be levied as if no Appeal had been made, and such Monies, when paid, shall be taken as Payment on account of the next effective Rate for the Purposes in respect of which the quashed Rate was made.

No Rate or Proceeding to be quashed for Want of Form, &c.

CXXXVII. And be it enacted, That no Rate, nor any Proceeding to be had touching the Conviction of any Offender against this Act, nor any Order, Award, or other Matter or Thing whatsoever made, done, or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari or other Writ or Process whatsoever into any of the Superior Courts.

Proceedings in case of Noncorporate Districts.

CXXXVIII. And be it enacted, That the Local Board of Health of any Noncorporate District may sue and be sued in the Name of the Clerk for the Time being for or concerning any Contract, Matter, or Thing whatsoever relating to any Property, Works, or Things vested or to become vested in them by reason of the Provisions of this Act, or relating to any Matter or Thing whatsoever entered into or done, or intended to be entered into or done by them, under the Provisions of this Act; and in any Action of Ejectment brought or prosecuted by such Local Board it shall be sufficient to lay the Demise in the Name of the said Clerk, and in Proceedings by or on the Part of such Local Board against any Person for stealing or wilfully injuring or otherwise improperly dealing with any Property, Works, or Things belonging to them or under their Management, it shall be sufficient to state generally that the Property or Thing in respect of which the Proceeding is instituted is the Property of the said Clerk, and all legal Proceedings by, on the Part of, or against such Local Board, under

Actions, &c. in Name of Clerk.

Mode of describing Property of Local Board.

Legal Proceedings.

under this Act, may be preferred, instituted, and carried on in his Name; and no Proceedings whatever shall abate or be discontinued by the Death, Resignation, or Removal of the Clerk, or by reason of any Change or Vacancy in such Local Board by Death, Resignation, or otherwise: Provided always, that the Clerk in whose Name any such Action or Suit, Complaint, Information, or Proceeding, may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the General District Rates to be levied under this Act all such Costs, Charges, Damages, and Expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his Name being so used.

Actions, &c. not to abate.

Clerk to be reimbursed Expenses.

CXXXIX. And be it enacted, That no Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the General Board of Health, nor against the Local Board of Health, or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, for any thing done or intended to be done under the Provisions of this Act, until the Expiration of One Month next after Notice in Writing shall have been delivered to him, or left at their or his Office or usual Place of Abode, clearly and explicitly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice be proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder; and any Person to whom any such Notice of Action is given as aforesaid may tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be not accepted may plead such Tender in bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinue, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered be insufficient, the Defendant may, by Leave of the Court, at any Time before Trial, pay into Court, under Plea, such Sum of Money as he may think proper, and (by the like Leave) may plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding.

Notice of Action.

Limitation of Actions.

Venue.

General Issue.

Tender of Amends, &c.

Money may be paid into Court.

CXL. And be it enacted, That no Matter or Thing done or Contract entered into by the Local Board of Health, nor any Matter or Thing done by any Superintending Inspector, or any Member of the

Persons acting in execution of Act not to

be personally liable.

the said Local Board, or by the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, shall, if the Matter or Thing were done or the Contract were entered into *bonâ fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Local Board, Member, Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Miscellaneous.

Orders in Council and Provisional Orders may be amended, and Districts extended.

CXLI. And be it enacted, That Her Majesty may from Time to Time alter or amend any Order in Council made under or in pursuance of the Provisions of this Act, by any subsequent Order in Council, in such Manner as Her Majesty, by and with the Advice of Her Privy Council, may think proper; and if at any Time it appear to the General Board of Health that any Provisional Order made by them under this Act should be altered or amended, or that the Boundaries of any District should be altered or extended, they shall make a Provisional Order under their Hands and Seal of Office accordingly: Provided always, that no Order in Council or Provisional Order as last aforesaid shall be made until such Proceedings have been taken in and with respect to the District and Parts to be affected thereby as are herein-before required to be taken previously to the original Constitution of a District under this Act; and no such Provisional Order shall be of any Force or Effect without the previous Authority of Parliament, as herein-before prescribed with respect to Provisional Orders made under this Act.

Publication of Orders in Council, &c.

CXLII. And be it enacted, That all Orders in Council under this Act shall take effect and be in full Force and Operation within the District to which they apply from and after a Day which shall be specified in such Orders for that Purpose; and a Copy of every such Order shall be published in the *London Gazette*, and shall be laid before Parliament in the Month of *January* in every Year, if Parliament be then sitting, or if Parliament be not then sitting then within One Week after the next Meeting thereof; and whenever any Provisional Order of the General Board of Health is submitted to Parliament for Confirmation, the said General Board shall present to both Houses of Parliament a Copy of all Reports of any Superintending Inspector with respect to the Parts to which the Provisional Order relates, and of all Memorials forwarded to the said General Board with respect to such Reports.

Reports of Superintending Inspectors, &c. to be laid before Parliament.

Entry upon Lands for the Purposes of this Act.

CXLIII. And be it enacted, That in case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, or ascertaining or fixing Boundaries, and the Owner or Occupier of such Lands or Premises shall refuse to permit the same to be entered upon, examined, or laid open for the Purposes aforesaid or any of them, the Local Board of Health may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such Local

Local Board, and the Superintending Inspector, Surveyor, and Inspector of Nuisances, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause shall be shown against the same the said Justices may make an Order authorizing the same accordingly, and thereupon any Superintending Inspector, the Local Board of Health, or any Member thereof, the Surveyor, and Inspector of Nuisances, and any Person authorized by any such Superintending Inspector, Local Board, Surveyor, or Inspector of Nuisances, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as shall be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided always, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless Twenty-four Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, be given to the Occupier of the Premises intended to be entered.

Compensation in case of Damage by Local Board.

CXLIV. And be it enacted, That full Compensation shall be made, out of the General or Special District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Sewers, &c. of Commissioners of Sewers private Watercourses, &c., not to be used without Consent.

CXLV. And be it declared and enacted, That nothing in this Act shall be construed to authorize the Local Board of Health to use, injure, or interfere with any Sluices, Flood-gates, Sewers, Groynes, Sea Defences, or other Works already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing Path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors or Undertakers of any Canal or Navigation, shall or may be interested, without Consent in Writing first had and obtained; and that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation, as last aforesaid.

Local Board may allow Owners Time for Repayment of Expenses.

CXLVI. And be it enacted, That in any Case in which the Local Board of Health may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the said Local Board may,

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may, if they think fit, allow such Owner Time for Repayment, and receive the same by such annual Instalments, not being less than One Thirtieth Part of the entire Sum, together with Interest at the Rate of Five Pounds in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment be allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time, in case of Default in Payment at the Times respectively appointed for Payment, be recoverable in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

False Evidence punishable as Perjury.

CXLVII. And be it enacted, That every Person who upon any Examination on Oath under the Provisions of this Act shall wilfully and corruptly give false Evidence shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury.

Penalty for obstructing Officers, defacing Boards, &c.; upon Occupiers preventing Execution of Works.

CXLVIII. And be it enacted, That whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board of Health, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board upon which any Bye Law, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local or General Board of Health, be liable for every such Offence to a Penalty not exceeding Five Pounds; and if the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall, by Order in Writing (which may be according to the Form contained in the Schedule (F.) to this Act annexed, or to the like Effect), require such Occupier to permit the Execution of the Works required to be executed, provided that the same appear to such Justice to be such as are necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal; and if the Occupier of any Premises, when requested by or on behalf of the Local Board of Health to state the Name of the Owner of the Premises occupied by him shall refuse or wilfully omit to disclose or wilfully mis-state the same, any Justice may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if after being so summoned he neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

Occupiers to disclose Owners Name.

Consents of Board of Health and

CXLIX. And be it enacted, That whenever the Consent, Sanction, or Approval or Authority of the General Board of Health is required

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by the Provisions of this Act, the same shall be in Writing under their Seal and the Hands of Two or more Members thereof; and whenever the Consent, Sanction, Approval, or Authority of the Local Board of Health is so required the same shall (in the Case of a Noncorporate District) be in Writing under their Seal and the Hands of Five or more of them, or (in case of a Corporate District) under their Common Seal.

Local Board to be in Writing.

CL. And be it enacted, That any Summons, Notice, Writ, or Proceeding of any Kind whatsoever to be served upon the Local Board of Health may be so served by being left at or sent through any Post Office, directed to the Local Board of Health at their Office, or by being delivered there to the Clerk personally; and in all Cases in which any Notice is by this Act required to be given to the Owner or Occupier of any Premises it shall be sufficient to address the Notice to them by the Description of the "Owner" or "Occupier" (as the Case may require) of the Premises (naming them) in respect of which the Notice is given, without further Name or Description; and the Notice shall be served upon them or One of them, as the Case may require, either personally or by delivering the same to some Inmate of his or their Place of Abode, or in the Case of the Occupier (and also in case of the Owner, if his Place of Abode be unknown,) upon any Inmate of the last-mentioned Premises, or if such Premises be unoccupied, then, in case the Notice is required to be served upon the Occupier, (and in case of the Owner also, if his Residence be unknown,) it shall be sufficient to fix the Notice upon some conspicuous Part of the Premises: Provided always, in the Case of Notices to the Owner, that, although his Place of Abode be known to the Local Board of Health, yet, if it be not within the Limits of their District, it shall be sufficient for them to transmit any Notice, directed to him by Name, through the Post.

Service of Notice upon Local Board; upon Owners and Occupiers.

CLI. And be it enacted, That no Advertisement inserted or caused to be inserted by the General or Local Board of Health in the *London Gazette* or any Paper or Publication under this Act, or for the Purpose of carrying the same into effect, nor any Deed, Award, Submission, Instrument, Contract, Agreement, or Writing made or executed by the said General or Local Board, their Officers or Servants, under or for the Purposes of this Act, nor any Appointment by the General or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever; and in case any Vault, Cellar, or underground Room of any House containing, at the Time of the passing of this Act, Seven Windows or Lights only, shall have been let or occupied separately as a Dwelling before the passing of this Act, without any external Window, or such an external Window as is required by the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms, and it shall become necessary, by reason of such Provisions, to make such an external Window as is required thereby, in order that such Vault, Cellar, or underground Room may lawfully be let or occupied separately as a Dwelling, the making only of such external Window shall not render any Person liable in respect of such House to the Duties payable for a House having Eight Windows

Exemptions from Stamp Duty.

Exemption from Window Duty in certain Cases.

dows or Lights, any thing in any Act of Parliament to the contrary notwithstanding.

Amendment of Act, &c.

CLII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Voting Paper.

District of

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Rate-payer.

Directions to the Voter.

The Voter must write his Initials against the Name of every Person for whom he votes, and must sign this Paper.

If the Voter cannot write he must affix his Mark, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against the Name of every Person for whom the Voter intends to vote.

If a Proxy vote he must in like Manner write his Initials, sign his own Name, and state in Writing the Name of the Corporation or Company for whom he is Proxy.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Names of the Nominators.	Address of the Nominators.
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.

I vote for the Persons in the above List against whose Names my Initials are placed.

Signed _____

or The Mark of _____

Witness to the Mark.

or _____ Proxy for _____

SCHEDULE (B.)

Form of Mortgage of Rates.

By virtue of the Public Health Act, 1848, the Local Board of Health for the District of in consideration of the Sum of paid to the Treasurer of the said District by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates arising or accruing by virtue of the said Act from [*the Rates mortgaged*] as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said Principal Sum shall be repaid on the Day of at [*Place of Payment*]. Dated this Day of One thousand eight hundred and

[*In case of a Noncorporate District, to be signed by Five Members at least of the Local Board of Health, and sealed with their Seal; in case of a Corporate District, to be sealed with the Common Seal.*]

SCHEDULE (C.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage bearing Date the Day of and made by the Local Board of Health for the District of for securing the Sum of and Interest thereon at per Centum per Annum [*or if such Transfer be by Endorsement on the Mortgage, insert, instead of the Words immediately following the Word "Assigns," the within Security*], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

A.B. (L.S.)

SCHEDULE (D.)

Form of Distress Warrant.

To *A.B.* Collector of Rates, and to all Constables and Peace Officers.

County of [*or* Borough, *&c.*] to wit. } Whereas Complaint hath been duly made by *A.B.*, One of the Collectors for the District of under and by virtue of the Public Health Act, 1848, that *C.D.* of, *&c.* hath not paid and hath refused to pay the Sum

Sum of duly assessed upon him in and by a certain Rate bearing Date on or about the Day of in the Year of our Lord One thousand eight hundred and although the same hath been duly demanded of him: And whereas it appears to me *E. F.*, Esquire, One of Her Majesty's Justices of the Peace in and for the said County [*or* Borough, *&c.*], as well upon the Oath of the said *A. B.* as otherwise, that the said Sum of hath been duly demanded in Writing by him from the said *C. D.*, and that the said hath refused to pay the same for the Space of Fourteen Days after such Demand made, and doth refuse to pay the same: And whereas the said *C. D.* hath been duly summoned to appear before me to show Cause why the said Sum should not be paid by him, and not having shown to me any sufficient Cause why the same should not be paid, These are therefore, in Her Majesty's Name, to command you to levy the said Sum of and also the Sum of the Costs of proceeding to obtain this Warrant, by Distress and Sale of the Goods and Chattels of the said *C. D.*, and your reasonable Charges of taking, keeping, and selling the said Distress, rendering to him the Overplus (if any), on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of the said *C. D.*, that then you certify the same to me, together with this Warrant, to the end that such further Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, the Day of in the Year of our Lord

(Signed) *E. F.* (L. S.)

SCHEDULE (E.)

Form of Conviction.

County of [*or* Borough, *&c.*] to wit. } Be it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me [*or* us] One [*or* Two] of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of [*here describe the Offence generally, and the Time and Place when and where committed, in the Words of this Act, or as near thereunto as may be*], contrary to the Public Health Act, 1848; and I [*or* we] do adjudge that the said *A. B.* hath forfeited for his said Offence the Sum of [*Amount of Penalty adjudged*], and that he do pay to *C. D.* the further Sum of as and for his Costs in this Behalf.

Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above written.

(Signed) (L. S.)
(L. S.)

SCHE-

SCHEDULE (F.)

Form of Order to permit Execution of Works by Owners.

County of [or Borough, &c.] to wit. } WHEREAS Complaint hath been made to me, *E. F.* Esquire, One of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of by *A. B.*, Owner, within the Meaning of the Public Health Act, 1848, of certain Premises, to wit, a House [*as the Case may be*] situate in Street [*as the Case may be*] in the Parish of in the said County [*or* Borough, *&c.*], that *C. D.*, the Occupier of the said Premises, doth prevent the said *A. B.* from obeying and carrying into effect the Provisions of the said Act in this, to wit, that he the said *C. D.* doth prevent the said *A. B.* from [*here describe the Works generally, according to Circumstances, for instance, thus:* constructing and laying down, in connexion with the said House, a covered Drain, so as to communicate with a [Sewer *or* Drain] of the Local Board of Health of the District of [*or* a Sewer, *&c.* which the Local Board of Health of the District of are entitled to use, *as the Case may require*], such Sewer being within One hundred Feet of the said House]: And whereas the said *C. D.*, having been duly summoned to answer the said Complaint and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A. B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C. D.* do permit the said *A. B.* to execute the same in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and .

E. F (L. S.)

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