CHAPTER clxxix.

An Act to make further provision for the Improvement Health and Good Government of the Borough of Dewsbury and for other purposes. [28th July 1891.]

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WHEREAS the borough of Dewsbury in the west riding of the County of York is a municipal borough under the government for municipal and other purposes of the mayor aldermen and burgesses of the borough (hereinafter called the Corporation) who are also the urban sanitary authority for the district of the borough:

And whereas by the Dewsbury Improvement Act 1884 provision was made for the general improvement and good government of the borough:

And whereas the said Act requires amendment in various particulars and it is expedient to make further and better provision with respect to streets sanitary and other matters in this Act contained:

And whereas the Corporation contemplate purchasing the lands situate within the borough known as the Crow Nest estate and the laying out and maintaining thereof or of some part thereof as a public park and pleasure ground and it is expedient that provision be made for the regulation and enjoyment thereof when so purchased or acquired:

And whereas the Corporation have created under the powers contained in the Dewsbury Improvement Act 1884 two redeemable stocks to the amount of two hundred and fifty thousand pounds bearing interest at three and a half per centum and one hundred thousand pounds bearing interest at three per centum and such stocks do not form one and the same class of stock within the meaning of section two hundred and twenty of the Dewsbury Improvement Act 1884 and it is expedient to confirm the creation of the said stocks and to regulate the creation and issue of redeemable stock in the future by the Corporation:

And whereas it is expedient that provision be made in regard to the period of repayment of a loan of thirty thousand pounds

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or part thereof raised by the Corporation for or in connexion with their town hall:

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

And whereas estimates have been prepared by the Corporation for the acquisition of land for or the execution of the following works or both and such estimates are as follows:—

For the acquisition of land and the erection of buildings for a public library or other purposes of the Public Libraries (England) Acts 1855 to 1890 six thousand five hundred pounds;

For the acquisition of land and the erection of buildings for public baths or other purposes of the Baths and Wash-houses Acts nine thousand five hundred pounds;

For the completion furnishing and fitting up of the Town Hall sixteen thousand pounds;

For works in connexion with Dewsbury Beck and other water-courses in the borough ten thousand pounds;

For the acquisition of land for a market and the laying out of lands so acquired as a market and the erection of market buildings twenty thousand pounds:

And whereas the several works included in such estimates are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the thirteenth day of November one thousand eight hundred and ninety after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Dewsbury Reporter a local newspaper published and circulating in the borough s ch notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund or rate and the district fund or general district rate in equal proportions:

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

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eighth day of January one thousand eight hundred and ninety-one being no less than fourteen days after the deposit of the Bill in Parliament:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 as follows:—

PART I.

Preliminary.

Short title.

1. This Act may be cited as the Dewsbury Improvement Act 1891.

Division of Act into parts.

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

Part I.—Preliminary.
Part II.—Public park.
Part III.—Private street works.
Part IV.—Sanitary and other provisions.
Part V.—Finance and borrowing.
Part VI.—Supplemental.

Interpretation.

3. In the construction of this Act the following expressions have the meanings hereby assigned to them unless the context otherwise require:—

The expression "the borough" means the municipal borough of Dewsbury;

The expression "the Corporation" means the mayor aldermen and burgesses of the borough;

The expression "watch committee" means the watch committee of the borough appointed under the Municipal Corporations Act 1882;

The expressions "borough fund" "borough rate" "district fund" and "general district rate" mean respectively the borough fund borough rate district fund and general district rate of the borough;

The expression "Baths and Wash-houses Acts" means the following Acts (namely) 9 & 10 Vict. cap. 74 (An Act to encourage the establishment of public baths and wash-houses) 10 & 11 Vict. cap. 61 (An Act to amend the Act for the establishment of public baths and wash-houses) and 41 & 42 Vict. cap. 14 (the Baths and Wash-houses Act 1878) as the same are respectively amended and extended by any other Act of Parliament;

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The expression "existing" means existing immediately before the passing of this Act:

Subject as aforesaid in this Act words and expressions defined by the Public Health Act 1875 have the meanings respectively assigned to them by that Act.

Execution and limits of Act.

4. This Act shall be carried into execution by the Corporation acting by the council with all the powers privileges duties and obligations of the Corporation as a municipal authority and as an urban sanitary authority respectively This Act shall unless otherwise expressed or implied apply only to the borough.

PART II.

PUBLIC PARK.

Application of Part II. of this Act.

5. This part of this Act shall apply to so much of the Crow Nest estate if and when purchased or acquired as shall for the time being be appropriated by the Corporation as a public park and pleasure ground and the portion of the estate so appropriated is hereinafter referred to as the Crow Nest Park.

With respect to portions of park set apart for games.

6. The Corporation may if they think fit charge either generally or in special cases for the use of such part of the Crow Nest Park as the Corporation shall from time to time set apart for cricket football or any other game.

Power to provide apparatus for games.

7. The Corporation may provide apparatus for games and recreations for the use of the public frequenting Crow Nest Park and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus on such terms and conditions as they think proper.

Power to pay band &c.

8.—(1) The Corporation may pay or contribute towards the payment of any band or bands of music to perform in Crow Nest Park any sum not exceeding fifty pounds in any one year.

(2) The Corporation may erect and maintain band stands and enclosures adjoining thereto and may charge such fees (if any) as they think fit for the admission of persons to such enclosures while the band is playing.

Use of buildings in park.

9. The Corporation may let for such time and on such terms and conditions as they think fit any building in Crow Nest Park for the sale of refreshments (other than intoxicating liquors) and may appropriate any such buildings to any of the purposes of the Public Libraries (England) Acts 1855 to 1890 in addition to any buildings which may have been already or may be in future erected or appro-

priated in the borough for the purpose of these Acts or to any other purpose for which the Corporation may use or appropriate lands.

Intoxicating liquors not to be sold in Crow Nest Park except by resolution.

10. The Corporation shall not apply for an occasional licence for the sale of intoxicating liquors or permit the sale of intoxicating liquors within Crow Nest Park except in pursuance of a resolution duly passed at a meeting of the council after three clear days' notice of such meeting and the purpose thereof has been sent to each member of the council such notice to be in addition to the ordinary notices required for summoning such meeting.

PART III.

Private Street Works.

Definition of street.

11. "Street" in this part of this Act means (unless the context otherwise requires) a street as defined by the Public Health Act 1875 and not being a highway repairable by the inhabitants at large or a street belonging to or repairable by a railway company.

Incidental works.

12.—(1) The Corporation may include in any works to be done under section 150 of the Public Health Act 1875 or the Dewsbury Improvement Act 1884 with respect to any street or part of a street any works which they think necessary for bringing the street or part of a street as regards sewerage drainage level or other matters into conformity with any other streets (whether repairable or not by the inhabitants at large) including the provision of separate sewers for the reception of sewage and of surface water respectively.

(2) The Corporation in any estimate of the expenses of private street works may include a commission not exceeding five pounds per centum (in addition to the estimated actual cost) in respect of surveys superintendence and notices such commission when received to be carried to the credit of the district fund.

Apportionment of expenses.

13. In the apportionment of private improvement expenses against the premises fronting adjoining or abutting on the street or part of a street in respect of which the expenses are incurred the Corporation may if they think just resolve that in settling the apportionment regard shall be had to the following considerations (that is to say):—

(*a*) The greater or less degree of benefit to be derived by any premises from such works:

(*b*) The amount and value of any work already done by the owners or occupiers of any such premises.

They may also if they think just include any premises within the borough which do not front adjoin or abut on the street or part of a street but which in their opinion will be benefited by the

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works and may fix the sum or proportion to be charged against any such premises accordingly But no such premises shall be included unless there is an access thereto from the street in respect of which the expenses are to be incurred or from an immediately adjoining street.

Contribution by Corporation to expenses.

14. The Corporation if they think fit may at any time resolve to contribute the whole or a portion of any private improvement expenses and may pay the same out of the district fund or general district rate.

Power for Corporation to borrow for private street works.

15. The Corporation may from time to time with the sanction of the Local Government Board borrow on the security of the district fund and general district rates moneys for the purpose of temporarily providing for expenses of private street works mentioned in the Public Health Acts the Dewsbury Improvement Act 1884 or this Act and the powers of the Corporation to borrow under the Public Health Act 1875 shall be available as if the execution of those works were purposes of the Public Health Act 1875 And section 208 of the Dewsbury Improvement Act 1884 is hereby repealed.

Separate accounts of expenses of works.

16. The Corporation shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of the Public Health Acts the Dewsbury Improvement Act 1884 and this Act relating to private street works And all moneys recovered by the Corporation under this part of this Act in respect of street works shall be applied in the execution of other private street works or in repayment of moneys borrowed for the purpose of executing private street works.

Incorporating section 188 of Act of 1884.

17. For the purposes of this part of this Act section 188 of the Dewsbury Improvement Act 1884 is hereby incorporated with and forms part of this Act as if the provisions thereof had been hereby expressly re-enacted.

PART IV.

Sanitary and other Provisions.

Appropriation of land for public library and baths.

18.—(1) The Corporation may appropriate for the purposes of the Public Libraries (England) Acts 1855 to 1890 or for the purposes of the Baths and Wash-houses Acts or both all or any part of the land now vested in them situate in Wellington Road and Westgate and shall have the same powers in relation to such lands as they have in relation to land appropriated under the said Acts.

(2) The Corporation may use any building now or hereafter erected on such land for the purpose of both the Public Libraries

(England) Acts 1855 to 1890 and the Baths and Wash-houses Acts and may allot in the buildings such rooms and space for each of those purposes as they think fit and the Corporation shall pay the expenses incurred in relation to such building either for the purchase of land for such buildings or for the erection or maintenance thereof or otherwise out of money borrowed or moneys applicable for the purposes of the aforesaid Public Libraries Acts and Baths and Wash-houses Acts in such proportion as they think just.

(3) The Corporation may sell any existing baths or any fittings connected or used therewith for the best price that they can obtain for the same.

Appropriation of lands for markets.

19. The Corporation may appropriate certain lands situate in the borough in Vicarage Road and Long Causeway for the purposes of a market or the approaches thereto and may pay off out of moneys borrowed under this Act for market purposes the sum of one thousand two hundred pounds borrowed in connection with the purchase of such land.

Additional powers for cleansing Dewsbury Beck and watercourses in the borough.

20.—(1) The Corporation in addition to the works authorised by the Dewsbury Improvement Act 1884 with respect to Dewsbury Beck and other watercourses within the borough but subject to the provisions savings and exemptions in that Act contained with reference to such works may execute and maintain all or any of the following works (namely) They may—

Widen and straighten the course of or vary the depth of such beck or any such watercourse as they think fit;

Concrete pave line or support in such manner and with such materials as they think fit the bed and banks of such beck or any such watercourse;

Fence off or cover in all or any part of such beck or any such watercourse and do any works that may be necessary for preventing the overflow of such beck or watercourse; and

Generally do all such works as may be necessary for maintaining such beck and watercourse in a clean and safe condition.

(2) The Corporation and any person authorised by them shall have power at any reasonable time to enter upon any lands for the purpose of the execution or maintenance of any of the aforesaid works and in the execution thereof shall have power to divert stop up or otherwise alter any sewer or drain running out of or into such beck or any such watercourse so that no nuisance is occasioned thereby but the Corporation shall make compensation to any person upon whose lands they enter for any damage caused by them to such person by reason of such entry the amount of such compen-

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sation shall in case of dispute be determined by arbitration under the Public Health Act 1875.

(3) Provided always that nothing in this section shall authorise the Corporation to enter upon the railways stations or lands of any railway company or any lands over which any such railway is constructed without the consent in writing of such company and that in executing any works under this section in respect of any watercourse under or adjoining any such railway railway station works or lands as aforesaid the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of such railway company and the work shall be constructed or executed so as not to cause any injury to such railway station works or lands or any interruption to the passage of traffic over such railway.

Power to let rooms in town hall.

21. The Corporation may from time to time let or grant the use of any room or rooms in the town hall offices or buildings connected therewith to any person for such purpose and time and on such terms and conditions as they think fit and shall be deemed to have had such power before the passing of this Act.

Byelaws for public libraries &c.

22. The Corporation may make byelaws for the regulation and management of any public library in the borough under their control or of any other building room or place for the time being used for the purposes of the Public Libraries (England) Acts 1855 to 1890 and respecting the conduct of persons therein and may by such byelaws provide for the removal of any person guilty of a breach of any such byelaw by the servants of the Corporation or any constable.

Restrictions on betting in streets &c.

23.—(1) Any two or more persons assembled in any street or in any market place for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

(2) Section one hundred and sixty of the Dewsbury Improvement Act 1884 is hereby repealed.

Routes of processions during hours of divine service.

24.—(1) On application to the Corporation or to the watch committee by the minister or churchwardens or any officials of any church chapel or other place of public worship within the borough the Corporation or the watch committee may make orders for regulating the route by which processions with music or singing shall pass in the neighbourhood of such places of worship during hours of divine service on Sundays Christmas Day Good Friday or any day appointed for a public fast or thanksgiving.

(2) Any orders so made shall be printed and put up and kept up by the Corporation on or near the church chapel or place of public worship to which the same refer and in some conspicuous places near and leading thereto and elsewhere as the Corporation or the watch committee direct.

(3) Every wilful breach of any such order shall be deemed a separate offence against this section and every person committing any such offence shall be liable to a penalty not exceeding forty shillings.

(4) This section shall not apply to any of Her Majesty's regular reserve or auxiliary forces either naval or military.

Corporation to be local authority under Weights and Measures Act.

25. If and as soon as the Corporation acquire from the lord of the manor of Wakefield or from any other person the franchises rights and jurisdictions of the inspection and adjustment of weights measures and scales within the borough the Corporation shall be the local authority for carrying out the provisions of the Weights and Measures Acts 1878 and 1889 and any Act amending the same.

PART V.

Finance and Borrowing.

Removal of doubts as to creation of stock.

26. Notwithstanding anything contained in section two hundred and twenty of the Dewsbury Improvement Act 1884 the two redeemable stocks of two hundred and fifty thousand pounds and one hundred thousand pounds created by the Corporation shall be deemed to have been legally created although the same do not form one and the same class of stock and the Corporation may in exercising any power of borrowing by means of the creation of redeemable stock create such stock bearing the same dividend as either of the stocks so created by them And the said stock of two hundred and fifty thousand pounds and any other stock of the same class which may hereafter be created shall be called Dewsbury Corporation redeemable (three and a half per centum) stock and the said stock of one hundred thousand pounds and any other stock of the same class which may hereafter be created shall be called Dewsbury Corporation redeemable (three per centum) stock.

Period of repayment of certain loans already made.

27. Notwithstanding the provisions of the Municipal Corporations Act 1882 the period for repayment of the sum of thirty thousand pounds or any part thereof borrowed for or in connection with the town hall may be extended by the Local Government Board to such period (not exceeding sixty years from the date or dates on which the same shall have been borrowed) as that Board may by order determine and the Corporation shall after the issue of

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any such order make such alteration in the payments to the sinking fund established in respect of such loan as may be necessary after making allowance for the sums then standing to the credit of such fund to enable the money borrowed to be repaid within the extended period Provided that the amount of such altered payments shall be subject to the approval of the Local Government Board.

Power to borrow for certain purposes.

28. The Corporation may from time to time independently of any other borrowing power borrow at interest as follows (that is to say) :—

(1) On the security of the borough fund and rate—

(a) Towards the cost of the completion furnishing and fitting up of the town hall buildings and offices connected therewith any sum not exceeding sixteen thousand pounds;

(b) For the expenses of and connected with the acquisition of land and the erection of buildings and fittings for the purposes of the Public Libraries (England) Acts 1855 to 1890 any sum not exceeding six thousand five hundred pounds;

(c) For the expenses of and connected with the acquisition of land and the erection of buildings baths and fittings for the purposes of the Baths and Wash-houses Acts any sum not exceeding nine thousand five hundred pounds:

Provided that the moneys authorised to be borrowed for the purposes mentioned in this sub-section shall not be borrowed except with the sanction of the Local Government Board.

(2) On the security of the district fund and general district rate—

For the expenses of and connected with the works authorised under the Dewsbury Improvement Act 1884 and this Act with respect to Dewsbury Beck and other watercourses in the borough any sum not exceeding ten thousand pounds.

(3) On the security of the market tolls or other market revenue and the district fund and general district rate—

(a) For the purchase of lands for the purpose of a market and the approaches thereto and towards the cost of laying out the lands purchased as a market and of making approaches thereto and of erecting market buildings any sum not exceeding twenty thousand pounds;

(b) For the purpose of acquiring the franchises rights and jurisdiction manorial or otherwise over or in respect to fairs and the inspection and adjustment of weights measures and scales within the market limits of the

Corporation under section one hundred and eighteen of the Dewsbury Improvement Act 1884 such sums as may be from time to time required and may be from time to time sanctioned by the Local Government Board.

(4) On the security of (a) the borough fund and rate and (b) the district fund and general district rate in equal proportions—

For the payment of the amount of the taxed costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act such sum as may be required.

Repayment of money borrowed under this Act.

29.—(1) The Corporation shall pay off all moneys borrowed under this Act within the following periods (that is to say):—

Money borrowed with the sanction of the Local Government Board within such period as they shall prescribe;

Money borrowed for the payment of the costs of or in relation to the obtaining of this Act within ten years from the date of borrowing;

Money borrowed under this Act in relation to other matters within forty years from the date of the borrowing.

(2) Any such repayment shall be effected either by equal yearly or half yearly instalments of principal or of principal and interest or by means of sinking funds or partly by such instalments and partly by sinking funds.

Sinking funds.

30.—(1) Where the Corporation effect the repayment of any sum borrowed under this Act by means of sinking funds they shall in every year appropriate and set apart out of the funds rates tolls or revenue on the security of which money is borrowed under this Act such equal annual sum as will with the accumulation thereof by way of compound interest calculated at a rate not exceeding three and a half per centum be sufficient to pay off the whole of the principal moneys in respect of which such sinking fund is formed within the periods fixed for such repayment.

(2) The date for the commencement of such appropriation in respect of any sum borrowed under this Act shall be the thirty-first day of March next following the date on which such sum is borrowed.

(3) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and income thereof respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages debentures debenture stock or annuity certificates of any municipal corporation in Great Britain (other than the Corporation)

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granted or issued under any Act order or sanction under which such corporation are authorised to borrow money:

And if and as often as the income derived from such investment is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any deficiency shall be made good out of the respective funds or rates which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any such excess may be applied as part of such equal annual payments.

(4) The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based Provided also that when the amount standing to the credit of the sinking fund shall be equal to the amount of the loan outstanding for the repayment of which it was set aside the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Certain regulations of Public Health Acts as to borrowing not to apply.

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

Application of provisions of Dewsbury Improvement Act 1884 to borrowing under this Act.

32. With respect to the mode of borrowing money under this Act the following provisions of the Dewsbury Improvement Act 1884 shall apply with the necessary modifications and subject to the express provisions of this Act namely the sections numbered 211, 214, 216, 217 and 218.

Power to re-borrow.

33. If the Corporation pay off any moneys borrowed by them under the Dewsbury Improvement Act 1884 or this Act otherwise than by instalments appropriations or annual repayments or by

means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing and section 215 of the Dewsbury Improvement Act 1884 is hereby repealed.

Raising of borrowed money by stock and provisions as to loans fund.

34.—(1) For the purpose of raising any money to be borrowed under this Act the Corporation may create and issue corporation stock under the Dewsbury Improvement Act 1884.

(2) If the Corporation raise any such money by corporation stock the amount of the annual sums payable to the Dewsbury Corporation loans fund established as provided by that Act shall be such amount as with accumulation at not exceeding three and a half per centum will suffice to redeem at par such stock within the respective periods fixed for the repayment of the sums in respect of which the stock is raised.

(3) The half-yearly amount or other sums payable to the loans fund for the purpose of dividend on or the redemption of stock created and issued in respect of moneys borrowed under this Act shall be payable out of the respective funds rates tolls or revenue on the security of which the moneys are borrowed.

Amendment of Act of 1884 as to corporation stock.

35.—(1) From and after the passing of this Act the Corporation shall not create or issue any Dewsbury Corporation irredeemable stock.

(2) The Corporation shall not after the passing of this Act invest any portion of the loans fund formed for the redemption or extinction of Dewsbury Corporation redeemable stock in any statutory security of the Corporation.

Repeal of certain unexhausted borrowing powers.

36. The unexhausted borrowing powers of the Corporation mentioned in the schedule to this Act are hereby repealed.

PART VI.

Supplemental.

Notices.

37.—(1.) In the case of any notice or other such document under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

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(2) Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the Company at their principal office or place of business.

Local inquiries and costs of inspectors.

38.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

Proceeds of sale of lands to be treated as capital.

39. The proceeds of the sale of any lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation and for the time being charged upon the borough fund and borough rate or district fund and general district rate but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that moneys so applied in the discharge of borrowed moneys shall not be reborrowed.

Expenses of execution of Act.

40. All expenses incurred by the Corporation in carrying into execution the provisions of this Act which are not expressly provided for shall be defrayed by the Corporation out of the borough rate or general district rate as having regard to the objects of the expenditure they may deem proper.

Byelaws.

41. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to any byelaws from time to time made by the Corporation under the powers of this Act.

Restriction on taking houses of

42. The Corporation shall not under the powers of this Act without the consent of the Local Government Board take ten or

more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. A.D. 1891. labouring class.

For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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

44. Offences and penalties under this Act or under any byelaw made in pursuance thereof may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts. Recovery of penalties.

45. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts. Appeal.

46. All the costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation as to one moiety thereof out of the borough fund and as to the other moiety thereof out of the district fund or out of moneys to be borrowed under the provisions of this Act. Costs of Act.

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The SCHEDULE.

Unexhausted Borrowing Powers by this Act Repealed.

Act or sanction under which borrowing power is conferred.	Amount of unexhausted borrowing power repealed.		
	£	*s.*	*d.*
Sanction of the Local Government Board under the Public Health Act 1875 dated the 8th June 1871 -	301	0	0
Sanction of the Treasury under the Baths and Wash-houses Acts dated the 25th May 1871 - -	400	0	0
Dewsbury Improvement Act 1884 (in respect of street works) - - - - - -	9,000	0	0
Dewsbury Improvement Act 1884 (in respect of sewerage works) - - - -	15,000	0	0
Lancashire and Yorkshire Railway Act 1888 (section 7)	4,000	0	0
	28,701	0	0

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