CHAPTER cxxxvi.

An Act to amend the Acts relating to the Municipality and Police and Roads and Streets of the City and Royal Burgh of Edinburgh, and to confer further sanitary powers on the Magistrates and Council thereof; and for other purposes. [21st July 1891.]

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WHEREAS the Edinburgh Municipal and Police Act, 1879 (hereinafter referred to as "the Act of 1879"), has been amended by the Edinburgh Municipal and Police Extension Act, 1882 (hereinafter referred to as "the Act of 1882"), and those Acts have been further amended and extended by subsequent local Acts applicable to the city and royal burgh of Edinburgh, passed in the years 1885, 1887, and 1890, and the said Acts of 1879 and 1882 are together hereinafter referred to as "the Acts of 1879 and 1882," and the same are also, along with the said Acts passed in the years 1885, 1887, and 1890, hereinafter referred to as "the Acts of 1879 to 1890":

And whereas it is expedient that the provisions of the said Acts, or some of them, relating to sanitary and police administration and other matters within the city and royal burgh of Edinburgh, should be enlarged and amended:

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

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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Edinburgh Municipal and Police (Amendment) Act, 1891; and where the Act of 1879 and the Act of 1882 and the foresaid Acts passed in the years 1885, 1887 and 1890 are referred to in conjunction with this

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Act, they may be cited as the Edinburgh Municipal and Police Acts, 1879 to 1891.

Incorporation of sections of Act of 1879.

2. Subject to the provisions of, and so far as not inconsistent with, this Act, the provisions of sections 33, 308, 311, 312, 313, 315, 316, 353 as amended by this Act, 355 and 360 of the Act of 1879 are mutatis mutandis incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act, and for the purposes of this Act, unless there be something in the subject or context inconsistent with or repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts of 1879 to 1890 have the same respective meanings:

"The Edinburgh Municipal and Police Acts" mean and include the Acts of 1879 to 1890, as amended by this Act, and this Act;

"House" means a dwelling-house and every part thereof;

"The city" means the city and royal burgh of Edinburgh, according to the boundaries thereof at the passing of this Act as defined and extended by the Edinburgh Municipal and Police Extension Act, 1890;

"Medical officer of health" means the medical officer of health of the city, and includes any registered medical practitioner who, in the absence of the medical officer of health, may for the time be appointed by the magistrates and council to discharge his duties;

"Sky-signs" mean and include any board, letter, model, sign, device or representation in the nature of or intended as an advertisement, announcement or direction, supported on any pole, standard or framework, on or from any house or building, and visible against the sky;

"Drains" shall, for the purposes of and when occurring in this Act, include soil pipes, waste pipes, rain conductors, traps, cesspools, and all connections required in any drainage system of a house or building;

"Daily penalty" means a penalty for each day an offence continues after conviction thereof.

Lighting of common stairs, &c.

4. The owner or owners of common stairs, or passages, or private courts, or of houses or buildings in or entering or having a right of access by any common stair, or passage, or private court, shall provide, fit up and maintain and renew, in such common stairs, passages or private courts, all necessary lamps, brackets, and other means of lighting, and all necessary means of extinguishing the light, and

shall provide the necessary supply of gas or other light therefor; and such owner or owners shall further, on being required by the magistrates and council, within seven days next after service of an order for that purpose, provide and fit up, in such common stairs, passages or private courts, such number of lamps, brackets, and other means of lighting, and all such means of extinguishing the light as the magistrates and council may determine, and provide the necessary supply of gas or other light, as may be required by the magistrates and council, and shall maintain, alter, repair, and renew such lamps and brackets to the satisfaction of the magistrates and council, and in default of compliance with any order of the magistrates and council under this section, such owner or owners shall, each only in respect of any act or default of his own, be liable to a penalty not exceeding forty shillings, and a daily penalty of a like amount: Provided always, that the owner or owners so providing a supply of gas shall be entitled to recover the amount expended by such owner or owners in providing such supply, from the occupiers of every such house or building of the annual rent of ten pounds and upwards as appearing on the valuation roll, in, or entering or having access by the common stair, passage, or court, each such occupier being liable to pay his proportionate part of such amount according to the rent payable by each such occupier respectively: Provided further, that the occupier or occupiers shall in all cases clean, light and extinguish the lights, at such time or times as shall be fixed by the magistrates and council by special order, which they are hereby authorised to make, or by any byelaw of the magistrates and council; and any occupier failing to comply with any such special order, or any such byelaw, shall be liable to a penalty not exceeding forty shillings and to a daily penalty of like amount.

Power to magistrates and council to supply light and charge owner.

5. The magistrates and council may at any time and from time to time as they think fit, supply gas, or other light, and such lamps and brackets and means of extinguishing the light as they may consider necessary for such common stairs, passages, or private courts as they may deem expedient, or to such as are not in their opinion sufficiently lighted, and may, by their inspector of lighting, or any other officer or servant of the magistrates and council, clean any lamps and brackets therein and light and extinguish the same, and for that purpose the inspector of lighting, or any other officer or servant of the magistrates and council, shall be entitled to require and shall have access to and from all such common stairs, passages, or private courts at all times, and the magistrates and council may, in such cases as they think fit, recover the expense thereof by the collector as a debt, to an amount not exceeding the sum of forty shillings for

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each burner per annum, from the owner, or if there are more owners than one, then proportionately from each owner according to the rental of the properties of each owner in any house or building or part thereof, to which access is obtained by such common stair, passage, or private court, and such owner or owners shall be entitled to recover the amount from the occupiers in all cases where the annual rent of any such house or building shall be ten pounds or upwards as appearing in the valuation roll, each such occupier being liable to pay his proportionate part of such amount according to the rent payable by him.

Areas, &c., to be cleansed by occupiers.

6. All private courts, yards, areas, roofs of out-buildings in the same, and other places which are not cleansed by scavengers appointed by the magistrates and council, shall be kept clean to the satisfaction of the inspector of cleansing by or at the expense of the occupiers of such courts, yards, areas, roofs of out-buildings or other places respectively; and if such courts, yards, areas, roofs therein, or other places shall not be so kept clean, the occupiers thereof or such of them as in the judgment of the judge of police may be in default shall in addition to the expense of cleaning the same be liable to a penalty not exceeding ten shillings for every such offence: And the word "occupiers" in this section shall include all persons having a right to use such courts, yards, areas or other places for any purpose whatever; or if the magistrates and council think fit they may at any time cleanse all such private courts, yards, areas, roofs therein, and other places, and charge the expense thereof to the burgh assessment, or if the property is unoccupied, they may charge such expense to the owner or owners, and may sue for and recover the amount thereof from such owner or owners as a debt in any competent court.

Common stairs, passages and basements to be kept in repair.

7. The owners of houses or buildings in, or entering, or having access from, common stairs and common passages and basements, shall keep the steps, landing places and passages in a proper state of repair, and provide and keep in proper repair rails at the side of such stairs, landing places and passages, all to the satisfaction of the burgh engineer, and when required by him shall fence, in such manner as he shall direct, all windows in such common stairs and passages and basements, and shall provide and maintain in good repair all doors of common stairs and doors to all cellars opening into all such common stairs and common passages and basements; and any owner who fails within two weeks to comply with the provisions of this section or any of them, after notice served on him by the burgh engineer, shall be liable in a penalty not exceeding five pounds, and a daily penalty not exceeding forty shillings.

Water and water closets.

8. The owner of every house within the city, into which water has not already been introduced, shall, when required by the magistrates and council, introduce water into every such house, and shall fit up in some window recess, or other well-lighted and ventilated place, a sink, with a sufficient waste pipe, disconnected from the sewer by means of a proper trap; and the owner of every house which consists of not more than two apartments shall also provide to the satisfaction of the magistrates and council, adequate and suitable water closet accommodation convenient to such house; and the owner of every house which consists of more than two apartments shall provide, to the satisfaction of the magistrates and council, adequate and suitable water closet accommodation within such house or otherwise as may be deemed advisable by the magistrates and council, in all cases with proper soil pipes; and every water closet hereafter to be constructed shall be placed in such a position that one of its sides shall be an external wall with a window therein, containing an area of at least four superficial feet, one half of which shall be made to open, or in the case of a water closet placed next to the roof, the same may be lighted and ventilated therefrom to the satisfaction of the magistrates and council; and all such sinks, waste pipes, soil pipes and water closets shall be properly supplied with water, trapped and ventilated so as to prevent any leakage or effluvium therefrom; and all sinks, waste pipes, soil pipes and water closets already existing, or which may be fitted up under the provisions hereof, shall be kept in complete repair by the owner: Provided always that the magistrates and council shall give notice in writing to owners of houses which are not in conformity with these provisions requiring them, within a period to be specified in such notice, to make the necessary alterations and execute the necessary works; and any owner not complying with such notice within the said period shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.

Penalty for keeping premises in insanitary condition.

9. Every person who accumulates or suffers to remain within any enclosure, area, house, building, garret, cellar, basement, or other apartment any dung, soil, dirt, ashes, soot, filth, or other offensive matter or thing, and every person occupying any house who keeps the same, or any building or place or appurtenant thereof, or any water closet or sink in a dirty, unwholesome or unhealthy condition, shall, after notice shall have been served upon him by the inspector of cleansing to cleanse the same, be liable, if he make default in complying with such notice, to a penalty not exceeding forty shillings, and to a daily penalty not exceeding twenty shillings.

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Discharging fire arms, missiles, &c.

10. Every person who, within the city, or in any street or court, or common stair or passage, or in any public park or private garden, green, court or place therein, to the obstruction, annoyance or danger of any person or persons, discharges any firearm, or throws or discharges any stone or other missile, or makes any bonfire, or sets fire to any firework, or throws any ignited firework, shall be liable to a penalty not exceeding forty shillings.

Blasting operations.

11. It shall not be lawful, without giving forty-eight hours previous notice to the burgh engineer, to do or cause to be done any blasting operations within the city; and the burgh engineer may require the person intending to carry out any such blasting operations to take all such precautions as to the burgh engineer shall seem reasonable for the prevention of danger or annoyance to the public; and any person doing or causing to be done any such operations as aforesaid without having previously given such notice, and taken such precautions as the burgh engineer may direct, shall be liable to a penalty not exceeding five pounds.

Articles of bed or body clothing to be purified.

12. Where, on the certificate of the medical officer of health or of any two registered medical practitioners, it appears to the magistrates and council that any articles of bed or body clothing in any house or part thereof are in such a filthy or unwholesome condition that health is affected or endangered thereby, or that the cleansing or purifying or destroying of any such article is requisite to prevent risk of or to check infectious disease, the medical officer of health, or other person to be appointed by the magistrates and council, shall give notice in writing to the occupier of such house, or part thereof, requiring him, within a time to be specified in such notice, to cleanse or purify or destroy such articles of bed or body clothing as the case may require, to the satisfaction of the medical officer of health, or other person to be appointed by the magistrates and council, and if the person to whom such notice is given fail to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings, and to a daily penalty of like amount; and the magistrates and council may, if they think fit, cause any such articles of bed or body clothing in any such house or part thereof to be cleansed or purified or destroyed, and may recover in a summary manner, as damages, the expenses incurred by them in so doing from the person in default.

Removal of persons from infected houses.

13. Where it is certified by the medical officer of health or by any two registered medical practitioners that it would be expedient, for the purpose of avoiding or checking the spread of infectious disease within any house, or tenement of houses, to remove all or

any of the persons not suffering from infectious disease residing in or occupying, whether as tenants or lodgers, any such house, it shall be lawful for any magistrate or the judge of police, on the application of the prosecutor and on production of such certificate, to grant warrant to remove summarily such persons, and to provide accommodation for such persons as may be so removed in any reception or quarantine wards in hospitals, or in any other house or building which may be provided by the magistrates and council, and the magistrates and council may maintain such persons therein for such time as they think fit, and such warrant shall be sufficient authority for any constable or officer of the magistrates and council, or other person authorised by them, to compel the removal of such persons as aforesaid, and to prevent the return of such persons to such infected house until in the opinion of the medical officer of health all risk of further infection has ceased; and every person who shall fail to comply with such order shall be guilty of an offence, and shall be liable to a penalty not exceeding forty shillings, and to a daily penalty of like amount.

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

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

Bodies of persons dying in hospital, &c., of infectious diseases to be removed only for burial.

15. If any person dies from any infectious disease in any hospital or place of temporary accommodation provided by the magistrates and council, and the medical officer of health or the medical attendant upon such person certifies that in his opinion it is desirable, in order to prevent the risk of communicating infectious disease or spreading infection, that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person to remove such dead body from such hospital or place except for the last-mentioned purpose; and when the dead body is taken out of such hospital or place for that purpose, it shall be forthwith carried or taken directly to some cemetery or place of burial, and shall be forthwith there buried: And any person wilfully offending against the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

Certificate required before removal of body by

16. It shall not be lawful to convey the body of any person who has died of any infectious disease by railway or other public conveyance, not being a conveyance reserved for such purposes, unless and until the medical officer of health has certified that every

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railway, &c., of person who died of infectious disease.

precaution necessary for the public safety has been adopted to his satisfaction, and any undertaker or other person who shall without such certificate, knowingly remove, or assist in removing, and any person who shall procure or endeavour to procure the removal of such dead body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Penalty on guardian permitting infected child to attend school.

17. Every parent or person having care or charge of a child who is or has been suffering from infectious disease, or who resides in a house where such disease exists, or has existed, within a period of six months, who shall knowingly or negligently permit such child to attend school without procuring and producing to the teacher or person in charge of such school a certificate from the medical officer of health, which he shall grant free of charge, or from some registered medical practitioner, that such child has become free from disease and infection, and that the house and everything therein exposed to infection have been disinfected to the satisfaction of the medical officer of health, or some registered medical practitioner, shall be liable to a penalty not exceeding forty shillings.

Penalty on teacher permitting infected children to attend school.

18. Any teacher or person in charge of any school, who shall knowingly permit any child to attend such school in contravention of the provisions of this Act, shall be liable to a penalty not exceeding forty shillings.

Penalty on exposing bedding, &c., exposed to infection.

19. Every person who, after notice by the medical officer of health or by such other person as may be appointed by the magistrates and council. knowingly washes or exposes, or permits to be washed or exposed, in a washing house or on a washing green provided for the common use of two or more tenants or families, any bedding, clothing, or other articles which have been exposed to infection from any infectious disease, and which have not been, previous to such washing or exposure, disinfected at the place provided by the magistrates and council for the purpose, or otherwise to the satisfaction of the medical officer of health, or of some registered medical practitioner, as certified by him in writing, and every person who shall sell, pawn, or deliver to another any such bedding, clothing, or other articles, shall be liable to a penalty not exceeding forty shillings.

Power to inspect meat, &c.

20. Any officer of the magistrates and council, or any other person who may be appointed by the magistrates and council, may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, butter, eggs, or any other article exposed or being conveyed for sale, or deposited in any place for the purpose of sale, or preparation for

sale, and intended for human consumption, the proof that the same was not exposed, or being conveyed, or deposited for any such purpose, or was not intended for human consumption, resting with the party charged; and if any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, butter, eggs, or other article, appears to any such officer, or any other person who may be appointed as aforesaid, to be diseased or unsound or unwholesome, or unfit for human consumption, he may seize and carry away the same himself, or by an assistant, in order to have the same dealt with by the judge of police, who shall have power to order the same to be destroyed; and should he seize the same in a public thoroughfare, may require the person conveying the same to give his own name and address and that of the owner of the article seized, and in default, or if such officer or other person appointed as aforesaid have reasonable ground for suspecting the names or addresses so given to be false, may detain such person and give him into custody until his real name and address be ascertained. Any person giving a false name or address to any officer authorised to demand the same under this section shall be liable to a penalty not exceeding five pounds.

Search warrant may be granted by a magistrate.

21. On complaint made on oath by any officer of, or by any other person duly authorised by the magistrates and council, the judge of police or any magistrate may grant a warrant to such officer or person to enter any house or building in which such officer or person has reason for believing that there is kept or concealed any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, butter, eggs, or other article which is intended for sale for or which might be used for human consumption, and is diseased, unsound, or unwholesome, or unfit for human consumption, and to search for, seize and carry away any such animal, carcase, or other article in order to have the same dealt with by the judge of police under the provisions of this Act.

Any person who obstructs any such officer or person in the performance of his duty, under such warrant, shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

Power to proceed against original seller of diseased meat, &c.

22. Where any person is charged before the judge of police with the offence of selling or exposing or conveying for sale, or of having in his possession for sale or preparation for sale any unsound or diseased meat, or any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, butter, eggs, or any other article unfit for human consumption, and intended for such consumption, the prosecutor may, if he thinks fit, also proceed against the person

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who sent or consigned or from whom the person so charged purchased such carcase, meat or things (in this section called the original owner) as if he were an offender art and part with the person so charged, and as if he had committed such offence within the city, provided that such carcase, meat or things were unsound or diseased, or unfit for human consumption at the time of the sale thereof by the original owner to the person so charged; and the purchase by the person so charged, or by any one on his behalf, from the original owner, wheresoever made or carried out, shall be taken and deemed to be a sale by the original owner of the carcase, meat or things in question within the city, in premises kept and used for the sale of the same; and the penalty and punishment provided by this Act shall also be applicable to and be leviable and recoverable from the original owner, and all the powers, authorities, jurisdiction, and forms of procedure given and provided by the Edinburgh Municipal and Police Acts, or any of them, with reference to such offence shall be applicable to the prosecution, trial and punishment of the original owner, the proof that such animal, carcase meat or things when so sold by the original owner were sound and fit for human consumption resting with the original owner.

Power to order destruction of unsound food.

23. If it appears to the judge of police that any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, butter, eggs, or other article seized as aforesaid, is diseased, or unsound, or unwholesome, or unfit for human consumption, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for human consumption; and the person to whom the same belongs, or did belong at the time of exposure or conveyance for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding twenty pounds for every carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour, or for the milk, butter, eggs, or other articles so condemned, or at the discretion of the judge of police without the infliction of a fine, to imprisonment for a term of not more than three months.

Milk dealers to supply information and produce invoices, &c., when required.

24. Whenever it shall be certified to the magistrates and council by the medical officer of health that the outbreak or spread of infectious disease within the city is, in the opinion of such medical officer of health, attributable to milk supplied by any cowkeeper, purveyor of milk, whether wholesale or retail, or occupier of a dairy, milk store, or milk shop, or to milk supplied by one or other of several such cowkeepers, purveyors of milk, whether wholesale or retail, or occupiers of dairies, milk stores, or milk shops—

(1) The magistrates and council may require such cowkeeper, purveyor of milk, or occupier, whether within or without the city, to furnish to them, within a time to be fixed by them, a full and complete list of the names and addresses of all his customers within the city so far as known to him, and such cowkeeper, purveyor of milk or occupier shall furnish such list accordingly, and the magistrates and council shall pay to him for every such list at the rate of sixpence for every twenty-five names contained therein, but no such payment shall exceed two shillings; and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings;

(2) The magistrates and council may require such cowkeepers or others to furnish to them, within a time to be fixed by them, a full and complete list of the names and addresses of the farmers, cowkeepers, milk dealers, or other parties from whom, during a period to be specified, the milk or any part of the milk which they sell or distribute was obtained, and, if required, to produce and exhibit to the medical officer of health, or any person deputed by him, all invoices, pass-books, accounts, or contracts connected with the consignment or purchase of milk during such period, and such cowkeepers or others shall furnish such lists and produce and exhibit such invoices, pass-books, accounts, or contracts accordingly; and every person who shall wilfully or knowingly offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings;

(3) In any case where the person liable to any penalty under this section is not resident within the city, such penalty may be sued for at the instance of the prosecutor before the sheriff of the county in which such person is domiciled;

(4) Every list of names and addresses furnished to the magistrates and council, under the provisions of this section, shall be deemed a confidential document, and shall not be published or otherwise disclosed unless by order of a court of law.

Sale of milk from an infected farm or dairy to be prohibited.

25. Whenever it shall be certified by the medical officer of health to the prosecutor that milk is being brought within the city from any farm, dairy or place beyond the city in which any person is suffering from infectious disease, or that in his opinion infectious disease is being spread or is likely to be spread by the sale or delivery of milk from any farm, dairy or other place, within or beyond the city and that the said milk is being sold or offered for

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sale in any shop or premises within the city, or distributed therein from carts or otherwise at the risk of communicating such disease to the inhabitants, the prosecutor shall apply to a magistrate or the judge of police for an order to prohibit the sale of such milk within the city from and after due intimation of such order, until the person affected has been removed, or shall have recovered from such disease, the premises have been disinfected and the bedding and clothing have been destroyed or thoroughly disinfected, and until it is certified by the medical officer of health that the said premises are free from infection and in a proper sanitary condition, and that the sale of milk from such place may be safely resumed, and every person contravening such order shall, for the first offence, be liable to a penalty not exceeding five pounds, and for a second and every subsequent offence to a penalty not exceeding ten pounds; and the prosecutor shall immediately intimate to the local authority under the Public Health Acts of the parish or burgh in which such farm, dairy or place is situated, the facts which have come to his knowledge regarding the same, in order that such further measures may be adopted in relation thereto as may be considered proper, and as may be within the province of the local authority.

Penalty for hindering officer from inspecting food.

26. Every person who, in any manner, prevents any inspector, officer or other person duly authorised or appointed by the magistrates and council, or any constable from entering any market, shop, stall, depôt, or other premises, at all hours during the day and night, and inspecting any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, butter, eggs or other article exposed or deposited for the purpose of sale, or of preparation for sale, and intended for human consumption, or who obstructs or impedes such inspector, officer or person or constable in the due performance of his duties, shall be liable to a penalty not exceeding five pounds.

Power to enter byres.

27. The medical officer of health, or any duly qualified veterinary surgeon who may be appointed for that purpose by the magistrates and council, may, from time to time, within reasonable hours, enter any byre or cowshed within the city or wherever situated, if the milk produced therein is being sent for sale within the city, and may inspect and examine any cow kept therein for the supply of milk, in order to determine whether such cow suffers from any disease which might render the use of the said milk dangerous or injurious to health.

Owners of cows to assist the

28. Every owner of any cow kept within the city for the supply of milk, or wherever kept if the milk is being sent for sale within the

city, and every person in charge of the same, shall render such reasonable assistance to the medical officer of health, or to any such veterinary surgeon who may be appointed as aforesaid, for the purpose of inspection and examination, as may be required by them, and any person refusing such assistance or obstructing the inspection shall be liable in a penalty not exceeding five pounds, and such penalty may be sued for and recovered by the prosecutor before the sheriff of the county in which such person is domiciled.

medical officer.

29. Every dairyman or keeper of a byre or cowshed, whose milk is sold within the city, who, after intimation has been made to him by the magistrates and council, or by the medical officer of health, or by any person on behalf of the magistrates and council, that any cow in his possession kept for the supply of milk for human consumption suffers from tuberculosis, or any disease which might render the use of such milk for human consumption dangerous or injurious to health, shall retain such cow in his possession, shall, unless the contrary be proved, be presumed to have sold the milk produced by such cow for human consumption, and shall be liable in a penalty not exceeding five pounds, and such penalty may be sued for and recovered before the sheriff of the county in which such person is domiciled, at the instance of the prosecutor.

Intimation to be given of diseased cows.

30. Every person who knowingly sells, or suffers to be sold or used for human consumption within the city, the milk of any cow which is suffering from tuberculosis, or any disease which might render the use of such milk dangerous or injurious to health, shall be liable to a penalty not exceeding ten pounds for each offence, and in any case where the person liable to a penalty under this section is not resident within the city such penalty may be sued for and recovered before the sheriff of the county at the instance of the prosecutor.

Penalty for selling milk of diseased cows.

31. The magistrates and council may at any time, and from time to time, appoint and pay, and may remove at pleasure, all such inspectors as they may deem necessary for, and in connection with, the inspection of any article intended for human consumption and to execute such of the powers and duties in relation thereto conferred by this Act, as the magistrates and council may prescribe or require, and also for the purpose of more effectually carrying out, under the authority of the magistrates and council, any of the powers under any public general Acts in force relating to the public health.

Appointment of food inspectors.

32. From and after the passing of this Act, and subject to the provisions in this Act contained, the carriage way, foot pavements and footpaths of all streets and courts within the city at present

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maintained by the magistrates and council, or the maintenance of which they may hereafter undertake or assume, shall be vested in and maintained, repaired and improved by the magistrates and council, who shall have the sole charge, control and superintendence of the same.

Private streets, how to be completed.

33. Where in any private street or court, houses or permanent buildings have been erected on one-half or more of the ground fronting or abutting on the same, or where such ground has been, otherwise than temporarily, enclosed and laid out to at least the said extent, and where such street or court is not, together with the foot pavements or footpaths thereof, made up, constructed, causewayed, paved, and in a complete and efficient state of repair, to the reasonable satisfaction of the magistrates and council, the magistrates and council may, if they think fit, by notice, call upon the owners of the lands and heritages fronting or abutting on such street or court to free the same and any foot pavements or footpaths thereof from obstructions, and to properly level, make up, construct, causeway, pave, channel and complete the same to the reasonable satisfaction of the magistrates and council within a time to be specified in such notice, and in case such notice is not complied with within the time so specified therein, the magistrates and council may themselves, at any time thereafter, cause any such street or court or part thereof, and any foot pavements or footpaths of the same, to be freed from obstructions, and to be properly levelled, made up, constructed, causewayed, paved and channelled and completed in such way and manner and with such materials as the magistrates and council may think fit, and the costs and expenses which may be incurred by them in connection therewith shall be recoverable as a debt from the owner or owners in default.

Vesting of private streets in magistrates and council.

34. If any private street or court, and the foot pavements and footpaths thereof, shall at any time be made up, constructed, causewayed, paved, and put into a complete and efficient state of repair, to the reasonable satisfaction of the magistrates and council, then, on application of the majority of the owners of lands and heritages fronting or abutting upon such street or court, or of the superior or owner of the ground on which such street or court has been formed, the magistrates and council shall declare the carriage way and the foot pavements and footpaths of such street or court respectively to be vested in the magistrates and council; and in the event of any such street or court, and the foot pavements or footpaths thereof having been made up, constructed, causewayed, paved, and put into a complete and efficient state of repair, on the requisition of the magistrates and council, and to their reasonable satisfaction,

the carriage way and foot pavements and footpaths of such street or court respectively shall thereupon be vested in the magistrates and council; and when such carriage way and foot pavements and footpaths shall be so vested in terms of the provisions of this section, the same shall thenceforth be maintained, repaired and improved by the magistrates and council: Provided always, that all private streets when assumed by the magistrates and council shall at all times be open to the public: Provided further that the magistrates and council shall have the charge, control and superintendence of all streets and courts, foot pavements and footpaths within the city by whomsoever maintained.

Temporary repairs on private streets, &c.

35. In the case of any private street or court or part thereof in which no houses or permanent buildings have been erected, or in which houses or permanent buildings have been erected on less than one-half of the ground fronting or abutting on the same, or in which such ground has been, otherwise than temporarily, enclosed and laid out to less than the said extent, or where, in the judgment of the magistrates and council, it is not expedient that any private street or court should be made up, constructed, causewayed or paved, channelled and completed, and put into a complete and efficient state of repair to the full extent, the magistrates and council may cause any such private street or court, or any part thereof, to be put into a state of temporary repair, to their reasonable satisfaction; and in carrying out the provisions of this section, the magistrates and council shall, by notice, call upon and require the owners of the lands and heritages fronting or abutting on such private street or court to execute all or some of the following works, as the magistrates and council shall, by such notice, require to be executed, as specified therein, namely:—

(1) The carriage way to be properly levelled, and laid with road metal or such macadamising material as they shall deem proper;

(2) Lines of kerb to be laid in such position, to such level, and of such size, shape and material as the magistrates and council may determine;

(3) Channels or gutters with gratings or gullies to be made to carry off the water;

(4) Temporary footways or crossings to be formed and made, using gravel, or road metal, or other materials, to secure the public convenience:

And the magistrates and council may from time to time in like manner and under like notice cause all such temporary works as may be necessary to be renewed, and in case any notice made under the provisions of this section is not complied with within the time

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specified therein, the magistrates and council may themselves execute all such work as aforesaid and all such renewals thereof which they think necessary as and when they think necessary or cause the same to be done, and the costs and expenses which may be incurred by the magistrates and council in connection with the carrying out of the provisions of this section shall be recoverable as a debt from the owner or owners in default.

Expenses on private streets, how to be charged.

36. All the costs, charges and expenses incurred by the magistrates and council, for and in connection with and incidental to works on the carriage way, foot pavements and footpaths, crossings, kerbs, gutters, gratings, or gullies, of any private street or court, and whether any such works are of a temporary or permanent character, shall in each case be ascertained by an account, under the hand of the burgh engineer or other officer of the magistrates and council authorised for that purpose, and shall be charged and allocated by the magistrates and council, at such times as they shall think fit, on the owners of the lands and heritages fronting or abutting on such street or court, in proportion to the extent to which the lands and heritages of each owner lineally front or abut; and in the case of any property where there are two or more owners the sum charged and allocated according to the proportion aforesaid, in respect of such property, shall be divided and recovered from such owners in proportion to the yearly rent or value therein of each such owner.

Relief of owners' expenses.

37. When any owner has well and substantially, and to the satisfaction of the magistrates and council, levelled, made up, paved, causewayed, macadamised and channelled any part of any private street or court, or of the footpaths or pavements thereof, or done any of such works, the magistrates and council may give such relief in the premises as to them shall appear to be just.

Expenses on private streets, drains, &c., how to be recovered.

38. The whole costs, expenses, charges and outlay by the magistrates and council for and in connection with works authorised by the Edinburgh Municipal and Police Acts on private streets or courts, or for and in connection with drains, or for and in connection with works authorised by the said Acts on private property, shall be recovered from the owners for the time being, whether they were owners when the work was done or not, by the collector as a debt at common law, with interest at the rate of five per centum per annum from the date when the first demand for payment of the same is made; and all such costs, expenses, charges and outlay shall, for a period of three years after the date of the act of the magistrates and council charging and allocating the same, be a burden on the

lands and heritages in respect of which such costs, expenses, charges and outlay were incurred: Provided always, that each owner shall be liable only for his own proportion of the said costs, expenses, charges and outlay, and where there are two or more owners of any property the amount due shall be apportioned by the magistrates and council among them rateably according to the yearly rent or value therein of each such owner: And failing payment by the owner the amount to the extent of any rent due or to become due may be recovered from the occupier, who shall be entitled to deduct the amount paid by him from the rent payable to the owner.

Tramway Acts not to be affected.

39. Nothing in this Act contained shall prejudice or affect any rights and privileges conferred, or obligations imposed or incumbent, on the Edinburgh Street Tramways Company and the Edinburgh Northern Tramways Company respectively under the several Acts for and relating to the construction and maintenance of tramways within the city.

Laying out new streets.

40. Every person who proposes to lay out or make any new street or court, or part of a street or court, shall give notice of such proposal to the magistrates and council, and shall (except in the case of any such new street or court, or such part of any such new street or court, for and in respect to which plans and sections shall have been submitted to and approved by the magistrates and council prior to the passing of this Act) submit plans and sections thereof for the approval of the magistrates and council, and such plans shall show the levels and width thereof, its intended position in relation to the streets nearest thereto, the intended lines of drainage, and the intended size, depth and inclination of each drain, and the details of the arrangements proposed to be adopted for the ventilation of the drains:

And the sections shall show the levels of the present surface of the ground above ordnance datum level, the level and rate of inclination of the intended street, the level and inclination of the streets with which it is intended such street shall be connected, and the level of the lowest drain in the intended street, and such plan, and the horizontal lengths of section, shall be to a scale of not less than one inch to every forty-four feet; and the vertical heights of section to a scale of one inch to every ten feet:

And the levels and widths of every such new street or court, and the other arrangements aforesaid, shall be considered and determined on by the magistrates and council, within four weeks after the giving of such notice, and the levels and widths, and other arrangements aforesaid so determined upon, shall be adhered to by every person laying out or making any such new street or court, and the

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plans approved of shall be retained by the burgh engineer, and shall be open to inspection by all persons on payment of the sum of one shilling:

Provided always, that it shall be competent for the magistrates and council to reconsider and allow, if they deem it right and proper, any alteration in the plans.

If magistrates and council fail to fix levels and width, &c., persons may proceed.

41. If the magistrates and council do not fix the levels and width, and the arrangements for drainage and other sanitary purposes, within the period aforesaid, the person having given notice, as aforesaid, may proceed to lay out such street or court according to the plans and sections lodged with such notice; and in such case every change of the levels and width which the magistrates and council afterwards deem requisite, and the works consequent thereon, shall be made by the magistrates and council, and the expense thereof and any damage which any person may sustain in consequence of such alteration shall be defrayed by them.

Width of streets and height of houses.

42. From and after the passing of this Act it shall not be lawful (except in the case of any proposed street or court, or such part of any proposed street or court, for and with respect to which plans shall have been submitted to and approved by the magistrates and council prior to the passing of this Act) to form or lay out any new street, or part thereof, within the city, unless the same shall be at least forty feet wide for the carriage way and foot pavements, or any court unless the same shall be at least twenty feet wide; and no dwelling house shall be built in any such street or court which shall exceed in height, from the level of the pavement to the ceiling of the highest habitable room, one and a quarter times the width of such street or court, and in no case shall any house or building be of greater height than sixty feet without the consent of the magistrates and council, which height shall be measured from the level of the street or court in front to the ceiling of the highest habitable room: Provided always, that where any street fronts any links or common, or other open area, or is in the opinion of the magistrates and council in other exceptional circumstances, the magistrates and council may, if they think fit, allow such street to be of less width or buildings of greater height; and for the purposes of this enactment a street shall not include a meuse lane, which may be made of any width not less than fifteen feet; but in no case shall the houses or buildings having their front to any such meuse lane exceed in height one and a half times the width of the lane: Provided also, that where a house or building shall be situated so as to abut on two streets or courts of different levels, the height shall be measured from the street or court which lies on the higher level.

Penalty for forming streets and courts contrary to Act.

43. Every person who shall, after the passing of this Act, form or lay out, or permit or suffer to be formed or laid out, any new street or court, or any part thereof, or who shall build, raise, alter, or add to any house or building, or permit or suffer the same to be done, contrary to the provisions of this Act, unless the same shall have been sanctioned by the magistrates and council, on a consideration of the special circumstances of the case, which sanction they are hereby empowered to give, shall be liable to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding five pounds, while and so long as such new street or court, or part thereof, or such house or building, remain so formed, laid out, built, or added to as aforesaid: Provided that such daily penalty shall not begin to run until the expiry of four weeks from the date of the original conviction: Provided also that this section shall not apply to the breach of any provision of this Act, in respect of which a penalty is imposed by the section of this Act of which the marginal note is "Penalty for erecting or altering any house or building "without sanction of Dean of Guild Court."

Height of houses in existing streets.

44. Houses or buildings in any existing street or court shall not, without the sanction of the magistrates and council, be increased in height above the height of one and a quarter times the width of the street or court in which such houses or buildings are situate, measuring from the level of the pavement to the ceiling of the highest habitable room: Provided always that any existing house or building in any existing street if taken down may be rebuilt to its existing height.

Agreements between John Hope and Heriot's Hospital not to be affected.

45. Nothing in this Act contained shall affect agreements entered into prior to the commencement of this Act between John Hope, Writer to the Signet, and the feofees of trust and Governors of George Heriot's Hospital, for the mutual laying out of their lands at Gayfield and Broughton adjoining; and the magistrates and council shall not be entitled to enforce any of the provisions of this Act which are inconsistent with the stipulations of such agreements, in regard to the plan of laying out streets, or the levels or width thereof, or which would have the effect in any way of altering or affecting any of the rights and obligations under such agreements.

Buildings erected on certain made-up ground.

46. It shall not be lawful for any person to erect any house or building upon any ground which shall have been filled up with any material impregnated with fœcal matter, or with any animal or vegetable or other offensive matter, which, in the opinion of the medical officer of health and burgh engineer, may tend, by decomposition or otherwise, to the prejudice of the health of any resident

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or occupier of such house or building, if the same were built, or of any resident in the neighbourhood, except upon a certificate of such medical officer of health and burgh engineer that proper precautions have, in their opinion, been taken to obviate any such result; and every person who wilfully and knowingly erects or causes to be erected, either wholly or partially, any house or building on any such ground, shall for every such offence be liable to a penalty not exceeding five pounds; and any person who, whether wilfully and knowingly or not, erects or causes to be erected any such house or building shall be bound to remove the same on being required to do so by the magistrates and council, and any such person who shall not remove such house or building, after being so required, shall be liable to a penalty not exceeding forty shillings for every day during which such house or building is not removed: Provided always that such last-mentioned penalty shall not begin to run until the expiration of four weeks from the date of the notice requiring such removal as aforesaid, or, in the case of an appeal being presented in terms of this Act, from the date of any final deliverance in any such appeal.

Ventilation of enclosed spaces.

47. Every person who erects or proposes to erect houses or rows of houses in squares or otherwise, so as to entirely enclose the open ground in rear of the same, where in the opinion of the magistrates and council the proper ventilation of such enclosed spaces shall not be practicable, may be required by the magistrates and council, and on being so required shall be bound to form at least two clear openings, of such width as shall, in the reasonable judgment of the magistrates and council, be required for such ventilation or other sanitary purposes: Provided always that the magistrates and council may, if they think fit, allow any such openings to be built on, up to, but not beyond, the height of the ground flat of any such houses or buildings.

Petition, with plans and sections of new houses, &c., to be lodged.

48. Every person who proposes to erect any house or building, or to alter the structure of any existing house or building, or to use for human habitation any existing house or building which had not been previously used for that purpose, or to alter the mode of occupancy of any existing house in such a manner as to increase the number of separate houses or occupiers, shall lodge with the clerk of the Dean of Guild Court a petition for warrant so to do, and such petition shall set forth a description of the intended house, or building, or alteration, and shall be accompanied by a plan of the site, showing the immediately conterminous properties, and also the position and width and name of any street, court, foot pavement or footpath from which the property has access, or upon which it abuts; and also

plans, sections, elevations, and such detailed drawings as are necessary to show the height and mode of structure and arrangement of the intended house, or building, or alteration, and the lines of the intended drainage thereof, and the levels thereof relatively to the street, court, foot pavement or footpath, and to the sewer or drain with which the soil pipes and drains of the property to be built or altered are intended to be connected; and in regard to any building intended as a place of public resort, such plans shall show the arrangements for ventilation and heating, and the provision intended to be made for ingress and egress; and all plans to be lodged as aforesaid shall be drawn to a scale of not less than one and one-quarter inch to every ten feet, except plans of the site, which may be to a scale of not less than one-fourth of that of the other plans; and such petition, plans and sections, with such alterations thereon as may be made as after provided, shall be registered and indexed by the clerk of the Dean of Guild Court; and the said petition, plans and sections, and register and index shall be open to inspection by any owner or ratepayer, upon payment of a fee of one shilling: Provided always that the Dean of Guild Court, on a written application, may, in the case of any internal alterations of any house or building which do not affect the property or the rights of other owners, and which, in the opinion of the Dean of Guild Court are of minor importance and extent, remit such application forthwith with such instructions as they think fit to the master of works, who may thereupon grant warrant for the execution of such alterations, and which warrant shall have the effect in all respects of a warrant of the Dean of Guild Court, and be subject to the provisions of this Act in the same way as if such warrant had been granted by the Dean of Guild Court, and all such alterations shall be executed to the satisfaction of the master of works, who shall make a report to the Dean of Guild Court.

Notice of petitions to be given to burgh engineer and proceeding thereon.

49. The clerk of the Dean of Guild Court shall forthwith, on receiving such petition, give notice thereof to the burgh engineer, who shall, before such petition is heard, report to the court whether in his opinion the plans are in conformity with the provisions and requirements of the Edinburgh Municipal and Police Acts; and the Dean of Guild Court may decline to grant warrant for the erection of any house or building, or for the alteration of any existing house or building until the said court is satisfied that the plans provide suitably for strength of materials, stability, mode of access, light, ventilation, and other sanitary requirements, and are otherwise in conformity with the provisions of the Edinburgh Municipal and Police Acts.

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Open spaces in rear of houses, &c.

50. Every new house, and any building altered for the purpose of being used as a house, shall have in the rear thereof or immediately adjacent thereto an open space at least equal to three-fourths of the area to be occupied by the intended house, where such house is not of greater height than four storeys; and where such house shall exceed that height, such open space shall be of equal area with that of such house; and such open space shall be free from any erections thereon other than water closets, coal-houses, or other conveniences to be used in connection with such house, all which conveniences shall as to height, position and dimensions, be erected subject to the consent and approval of the Dean of Guild Court: Provided always that in any case where the thorough ventilation of any house or building is, in the opinion of the Dean of Guild Court, otherwise secured, or under other special circumstances, the said court may, in their discretion, allow the open space to be reduced: Provided also that in the case of the erection of houses with shops on the ground floor, or of the conversion of a house into a building to be used for business premises only, the Dean of Guild Court may sanction the erection of saloons upon such open space, of such height and construction as to them shall seem proper, such saloons to continue so long only as such building is so used for business purposes: Provided further, that, from and after the passing of this Act, all existing houses, having any open space adjacent thereto, shall, as regards such open space, be subject to the foregoing provisions of this section applicable to new houses to the extent to which such open space is available: Provided further, that the provisions of this section with respect to such open space shall not affect any feuing plans which, prior to the passing of this Act, have been submitted to and approved by the magistrates and council, in which a less open space than is in this section prescribed has been so approved.

Provisions as to building, line of houses, &c.

51. In all cases where it is proposed to alter or take down in whole or in part the front wall of a house or building which has in front thereof a sunk or other area or garden plot, and to bring the same or any part forward so as to build or cover over such area or garden plot, or any part thereof, the outer line of the front wall shall not extend forward beyond the middle or centre line of the existing wall of such area or garden plot.

Limitation of number of separate dwelling houses in tenements.

52. No new tenement of houses shall, without the sanction of the magistrates and council (which sanction the magistrates and council may grant), have more than sixteen dwelling houses entering from one common stair or passage where the common stair or passage is within the tenement, nor where there is an outside stair

with balconies more than twenty-four dwelling houses entering from such common stair or passage, and the width of such stairs shall not be less than three feet six inches, and the width of the passages, balconies and stair landings shall in no case be less than four feet finished size.

Height of rooms in dwelling houses.

53. In every new house, and in every building altered to be used as a house, every habitable room, except attic rooms, shall be in every part thereof not less than nine feet in height from the floor to the ceiling, and every habitable attic room shall, unless otherwise sanctioned by the Dean of Guild Court, be at least eight feet in height from the floor to the ceiling throughout not less than one-third of the area of the room, and shall at no part thereof be less than four feet.

Window lights in dwelling houses.

54. In every new house or altered building to be used as a house, every habitable room shall have at least one window, and the total area of glass in the windows, clear of the frame and sash, shall be (unless in any case the Dean of Guild Court otherwise determine) at least one-tenth of the area of the room, and the top of at least one of the windows shall not be less than seven feet six inches above the floor, and in case of a sash window the upper half at least shall be made to open the full width, and in case of a casement window one half at least shall be made to open.

New houses &c., to be surveyed before occupation.

55. The Dean of Guild Court or master of works may, at any time, inspect any houses or buildings in progress of construction or alteration, or any work connected therewith, and within one month after any new house or building, or any alteration on the structure or internal arrangements or mode of occupancy of any existing house or building, has been completed, and before such house or building has been occupied, the owner or the builder shall give notice to the clerk of the Dean of Guild Court that the house or building, or any part thereof, is ready for inspection before being occupied, and the said clerk shall thereupon transmit such notice to the master of works, who shall forthwith survey such house or building; and if he is satisfied that such house or building is fit for occupation, and is in accordance with the provisions and requirements of the Edinburgh Municipal and Police Acts, he shall grant a certificate under his hand to that effect; and every owner or builder who shall fail to give such notice as aforesaid, or shall permit such house or building to be occupied before the certificate applicable thereto has been obtained, shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding two pounds.

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Building rules.

56. With regard to the erection or construction of new houses and buildings, and alterations on houses and buildings, the rules contained in the schedule to this Act shall be observed.

Drains, &c., to be kept in good order by owners.

57. All drains, as well within as without the premises to which they belong, shall be under the survey and control of the magistrates and council, and shall be reconstructed, or altered, repaired and kept in proper order at the cost and charges of the owners of the premises to which the same belong, or for the use of which they are constructed, or reconstructed, or continued; and if the owner of any premises to which any such drain belongs, neglect, during seven days after notice in writing for that purpose, to reconstruct, or to alter, repair, and put the same into good order, in the manner required by the magistrates and council, the magistrates and council may, at the expense of such owner, cause such drain to be reconstructed, altered, repaired, covered, and put in good order.

Bakehouses and dairies.

58. From and after the passing of this Act it shall not be lawful, without the previous sanction of the magistrates and council, to build or form or construct any bakehouse or dairy or milkshop in the sunk or basement or other part of any house or building within the city, so that the same or any part of the same would be situate under the level of the adjacent ground, and no bakehouses, dairies shops or places for manufacturing, selling or storing articles of food shall without such sanction as aforesaid, in any new house or building or reconstructed house or building, have any communication with any internal staircase, lobby or passage forming a common access to two or more dwelling houses; and every person contravening the provisions, or any of them, of this section shall be liable in a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.

Penalty for erecting or altering any house or building without sanction of Dean of Guild Court.

59. Every person who shall erect or begin to erect any house or building, or alter the structure of any existing house or building, or use for human habitation any building not previously so used, or alter the mode of occupancy of any existing house in such a manner as will increase the number of separate houses or occupiers, without a warrant, or otherwise than in conformity with a warrant of the Dean of Guild Court, and every person who shall, in the erection or alteration of any house or building, the erection or alteratio of which has been sanctioned by the Dean of Guild Court, d viate from the plan or plans, and section or sections, elevation or elevations, and detailed drawings, so sanctioned, or shall, in the erection or alteration of any house or building, in any way contravene the

building rules of this Act, shall be liable to a penalty not exceeding twenty-five pounds, besides being bound, if and in so far as required by the Dean of Guild Court, to take down and remove the said house or building, or to restore it to the state it was in previous to the alterations thereon, or to alter it in such way as the Dean of Guild Court shall direct, so as to make it in conformity with the warrant of the Dean of Guild Court; and the Dean of Guild Court may grant an interdict for the prevention of any such erection, or alteration, or deviation being proceeded with until the extracted warrant of the court shall be obtained for the same.

Penalty for betting in streets.

60. If any two or more persons assemble together in any street or open place within the city, for the purpose of engaging in betting or gambling, each of such persons shall be liable to a penalty not exceeding forty shillings.

Power to make byelaws.

61. The magistrates and council may, in addition to the powers conferred on them by the Acts of 1879 to 1890, from time to time make and rescind such byelaws as they think fit, for the following purposes, viz. :—

(1) For the regulation of laundries, and for requiring the owners of laundries, on all occasions when in the opinion of the medical officer of health it shall be necessary, for the purpose of checking the spread of disease, to furnish to him a list of their customers, and such list shall be subject to the provisions of sub-section 4 of section 24 of this Act;

(2) for the regulation of dairies;

(3) For the regulation of bakehouses;

(4) For the cleansing of common stairs, sinks, lobbies, passages and water closets, by the tenants in rotation;

(5) For the cleansing of unoccupied cellars and roofs of outhouses by owners;

(6) For the inspection, within the statutory powers of the magistrates and council, of any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, butter, eggs, or other article of food, and for the treatment and disposal of such as are unsound;

(7) For regulating the powers and duties of meat and food inspectors;

(8) For the collection, removal and disposal of the city manure and refuse;

(9) For regulating the construction, use and continuance of hoardings within the city;

(10) For preventing, except with the previous written authority and approval of the magistrates and council, the construction

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or erection or placing of sky-signs within any part of the city, and for regulating, controlling and limiting the use and continuance of such sky-signs as may be so constructed or erected and also of any existing sky-signs, and for requiring the removal or repair of sky-signs, and to make provision for the public safety;

(11) For the prevention (except with the written consent of the magistrates and council) of the erection, or the posting in any public thoroughfare, or on any permanent or temporary structure or hoarding in any such thoroughfare within the city, of posters or advertisements which are objectionable, or are, in the opinion of the magistrates and council, prejudicial to the amenity of any such thoroughfare;

(12) For regulating the driving or movement of cattle through the streets of the city: Provided always, that reasonably sufficient routes shall be prescribed, and that there shall be no restriction with respect to hours;

(13) For the regulation of coal depôts, and the weighing, sale and delivery of coal throughout the city;

(14) For the regulation of street traffic, and for the lighting of carriages and vans after dusk:

Byelaws may be enforced by imposition of penalties.

Provided that such byelaws shall be subject to the conditions and provisions of the Edinburgh Municipal and Police Acts with respect to byelaws, and may be enforced by penalties imposed by any such byelaws, whether such byelaws be made under the said Edinburgh Municipal and Police Acts or any of them, not exceeding five pounds for each offence; and provided further, that such byelaws shall be so framed as to allow the judge of police to order the whole or part only of such penalty to be paid, or to remit the whole penalty.

Appeal.

62. Any person aggrieved by any order, deliverance, notice or requisition pronounced under section 33, the marginal note of which is "Private streets how to be completed," section 35, the marginal note of which is "Temporary repairs on private streets, &c.," section 46, the marginal note of which is "Buildings erected on certain made-up ground," and section 47, the marginal note of which is "Ventilation of enclosed spaces," or any of them, may appeal, by way of summary application, to either division of the Court of Session, or in the time of vacation to the Lord Ordinary officiating on the Bills, which application shall be presented within fourteen days after the date of the intimation of any such order, deliverance, notice or requisition, and any such appeal shall extend to any act to be done or suffered, or any costs or the liability therefor to be incurred or recovered under any of such sections, and the division

of the said court to which the application shall have been made, or in the time of vacation the Lord Ordinary officiating on the Bills, shall hear parties and determine the matter of the appeal, with or without expenses; and such decision shall be final, and not subject to review.

Definition of lodging-house, lodging-house keeper, and lodger.

63. The expression "lodging-house" in the Edinburgh Municipal and Police Acts shall, from and after the passing of this Act, mean a house or part thereof in which any person is lodged by the night at a rate not exceeding sixpence per night for each person, whether the same be payable nightly or weekly, or at any period not longer than a fortnight, and shall include any place where emigrants are lodged, and all boarding-houses for seamen, irrespective of the rate charged for lodgings or boarding; the expression "lodging-house keeper" shall mean the occupier of such lodging-house who lodges such person; and the word "lodger" shall mean any person so lodged.

License and regulation of public conveyances, &c.

64. It shall be lawful for the magistrates to license all tramway cars, omnibuses, brakes, or other carriages used or to be used for the public or common conveyance of passengers, and to prescribe such conditions of license as they think fit; and it shall also be lawful for them to license the driver and conductor of every such tramway car and omnibus, and the driver of every such brake or other carriage: And the owner or owners of every such tramway car, omnibus, brake, or other carriage, shall pay to the clerk to the magistrates for the license therefor, on the same being first granted, and for every renewal thereof, the sum of one shilling; and every such driver and conductor shall pay to the said clerk for a license granted to him as aforesaid, and for every renewal thereof, the sum of one shilling.

Every license so to be granted shall be in force within the city, and shall continue in force for one year only from the date thereof or until the fifth day of April next ensuing to such date, unless the same shall be sooner suspended, revoked, or forfeited.

Regulation of tramway cars, &c.

65. The magistrates and council are hereby authorised and empowered to make byelaws for the prevention within the city of the plying or running of tramway cars, omnibuses, brakes, or other carriages for the public or common conveyance of passengers which are unlicensed, or which shall be in a state of disrepair or insecurity, or not adapted in all other respects for the public conveyance of passengers with safety, and for the prevention of any person not licensed in terms of the immediately preceding section from acting

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within the city as a driver or conductor of any such tramway car, omnibus, brake, or other carriage, and for the prevention within the city of overcrowding of tramway cars, omnibuses, brakes, and other carriages, and for regulating, except within the stations and the station premises of any railway company, the places at which the same shall stand, and all other matters tending to promote regularity and public convenience, and for regulating the times of starting on the streets of omnibuses, brakes or other carriages, and in all cases under a penalty not exceeding for each offence two pounds on the defaulting owners or contractors or lessees or conductors or drivers of such tramway cars, omnibuses, brakes, or other carriages, and the magistrates and council may vary and alter such byelaws from time to time, and under a like penalty for contravention: Provided always that cases of contravention of such byelaws shall be prosecuted before the magistrates in the burgh court, at the instance of the procurator-fiscal, and the magistrates may in their discretion, either in addition to imposing any such penalty, or in lieu thereof, or as an alternative to the non-payment of any such penalty suspend or revoke the license: Provided further, that any byelaws and variations or alterations thereof made by the magistrates and council under the powers of this section shall be subject to confirmation by the sheriff: Provided further that the powers conferred upon the magistrates and council by this section, and upon the magistrates by the immediately preceding section, shall not apply to any carriage owned or used by any railway company which stands within or is hired at or from any railway station or station premises within the city, or to the conductor or driver of any such carriage.

Acquisition of lands.

66. The magistrates and council may acquire by agreement, or may hire or lease, lands and heritages for the purpose of providing and maintaining all such places, conveniences and buildings and accommodation as may be necessary, or as the magistrates and council think requisite, for carrying out all or any of the purposes of this Act with respect to removal and isolation of persons suffering from any infectious disease, or the removal of persons from any infected house or building; but nothing in this Act shall exempt the magistrates and council from any indictment, action or other proceeding for nuisance, in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Acquisition of lands for improvements.

67. The magistrates and council may by agreement acquire lands or premises within the burgh for the purpose of widening, enlarging or otherwise improving any of the streets, or of making

and forming new roads, paths or accesses, and they may re-sell any parts of such lands or premises which shall not be required for such purposes; and they may also drain, repair, or otherwise improve courts and places where there may be doubt as to the liability of owners to execute such works; and in localities within the burgh where houses or other buildings are, in the opinion of the magistrates and council, built too close to each other, or have become waste or ruinous, or are liable to other objections, on sanitary grounds, it shall also be lawful to the magistrates and council to acquire by agreement lands or premises for the purpose of reserving them as vacant spaces, or of improving or taking down the buildings, or of otherwise disposing of them so as to improve the sanitary condition of such localities, or for the purpose of widening streets and closes; and the expense of such acquisitions and improvements shall be a charge against the burgh assessment.

In order to acquire such lands and premises the magistrates and council shall have power to purchase and take the same by agreement under the Lands Clauses Acts.

Restriction on taking houses of labouring class.

68. The magistrates and council shall not under the powers of this Act, without the consent of the Secretary for Scotland, purchase or acquire in any district, within the meaning of the Public Health (Scotland) Act, 1867, 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. The expression "labouring class" 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 such persons who may be residing with them.

Power to apply burgh assessment.

69. The magistrates and council are hereby authorised to levy, apply and use, for the purposes of this Act, or any of such purposes, and for the acquisition of lands and heritages, or other property which may be required in carrying out the powers and purposes of this Act, the burgh assessments under their control, authorised by the Edinburgh Municipal and Police Acts, applicable to general improvements, under the third head of estimate, as amended by this Act, or so much thereof as may be necessary therefor, in the way and manner and by the same means as is provided in the said last-mentioned Acts.

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Application of provisions of Act of 1879 as to borrowing.

70. The magistrates and council are hereby authorised to borrow money for the purposes of this Act, or any of them, on the security of the burgh assessments before-mentioned under their control, applicable to general improvements, to be levied and applied and used as in this Act provided, and they shall provide a sinking fund for the repayment of the sums so borrowed; and sections 81 to 92, as to borrowing money, of the Act of 1879 are incorporated herewith, and the powers and provisions therein contained shall, as amended by this Act, be held to apply to the purposes of this Act, and to the money borrowed under the authority of this Act, as if such sections as so amended were re-enacted in this Act.

Rates a preferable charge.

71. All rates and assessments imposed under the Edinburgh Municipal and Police Acts shall, in the case of bankruptcy, insolvency or liquidation, be a preferable claim to all debts of a private nature due by the person or persons assessed, or by the person or persons liable in such rates and assessments.

Powers under general Acts reserved.

72. Nothing in this Act contained shall prejudice or diminish any powers, jurisdictions or functions of the magistrates, or the magistrates and council under any public general Act, except in so far as the same is by this Act expressly altered or varied.

Prosecutions in police court.

73. Except with regard to prosecutions and proceedings in the Dean of Guild Court, all prosecutions and proceedings under this Act, or under any byelaw made under the authority of this Act, may, unless where otherwise provided, proceed and be conducted in the manner and according to the procedure prescribed by the Act of 1879 with respect to prosecutions and proceedings in connection with offences appointed to be tried by the judge of police under that Act, and shall be at the instance of the prosecutor before the judge of police.

Prosecutions to be summary.

74. All prosecutions and proceedings under the Edinburgh Municipal and Police Acts, or any of them, or under any byelaw made under authority thereof, may be conducted either under the said Acts, or under the Summary Jurisdiction (Scotland) Acts, but without prejudice to any other method competent for the recovery of penalties.

Right of relief, &c. not to be affected.

75. Nothing in this Act contained shall affect any right of relief or other right in regard to the making, paving or causewaying, maintaining, or cleansing of streets, or foot pavements, footpaths, or the formation of drains and sewers, and maintenance and repair and renewal thereof, or the right to claim repayment of any expense incurred by the magistrates and council in making any street or

drain or sewer, and charged againt him under the provisions of this Act, or for the maintenance, repair and renewal thereof, or other like matters, which the superior of any ground, or the owner of any house or ground, or any other person may have by feu-contract, disposition, or other contract or agreement.

Rights of heirs of entail.

76. Nothing in this Act contained shall alter, prejudice or affect the right of heirs of entail to stipulate for and receive payment from their feuars or other persons liable therefor in any manner of way, of all expenditure incurred by the magistrates and council in executing the works required or authorised by this Act, for which the said heirs may become liable, and for all expenditure incurred by the heirs in executing the said works.

Saving provisions of Anatomy Acts.

77. Nothing in this Act shall affect the provisions of the Anatomy Acts, 1832 and 1871: And all bodies of persons deceased without relatives appearing to claim the same shall be disinfected, and shall be removed and buried according to the provisions of the said Acts, unless the inspector appointed under the said Acts shall give any general or special direction to the contrary.

Saving Acts relating to animals, &c.

78. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878 to 1890, or of any Act amending the same, or of any order, license or act of the Board of Agriculture, made, granted or done, or to be made, granted or done thereunder, or of any order, regulation, license or act of the local authority, made, granted or done, or to be made, granted or done under any such order of the Board of Agriculture, or exempt any building or thing whatsoever, or any body or person, from the provisions of any general Act relating to animals, already passed or to be passed in this or any future session of Parliament.

Repeal.

79. Sections 95, 96, 119, 120, 121, 123, 124, 125, 127, 129, 159, 160, 162, 163, 164, 165, 201, 211, and sub-sections (26) and (28) of section 246 of the Act of 1879, and sub-section (2) of section 41 of the Act of 1882, are hereby repealed; and sections 130 and 206 of the General Police and Improvement (Scotland) Act, 1862, shall not apply to and within the city; and the repeal under this section shall not affect—

(A) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(B) Any right, privilege, obligation, claim, allocation or liability acquired, accrued, made or incurred under or in accordance with any enactment hereby repealed; or

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(c) Any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(d) Any power, investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, claim, allocation, liability, penalty, forfeiture, or punishment as aforesaid; and any such power, investigation, legal proceeding and remedy may be exercised and carried on as if this Act had not passed.

Amendment of Acts.

80. The Act of 1879 and the Act of 1882, and the Edinburgh Markets and Customs Act, 1874, are hereby amended as follows:—

(1) Section 66 of the Act of 1879 shall be read as if the words "and the same and the assessment to follow in respect thereof "shall not, in so far as regards the items specified under the "first three heads of this section, exceed in whole the rate of two "shillings in the pound of the yearly rent," in the proviso thereof, were omitted therefrom;

(2) Section 67 of the Act of 1879 shall be read as if the words "subject to the restrictions in this Act contained" were omitted therefrom;

(3) Section 70 of the Act of 1879 shall be read as if the words "the theological hall and college of the Episcopal Church in "Scotland, the theological hall of the Congregational Church," were inserted after the words "Synod hall of the United Presbyterian Church";

(4) Section 73 of the Act of 1879 shall be read as if the words "re-let or sub-let" were inserted after the words "every owner "who shall let";

(5) Section 81 of the Act of 1879 and section 18 of the Edinburgh Markets and Customs Act, 1874, shall be read respectively as if the words "provided that the rate of interest shall in no case be "less than the rate of interest on landed securities in Scotland "current at the time" were omitted from each of the said sections of the said Acts, and in lieu thereof it is hereby provided that such interest may be at any rate which the magistrates and council may think fit or at such rate at which they may for the time be able otherwise to borrow money;

(6) Section 98 of the Act of 1879 shall be read as if the words "or cause or suffer or permit to be thrown or cast" were inserted after the words "shall throw or cast"; and sub-section (3) of section 41 of the Act of 1882 shall be read as if the words "or causing or suffering or permitting to be thrown or cast" were inserted after the words "throwing or casting"; and as if

the words "or who shall cause or suffer or permit to be thrown or placed" were inserted after the words "shall throw or place"; and as if the words "or cause or suffer or permit to be discharged" were inserted after the word "discharge"; and as if the words "or cause or suffer or permit to be accumulated" were inserted after the word "accumulate";

(7) Section 154 of the Act of 1879 shall be read as if the words "as interim Dean of Guild" were inserted after the words "to preside and act in the court";

(8) Section 161 of the Act of 1879 shall be read as if the words "procurator-fiscal" were inserted in lieu of the words "burgh engineer"; and as if the following words were added thereto, "and may grant decree for the expenses connected with such proceedings";

(9) Section 224 of the Act of 1879 shall be read as if the following proviso were added thereto:—

"Provided always that the chief constable may, at any time, "with the concurrence of a magistrate, withdraw any "such ticket issued by him";

(10) Section 225 of the Act of 1879 shall be read as if the words "and which ticket of license has not been withdrawn," were added after the words "a ticket of license as aforesaid";

(11) Sub-section (19) of section 246 of the Act of 1879 is hereby repealed, and in lieu thereof it is enacted as follows:—

"Any person who, along with others, causes an obstruction "by standing on any footpath or foot pavement crossing, "or in any close, passage, or stair, after being required to "move on by any constable";

Sub-section (21) of section 246 of the Act of 1879 shall be read as if the words "and thereby annoys any inhabitant" were omitted therefrom;

(12) Sub-section (36) of the said section 246 shall be read as if the words "Every person who beats or shakes any soot bag, and every person who plays football on any street" were inserted at the end of the said sub-section;

(13) Sub-section (6) of section 247 of the Act of 1879 shall be read as if the words "and every person found drunk in charge of a child, or of a horse or other animal, or horse and cart," were inserted at the end of the said sub-section;

(14) Section 254 shall be read as if the words "or delivery" were inserted after the words "attached to any cart used for the "sale";

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(15) In section 255 of the Act of 1879, and in sub-section (7) of section 41 of the Act of 1882, it shall be a sufficient compliance with the provisions thereof with regard to the marking of the true weight of coals sold or exposed for sale from carts, that the true weight of the coals contained in such parcels or bags shall be legibly marked either on such parcels or bags, or on a conspicuous part (to the satisfaction of the coal inspector) of the cart or vehicle from which the same are sold or exposed for sale;

(16) Section 268 of the Act of 1879 shall be read as if the following proviso were added thereto:—

"Provided always, that where the finder of any article "consents to the same being delivered to the owner, and "the chief constable is satisfied as to the ownership, the "said article may be given up forthwith to the owner "without any application to the judge of police, and the "receipt of such owner shall be taken in a register of found "articles, which shall be kept at the chief police station, "and every found article delivered to the police shall be "entered therein, together with the place and date at "which the same has been found, the date of disposal of "the same, and the name and address of the finder, and the "name and address of the owner, when ascertained: "Provided also that any found article of a perishable "nature may, in the discretion of the judge of police, be "forthwith sold or destroyed, and the proceeds (if any) "afterwards dealt with in the same manner as other found "property";

(17) Section 272 of the Act of 1879 shall be read as if the word "in" was inserted in lieu of the word "frequenting";

(18) Section 277 of the Act of 1879 shall be amended to the effect that the judge of police may grant the warrant referred to in the said section, either in open court or in camera;

(19) Section 281 of the Act of 1879 shall be read as if the words "within such time as the judge of police shall order" were inserted after the words "to find caution";

(20) Section 293 of the Act of 1879 shall be read as if the words "written requisition" were omitted therefrom, and the word "request" was inserted in lieu thereof;

(21) Section 294 of the Act of 1879 shall be read as if the words "shall show to the satisfaction of the fire master, or" were inserted after the words "Provided always that such penalty shall not be incurred if such person";

(22) Section 307 of the Act of 1879 shall be read as if the words "golf caddies" were inserted after the word "shoeblacks," and also after the word "shoeblack";

(23) Sub-section (2) of section 309 of the Act of 1879 shall be read as if the words "and for prohibiting children under ten "years of age, and for regulating children between ten and "sixteen years of age, vending newspapers or other articles in "streets, footpaths or courts" were substituted for the words "and for regulating or prohibiting children under ten years of "age vending newspapers or other articles in streets or courts";

(24) Section 353 of the Act of 1879 shall be read as if the words "and all sums decerned for may be recovered by arrestment, poinding and sale" were inserted after the words "penalties and damages";

(25) Section 358 of the Act of 1879 shall be read as if the words "if within the burgh," and also the words "if beyond the burgh" were omitted therefrom.

Appropriation of funds and revenue under the Sale of Gas Acts.

81. The provisions of the Acts (Public) 22 and 23 Vict. c. 66, 23 and 24 Vict. c. 146 and 27 and 28 Vict. c. 96, relating to the sale of gas, shall, within the city, be carried out and enforced by the magistrates, and by the inspectors appointed or to be appointed by them, and the assessment necessary to be levied for the purposes of the said Acts, or of any of them, shall be levied over the whole district within the city and shall be estimated by the magistrates and council under the first head of estimate of section sixty-six of the Act of 1879 as amended by this Act and all receipts and payments arising from or made in connection with the carrying out of the said Acts relating to the sale of gas, shall be dealt with under the said first head of estimate: Provided always that any surplus or accumulations of funds in the hands of the magistrates or the magistrates and council at the date of the passing of this Act arising under the said Acts relating to the sale of gas, may be appropriated and applied on capital account by the magistrates and council under and for the purposes, or any of them, specified in the third head of estimate applicable to General Improvements under the said section 66 of the Act of 1879 as so amended.

Provisions as to Housing of the Working Classes Act.

82. The magistrates and council, as the local authority under the Housing of the Working Classes Act, 1890, may as from the time when they shall carry out the provisions or any of them of, or put into operation the powers conferred by the said Act, impose, assess, levy and recover the rate authorised by the said Act for all or any of the purposes thereof in conformity with the provisions applicable to

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burgh assessments of the Edinburgh Municipal and Police Acts, and under either the third or the fifth head of estimate of section 66 of the Act of 1879, as amended by this Act, as the magistrates and council may determine, and with and under the powers, provisions and exemptions as are provided with respect to such burgh assessments, under the said last-mentioned Acts: Provided always that the expression "local rate," where used in the said Housing of the Working Classes Act, 1890, shall, so far as relates to the city, mean the burgh assessments, under the aforesaid third or fifth head of estimate as so amended, as the case may be.

Power to borrow for purposes of Housing of the Working Classes Act.

83. The magistrates and council, as the local authority aforesaid under the Housing of the Working Classes Act, 1890, may borrow money for and in connection with the purposes of that Act, on the security of the burgh assessments authorised by the Edinburgh Municipal and Police Acts, and the powers and provisions of the Act of 1879, as amended by this Act, with respect to the borrowing of money, shall be and are hereby made applicable to the money so to be borrowed and to the mortgages, assignations, interest warrants and discharges to be granted in security thereof, and to the sinking fund for the repayment of money so borrowed, in the same way and manner as if the money so to be borrowed for the said purposes were borrowed, and the mortgages, assignations, interest warrants and discharges so to be granted were granted under the authority of the Act of 1879, as amended by this Act.

Application of money borrowed.

84. The sums which may be borrowed by the magistrates and council for the purposes of the said Housing of the Working Classes Act shall be applied only to purposes to which capital is properly applicable under the said Act.

Accounts to be kept, &c., under Act of 1879.

85. The magistrates and council may, notwithstanding any provision to the contrary contained in the said Housing of the Working Classes Act, cause the accounts of their receipts, payments and liabilities with reference to the execution of the said Act, to be kept, audited, authenticated and published in the same way and manner, and under the same provisions, as are prescribed in the Edinburgh Municipal and Police Acts with reference to the keeping, making up and publishing of accounts, and also in conformity with the provisions of any public general Act relating to burgh accounts, and the sections of the said Edinburgh Municipal and Police Acts with respect to the said accounts shall be held to be incorporated herewith and be applicable in all respects to the objects and purposes of the said Housing of the Working Classes Act.

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Notices.

86. Every notice required to be given in pursuance of the Edinburgh Municipal and Police Acts, or any Acts incorporated therewith shall be in writing, and shall be sufficiently given either by delivering such notice to the person to whom it is addressed personally, or by leaving it at his house or place of business, or by posting the same prepaid addressed to such person at his house or place of business, or at his last known address.

Expenses of Act.

87. All charges and expenses attending the preparation, obtaining and passing of this Act, and incidental thereto, shall be paid out of the common good and burgh assessments, or one or other of them.

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SCHEDULE.

Building Rules.

1. The site of the intended building shall be dug out to such depth as shall, in the opinion of the Dean of Guild Court, be necessary for the removal therefrom of soil or refuse; and it shall not be lawful for any person to build upon any site until such soil or refuse is so removed and a proper foundation found.

2. The walls of every new building to be used as a dwelling house shall have a damp course of durable material, impervious to moisture; the damp course for external walls to be at the level of the ground, or at such other level as the Dean of Guild Court shall order. Party walls to have the damp course not higher than the level of the under side of the joisting of the lowest floor; and where in the judgment of the Dean of Guild Court the nature of the soil or subsoil requires it, the whole internal area of the site shall be covered with a layer of asphalte, cement concrete, or other suitable material to their satisfaction. The street floor level of dwelling houses to be not less than seven inches above the level of adjoining footpath, except with the approval of the Dean of Guild Court.

3. The outer walls, the party walls, and the separate side or end walls, and the timber and ironwork, shall be of sufficient strength and stability, all to the satisfaction of the Dean of Guild Court.

4. No provision shall be made for the raising or lowering of any article from windows or openings towards any public streets by hoists or other appliances outside the building line without the consent of the magistrates and council.

5. All party walls and gables shall be built solid, except at vents, fireplaces, presses, and where the Dean of Guild Court allow them to be built otherwise.

6. All external walls, party walls, passage walls, partition walls dividing separate houses, staircases, and the stairs of tenements of dwelling houses shall be constructed with incombustible materials, and all party walls shall be carried through and above the roof to form a parapet, the parapet to be finished on top with a cope, and the height of parapet to be not less than nine inches, measured at right angles with the slope of the roof, above the covering of the roof of the highest building to which such party wall belongs.

7. All walls of dwelling houses shall be so constructed as to prevent damp.

8. The mortar to be used in the construction of new or altered buildings shall be composed of fresh burnt lime and clean sharp pit sand, grit or ground bricks, or freestone shivers, without earthy matter, and in such proportion as to make good mortar to the satisfaction of the master of works.

9. The joists at every hearth shall be bridled, and the hearth shall be supported by a brick or concrete arch under its whole area, or be otherwise constructed or supported as the Dean of Guild Court may direct. Every fireplace in strapped walls shall have jambs and lintels or arches of incombustible material coming

forward at least to the flush of the plaster work. No timber joist, beam, or safety lintel shall be inserted into a wall nearer to the fireplace or vents than nine inches, unless they are protected with a fireclay shield, in which case the insertion shall not be nearer to the fireplace or vents than four and a half inches.

10. No part of a built flue shall be less than nine inches by nine inches if square, or not less than nine inches in diameter if circular. Every chimney head shall have a stone cope, extending the whole thickness of the stalk, with holes cut out in the solid or cramped and closely joined in the centre, into which chimney cans can be inserted, and such chimney cans shall be sufficiently guarded. The inside of every flue must be rendered, pargetted, or lined with fireclay lining.

11. All timber floors shall be carefully deafened; the boarding inserted between the joists to carry the deafening material shall be securely affixed thereto and overlaid with a coating of lime mortar, on which, when dry, a layer of clean dry riddled engine ashes, or other suitable material, shall be spread, and the whole carefully finished and flushed with a surface covering of mortar. All voids between walls and contiguous joists shall be sufficiently deafened. The wooden flooring shall be well seasoned, and shall not be laid down until the deafening materials between joists and the whole plaster work of walls be thoroughly dried. All voids behind skirtings shall be solidly pugged with cement or other suitable material to the satisfaction of the Dean of Guild Court.

12. All apartments in every dwelling house to be plastered shall receive three coats of plaster, or otherwise, to the satisfaction of the master of works.

13. All pipes connected with sanitary arrangements shall be ventilated and trapped, and all plumber work constructed and tested to the satisfaction of the master of works.

14. Where any gas pipes are inserted for the supply of gas in any buildings, such pipes shall be of such dimensions as the magistrates and council may consider sufficient to secure the proper lighting of such buildings.

15. All drains shall be laid as far as possible in straight lines, with oblique junctions, and with inspection shafts or access chambers formed at angles and junctions so far as necessary, and shall have a fall where practicable of not less than one inch in every forty inches. The joints shall be packed with Portland cement, or other suitable material, to the satisfaction of the master of works, and where the ground is soft or the drains pass through or under a house or building such drains shall be encased in cement concrete at least six inches thick, or cast iron pipes jointed with lead shall be used. All such drains shall be ventilated with not less than a three-inch diameter cast-iron or other suitable pipe, carried up outside the building to a point clear of all windows or other openings, or they shall be otherwise ventilated, and completed at the sight and to the satisfaction of the master of works.

16. All private courts, common passages, and common areas (other than bleaching greens) shall be paved with stone or concrete, or such other material as the Dean of Guild Court shall approve, and be provided with proper and sufficient means for taking off the surface water.

17. When any tenement of houses is occupied by more than eight families, the open ground attached to such tenement shall be provided with such means of drainage, and paved with cement concrete, or in such other way and manner, or with such other material, as may be approved by the Dean of Guild Court.

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18. In all tenements in which the common staircase is lighted from the roof, the wellhole and rooflight of such staircase shall be of the following dimensions :—

In a tenement of three stories in height, the wellhole shall be of a superficial area of not less than twenty-five feet, and the rooflight not less than one hundred and twenty feet. In a tenement of four stories in height, the wellhole shall be of a superficial area of not less than thirty feet, and the rooflight not less than one hundred and thirty feet. In a tenement of five stories in height, the wellhole shall be of a superficial area of not less than thirty-six feet, and the rooflight not less than one hundred and forty feet.

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