CHAPTER ccxix.

A.D. 1904.

An Act to authorise the Urban District Council of Ilford in the county of Essex to carry out street improvements to make further provision for the improvement health local government and finance of the district and for other purposes. [15th August 1904.]

WHEREAS the urban district of Ilford in the county of Essex is under the government of the urban district council of Ilford:

And whereas the present powers of the Council are regulated and defined by (amongst others) the Ilford Improvement Act 1898 (in this Act referred to as "the Act of 1898") and the Ilford Urban District Council (Rates) Act 1899:

And whereas the population of the district has more than doubled in the last five years and now amounts to upwards of forty-nine thousand persons and owing to its proximity to the metropolis is increasing at a rapid rate:

And whereas it is expedient that the Council should be empowered to widen and improve certain streets and places within the district and to acquire the lands in this Act respectively mentioned or referred to:

And whereas it is expedient that further and better provision be made with reference to buildings streets and sanitary matters and for the improvement health local government and finance of the district and that the powers of the Council in relation thereto should be enlarged and extended:

And whereas there is within the district a town hall and fire brigade station both of which are found to be insufficient for the present purpose having regard to the rapid development of the district and it is deemed desirable that the Council should

A.D. 1904.

be empowered to pull down the existing fire brigade station and to extend the existing town hall and public offices upon the site thereof and of other premises:

And whereas it is expedient that the Council should erect and build a new fire brigade station and firemen's cottages upon lands already acquired for other purposes:

And whereas the Council and their predecessors the local board for the district have in the exercise of their statutory powers from time to time borrowed various sums of money which bear different rates of interest and are subject to different conditions as to time of repayment and otherwise and it is expedient that provision should be made for equating the periods for repayment of the sums so borrowed as hereinafter provided:

And whereas it is expedient that the Council should be enabled to raise moneys for the purposes in this Act mentioned or referred to:

And whereas estimates have been prepared by the Council in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

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For the purchase of land for and for the road widenings and improvements by this Act authorised - - - - - -	20,000
For the erection of buildings for the temporary shelter of persons removed from infected houses under this Act - - - - -	1,500
For the pulling down of the existing fire station and the extension of the town hall and public offices - - - - - -	18,000
For the erection of a new fire brigade station and firemen's cottages - - - -	8,000

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

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

And whereas plans and sections showing the lines and levels of the proposed street widenings and improvements and other works authorised by this Act and plans of the lands proposed to be taken compulsorily and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required for

the purposes of this Act were duly deposited with the clerk of the peace for the county of Essex which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the Council at a meeting held on the eighth day of December one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Ilford Recorder a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that it was expedient to promote the Bill for this Act:

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

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

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

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

Part I.

Preliminary.

Short title.

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

Division of Act into parts.

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

Part I.—Preliminary.
Part II.—Lands and street works.
Part III.—Infectious disease.
Part IV.—Tuberculosis.
Part V.—Unsound food.
Part VI.—Sanitary provisions.

Part VII.—Streets buildings and sewers.
Part VIII.—Hoardings and advertisements.
Part IX.—Common lodging-houses.
Part X.—Police.
Part XI.—Fire brigade.
Part XII.—Finance.
Part XIII.—Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Act.

Interpretation.

4. In this Act the following words and expressions have the meanings hereby assigned unless the subject or context otherwise requires:—

"The district" means the urban district of Ilford in the county of Essex;

"The Council" means the urban district council of the district;

"The district fund" and "general district rate" mean the district fund and general district rate of the district;

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

"The clerk" "the surveyor" "the medical officer" "the inspector of nuisances" mean respectively the clerk and the surveyor to the Council and the medical officer of health and inspector of nuisances of the district and "the office" in relation to any of the said officers means the office of that officer at the Council offices or at such other place in the district as the Council may from time to time appoint and "the medical officer" includes any person duly authorised to act temporarily as medical officer of health;

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

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

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

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rentcharges or securities transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council.

Unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act or by the Public Health Acts have in this Act the same respective meanings.

Part II.

Lands and Street Works.

Power to make road widenings.

5. Subject to the provisions of this Act the Council may in the lines and according to the levels shown on the deposited plans and sections relating thereto make the street or road widenings in the district hereinafter mentioned and may enter upon take and use any of the lands delineated on the said plans and described in the deposited book of reference relating thereto required for those purposes or in connection therewith or for providing space for the erection of houses and buildings adjoining or near thereto (that is to say):—

(1) A widening and improvement of the north side of High Road and the west side of Station Approach and Bridge between the south-western boundary of the property known as No. 87 High Road and a point in the front main wall of the coal offices on the said bridge distant thirteen feet six inches from the south-eastern corner of such offices:

(2) A widening and improvement of Ilford Lane—

On the east side—

(A) From High Road for a distance of sixty-one yards in a southerly direction;

(B) From Clement's Lane to Rutland Road;

On the west side—

(C) Between points distant respectively eighteen yards and fifty-six yards from the south-east corner of Roden Street measured in a southerly direction;

A.D. 1904.

(D) From the south-eastern corner of the property known as No. 22 Ilford Lane to the north-eastern corner of the boundary wall of the Methodist Church.

Power to acquire and use lands for town hall purposes.

6. Subject to the provisions of this Act and in addition to the other lands which the Council are by this Act authorised to purchase or acquire they may enter upon take use and hold the lands delineated on the deposited plans and described in the deposited book of reference relating thereto and being certain lands in the parish and urban district of Ilford lying on the south side of and adjoining the town hall and fire station and the west side of and adjoining Oakfield Road and on such lands and on the site of the existing fire station they may extend the town hall and public offices.

Council may use lands for fire brigade purposes &c.

7. The Council may appropriate and use for the purpose of erecting a fire station and firemen's cottages certain lands near their depôt in Ley Street originally acquired by them for depôt purposes and with the consent of the Local Government Board may appropriate and use for any of the purposes of this Act or any other Act any lands for the time being vested in them as an urban district council or otherwise and not required for the purposes for which the same were acquired but nothing in this section shall authorise the Council to create or permit any nuisance The Council shall charge the account to which any lands are appropriated under the provisions of this section with a reasonable sum by way of purchase-money or rent for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

Benefit of improvement to be taken into consideration in fixing compensation.

8. In estimating the amount of purchase-money and compensation to be paid by the Council under this part of this Act the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall be fairly estimated and shall be set off against the said purchase-money and compensation.

Costs of arbitration &c. in certain cases.

9. The court or person to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if they or he shall be of opinion that no such statement giving sufficient particulars shall have been

delivered one-half of the costs of the arbitration or as the case may be one-half of the costs of the proceedings before the sheriff (including the costs of summoning empanelling and returning the jury and of taking the inquiry and in recording the verdict and judgment therein) shall be defrayed by the person with whom the Council shall have such question and the remaining half shall be defrayed by the Council anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Compensation in case of recently altered buildings.

10. In settling any question of disputed purchase-money or compensation under this Act the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November one thousand nine hundred and three if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Limits of lateral and vertical deviation for street works.

11. Subject to the provisions of this part of this Act and to section 308 of the Public Health Act 1875 the Council in the construction of the street works by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

A.D. 1904.

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

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

Period for compulsory purchase of lands.

13. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Persons under disability may grant easements &c.

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

Owners may be required to sell parts only of certain properties.

15. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the

Schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

A.D. 1904.

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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

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

Power to retain sell &c. lands.

16. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit and

may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands acquired by them under this Act or any interest therein and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands.

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

For protection of Great Eastern Railway Company.

18. Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not under the powers of this Act without in every case the previous consent in writing of the Great Eastern Railway Company under their common seal take use enter upon or interfere with any land railway railway siding or other work belonging to the said Company except so much and so much only of the premises numbered 23 and 24 on the deposited plans in the parish and urban district of Ilford as shall be absolutely necessary for the widening and improvement of Station Approach authorised by

A.D. 1904.

the section of this Act the marginal note of which is "Power to make road widenings."

PART III.

INFECTIOUS DISEASE.

Dairymen to notify infectious disease among their servants.

19. Section 64 of the Act of 1898 is hereby repealed and from and after the passing of this Act every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the medical officer all cases of infectious disease among persons engaged in or in connection with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings.

Medical officer may require dairymen to furnish list of sources of their supply of milk and of persons supplied.

20. Section 60 of the Act of 1898 is hereby repealed and from and after the passing of this Act if the medical officer shall have reasonable cause to believe that any person in the district is suffering from infectious disease attributable to milk supplied within the district he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons to whom he has within such six weeks supplied milk within the district and the Council shall pay for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein and every such person failing to comply with such request shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Compensation to dairymen.

21. Section 67 of the Act of 1898 is hereby repealed and from and after the passing of this Act if at the request of the Council any dairyman shall stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

Power to compensate persons ceasing employment.

22. Section 68 of the Act of 1898 is hereby repealed and from and after the passing of this Act if any person shall at the request of the Council or of the medical officer stop his employment

for the purpose of preventing the spread of infectious disease within the district the Council shall make compensation to him for any loss he may sustain by reason of such stoppage.

Driver &c. of infected person to give notice.

23. If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer and shall cause such vehicle to be disinfected and if he fails so to do he shall be liable to a penalty not exceeding five pounds and the owner or driver of such vehicle shall be entitled to recover in a summary manner from the person so conveyed by him or from the person causing that person to be so conveyed a sum sufficient to cover any loss and expense incurred by him in connection with such disinfection It shall be the duty of the Council when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering.

Cleansing of infected house and removal of persons therefrom.

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

(2) If either—

(A) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Council as aforesaid; or

(B) Having so informed the Council he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice; or

(C) The occupier or owner as the case may be without such notice gives his consent;

A.D. 1904.

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

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

(4) When the Council have disinfected any house or part of a house or any article under the provisions of this section they shall compensate the occupier or owner of such house or part of a house or the owner of such article for any damage thereby caused to such house part of a house or article and when the Council destroy any article under this section they shall reasonably compensate the owner thereof and the amount of any such compensation shall be recoverable in a summary manner.

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

(6) For the purpose of this section the word "house" includes any tent van or any vessel lying in any river within the district.

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

Themselves build a place of reception ;

Contract for the use of any such place of reception.

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

Disinfection of clothes.

25. Any person taking or sending to any public washhouse or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or

other things to be disinfected by the Council or to the satisfaction of the medical officer and in default shall be liable to a penalty not exceeding forty shillings and the Council shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

Penalty on guardians *permitting* infected child to attend school.

26. No person being the parent or having care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Power to medical officer to examine school children.

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

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

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

For regulating manufacture and sale of ice creams &c.

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

(A) Causes or permits ice creams or any similar commodity to be manufactured sold or stored in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or an opening to a drain;

A.D. 1904.

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

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

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

Notice of provisions of this part of Act.

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

PART IV.

TUBERCULOSIS.

Penalty for selling milk of diseased cows.

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

Penalty on failing to isolate diseased cows.

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

Obligation to notify cases of tuberculosis.

32. Section 66 of the Act of 1898 is hereby repealed and from and after the passing of this Act every dairyman who supplies milk within the district and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is.

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

A.D. 1904.

Power to take samples of milk.

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

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

Power to inspect cows and to take samples of milk.

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

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

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

A.D. 1904.

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

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

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

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

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

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

Appeal.

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

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

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

Compensation to dairymen.

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

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

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 303 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

Notice of provisions of part IV. of this Act.

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

Procedure.

38. Offences under this part of this Act may be prosecuted and penalties may be recovered by the Council before a petty

A.D. 1904.

sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise.

Expenses.

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

Execution of this part of this Act by committee.

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

Part V.

Unsound Food.

Prohibition of blowing or inflating carcases.

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

Part VI.

Sanitary Provisions.

Rain water pipes not to be used as soil pipes.

42. No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or water-closet Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Water or stack pipes not to be used as ventilating shafts.

43. No water pipe stack pipe or down spout in existence at the date of the passing of this Act used for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain Any person who shall offend against this section after fourteen days from the service upon him by the Council of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Soil pipes to be ventilated.

44. The soil pipes of the water-closets within houses and buildings shall be properly ventilated by means of a pipe of suitable material carried up therefrom or by such other method as the Council shall direct and any owner or occupier of a house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Regulation dustbins.

45. The owner of every dwelling-house may be required by the Council to provide galvanised iron dustbins in lieu of ashpits and such bins shall be of such size and construction as may be approved by the Council and any owner who fails within fourteen days after notice given to him to comply with the requirements of the Council shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any bins or ashpits in use at the commencement of this Act so long as the same are of suitable size and in proper order and condition.

Removal of refuse.

46. The Council may from time to time if requested by the occupier of any premises within the district collect and remove and dispose of trade and other refuse and accumulations of noxious matters from such premises and may make a reasonable charge for the collection removal and disposal of the same which charge shall be paid to the Council and may be recovered summarily as a civil debt.

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

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

As to reconstruction of drains.

48. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings.

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

A.D. 1904.

Council may require old drains to be laid open for examination by inspector of nuisances before communicating with sewers.

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

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

Lavatories &c. under streets.

50. The Council may in or under any street in the district repairable by the inhabitants at large construct maintain fit up and supply with water and light lavatories closet accommodation and urinals for the use and accommodation of the public and may make and maintain accesses thereto and may use the soil of such street for those purposes and may employ and pay persons to take charge of and manage the lavatories closet accommodation and urinals and may make and enforce regulations with respect to admission thereto the use thereof and charges to be made therefor.

Nothing in this section shall extend to or authorise any interference with any road directly maintained by the county council of Essex until the plans of the works have been submitted to and have received the approval of the county council Provided always that if for one month after the submission of such plans the said county council shall fail to signify their disapproval thereof with their reasons for such disapproval they shall be deemed to have approved of the same.

Prohibition of discharge of trade refuse into sewers.

51.—(1) It shall not be lawful for any person to cause or suffer any refuse from any manufactory or works that would interfere with the purification or utilisation of the sewage of the district to flow or pass into any sewer of the Council or to flow or pass into any drain channel or watercourse connecting with any such sewer in such manner that the same will be carried by through or out of such drain channel or watercourse into any such sewer and if any person is guilty of any act or omission in contravention of this section he shall be liable to a penalty not exceeding twenty pounds and in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of a time to be determined in that behalf by the court of summary jurisdiction before whom he is convicted Provided that any person charged with an offence against this section shall not be convicted thereof if he shows to

the satisfaction of the court of summary jurisdiction before whom he is charged that he has duly used the best practicable and reasonably available means of depriving the refuse from his manufactory or works of qualities that would make it injurious to the sewer or likely to interfere with the treatment or utilisation of the sewage of the district.

(2) A person shall not be liable to a penalty for an offence against this section until the Council shall have given him notice of the provisions of this section nor for an offence committed before the expiration of one month from the service of such notice Provided that the Council shall not be required to give the same person notice more than once.

Defining the establishing of a new business.

52. For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established anew not only if it is established newly but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

As to nuisances.

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

(A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health;

(B) Any gutter drain shoot stack-pipe or down spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building; and

(C) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health;

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

A.D. 1904.

Power to require water-closets or earth-closets for new buildings.

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

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

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

Apportionment of expenses in case of joint owners.

55. Where under the provisions of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Council from the owner shall except where otherwise provided be paid by the owners of such buildings in such proportions as shall be determined by the surveyor.

Provision for filling cesspools &c.

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

Where it appears that any such cesspool receptacle ashpit or well is used in common by the occupiers of two or more houses or parts of houses the notice for filling up or removal of any such cesspool receptacle ashpit or well may be served on any one or

more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the Council may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner as a civil debt or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

Improper construction or repair of water-closet or drain.

57. If a water-closet or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a fine not exceeding twenty pounds:

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

Time for recovery of expenses.

58. The Council may if they think fit allow to the owners time for the repayment of any expenses incurred by them under this part of this Act and in that case section 257 of the Public Health Act 1875 shall apply as if such expenses were expenses for the repayment whereof the owner of the premises was made liable under that Act.

Part VII.

Streets Buildings and Sewers.

Continuation of existing streets to be deemed new streets.

59. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

As to urgent repairs to private streets.

60.—(1) In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large

A.D. 1904.

and where for want of such repairs danger exists to passengers or vehicles in such street the Council may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute such repairs within a time to be specified in such notice.

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

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

Deposit of building materials or excavations not to be made in streets without consent.

61. It shall not be lawful for any person without the consent of the Council in writing first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such material rubbish or thing or fill up such excavation (as the case may be) when required by the Council and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily as a civil debt.

Provision for preventing formation of culs-de-sacs.

62. The Council may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it is impossible for him to comply therewith and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to daily penalty not exceeding forty shillings.

Dangerous places to be repaired or enclosed.

63. With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):—

(1) If any building wall fence steps structure or other thing or any well excavation reservoir pond stream dam or bank is for want of sufficient repair protection or enclosure dangerous to the passengers along any street or footpath the Council may order the owner within the period specified in such order to repair remove protect or enclose the same so as to prevent any danger therefrom:

(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Council may cause such works as they think proper to be done for effecting such repair removal protection or enclosure and the expenses thereof shall be payable by the owner and may be recovered summarily.

Recovery of damages caused to footways by excavations.

64. If the footway of any street repairable by the inhabitants at large be injured by or in consequence of any excavations or other works on lands adjoining thereto the Council may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Council by the owner of the lands on which such excavations or other works have been made or by the person causing or responsible for the injury.

Watercourse choked up to be a nuisance under Public Health Act 1875.

65. Any river stream or watercourse or any part or parts thereof respectively within the district so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into land and property adjacent thereto shall be deemed a nuisance within the meaning of section 91 of the Public Health Act 1875 and all provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Means of escape from buildings in case of fire.

66. Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel boarding-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the

A.D. 1904.

circumstances of the case and no such building shall be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

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

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

Power to sell materials of temporary buildings.

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

Council may require enlarged sewer.

68. If in any new street the Council for the purpose of main drainage or otherwise shall require a larger sewer or drain to be made than they consider necessary for the ordinary sewerage or drainage of such new street the person laying out such new street shall construct such enlarged sewer or drain in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

As to construction of cellars in flooded districts.

69. The Council may from time to time by order prohibit in any part of the district coloured blue upon the plans signed in triplicate by the Right Honourable Baron Clifford of Chudleigh the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred (one of which plans has been deposited in the Parliament Office of the House of Lords and another in the Private Bill Office of the House of Commons) the construction of any cellar or basement storey in any new building being a dwelling-house or a shop in any building used as a dwelling-house and may by order regulate the level of the ground floor of any new building in such part of the district One of the said plans shall be kept at the office of the surveyor and at all reasonable times be open to public inspection.

Any person acting in contravention of such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

70. The provisions of the sections of this Act of which the marginal notes are "As to urgent repairs to private streets" and "Deposit of building materials or excavations not to be made in streets without consent" shall not apply to the private roads or ways of the Great Eastern Railway Company and used by that company as a part of or in connection with their railway under any Act of Parliament.

For protection of Great Eastern Railway Company.

Part VIII.

Hoardings and Advertisements.

71.—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained.

As to hoardings and other structures for advertising purposes.

(2) It shall not be lawful after the passing of this Act to erect wholly or partly for advertising purposes any such hoarding or similar structure to a greater height than twelve feet above the level of such street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the maintenance of such hoarding or similar structure as the Council may determine.

(3) The owner or other person using any hoarding wall or other structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and in the event of any paper affixed for advertising purposes to such hoarding wall or other structure falling or becoming detached shall forthwith remove and clear away such paper.

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Any consent or condition given or made under this section may be under the hand of the clerk or surveyor.

72. It shall not be lawful in any street in the district to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Council which consent shall be in writing and may be for such time and contain such terms and conditions as the Council think fit Any person who acts in contravention of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty

Restrictions on advertising vehicles.

A.D. 1904.

not exceeding five pounds and to a daily penalty not exceeding twenty shillings Any person aggrieved under this or the preceding section by the refusal of the Council to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction held for the district after the expiration of two clear days after the decision of the Council is notified to him in writing under the hand of the clerk provided he gives twenty-four hours' notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as they think fit and to award costs such costs to be recoverable as a civil debt.

Part IX.

Common Lodging-Houses.

Regulations as to common lodging-house keepers.

73. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Council shall with the approval of the Council in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Council) reside and remain in such house and manage and control and exercise proper supervision over the same and the inmates thereof If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Sanitary conveniences to be provided for inmates of common lodging-houses.

74. Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the Council be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-houses and all water-closets and urinals shall be provided with a proper water supply laid on for flushing purposes Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Council requiring him to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

The expression "sanitary conveniences" in this section includes urinals water-closets ashpits and any similar convenience.

Registration of common lodging-houses and keepers.

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

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

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

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

Provisions to apply to night shelters &c.

76. The provisions of the Public Health Acts and this Act with reference to common lodging-houses shall extend and apply to all homes refuges night shelters houses and buildings (other than workhouses) used for the temporary reception or relief of the poor the destitute or the indigent and wherein such persons are allowed to sleep Notice of the provisions of this section shall be given by the Council to the keeper of every shelter or other building to which this section relates within three months from the passing of this Act and before any proceedings are taken under this section.

Notice to common lodging-house keepers.

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

Part X.

Police.

Pleasure grounds to be deemed streets.

78. The public parks gardens and pleasure grounds within the district shall be deemed streets for the purposes of sections 24 25 and 29 of the Town Police Clauses Act 1847 and also for

A.D. 1904.

the purposes of so much of section 28 of that Act as imposes penalties upon persons committing the following offences:—

Every person who slaughters or dresses any cattle or any part thereof except in the case of cattle overdriven which may have met with accident and which for the public safety or other reasonable cause ought to be slaughtered on the spot;

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

Every person who wilfully and indecently exposes his person;

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language;

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire;

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

Unfenced ground to be deemed a public place.

79. Any unfenced ground adjoining or abutting upon any street and any recreation ground belonging to or under the control of the Council shall for the purposes of the Vagrancy Act 1824 and any Act for the time being in force altering or amending the same be deemed a public place.

Part XI.

Fire Brigade.

Firemen's cottages.

80. The Council may subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time erect on any land for the time being belonging to them such cottages as they think fit for the habitation of their firemen and may let the said cottages or any of them and any other firemen's cottages which the Council are by this Act authorised to erect to such firemen on such terms and conditions at such rent or free from rent as the Council think fit.

Part XII.

Finance.

Power to borrow.

81. The Council may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health

Acts or any public general Act borrow at interest on the security of the district fund and general district rate the following sums (that is to say):—

(A) For paying the costs charges and expenses of and in relation to this Act as hereinafter defined the sum requisite for the purpose;

(B) For the purchase of land for and for the street and road widenings and improvements by this Act authorised twenty thousand pounds;

(C) For the erection of buildings for the temporary shelter of persons removed from infected houses under this Act the sum of one thousand five hundred pounds;

(D) For the pulling down of the existing fire station and the extension of the town hall and public offices the sum of eighteen thousand pounds;

(E) For the erection of a new fire brigade station and firemen's cottages the sum of eight thousand pounds;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act.

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

Provision as to mortgages.

82. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages); and

Section 239 (Receiver may be appointed in certain cases).

Repayment of borrowed moneys.

83. All moneys borrowed under the powers of this Act for the purposes respectively mentioned in the following subsections of the section of this Act the marginal note whereof is "Power to borrow" shall be repaid within any period not exceeding the following respective periods (hereinafter respectively referred to as "the prescribed period") (that is to say):—

For the purpose in subsection (A) five years from the date of the passing of this Act:

A.D. 1904.

For the purposes in subsection (B) fifty years from the date or dates of borrowing:

For the purpose in subsection (C) thirty years from the date or dates of borrowing:

For the purposes in subsection (D) fifty years from the date or dates of borrowing:

For the purposes in subsection (E) fifty years from the date or dates of borrowing.

Moneys borrowed with the approval of the Local Government Board (including moneys so borrowed under the provisions of the section of this Act the marginal note whereof is "Scheme for fixing equated periods for repayment of loans") shall be repaid within such periods as that Board may sanction.

Mode of payment off of money borrowed.

84. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made or from the date of the passing of this Act as the case may be.

Sinking fund.

85.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in

respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the usual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided always that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

A.D. 1904.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purposes as the Council with the consent of the Local Government Board may determine.

Sinking fund may be adjusted in certain events.

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

Return to Local Government Board as to repayment of debt.

87.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that

Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Power to reborrow.

88. The Council may except as hereinafter provided reborrow for the purpose of paying off any moneys borrowed or reborrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the reborrowing and which at the time of the repayment it was intended to reborrow Provided that the Council shall not have power to reborrow for the purpose of paying off any moneys repaid by instalments

A.D. 1904.

or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys reborrowed shall be deemed to form the same loan as the money for the repayment of which the reborrowing has been made and shall be repaid within the prescribed period.

Protection of lenders from inquiry.

89. A person lending money to the Council shall not be bound to inquire as to the observance by the Council of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Expenses of execution of Act.

90. All expenses occurred by the Council in carrying into execution the provisions of this Act except such of them as are properly chargeable to capital and payable out of borrowed moneys shall so far as the payment thereof is not otherwise provided for be paid out of the district fund and general district rate.

Audit of accounts.

91. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

Scheme for fixing equated periods for repayment of loans.

92. The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans then contracted or about to be contracted by them under statutory borrowing powers (including the loans authorised by this Act) shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

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

The Council may with the sanction of the Local Government Board borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto.

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

Mode of raising money.

93. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act whereof the marginal note is "Sinking fund" shall apply in lieu of the provisions of section 15 of the Local Loans Act 1875.

Part XIII.

Miscellaneous.

Power to appoint assistants to overseers.

94. The Council may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of Ilford in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Council and paid out of the poor rate and other local rates and funds in such proportions as the Council shall determine.

Power to grant gratuities in certain cases.

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

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

As to closing baths.

96. The Council may close to the public and reserve the exclusive use of any swimming bath belonging to them and may grant the use thereof to any company body or persons either gratuitously or for payment for swimming contests practices or exhibitions of aquatic exercises and may demand and take such sums for the exclusive use of such baths or for admission of persons thereto as they may think fit:

A.D. 1904.

Provided that no such swimming bath shall be closed under the powers of this section for more than six hours on any one day or on more than two days in one week.

In executing works for owner Council not liable for damages save in case of negligence.

97. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Council or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executiug or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

Council may provide ambulances.

98. The Council may provide ambulances for use in cases of sickness and accidents happening within the district and may provide attendants and horses and maintain and keep the same.

Penalty on occupiers refusing execution of Act.

99. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part VI. (Sanitary Provisions) Part VII. (Streets Buildings and Sewers) of this Act or under any byelaw made under the powers of Part VI. of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Informations &c. by whom to be laid.

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

A.D. 1904.

Authentication and service of notices &c.

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

As to appeal.

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

Recovery of penalties.

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

Damages and charges to be settled by justices.

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

Penalties to be paid over to treasurer.

105. All penalties recovered by the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer to the Council and carried by him to the credit of the district fund or to such other fund as the Council direct.

A.D. 1904.

Compensation to be determined under Public Health Acts.

106. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Compensation may be in land.

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

Saving for indictments.

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

Powers of Act cumulative.

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

Saving rights of Crown.

110. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing shall authorise the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose which consent such Commissioners are hereby authorised to give.

A.D. 1904.

Expenses of Act.

111. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and incidental to the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of the district fund and general district rate and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

A.D. 1904.

The SCHEDULE referred to in the foregoing Act.

PROPERTIES WHOLLY SITUATED IN THE PARISH AND DISTRICT OF ILFORD OF WHICH PARTS ONLY MAY BE TAKEN.

Work.	Numbers on Deposited Plans.
High Road and Station Approach improvement.	23.
Ilford Lane improvement -	14 17 18 19 20 21 22 23 25 26 27 28 29 30 31 33 34 35 36 37 38 39 40 41 42 43 44 46 47 48 49 50 51 52 53 54 55 56 57 58 59 62 63.
Extension of Town Hall and public offices.	4.

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