CHAPTER ccxlvi.

An Act to authorise the Corporation of the city of Ripon to construct additional waterworks and to make other provision for the health and good government of the city. [9th August 1901.]

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WHEREAS the city of Ripon is under the management and local government of the mayor aldermen and citizens of the city who acting by the city council are the council of the urban district which comprises the city:

And whereas by the Ripon Corporation Act 1886 (in this Act called "the Act of 1886") the Corporation were empowered amongst other things to construct and maintain a reservoir called the Lumley Moor Reservoir and other waterworks and to take and appropriate part of the waters of the Holborn Beck and certain tributaries thereof comprised in the watershed of the River Laver and to supply water within the limits of supply defined by that Act and to borrow money for that purpose:

And whereas the works authorised by the Act of 1886 have been constructed and the Corporation are supplying water within the city of Ripon and certain adjoining parishes:

And whereas in order to meet the increased and future demands of the inhabitants it is expedient that the provisions contained in this Act for the construction of further waterworks and the obtaining of additional water should be sanctioned:

And whereas it is expedient that the Corporation should be authorised to acquire or take on lease by agreement with the owner the Aldfield Spa and the waters thereof and to lay mains and pipes in accordance with the terms of any such agreement and to construct pump-rooms and other works and to use and supply the water of the Spa in connexion therewith:

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And whereas the Corporation have borrowed for water purposes on security of their water undertaking and the general district rate and district fund of the city the sum of forty thousand one hundred and twenty pounds of which the sum of thirty-one thousand one hundred and thirty-seven pounds and ten shillings is still owing:

And whereas estimates have been prepared by the Corporation for the purchase of land for and for the execution of the works by this Act authorised and for carrying into effect the other purposes of this Act and such estimates amount to the sums following (that is to say):—

	£
Waterworks - - - - -	6000
Aldfield Spa Works - - -	2500

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas it is expedient that the Corporation should be authorised to raise money for the purposes herein-before mentioned and that the other provisions in this Act contained should be made:

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

And whereas an absolute majority of the whole number of the members of the city council at a meeting held on the thirteenth day of November one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Ripon Observer a local newspaper published or circulating in the city 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 Ripon Observer a local newspaper published or circulating in the city 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 members of the city council at a further special meeting held in pursuance of a similar notice on the twenty-first day of January one thousand nine hundred and one being not less than fourteen days after the deposit of the Bill in Parliament:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York and are herein-after respectively referred to as the deposited plans sections and book of reference:

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

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Ripon Corporation Act 1901.

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Water.
Part III.—Aldfield Spa pump-rooms and baths.
Part IV.—Sanitary provisions.
Part V.—Infectious disease &c.
Part VI.—Tuberculosis.
Part VII.—Slaughter-houses.
Part VIII.—Hackney carriages &c.
Part IX.—Recreation grounds.
Part X.—Common lodging-houses.
Part XI.—Financial.
Part XII.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and not inconsistent with this Act) are incorporated with the several Parts of this Act (except Part III) namely:—

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845;

The Waterworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 of that Act with respect to

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accounts and except also the words in section 44 of that Act "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner"; and

The Waterworks Clauses Act 1863.

Interpretation.

4. The several words and expressions to which by the Public Health Act 1875 or the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the promoters of the undertaking" means the Corporation:

And in this Act unless the subject or context otherwise require—

"The city" means the city of Ripon;

"The Corporation" means the mayor aldermen and citizens of the city;

"The town clerk" means the town clerk of the city;

"The surveyor" means the surveyor of the city;

"The medical officer" means the medical officer of health of the city;

"The inspector of nuisances" means the inspector of nuisances of the city;

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

"The Act of 1886" means the Ripon Corporation Act 1886;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

"Statutory securities" means securities 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 securities (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 Corporation;

"Dairy" means and includes 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;

"Dairyman" means and includes any cowkeeper purveyor of milk or occupier of a diary;

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

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

Limits of Act.

5. Save as in this Act otherwise provided the limits for the exercise of the several powers by this Act conferred shall be the city.

Part II.

Water.

Water limits.

6. The limits of this Act for the supply of water shall be the limits defined by section 4 of the Act of 1886.

Power to make a waterwork.

7. Subject to the provisions of this Act the Corporation may make and maintain wholly in the West Riding of the county of York in the lines and situations and according to the levels shown on the deposited plans and sections and in over upon or under the lands delineated on the said plans and described in the deposited book of reference the waterwork herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the said book of reference as may be required for that purpose:—

A line or lines of pipes (No. 5) commencing in the parish of Grantley at or near the filter beds of the Corporation situate near the main embankment of their Lumley Moor Reservoir

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and terminating in the parish of Lindrick-with-Studley-Royal-and-Fountains at or in the White Fields Service Reservoir of the Corporation.

Power to make subsidiary waterworks.

8. Subject to the provisions of this Act the Corporation in addition to the waterwork authorised by the section of this Act whereof the marginal note is "Power to make a waterwork" may upon any lands acquired or to be acquired by them for waterworks purposes make and maintain all proper and necessary embankments walls bridges roads ways wells reservoirs tanks basins cisterns gauges filters filter-beds sluices hatchboxes chambers outfalls discharge pipes shafts adits tunnels aqueducts culverts cuts channels conduits mains pipes stand-pipes junctions valves drains telegraphs telephones engines apparatus stream diversions roadways approaches fences buildings houses works and conveniences connected with the waterwork herein-before referred to or necessary or convenient for conducting inspecting cleansing repairing or managing the same or incidental thereto or to the exercise of any of the powers by this Part of this Act authorised:

Provided that any telegraphs or telephones constructed under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Corporation may acquire easements only in certain lands.

9. The Corporation may in lieu of acquiring any lands for the purpose of laying any pipes underground under the authority of this Part of this Act acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Corporation for

the purpose of laying any pipe underground the Corporation shall not (unless they purchase such lands and not merely easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the work have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

Lateral and vertical deviation.

10. The Corporation in constructing the work by this Part of this Act authorised may make deviations from the lines of such work but not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such limits and they may also deviate from the levels delineated on the deposited sections to any extent not exceeding five feet upwards and five feet downwards Provided that no part of any line of pipe shall be constructed or laid so as to be above the surface of the ground except so far as is shown on the deposited sections or except for the purpose of crossing over a stream.

Period for compulsory purchase of lands.

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

Power to acquire additional lands.

12. The Corporation may for the purposes of their water undertaking acquire by agreement either in fee simple or for any term or terms of years in addition to lands which they are already authorised to hold or which they may acquire under the powers of this Act any lands not exceeding in the whole one hundred acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Corporation shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Persons under disability may grant easements &c.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which 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

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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.

For protection of West Riding County Council.

14. In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county bridges of the West Riding of the county of York the following provisions for the protection of the county council of the said West Riding (in this section called "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Corporation (that is to say):—

(1) All mains pipes or works to be laid in or along any main roads shall be constructed and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor direct and shall not be constructed or laid in upon or across any county or main road bridge or any arch connected therewith but shall be carried over or under the stream crossed by such bridge entirely separate from and independent of such bridge or arch and the gradient of such bridge and of the respective approaches thereto shall not be altered:

(2) All works to be constructed or laid in along or across or in any way affecting any main road or county or main road bridge or any approach thereto shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work Provided that if the said surveyor shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

(3) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible despatch:

(4) The Corporation shall pay to the county council the reasonable cost in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised:

(5) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to divert widen or improve any such main road and also to remove alter widen or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such main road or bridge respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion widening improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Corporation shall at their own expense as and when requested by the said surveyor remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor of the county council Provided that before and during such diversion widening improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall afford at the cost of the Corporation reasonable facilities for temporarily carrying such mains or pipes along the main road or across the stream so as not to interrupt the supply of water:

(6) The county council shall not except in the case of their negligence be liable to any claim for damages in respect of any injury which may be caused to any of the said mains pipes or works through the use by the county council of a steam roller upon any main road:

(7) Notwithstanding anything in this Act contained if any difference arise between the Corporation and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer agreed upon or failing agreement to be appointed as single arbitrator by the Board of Trade on the application of either of the parties in difference.

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Power to hold lands for protection of waterworks.

15. The Corporation may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachments or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Corporation shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to construct drains upon such lands.

16. The Corporation may in and upon any lands which they may hold for the purpose described in the last preceding section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul water arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted fouled contaminated or discoloured and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within or adjoining such lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Byelaws for securing purity of water.

17.—(1) The Corporation may make byelaws for securing the purity of the water which they are authorised to impound or take for the purposes of any of their waterworks (except the works referred to in Part III of this Act) and may by such byelaws prescribe the construction maintenance and use of proper sanitary conveniences and make provision for the prevention of nuisances and the prevention or regulation of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the areas draining into the waterworks of the Corporation or within so much of those areas as may be defined in the byelaws All byelaws made under this section shall be subject to the approval of the district council of every district comprising any part of the area within which it is proposed that the byelaws shall be in force provided that such consent shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(3) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which

byelaws shall be made under the provisions of this section who shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled by two justices in accordance with the provisions of the Lands Clauses Acts as in the case of claims for compensation under section 22 of the Lands Clauses Consolidation Act 1845.

Provisions as to fouling of water.

18. For the prevention of the pollution of any waters over which the Corporation have any powers of user or of any watercourse through which any water may for the time being flow into any such waters the Corporation may with the consent of the West Riding county council and of the district council in whose district such pollution occurs or of one of such councils if the other refuse such consent and decline to do the work themselves enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Acts with respect to any such waters and watercourses or in respect of any nuisance which may exist in proximity thereto and the Corporation with such consent as aforesaid shall have and may if they think fit from time to time exercise such or the like powers as may for the time being be exercisable by such county council or district council as the case may be under any enactment for the prevention of the pollution of any such water or watercourse or for the prevention or abatement of any such nuisance and the provisions of any such enactment shall for the purposes aforesaid extend and apply mutatis mutandis to the Corporation Provided that if the county council and the district council in whose district the pollution occurs or is likely to occur refuse or neglect for the space of one month after being requested by the Corporation by notice in writing under the hand of their town clerk either to enforce the provisions of the said Acts or to consent to the enforcement thereof by the Corporation the Corporation may appeal to the Local Government Board who may give to them such consent and thereupon the Corporation may proceed to enforce the provisions of the said Acts.

The Local Government Board on receipt of such appeal from the Corporation may direct any inquiries into the matter thereof to be held by their inspectors which they may deem necessary before giving such consent as aforesaid and their inspectors shall for the purposes of such inquiry have all such powers as they may have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

Any expenses incurred by the Local Government Board in relation to any inquiry under this section including the expenses of any

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witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector shall be paid by and recoverable from the Corporation or the county council or the district council or partly from the one and partly from the others or either of them as the Local Government Board may determine Provided always that this section shall not in any way affect or be deemed to affect or relate to the provisions of Part III of this Act.

For prevention of plumbism.

19.—(1) All water supplied by the Corporation under this Part of this Act whether in bulk or otherwise and used for dietetic purposes shall before delivery be efficiently and continuously filtered through such material or shall be chemically treated so as to prevent the action of such water on lead or on any material used for the construction of pipes cisterns or other receptacles into the manufacture of which lead enters in a manner injurious or liable to prove injurious to public health.

(2) The Corporation shall forthwith construct and thenceforward maintain the necessary apparatus and appliances to prevent such action.

(3) If the Corporation shall fail to construct such apparatus or appliances or apply such treatment as shall efficiently prevent such action or shall fail thenceforward to efficiently maintain the same or shall at any time supply water in such a condition as to be capable of such action they shall be liable to a penalty not exceeding ten pounds for every day on or on any part of which any infringement of this section shall occur and such penalty shall be recoverable summarily at the instance of the county council.

(4) For the better enforcement of the provisions of this section any person duly authorised by the county council may at any time enter on the property of the Corporation for the purpose of inspecting the apparatus and appliances and materials used for filtering or treating the water as the case may be and may take samples of the water in duplicate and shall thereupon before he carries away the same from the property of the Corporation seal up and mark such samples and shall leave one of such samples with the person if any in charge of the property and any person who molests hinders or obstructs any such person in the performance of his duty under this section shall be liable to a penalty not exceeding five pounds for every such offence.

Power to agree as to drainage of lands.

20. The Corporation on the one hand and the owners lessees or occupiers of any lands within the drainage areas of the reservoirs and works for the time being belonging to the Corporation or any

local authority county council company or other body or any person or persons on the other hand may make and carry into effect agreements with reference to the execution by any of them of such works as may be necessary or desirable for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to divert collect and appropriate flowing to or upon or from such lands directly or derivatively into such reservoirs and works :

Provided that nothing in this section shall be deemed to confer on any local or public authority power to construct any works which they respectively would not have power to construct had this Act not been passed nor to confer on the Corporation power to construct any works for such local or public authority except on behalf of and as the contractors for such local or public authority.

Prevention of pollution

21. The Corporation shall not in or during or after the construction cleansing or repairing of any reservoirs filters filter beds or other works by this Part of this Act authorised cast or discharge or permit or suffer to pass or be cast or washed or discharged into any river or stream any solid matter (including solid matter in suspension) or any foul or polluting liquid arising from or consequent upon the acts aforesaid.

Any infringement of this section shall be deemed to be an offence by the Corporation against section 5 of the West Riding of Yorkshire Rivers Act 1894.

For protection of Marquess of Ripon.

22. For the protection of the Most Honourable George Frederick Samuel Marquess of Ripon or other the person or persons for the time being entitled in possession whether for life or any greater estate to the estate in the county of York known as Studley Royal and Fountains (in this section referred to as "the owner") the following provisions shall so far as regards this Part of this Act unless otherwise agreed between the Corporation and the owner have effect (that is to say) :—

(1) All lines of pipes which the Corporation shall lay through any lands of the owner shall be laid under ground and so that the top of the pipes shall throughout be not less than three feet below the present surface of the land For the purpose of laying such lines of pipes the owner shall grant and the Corporation shall acquire an easement only and the Corporation shall not be entitled to compulsorily purchase or acquire the land in through or under which such lines of pipes are to be laid :

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(2) Every road public or private within the property of the owner in which the Corporation shall lay pipes or which shall be in any way disturbed by the Corporation shall so far as the same is disturbed by the Corporation be kept in repair by the Corporation from the commencement of the works of the Corporation for a period of twelve months after the completion of such works and in case at any time the same shall be again broken up by the Corporation for inspection repair or otherwise then for a period of three months after each such breaking up:

(3) During the construction of the works of the Corporation the Corporation shall at their own expense provide and pay a sufficient staff of suitable and competent persons to supervise the men employed on any works upon or near the property of the owner so as to prevent trespass on any such lands and so as to protect the game and fishing and to prevent any trespass upon the property of the owner and shall defray any reasonable additional expense to which the owner may be put in the employment of police keepers or watchers:

(4) In executing the works by this Act authorised or any authorised extension duplication or alteration thereof through or under the property of the owner the Corporation shall observe the following conditions:—

(A) Before commencing to execute the said works the Corporation shall submit to the owner for his reasonable approval working plans and drawings showing all reasonable details and the owner shall be entitled to require any reasonable diversion of the same through any part of his property whether within or beyond the limits of deviation if such diversion can be made without prejudicially affecting the flow of water through the same;

(B) In the construction of the said works the Corporation shall first carefully remove from the surface all turf and vegetable soil and on the completion of the works they shall replace such turf and soil and restore the surface as nearly as may be to its former level and state All surplus soil or material excavated from the said work shall be disposed of as the owner may from time to time direct at any place not exceeding a distance of three-quarters of a mile from the place at which it was excavated;

(C) The Corporation shall during the execution of the said works fence in and keep fenced in the site of so much of the said works as may from time to time be in course of execution with a sufficient and not unsightly fence for

which purpose no barbed wire shall be used and forthwith after so much of the works shall have been completed and the surface of the ground properly restored and levelled the Corporation shall remove the said fence;

(D) No manhole shall protrude above the surface of the land;

(E) The said works shall so far as they affect the property of the owner be completed and all surface restored and made good within twelve months after the commencement thereof:

(5) The purchase-money and compensation to be paid by the Corporation to the owner for and in respect of the acquisition of such easement as aforesaid shall failing agreement be ascertained in manner provided by the Lands Clauses Acts:

(6) Notwithstanding any statutory or other powers vested in them the Corporation shall not without the consent of the owner enter upon the lands of the owner for the purpose of commencing the said works until the whole of the purchase-money and all other moneys payable by the Corporation to the owner in respect of the acquisition of the said easement or otherwise shall have been paid to the owner or as he shall direct:

(7) If any difference shall arise as to whether any requirement or direction of the owner is reasonable within the meaning of these presents the same shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

For protection of Sir Christopher Furness.

23. For the protection of Sir Christopher Furness or other the person or persons for the time being entitled in possession whether for life or for any greater estate to the estate in the county of York known as Grantley (in this section referred to as "the owner") the provisions of the last preceding section of this Act shall unless otherwise agreed between the Corporation and the owner have effect and the said section shall be read and have effect as though the owner and the said Grantley Estate had been respectively substituted for the owner and the said Studley Royal and Fountains Estate therein.

Power to sell &c. lands.

24. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Corporation may from time to time sell lease or otherwise dispose of any lands acquired by them under this Part of this Act and not for the time being required for the purposes of their water undertaking.

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Reservation of water rights on sale.

25. The Corporation on selling any lands acquired for or in connexion with any part of their water undertaking other than the Aldfield Spa undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Application of moneys from sale of lands.

26. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act for the purposes of their water undertaking or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing by them under this Act or if there shall be no moneys owing by them under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Restriction on displacing persons of the labouring class.

27. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty For the purpose of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons

other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Period for completion of work.

28. If the work referred to in this Part of this Act and shown on the deposited plans is not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing such work or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Corporation from renewing extending enlarging altering reconstructing or removing any of their tanks gauges drains sluices catchpits conduits culverts valves washouts byewashes engines pumps machinery apparatus filter beds mains pipes or other works or plant at any time and from time to time as occasion may require.

Corporation may obtain supply of water from other authorities &c.

29. The Corporation may from time to time enter into contracts or agreements with any other corporation or with any authority or company in relation to the supply to the Corporation of water in bulk upon such terms or conditions as may be agreed between the Corporation and such other corporation authority or company.

Work authorised by this Act to form part of existing water undertaking.

30. Subject to the provisions of this Act the waterwork by this Part of this Act authorised and also the Aldfield Spa undertaking (which subject to the provisions of Part III of this Act and any agreement made thereunder with the owner is included in the water undertaking of the Corporation) shall for all purposes whatsoever be deemed part of the existing water undertaking of the Corporation and the Corporation may use the same for the supply of water and may demand and recover rates rents and charges in respect of water so supplied and the revenues to arise therefrom shall be applied and any deficiency shall be met in the same manner as is provided by the Act of 1886 and the provisions of the Act of 1886 and any other statutory provisions in force with respect to the existing water undertaking of the Corporation shall so far as the same are applicable and are not inconsistent with or varied by the provisions of this Act be deemed to extend and apply to the water to be obtained from any corporation authority or company as aforesaid and the several works matters and things to be constructed and done under the powers of this Act.

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As to supply to local authorities.

31. Subject to the provisions in any local or personal Act of Parliament contained for the protection of any corporation authority or company in relation to water supply the Corporation shall upon the completion of the work in this Act mentioned or referred to or any complete section thereof supply in bulk to the council of any urban or rural district adjoining or adjacent to the said work or the city such daily quantity of water as such authority may from time to time require and agree thereafter to take and as the Corporation may be able to spare after providing a full and sufficient supply within their limits of supply and at such price and upon such terms as shall be agreed between the Corporation and the authority or failing agreement as shall be determined by an arbitrator to be appointed by the Local Government Board Provided that the Corporation shall not give a supply of water under this section in any case where any company authority or person is supplying or is authorised to supply water without the consent in writing of such company authority or person.

Contracts for supplying water in bulk.

32. The Corporation may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act Section 37 of the Act of 1886 is hereby repealed.

Maximum price for supply by meter.

33. The Corporation shall not charge a higher price than one shilling and sixpence for every thousand gallons of water supplied by meter under the provisions of section 36 (Supply to houses partly used for trade &c.) of the Act of 1886.

Detection of waste.

34. The Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere

temporarily with public and private streets roads lanes footways thoroughfares tramways gas pipes water pipes wires lines cables and electrical apparatus:

Provided that the Corporation shall not break up or in any way interfere with pipes wires lines cables or electric apparatus belonging to or used by the Postmaster General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to sell or let meters.

35. The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Corporation to let for hire any water fittings to any person supplied by them with water.

Power to supply materials.

36. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their byelaws and regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

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

37. The Corporation may on the application of the owner or occupier of any premises within their water limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Entry on premises to cut off pipes after notice given.

38. In all cases in which any premises which shall have been supplied with water by the Corporation shall have become unoccupied for a space of seven days the Corporation their agents and workmen after giving seven days' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Corporation after inquiry by affixing the same for seven days on some conspicuous part of such premises may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes

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by which the water of the Corporation shall be conveyed to such premises and may remove any pipe meter fittings or apparatus the property of the Corporation repairing and making good all damage that may be done by reason of such removal Section 32 of the Act of 1886 is hereby repealed.

Register of meter to be primâ facie evidence.

39. Where water is supplied by the Corporation by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring meters.

40. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered

by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Part III.

Aldfield Spa Pump Rooms and Baths.

Power to acquire Aldfield Spa.

41. The Corporation may enter into and carry into effect an agreement or agreements with the Most Honourable George Frederick Samuel Marquess of Ripon (who and whose successors and assigns are in this Part of this Act referred to as and included in the term "the Marquess of Ripon") for the purchase or acquisition of or for a lease of or any other interest in the Aldfield Spa and the waters thereof and for the laying of mains and pipes through the property of the said Marquess and such agreement or agreements may make all necessary provisions incidental to the before-mentioned objects or otherwise in connexion with the taking and carrying away and utilising of the said waters for the purposes of this Part of this Act.

Power to construct pipe works in connexion with Spa.

42. Subject to the provisions of this Act and with the consent of the Marquess of Ripon the Corporation may wholly in the West Riding of the county of York make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and in over upon or under the lands delineated on the said plans and described in the deposited book of reference the following pipe works together with all necessary drains pipes sluices valves washouts junctions apparatus and other works and conveniences in connexion with or incidental to such pipe works The works herein-before referred to are the following:—

A conduit or line of pipes commencing in the parish of Aldfield at a point in the Aldfield Spa two hundred and fifty feet or thereabouts measured in a south-westerly direction from the south-west corner of Aldfield Spa Cottage and terminating in the market place in the city at a point fifty feet or thereabouts south of the Market Cross.

Power to take lands in connexion with Spa.

43. Subject to the provisions of this Act and with the consent of the Marquess of Ripon the Corporation may enter upon take and use such of the lands delineated on the deposited plans and

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described in the deposited book of reference as may be necessary for the construction of the works authorised by the last preceding section of this Act Provided that nothing in this section shall authorise the Corporation to enter upon take or use any lands of or belonging to the Marquess of Ripon save with his consent.

Incorporation of provisions from Part II and from Waterworks Clauses Act 1847.

44. The provisions of sections 28 to 34 (inclusive) of the Waterworks Clauses Act 1847 and the provisions of the several sections in Part II of this Act whereof the marginal notes are "Power to hold lands for protection of waterworks" "Power to construct drains upon such lands" "Power to agree as to drainage of lands" "Power to sell lands" "Application of moneys from sale of lands" and "Restrictions on displacing persons of the labouring class" shall extend and apply mutatis mutandis to and in connexion with the lands works and waters authorised under this Part of this Act to be acquired constructed and taken by the Corporation as if they were respectively lands works or waters authorised under the said Part II to be acquired constructed or taken by the Corporation.

Additional lands for purposes of Spa &c.

45. The Corporation may for the purposes of the works and undertaking authorised by this Part of this Act acquire by agreement either in fee simple or for any term or terms of years in addition to lands which they are already authorised to hold or which they may acquire under the powers of this Act any lands not exceeding in the whole fifty acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Corporation shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the said undertaking.

Power to take waters of Aldfield Spa.

46. Subject to the provisions of this Act and with the consent of the Marquess of Ripon the Corporation may take intercept collect impound use divert and appropriate for the purposes of the works and undertaking authorised by this Part of this Act the waters of the Aldfield Spa in the parish of Aldfield in the West Riding of the county of York and all such other streams springs and waters as will or may be intercepted by the works authorised by this Part of this Act or as may be found in on or under any of the lands for the time being belonging to the Corporation.

Power to erect and maintain pump rooms &c.

47. Upon any lands which they may acquire by agreement for the purpose the Corporation may erect provide maintain and carry on a pump room or pump rooms with all necessary or

suitable buildings conveniences fittings stocks stores apparatus and appliances for the supply and drinking of waters from the Aldfield Spa or elsewhere and for the advantage entertainment and amusement of persons resorting thereto and may appoint employ and remove persons to manage and take charge of the same and may pay to such persons such salaries or remuneration as they think fit.

Power to Corporation to charge for mineral water supply.

48. The Corporation may supply the mineral water obtained from the Aldfield Spa in bulk from the conduit or line of pipes authorised by this Act or by measure by glass or otherwise at the pump room or elsewhere and may make such reasonable charges therefor as they may think.

Byelaws for pump room.

49. The Corporation may make alter repeal and enforce byelaws for the regulation and management of the pump room and for regulating the admission thereto and the user thereof and respecting the conduct of persons therein and may by such byelaws provide for the removal by the servants of the Corporation or any constable of any person guilty of a breach of any such byelaw.

Power to erect and maintain baths.

50. Upon any lands which they may acquire by agreement for the purpose the Corporation may erect provide maintain and carry on public baths with Turkish medicinal and any other baths and with all buildings conveniences fittings stocks stores apparatus and appliances usual necessary or advantageous in connexion therewith and the Corporation may when they deem it desirable close such baths for such periods as they may think fit.

Provisions as to admission to and use of pump rooms baths &c.

51. The Corporation may make such terms conditions or regulations as they may think necessary in connexion with the admission to or use of any of the pump rooms baths buildings works or things by this Part of this Act authorised and as to the conduct of persons resorting to or using the same and in particular the Corporation may make such charges as they may think fit for such admission or use and may supply and sell water therein at such prices and on such terms as they may think fit.

Power to close swimming baths and charge for exclusive use thereof.

52. The Corporation 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 the admission of persons thereto as they may think fit Provided that no such

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swimming bath shall be closed under the powers of this section for more than six hours on any one day or on more than one day in any one week.

Application of moneys received for admission to pump rooms and baths.

53. The moneys (if any) received by the Corporation for admission to or use of any of the pump rooms baths buildings works or things by this Part of this Act authorised or for the supply of water therein or for the use of or admission to any swimming bath of the Corporation shall be carried to the revenue of the water undertaking and be applied in accordance with section 38 of the Act of 1886.

Part IV.

Sanitary Provisions.

Power to require waterclosets for new buildings.

54.—(1) The Corporation may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice require that such new building shall be provided with proper and sufficient waterclosets according as circumstances may require.

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

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

Conversion of existing accommodation into watercloset.

55.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may by written notice to the owner of any building require any existing closet accommodation (other than a watercloset) provided at or in connexion with such building to be altered so as to be converted into a watercloset which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of

the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing.

(3) If in any case such alteration shall be required in respect of any existing accommodation which prior to the passing of this Act shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such state as to create a nuisance or to be dangerous or injurious to health then the Corporation shall bear and pay such sum towards the expenses incurred by the owner (being not less than one half thereof) as the Corporation may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(4) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

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

As to appeal under two last preceding sections.

56.—(1) Where any person deems himself aggrieved by any requirement of the Corporation under the two last preceding sections or either of them or disputes the reasonableness of the expenses charged to him by the Corporation under such sections or either of them such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses as the case may be appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties :

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

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

Provisions as to filling up cesspools.

57. If it shall appear to the Corporation by the report of the medical officer of health 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

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any part of the drainage of a house or any ashpit or any well or disused well belonging to any such 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 Corporation 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 and 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 the 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 Corporation may themselves carry out the requisitions and may recover the expense 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 street improvement expenses are recoverable under the Public Health Acts.

Corporation may order houses to be drained by a combined operation.

58. If it appear to the Corporation that two or more houses plans for which have been approved after the first day of January one thousand nine hundred and two may be drained more economically or advantageously in combination than separately and a sewer of sufficient size is about to be constructed within one hundred feet of any part of such houses the Corporation may order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Corporation shall determine and if constructed by the Corporation may be recovered by the Corporation from such owners or occupiers.

Inspection of drains &c.

59.—(1) On complaint made on oath by the surveyor medical officer of health or the inspector of nuisances that he or they have reasonable grounds for believing the existence of a nuisance any

justice may grant a warrant to the surveyor medical officer of health or inspector of nuisances to jointly or severally inspect any drain closet or cesspool or any water supply sink syphon pipe trap or other work or apparatus connected therewith and on such warrant being granted for the purpose of ascertaining the course of any such work the surveyor medical officer of health or inspector of nuisances at reasonable times in the daytime after not less than twenty-four hours' notice in writing has been given to the occupier of the premises to which such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises may enter and cause the ground to be opened wherever the surveyor medical officer of health or inspector of nuisances think fit doing as little damage as may be.

(2) If any person obstruct or attempt to obstruct or incite any person to obstruct the surveyor medical officer of health or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(3) If any such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection to be properly made in accordance with the Acts and byelaws in force within the borough and in proper order and condition the Corporation shall cause the same to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Corporation and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(4) If any such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection not to have been properly made as aforesaid or to be in bad order and condition and to require cleansing alteration or amendment or to be filled up the Corporation shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to place the work in proper order and condition.

(5) If such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation if they think fit in lieu of proceeding for a penalty may enter upon the

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premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

(6) For the purposes of this section the word "drain" includes any sewer which is not vested in the Corporation.

Reconstruction of drains to require approval of surveyor.

60. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws for the time being in force relating to the drainage of new buildings.

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

Old drains may be examined before made to communicate with sewers.

61. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Corporation shall be made to communicate with any such sewer the Corporation may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer and the surveyor shall cause the ground to be closed and any damage done to be made good as soon as can be and the expense of such examination shall be defrayed by the Corporation.

Cleansing of cisterns.

62. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles used for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man.

Provisions as to houses without water supply.

63. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Corporation may take proceedings for preventing obstructions in watercourses.

64. The Corporation may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing obstruction of any watercourse or outfall for water within the city or for the removal of any obstruction from any watercourse or outfall for water.

Power to prohibit cellars in parts of city liable to floods.

65. The Corporation may prohibit in any part of the city lying to the west of the River Ure liable to be flooded from any stream watercourse or sewer or abutting upon any stream or watercourse the construction of any cellar or basement storey in any new building and may regulate the level of the ground-floor of any new building in such part of the borough.

Trees or shrubs overhanging streets and footpaths.

66. Where any tree hedge or shrub overhangs any street or public footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

For protection of North Eastern Railway Company.

67. Nothing in this Part of this Act or in any byelaws to be made thereunder shall apply to any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

Part V.

Infectious Disease &c.

Infected person not to carry on business.

68. A person who knows himself to be suffering from any infectious disease shall not milk any animal or pick fruit and shall not engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings.

For regulating manufacture and sale of ice creams &c.

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

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

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

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

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

Child suffering from infectious disease not to attend school.

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

If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Principals of schools to furnish lists of pupils.

71. Whenever any scholar who attends any school within the city shall be suffering from any infectious disease 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 shall forthwith send notice thereof to the medical officer and shall furnish to the Corporation at their request a list of the pupils attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings The Corporation shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and after the rate of sixpence for every twenty-five pupils named therein.

Disinfection of clothes.

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

Persons engaged in washing to furnish

73. Whenever it shall be certified to the Corporation by the medical officer that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a

list of customers.

list of customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Protection against infection of books in public libraries.

74. No person shall return to any public library any book which has been to his knowledge exposed to infection from any infectious disease but any person having in his possession such a book belonging to a public library shall at once give notice that it has been exposed to infection to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Corporation may provide nurses.

75. The Corporation may provide or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the city and may charge a reasonable sum for the service of any nurse provided by them.

Compensation to nurses.

76. If any midwife or nurse shall at the request of the Corporation stop her employment as such for the purpose of preventing the spread of infectious disease the Corporation shall make compensation to her for any loss she may sustain by reason of such stoppage.

Corporation may pay expenses of person in hospital.

77. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Corporation may if they think fit themselves pay the expenses arising out of the reception and maintenance of such person.

Byelaws for regulating hospitals.

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

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Articles of bed and body clothing to be purified.

79. Where on the certificate of the medical officer it appears to the Corporation that any articles of bed or body clothing in any house or part thereof are in such a filthy dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Corporation may if they think fit cause any such articles of bed or body clothing in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same.

The Corporation shall reasonably compensate the owner for any articles so destroyed.

Dairymen to notify infectious disease existing among their servants &c.

80. Every dairyman supplying milk within the city from premises whether within or beyond the city shall notify to the Corporation or to the medical officer of health all cases of infectious disease among persons engaged in or in connexion with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any such dairyman who commits any breach of this enactment shall be liable to a penalty not exceeding forty shillings.

Compensation to dairymen.

81. If any dairyman shall at the request of the Corporation stop his milk supply within the city 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 city the Corporation 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.

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

82. Public notice of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published and circulating in the city and by a notice affixed outside the Town Hall of the city and by such further means as the Corporation deem reasonable for conveying notice of the provisions of this Part of this Act to persons affected or likely to be affected thereby A copy of each of the newspapers containing the advertisement shall be conclusive evidence that the provisions of this section have been complied with and after a period of two years from the passing of this Act it shall not be necessary to prove that the provisions of this section have been complied with.

Part VI.

Tuberculosis.

Penalty for selling milk of diseased cows.

83. Every person who knowingly sells or suffers to be sold or used for human consumption within the city the milk of any cow

which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds.

Penalty on failing to isolate diseased cows.

84. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the city 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.

85. Every dairyman who supplies milk within the city 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.

Power to take samples of milk.

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

(B) The like powers in all respects may be exercised outside the city 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.

87.—(A) If milk from a dairy situate within the city is being sold or suffered to be sold or used within the city 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 city from consumption of the milk supplied from a dairy situate within the city or from any cow kept therein he shall report thereon to the

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Corporation and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Corporation may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the city until the order has been withdrawn by the Corporation.

(c) If the medical officer has reason to believe that milk from any dairy situate outside the city from which milk is being sold or suffered to be sold or used within the city is likely to cause tuberculosis to persons residing within the city the powers conferred by this subsection may in all respects be exercised in the case of such dairy Provided that the medical officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(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 subsection and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this subsection 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 Corporation may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the city on the council of the borough or district in which it is situate.

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

(g) If any person after any such order has been made supplies any milk within the city 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.

Compensation to dairymen.

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

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

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 or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 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.

Appeal.

89. The dairyman may appeal against an order of the Corporation under this Part of this Act or the refusal of the Corporation to withdraw any such order either to a petty sessional court having jurisdiction within the city or at his option if the dairy is situate outside the city to the Board of Agriculture who shall appoint an officer to hear such appeal Such officer shall fix a time and place of hearing within the city 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 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 in the matter of the appeal.

The court or the Board of Agriculture 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 as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Corporation.

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Notice of provisions of this Part of Act.

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

Procedure.

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

Expenses of this Part of Act.

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

Execution of this section by committee.

93. This section may be carried into execution by a committee of the Corporation 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 Corporation.

Part VII.

Slaughter-Houses.

Slaughtering prohibited except in Corporation slaughter-houses when provided.

94.—(1) At any time after the passing of this Act the Corporation may—

(A) Acquire by agreement any premises within the city used for the purpose of slaughtering cattle (herein-after referred to as a "slaughter-house") and the interest or interests of any owner lessee and occupier of such premises;

(B) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

(2) At any time after the expiration of five years from the passing of this Act and after the Corporation have provided adequate slaughter-houses in convenient positions (to the satisfaction of the Local Government Board) and after the expiration

of six calendar months from the date of publication by the Corporation in two local newspapers circulating in the city of notice to that effect no person shall slaughter in the way of trade any cattle within a radius of two miles of the market place of the city except in slaughter-houses provided by the Corporation but this shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade or by a farmer or agricultural occupier on his own premises If any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

(3) The Corporation shall pay compensation to the owner lessee and occupier of every such slaughter-house who may be injuriously affected by the exercise of the above powers and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly.

(4) The fees and charges to be demanded and received by the Corporation in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Local Government Board and the Corporation may make byelaws accordingly Provided that the Corporation shall have power to charge for any slaughter-house let at a weekly monthly or other rent such sum as may be agreed upon by the Corporation and the renters.

(5) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Board of Agriculture made or granted thereunder.

Part VIII.

Hackney Carriages &c.

Powers of inspectors of hackney carriages.

95. Any person appointed by the Corporation in writing may examine all hackney carriages and other public vehicles plying for hire within the city and require that the laws and byelaws relating to such public vehicles are duly observed If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

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Penalty for fraudulent use of numbers and badges.

96. Every person who fraudulently or with intent to deceive does any of the following things (namely) :—

(1) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any hackney carriage or other public vehicle;

(2) Affixes or carries on his person any badge figure or number to resemble any badge figure or number appointed by the Corporation to be carried by a licensed driver or conductor;

(3) Alters or erases whilst any licence granted by the Corporation in respect of any vehicle is in force any number painted on or affixed to such vehicle by direction of the Corporation or any officer of the Corporation authorised in that behalf;

(4) Affixes or carries on his person any badge figure or number assigned by the Corporation or by any duly authorised officer of the Corporation to any other person;

shall be liable to a penalty not exceeding forty shillings.

Power to license persons following certain callings.

97.—(1) The Corporation may grant to any person they think fit a licence to carry on the calling of luggage porter public messenger commissionaire or wheel chairman and may charge a fee of one shilling for any such licence.

(2) The Corporation may make byelaws for regulating the conduct of any persons so licensed and the charges to be made by them.

(3) Any such licence may be granted for a year or for any less period according as the Corporation may think fit and may be suspended or revoked or endorsed by the Corporation for a breach of such byelaws or whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public.

(4) Every such licence whensoever issued shall expire on the thirty-first day of December next following the date of its issue and may contain conditions as to the badge which the holder of any such licence shall wear.

(5) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the callings specified in this section he shall be liable to a penalty not exceeding twenty shillings.

Part IX.

Recreation Grounds.

Corporation may erect pavilions.

98. The Corporation may in any public park garden or recreation ground belonging to them or under their control erect maintain furnish and equip pavilions and other buildings which may be required or convenient for the purposes of such park garden or recreation ground and the public resorting thereto and may charge for admission to such pavilions and other buildings or any of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Corporation shall not charge for admission to any reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Power to let pavilions.

99. The Corporation may let any pavilions or other buildings belonging to them or under their control for entertainments and may make such charge for the use thereof and impose such conditions as they may think fit.

Power to provide apparatus for games.

100. The Corporation may provide swings and other apparatus for games and recreation in any public park garden or recreation ground within the city and may charge for the use thereof and they may make regulations with respect to the use and the payment for the use of such swings or other apparatus.

Public bands.

101. The Corporation may pay or contribute out of the general district rate towards the payment of a public band or bands of music to perform in any public park garden or recreation ground or other place of public resort within the city belonging to them or under their control and the Corporation may enclose an area within which such band shall play and may make byelaws for regulating the time and place for the playing of the band and the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band Provided that the amount of such payment or contribution by the Corporation for or towards such band shall not in any one year exceed an amount which would be produced by a rate of one penny in the pound on the assessable value of the city to the general district rate.

Seats and chairs may be provided.

102. The Corporation may place or authorise any person or persons to place chairs for the use of the public and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of seats and chairs and for preventing injury or damage thereto.

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Setting apart and closing of recreation grounds for games.

103.—(1) The Corporation may permit the use of the whole or set apart any part or parts of any recreation ground belonging to them or under their control for cricket football golf lawn tennis and other games and sports for, gymnastics for the drill of any military or police force for concerts and other amusements and for any purposes tending to promote the health amusement instruction and enjoyment of the inhabitants of the city and the public.

(2) The Corporation may when any such recreation ground or any part thereof is used or set apart as in this section mentioned close the same or such part thereof against the public for not exceeding twelve days in any one year nor four consecutive days on any one occasion and may during such respective periods demand and take or permit to be demanded and taken reasonable sums for the exclusive occupation of such recreation ground or part thereof or for the admission of persons vehicles goods and things into such recreation ground or part thereof so used or set apart and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sums demanded.

(3) The Corporation may also during times of frost for the purpose of protecting ice for skating on all or any part of any lake or piece of water in any park or recreation ground or other place of public resort belonging to them or under their control enclose such parts of such parks and places as may be necessary to effect such purpose and charge admission to any part so enclosed Provided that the portion of any such lake or piece of water which shall be enclosed and for admission to which a charge shall be made shall not exceed one-half of the whole area of such lake or piece of water.

Application of moneys received for admission to recreation grounds &c.

104. The moneys (if any) received for admission to or use of any public park garden recreation ground or place of public resort belonging to the Corporation or under their control or any pavilion or building or for the use of any apparatus or of any chairs as herein-before mentioned shall be carried to the district fund.

Power to Corporation to appoint officers.

105. The Corporation may appoint officers for securing the observance of this Part of this Act and of the regulations and byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

Part X.

Common Lodging-Houses.

Regulations as to common lodging-house keepers.

106. 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 Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be 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.

107. Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the Corporation be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all waterclosets 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 Corporation 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 waterclosets ashpits and any similar conveniences.

Annual registration of common lodging-house keepers.

108. Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house or of the keeper of a common lodging-house shall operate for one year only and application for the renewal of such registration shall be made to the Corporation at or previous to the thirty-first day of December in every year and the Corporation may refuse to register or re-register any house which they do not consider suitable for the purposes of a common lodging-house and any person as the keeper of a common lodging-house as to whose character and fitness for the position they are not after inquiry satisfied Any person

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aggrieved by such refusal may appeal to a petty sessional court held for the city after the expiration of two clear days from such refusal provided he give twenty-four hours' notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as they may think fit and award costs such costs to be recoverable in like manner as a penalty under this Act.

Penalties on unregistered common lodging-house keepers.

109. Every person who without being registered as required by the Public Health Act 1875 and this Act shall keep a common lodging-house within the city shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Notice to common lodging-house keepers.

110. 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 XI.

Financial.

Power to borrow.

111.—(1) The Corporation may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say):—

(A) For the purchase of lands and wayleaves for and for the construction of the waterwork by this Act authorised and the future extension and improvement of the water undertaking of the Corporation the sum of twenty thousand pounds;

(B) For the purchase of lands and wayleaves for and for the construction of the Aldfield Spa works by this Act authorised the sum of ten thousand pounds;

(C) For paying the taxed costs charges and expenses of this Act as herein-after provided the sum requisite for that purpose;

and with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act or in relation to the water undertaking of the Corporation.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the revenue of the water undertaking of the Corporation and the district fund and general district rate Provided that moneys borrowed with the approval of the Local Government Board shall be charged upon the district fund and general district rate and such other revenue or rate of the Corporation as that Board may prescribe.

Mode of raising money.

112. The Corporation may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures debenture stock 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 with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

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

113. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may have borrowed for waterworks purposes or may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

114. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act (that is to say) :—

Section 236 Form of mortgage;
Section 237 Register of mortgages;
Section 238 Transfer of mortgages;
Section 239 Receiver may be appointed in certain cases.

Periods for payment off of money borrowed.

115. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say) :—

As to moneys borrowed for the purposes (A) and (B) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within fifty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (C) in the said section mentioned within five years from the date or dates of the borrowing of the same; and

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

Mode of payment off of money borrowed.

116. The Corporation 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 Provided that as regards moneys borrowed for the purposes (A) and (B) in the said section mentioned

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it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund until the expiration of one year from the date of borrowing the same.

Regulations as to sinking fund.

117. If the Corporation determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed:—

The Corporation in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security under this Act and repayable by a sinking fund within the prescribed period:

The rate of accumulation on which the amounts paid to the sinking fund are based is herein-after referred to as "the prescribed rate":

Provided as follows (that is to say):—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund:

(B) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment whereof the sinking fund was set aside in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or

part thereof so applied at the rate per centum per annum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Corporation may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Return respecting sinking fund to Local Government Board.

118.—(1) The town 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 town 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 town 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 Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum

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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 has 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 re-borrow.

119. If the Corporation pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Corporation not to regard trusts.

120. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss mis-application or non-application of any such money.

Protection of lender from inquiry.

121. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of

any of the provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or any part thereof.

Saving for existing charges.

122. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Application of borrowed moneys.

123. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Expenses of execution of Act.

124. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the city fund and city rate.

Separate accounts to be kept and audited.

125.—(1) The Corporation shall keep the accounts in respect of their water undertaking and their Aldfield Spa undertaking respectively separate from all their other accounts distinguishing therein capital from revenue.

(2) The accounts of the receipts and expenditure of the Corporation under this Act shall (subject to the provisions of this Act) be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

Collection of rates.

126.—(1) Upon the person now holding the office of collector of the poor rates for the parish of Ripon ceasing to hold that office the power of the guardians of the poor and vestry of the parish of Ripon to appoint collectors of the poor rate shall cease.

(2) Nothing in the preceding subsection shall empower the Corporation to revoke the appointment or shall apply to the duties or affect the salary of any person now holding office as assistant overseer or collector of poor rates of or for any part of the city and

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any assistant overseer or collector of poor rates shall continue during his life or until he shall resign to collect the rates and to hold his office upon the same terms as at present.

(3) Any assistant overseer or collector of poor rates who shall be in office at the passing of this Act and who shall resign his office shall be deemed to be an officer within the meaning of section 120 (Compensation to existing officers) of the Local Government Act 1888 and that section shall apply accordingly Provided that in the application of that section the Local Government Board shall be substituted for the Treasury and the Corporation shall be deemed to be the county council and that the non-acceptance of any office offered shall not be a bar to the right of any assistant overseer to compensation.

(4) Any compensation payable by the Corporation under this section shall be paid out of the borough fund.

(5) The Local Government Board may prescribe a form of rate to include the poor rate city rate general district rate or other rates leviable by the Corporation or the overseers and they may in respect of such rates prescribe a form of demand note receipt and other necessary documents and any form so prescribed shall be sufficient in law.

Power to use one form of mortgage for all purposes.

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

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

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

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

undertakings or other property for the time being of the Corporation and rates leviable by or on the order or precept of the Corporation. A.D. 1901.

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

(6) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

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

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

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

A.D. 1901.

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

Part XII.

Miscellaneous.

Power to advertise.

128. The Corporation may pay and contribute towards the payment of the cost of maintaining at railway stations and other places advertisements relating to the Aldfield Spa provided that such payments or contributions shall be paid out of the revenue from the Aldfield Spa undertaking of the Corporation.

Inquiries by Local Government Board.

129.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

Compensation how to be determined.

130. 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 by the Public Health Act 1875.

Authentication and service of notices.

131.—(1) Where any notice or demand under this Act or under any Local Act Provisional Order or byelaw for the time being in force within the city requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation or his name affixed to any such notice or demand in print or by a stamp shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any Local Act Provisional Order or byelaw for the time being in force within the city may be served in the same manner as notices under the Public

Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business. A.D. 1901.

Confirmation of byelaws.

132. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

Recovery of penalties.

133. 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.

Penalties to be paid to treasurer.

134. All penalties recovered by the Corporation or any officer of the Corporation on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer of the Corporation and carried by him to the credit of the district fund.

Informations by whom to be laid.

135. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk or any person aggrieved.

Powers of Act to be cumulative.

136. All powers rights and remedies given by this Act to the Corporation or any committee appointed by them shall be deemed to be in addition to and not in derogation of any other powers rights and remedies to which they or any committee appointed by them may for the time being be entitled and the Corporation 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 passed Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence.

Saving for West Riding Rivers Board.

137. Nothing in or done under this Act or any byelaw thereunder shall extend to interfere with take away abridge or prejudicially affect any right power authority jurisdiction or privilege of the West Riding of Yorkshire Rivers Board.

A.D. 1901.

Judges not disqualified.

138. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of the Corporation or liable to any rate.

Appeal clause.

139. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order 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 made by a court of summary jurisdiction the Corporation may in like manner appeal.

Costs of Act.

140. 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 connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation primarily out of the general district rate but ultimately out of moneys borrowed under the authority of this Act.

The SCHEDULE referred to in the foregoing Act. A.D. 1901.

Form of Mortgage.

City of Ripon.

By virtue of the and of other their powers in that behalf them enabling the mayor aldermen and citizens of the city of Ripon (herein-after referred to as "the Corporation") in consideration of the sum of pounds paid to the city treasurer by (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum of pounds doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of . pounds shall be fully paid to [him] [*or* them] with interest for the same [subject as herein-after provided] after the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the day of and the day of in each year]:

And it is hereby agreed that the said principal sum of pounds shall be repaid at the town hall in the said city [(subject as herein-after provided) on the day of one thousand nine hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the mayor and town clerk of the said city for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions hereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

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

A.D. 1901.

Passed under the common seal of the Corporation in the presence of

Mayor.
Town Clerk.

This mortgage is duly registered in the register of mortgages kept by me pursuant to the provisions in that behalf.

Dated this day one thousand nine hundred and

Town Clerk.

The Endorsement within referred to.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be after the rate of per centum per annum].

Dated this day of one thousand nine hundred and

Witness

Mayor.
Town Clerk.

FORM OF TRANSFER OF MORTGAGE.

CITY OF RIPON.

I [the within-named] *A.B.* [of] in consideration of the sum of pounds paid to me by of (herein-after called "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within written security] [the mortgage (number) of the revenues of the Corporation of the city of Ripon at the yearly rate of in the hundred bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and

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