CHAPTER clxii.

An Act to make better provision for the health local government and improvement of the Local Board District of West Derby in the county of Lancaster and for other purposes. [28th July 1884.] A.D. 1884.

WHEREAS the West Derby Local Board in the county of Lancaster (in this Act called the Board) are the urban sanitary authority for their district.

And whereas the district of the Board (in this Act called the district) adjoins the city of Liverpool and comprises so much of the townships of West Derby and Walton-on-the-Hill as is not contained within that city or within the district of the local board of Walton-on-the-Hill respectively and the district has since the formation of the Board in 1860 greatly increased in population and is still increasing.

And whereas it is expedient that better provision be made for the regulation of the streets and buildings within the district and for the health local government and improvement of the district and that the powers of the Board be in various respects enlarged.

And whereas it is desirable for the safety and convenience of the public that the Board be empowered to control the placing of wires tubes and other like works over or along public streets.

And whereas it is expedient that the Board be authorised to raise further money by borrowing.

And whereas the objects aforesaid cannot be attained without the authority of Parliament.

And whereas an absolute majority of the whole number of the Board at a meeting held on the twenty-third day of November one thousand eight hundred and eighty-three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the West Derby and Wavertree Times a local newspaper published or circulated in the district (such notice being in addition to the ordinary notices required for summoning such a meeting) resolved

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that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate.

And whereas such resolution was published twice in the said West Derby and Wavertree Times 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 Board at a further special meeting held in pursuance of a similar notice on the eighteenth day of January one thousand eight hundred and eighty-four being not less than fourteen days after the deposit of the Bill for this Act in the Houses of Parliament.

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

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

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the West Derby Local Board Act 1884.

Interpretation of terms.

2. In this Act "the district" means the district of the Local Board of West Derby "the Board" means the Local Board for the district "the clerk" "the treasurer" "the surveyor" "the medical officer of health" and "the inspector of nuisances" respectively mean the clerk the treasurer the surveyor the medical officer of health and the inspector of nuisances for the time being of the district "the district fund" and "the general district rate" mean respectively the district fund and general district rate of the district "the Public Health Acts" means the Public Health Act 1875 and all Acts for the time being in force altering amending or extending the same or in substitution therefor "infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other diseases as the Board under the provisions and for the purposes of this Act may from time to time declare to be infectious and "person" includes corporation.

Words and expressions to which meanings are assigned by the Public Health Act 1875 have in this Act the same respective meanings unless there is something in the subject or context repugnant to such construction but the word "street" shall not include

any road or approach to the station or premises of any railway company so far as such road or approach belongs to such company.

In this Act and for the purposes thereof the expression "court of competent jurisdiction" means such a court as would have jurisdiction if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Limits of Act.

3. This Act (except where otherwise expressed or implied) shall apply exclusively to the district.

Division of Act into parts.

4. This Act is divided into parts as follows—

Part I.—Preliminary.
Part II.—Streets and buildings.
Part III.—Private street works.
Part IV.—Infectious diseases.
Part V.—Slaughter-houses.
Part VI.—Telegraph wires.
Part VII.—Offences.
Part VIII.—Borrowing powers.
Part IX.—Miscellaneous.

Execution of Act.

5. This Act shall be carried into execution by the Board with all the powers privileges duties obligations and indemnities of the Board as an urban sanitary authority.

PART II.—STREETS AND BUILDINGS.

Formation of new streets.

6. It shall not be lawful for any person except with the consent of the Board to erect or build or to begin to erect or build any house or other building adjoining any new street or part of a new street unless the Board shall have previously approved of the level and width of such new street or part of a new street nor until the site of the carriageway and footways of such new street or part of a new street shall have been formed to such a level and of such a width and constructed in such a manner as to comply with the requirements of any enactment or byelaw for the time being in force within the district.

Continuation of existing streets to be deemed new streets.

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

Crossings for horses or vehicles over footways.

8. Every person desirous of forming a communication for horses or vehicles across any footpath so as to afford access to any premises from a street shall first give notice in writing of such desire to the

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Board and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and such person after having obtained the sanction of the Board shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless or until such a communication as aforesaid has been so made he shall for each such offence be liable to a penalty not exceeding five pounds.

Recovery of damages caused to footways by excavations.

9. If the footway of any street belonging to or under the management of the Board be injured by or in consequence of any excavations on lands adjoining to such footway the Board may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Board by the owner of the lands on which such excavation has been made and may be recovered by the Board as private improvement expenses under the Public Health Acts or expenses of private street works under this Act are recoverable.

Coal shoots, &c.

10. No coal shoot area oven or cellar grating or opening shall be hereafter placed or constructed in or under any street except with the written consent of the Board and then only if formed of the materials and size and in the manner and in such position and with such protection and subject to such terms and conditions as may be prescribed or approved by the Board.

Extension of sect. 26 of Public Health Act, 1875.

11. The provisions of section 26 of the Public Health Act 1875 shall extend and apply to all vaults arches and cellars within the district made after the commencement of this Act whether under the carriageway or under the footway of any street and all such vaults arches and cellars shall be made in such manner and upon such plan as the surveyor shall approve.

What to be deemed new buildings.

12. From and after the passing of this Act—

The erecting of any building

The re-erecting wholly or partially on the same site of any building of which an outer wall is pulled down to within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the framework of the ground floor storey thereof

The converting into a dwelling-house any building not originally constructed for human habitation

The re-converting into a dwelling-house any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house

The converting into two or more dwelling-houses any building constructed originally as one dwelling-house

The making of any addition to an existing building by raising any part thereof or by making any projection therefrom but so far as regards such addition only and

The roofing or covering over of an open space between walls or buildings

shall for all purposes of this Act and the Public Health Acts and of any byelaw made under the last-mentioned Acts be deemed the erecting of a new building and the word building shall for all such purposes include an erection or building of a permanent character of whatever material constructed.

Approval of plans of buildings.

13. The approval by the Board of any plan of any new streets or new buildings shall be void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):—

As to plans approved after the passing of this Act within two years from the date of such approval and

As to plans approved before the passing of this Act within one year from the passing of this Act

And at the expiration of those respective periods fresh notice deposits and approval shall unless the Board otherwise determine be requisite.

The Board shall give notice of the provisions of this section to every person intending to lay out a new street or to erect a new building the plans for which shall have been approved before the passing of this Act.

After two months suspension fresh notice must be given.

14. In case any contractor or builder having duly begun the laying out of any new street or the erection of any new building suspends the progress and completion of such laying out or erection for any period exceeding two months and again goes on with the same or in case the contractor or builder employed in such laying out or erection is changed during the progress thereof notice in writing of such resumption of work or change as the case may be and of the name of the contractor or builder to be employed to go on with such laying out or erection shall be given by the person actually engaged in or responsible for the work to the surveyor or

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left at his office and every person making default shall for every offence be liable to a penalty not exceeding twenty pounds.

Buildings abutting on streets.

15. For the purposes of this Act and the Public Health Acts buildings and lands shall be deemed to be in a street when they abut upon a street or when they have an access covered or uncovered to a street or when only some strip of waste or unoccupied ground open to the passage of the public intervenes between any such buildings or lands and a street.

Wooden buildings to be removed.

16. The Board may order any wooden building existing at the passing of this Act the continuance of which may cause danger to adjoining buildings to be removed within one year from the making of the order and if any such wooden building be not so removed the owner thereof shall in each case be liable to a penalty not exceeding fifty pounds and to a penalty for every day during which the offence continues after conviction not exceeding ten pounds. Provided that if any such building not in the occupation of the owner thereof be so removed the occupier thereof shall be entitled to a remission or in case the building form part of a holding to a reduction of the rent payable by him in respect of such building or holding the amount of such remission or reduction to be settled in case of difference by the surveyor.

Rooms over privy, &c.

17. No room built before or after the passing of this Act any portion of which extends immediately over any privy (not being a watercloset) cesspool or ashpit shall be occupied as a dwelling or sleeping room or as a workshop or place of habitual employment of any person in any manufacture trade or business during any portion of the day or night and if any person shall after the expiration of one month after the passing of this Act suffer to be occupied as a dwelling or sleeping room any such room every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings for every day during which such offence shall continue after conviction.

Prevention of lock-up shops being used for habitation.

18. Where in the plan of a building submitted to and approved of by the Board a building is described as a lock-up shop workshop shed or place of business the use thereof or of any part thereof for the purposes of habitation by any person other than a caretaker shall be an offence against this Act and shall be deemed to have been committed on the day when the user thereof is first detected. Every person wilfully so using the same or knowingly permitting the same to be so used shall be liable to a penalty not exceeding five pounds and to a penalty not exceeding forty shillings for every day during which such offence shall continue after conviction. Any justice of

the peace may from time to time by warrant under his hand authorise the surveyor medical officer of health or any sanitary officer to enter at any time into and examine any building suspected of being so used If any person obstructs the surveyor or such officer so authorised in his entry or examination he shall be liable to a penalty not exceeding five pounds.

Space about buildings.

19. If in any case the provisions of any byelaw for the time being in force in the district concerning space about buildings cannot be strictly complied with except by a great sacrifice of property the Board may relax any such provisions and may direct such less amount of open space to be provided as they may deem necessary and proper and the Board may in any such case permit the whole of the ground floor space to be built upon to a height not exceeding twelve feet from the ground floor level subject to such arrangements being made for ventilation as the Board may approve. In the case of any new building not being a dwelling-house to be erected on land which adjoins any dwelling-house the Board may require such an open space to be left as they may deem sufficient for the sanitary requirements of the locality in which such building may be erected but in any such case they shall not be entitled to require any larger amount of open space to be left than is provided for with respect to dwelling-houses of the same height as any such building by any byelaw or enactment for the time being in force in the district as aforesaid.

Space not to be built upon.

20. Whenever any open space has been left belonging to any building such space shall never afterwards be covered in or over or diminished to a clear superficial area less than that required by any enactment or byelaw for the time being in force in reference to buildings without the consent of the Board.

Timber for buildings.

21. The timbers of the floors and roofs of all new buildings shall be of the strength and dimensions specified in the Second Schedule to this Act and the provisions and rules of such schedule shall be observed and carried out in the erection of all new buildings.

And every person who shall offend against this section shall be liable for every such offence to a penalty not exceeding twenty pounds and to a further penalty not exceeding forty shillings for every day during which such offence shall continue after conviction.

Summary power for providing sinks and drains to dwelling-houses.

22. The Board may on the report in writing of the surveyor that any dwelling-house is not provided with a sufficient sink or drain or other necessary appliances for carrying off refuse water from such dwelling-house by notice under the hand of the clerk require the owner of such dwelling-house in the manner and within the time to

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be specified in such notice to provide such sink drain or other appliances. If any such owner shall neglect to comply with such notice within the time therein appointed he shall be liable for every such offence to a penalty not exceeding five pounds and to a penalty not exceeding twenty shillings for every day during which such default continues after conviction.

No convenience to be placed in any street without consent of Board.

23. No person shall after the commencement of this Act make or provide any urinal or similar convenience in or adjoining to any street without the consent in writing of the Board and if any urinal or convenience now or hereafter erected in or adjoining any street shall in the opinion of the medical officer of health or inspector of nuisances be so placed as to be offensive to public decency the Board may by notice in writing require the owner to remove such urinal or convenience to a place free from such objection and any person offending against this enactment shall be liable to a penalty not exceeding twenty shillings for every day during which the offence shall be continued Provided that nothing in this section contained shall extend or apply to any convenience now or hereafter to be erected by any railway company at or within any railway station or station yard.

Power to order closets &c. to be provided.

24. If at any time it appear to the Board on the report of the medical officer of health the inspector of nuisances or the surveyor that any building whether built or rebuilt before or after the passing of this Act is without a sufficient privy pancloset watercloset earthcloset ashpit or ashtub or other like accommodation or in the case of a building having a watercloset that such watercloset is without a sufficient water supply the Board may if they think fit give notice in writing to the owner or occupier of such building requiring him within such time as shall be specified in such notice to provide such privy pancloset watercloset earthcloset ashpit ashtub or other like accommodation and in the case of a building having a watercloset to provide a sufficient water supply and if any such owner or occupier makes default in complying with such requirement to the satisfaction of the Board within the time specified in such notice he shall be liable to a penalty not exceeding forty shillings and to a further penalty not exceeding forty shillings for every day or part of a day during which such default continues Provided always that where in the opinion of the Board a privy pancloset watercloset earthcloset ashpit or ashtub or other like accommodation as aforesaid may be used in common by the inmates of two or more buildings the Board may if they think fit dispense with the providing of a separate privy pancloset watercloset ashpit or ashtub or other like accommodation as aforesaid for each building.

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Sewers to be constructed to satisfaction of Board.

25. Where on the report of the surveyor it appears to the Board that any sewer vested in them by virtue of the Public Health Acts and which shall not have been made by or to the satisfaction of the Board is inadequate for the purposes intended or is so constructed as to create or be likely to create a nuisance the Board may require the owners of the lands and buildings for the use of which such sewer was constructed to reconstruct repair and make good the same to the reasonable satisfaction of the Board and after the execution of such works the sewer shall be maintained by and at the expense of the Board but any person deeming himself aggrieved by the decision of the Board may appeal to the Local Government Board under and in accordance with section 268 of the Public Health Act 1875 and the Local Government Board in determining such question shall take into consideration the reasonableness of the requirements of the Board having regard to all the circumstances of the case.

Sewage, &c. not to be drained into surface water drain and surface water not to be drained into sewers.

26. No sewage shall be drained into a surface water drain of the Board or into the gutters in the public streets and no surface water shall except with the consent in writing of the Board be drained into any sewer of the Board and no surface water shall be allowed to discharge from a stack pipe on to a footpath or into a street gutter in any case in which there is a surface water drain within one hundred feet of the footpath outlet of such stack pipe.

Stack pipes not to be used as ventilating shafts.

27. No water pipe or stack pipe for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain which communicates or which is intended to communicate with any sewer of the Board.

Board may order owner to cause drains to empty into Board's sewers.

28. Where sewage from any premises flows through any drain communicating with any surface water drain or where the surface water from any premises flows through any drain into which any sewage flows or into any sewer the Board may by written notice require the owner of such premises within a reasonable time specified therein to cause any such drain to empty into any sewer of the Board within one hundred feet of such premises and if such notice is not complied with the Board may after the expiration of the time specified in such notice do the work required and may recover in a summary way the expenses incurred by them in so doing from such owner or may by order declare the same to be private improvement expenses.

Power for Board to authorise inspection of drains privies and cesspools.

29. (1) The surveyor or any other person from time to time appointed by the Board may inspect any drain watercloset privy or cesspool or any sinks traps syphons pipes or other works or apparatus connected therewith and for that purpose may at all reasonable times in the daytime after twelve hours notice in writing has been

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given to the occupier of or left on the premises to which such drain watercloset privy or cesspool or the connected works or apparatus as aforesaid is attached or in case of emergency without notice enter with or without workmen upon any premises and cause the ground to be opened wherever such surveyor or person thinks fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor or such person or workmen 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.

(2) If such drain watercloset privy or cesspool or the connected works and apparatus be found on inspection as aforesaid to be made to the satisfaction of the Board and in proper order and condition they shall cause the same to be reinstated and made good as soon as may be and the expenses of examination reinstating and making good such drain watercloset privy cesspool or other works or apparatus as aforesaid shall be defrayed by the Board and compensation shall be made by them for all damage or injury done or occasioned by the examination of any such drain watercloset privy cesspool or other works or apparatus as aforesaid.

(3) If upon such inspection as aforesaid any drain watercloset privy or cesspool or the connected works or apparatus appear to be in bad order and condition or to require cleansing alteration or amendment or to be filled up the Board shall cause notice in writing to be given to the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within such reasonable time as shall be specified in such notice to do the necessary works and if such notice be not complied with by the person to whom it is given the Board may if they think fit execute such works and may recover the expenses incurred by them in so doing from the owner or occupier of the premises in a summary manner or may by order declare the same to be private improvement expenses.

Provision as to filling up cesspools, &c.

30. If it shall appear to the Board by the report of their surveyor or inspector of nuisances or medical officer of health that any cesspool used at the passing of this Act as a receptacle for excreta or for the whole or any part of the drainage of any house or part of a house or any ashpit 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 Board 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 such notice to cause such

cesspool or ashpit to be filled up or removed and any drain communicating with such cesspool to be effectually disconnected destroyed and taken away. And in case it appears by such report that any such cesspool or ashpit is used in common by the occupiers of two or more houses or parts of houses such notice for the filling up or removal of such cesspool or ashpit 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 upon all such owners or occupiers.

Other watercloset, &c., accommodation to be provided.

31. If by reason of the filling up or removal of any cesspool or the removal of any ashpit under the last preceding section any house or part of a house would cease to be provided with sufficient watercloset or privy accommodation or with a proper ashpit the Board may by the same or another similar notice require the owner or occupier of such house or part of a house within a reasonable time and in the manner therein specified to provide sufficient watercloset or privy accommodation and a proper ashpit or either of them as the case may require. If any such notice as is mentioned in this and the last preceding section is not complied with or is not fully complied with the Board may at the expiration of the time specified in such notice do any work thereby required to be done which has not been done by the owner or occupier and may recover in a summary manner from the owner or if there be more than one owner from the owners in such shares and proportions as shall be apportioned and determined by the Board the expenses incurred by them in so doing or may by order declare the same expenses apportioned as aforesaid to be private improvement expenses.

Cleansing of privies, &c.

32. If any ashpit urinal privy earthcloset or watercloset used in common by the inmates of separate dwellings or by the inmates of premises used as separate dwellings or the approaches to or the walls floors seats or fittings of any such ashpit urinal privy or closet or any of them is or are in such a state or condition as to be a nuisance for want of the proper cleansing thereof each of the persons having the use thereof in common as aforesaid shall be liable to a penalty not exceeding ten shillings and a further penalty not exceeding five shillings for each day during which the same shall remain in such state or condition after the day on which the first penalty is incurred.

Power to supply houses or courts with privies, &c.

33. The Board for the purpose of supplying a court or place with a privy watercloset earthcloset pancloset sanitary pan ashpit ashtub or other sanitary accommodation may from time to time take by agreement any building and remove the same and execute all consequent structural and other works and the owner or owners

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of the houses in the court or place benefited thereby shall be liable to pay the expenses incurred by the Board in the execution of this section and the amount thereof shall be apportioned among those owners by the surveyor in proportion to the rateable value of the property held by them in such court or place and the amount apportioned to each owner shall be payable by and recoverable in a summary manner from him or the Board may declare the same to be private improvement expenses.

Houses not to be inhabited until certificate of completion given by the Board.

34. Every owner of a new building intended for habitation shall before the same shall be occupied give to the surveyor a notice in writing that the said building and its appurtenances and the paving of the yard and the drainage and the ventilation of such building are completed that the water supply is sufficient and that the drains thereof are sufficiently trapped according to the provisions of the enactments and the byelaws for the time being in force in the district and a demand that the same may be inspected within fourteen days from the service of such notice and the owner of such new building shall not occupy or allow the same to be occupied if he shall have received from the surveyor within fourteen days after the service of such notice a notice in writing that such new building is not complete or sufficiently ventilated and fit for habitation or that the drainage thereof is not completed or that the water supply is insufficient or the drains not sufficiently trapped (the notice to state in what particulars the building is defective) And any owner who shall occupy or allow such new building to be occupied and any person who shall wilfully occupy the same after such last-mentioned notice has been given shall be liable to a penalty not exceeding five pounds and a further penalty not exceeding forty shillings for every day after conviction during which such building shall be occupied until the defects specified in such notice and found to be contrary to any enactment or byelaw then in force in the district have been remedied.

Power of inspection.

35. The surveyor and his assistants may at any reasonable times inspect any building in progress of construction or any work connected therewith and for such inspection he and they shall have from the builder free of expense all requisite use and assistance of ladders scaffolding plant and labourers service in and about the building or works inspected. The owner or his agent or the builder shall give forty-eight hours notice in writing to the surveyor before the commencement of the building and before any foundation of a new building or any sewer or drain is covered up and the like notice after any work required by the Board to be done in amendment of any irregularity has been completed and before the same is covered up.

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Power of surveyor on inspecting.

36. If the surveyor on inspecting any building or work finds that the same is so far advanced that he cannot ascertain whether anything has been done contrary to any enactments or byelaws in force in the district or to the plans and sections approved by the Board in pursuance of any such byelaws or whether anything required by any such enactments byelaws or plans and sections has been omitted to be done the surveyor shall within forty-eight hours after such inspection give to the owner or his agent or to the builder or person engaged in erecting such building or doing such work notice in writing requiring such builder or person within forty-eight hours from the date of such notice to cause so much of any building or work as prevents such surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into laid open or pulled down and such builder or other person shall forthwith comply with the notice so given. Provided always that in case the surveyor shall neglect to inspect any building or work within fourteen days or forty-eight hours as the case may be after notice has been served upon him pursuant to the foregoing provisions of this Act the expense of cutting into laying open or pulling down as the case may be any such building or work and of reinstating the same and a reasonable sum for the delay occasioned thereby shall be borne and paid by the Board if it shall appear on inspection that such enactments byelaws plans and sections have not been infringed.

Extending period for instituting legal proceedings.

37. Legal proceedings may be instituted by the Board with reference to any breach of or cause of complaint under any enactment or byelaw for the time being in force within the district in relation to any street or building within one year after the occurrence of such breach or cause of complaint and any penalty may be recovered and enforced accordingly.

Undertakings, &c. to bind successive owners.

38. Every undertaking or agreement in writing given by or to the Board to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon the Board and may be enforced by either party by a penalty in any court of summary jurisdiction such penalty not exceeding five pounds for each breach of such undertaking or agreement and twenty shillings for each day during which such breach continues and such owner shall be entitled to require from the Board a copy of such undertaking or agreement.

Parts II. & III. not to apply to railway buildings.

39. Parts II. and III. of this Act shall not extend or apply to buildings (other than dwelling-houses not within the area of a railway station) belonging to any railway company and used

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for the purposes of such railway company under any Act of Parliament.

PART III.—PRIVATE STREET WORKS.

Definition of "street."

40. "Street" in this part of this Act means a street as defined by the Public Health Act 1875 not being a highway repairable by the inhabitants at large.

Private street works.

41. (1.) Where any street or the carriageway or footway or any other part of such street is not sewered levelled paved metalled flagged kerbed channelled or made good or is not lighted to the satisfaction of the Board the Board may from time to time resolve with respect to such street or part of a street to do any one or more of the following works (in this Act called private street works) that is to say to sewer level pave metal flag kerb channel or make good or to provide proper means for lighting such street or part of a street and the expenses incurred by the Board in executing private street works shall be apportioned (subject as in this Act mentioned) on the premises fronting adjoining or abutting on such street or part of a street. Any such resolution may include several streets or parts of streets or may be limited to one street or to any part or parts of a street.

(2) The surveyor shall prepare as respects each street or part of a street—

(A) A specification of the private street works referred to in the resolution with plans and sections (if applicable),

(B) An estimate of the probable expenses of the works,

(C) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this Act.

Such specifications plans and sections estimates and provisional apportionments shall comprise the particulars prescribed in the first part of the First Schedule to this Act and shall be submitted to the Board who may by resolution approve the same respectively with or without modification or addition as they think fit.

(3) The resolution approving the specifications plans and sections (if any) estimates and provisional apportionments shall be published in the manner prescribed in the second part of the First Schedule to this Act and copies thereof shall be served on the owners of the premises shown as liable to be charged in the provisional apportionments. During one month from the date of the first publication the approved specifications plans and sections (if any) estimates and provisional apportionments (or copies thereof certified by the surveyor) shall be kept deposited at the Board's public offices and shall be open to inspection at all reasonable times.

Objections to proposed works.

42. During the said month not fewer than one third in number of the owners of any premises shown in a provisional apportionment as liable to be charged with the expenses of executing the works or the owners or owner of any premises shown in a provisional apportionment as liable to be charged with one third or upwards of such expenses may by written notice served on the Board object to the proposals of the Board on any of the following grounds (that is to say):—

(A) That an alleged street or part of a street is not or does not form part of a street within the meaning of this Act;

(B) That a street or part of a street is (in whole or in part) a highway repairable by the inhabitants at large;

(C) That there has been some material informality defect or error in or in respect of the resolution notice plans sections or estimate;

(D) That the proposed works are insufficient or unreasonable or that the estimated expenses are excessive;

(E) That any premises ought to be excluded from or inserted in the provisional apportionment;

(F) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as herein-after provided) in respect of the degree of benefit to be derived by any persons or the amount or value of any work already done by the owner or occupier of any premises;

Provided that any owner of any premises shown in a provisional apportionment as liable to be charged may object in manner aforesaid on the ground that any premises ought to be excluded or included or on the ground that the provisional apportionment is incorrect in respect of some matter mentioned in the last preceding subsection.

For the purposes of this Act joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common as are above the age of twenty-one years and the guardians or nearest relative of such as are under that age.

Hearing and determination of objections.

43. (1.) The Board at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this Act mentioned and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be and with the same powers and subject to the

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same provisions with respect to stating a case as if the Board were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable. The court may quash in whole or in part or may amend the resolution plans sections estimate and provisional apportionment or any of them on the application either of any objector or of the Board. The court may also if it thinks fit adjourn the hearing and direct any further notices to be given.

(2.) No objection which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(3.) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this Act shall be in the discretion of the court and the court shall have power if it thinks fit to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the Board and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

Incidental works.

44. (1.) The Board may include in any works to be done under this Act with respect to any street or part of a street any works which they think necessary for bringing the street or part of a street as regards sewerage drainage level or other matters into conformity with any other streets (whether repairable or not by the inhabitants at large) including the provision of separate sewers for the reception of sewage or polluted water and of surface or unpolluted water respectively.

(2.) The Board in any estimate and the surveyor in any apportionment of the expenses of private street works may include a commission not exceeding five pounds per centum (in addition to the estimated actual cost) in respect of surveys and superintendence.

Apportionment of expenses.

45. In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting adjoining or abutting on the street or part of the street in respect of which the expenses are to be incurred shall be apportioned according to the frontage of the respective premises.

Provided that the surveyor may settle the apportionment as having regard to all the circumstances of the case and not merely to frontage he may deem most just.

Amendment of plans &c.

46. The Board may from time to time amend the specifications plans and sections (if any) estimates and provisional apportionments for any private street works but if the total amount of the estimate in respect of any street or part of a street is increased such estimate

and the provisional apportionment shall be published in manner prescribed in the second part of the First Schedule to this Act and shall be open to inspection at the Board's public offices at all reasonable times and copies thereof shall be served on the owners of the premises affected thereby and objections may be made to the increase and apportionment and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

Final apportionment and recovery of expenses.

47. When any private street works have been completed and the expenses thereof ascertained the surveyor shall make a final apportionment by dividing the expenses in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment as the case may be and such final apportionment shall be conclusive for all purposes and the sums apportioned thereby shall be recoverable in manner provided by this Act or in the same manner as private improvement expenses are recoverable under the Public Health Act 1875 including the power to declare any such expenses to be payable by instalments.

Provided that the owners or owner of any premises shown in the final apportionment as liable to be charged with more than one third of the actual expenses may if such expenses exceed the estimated expenses by more than ten per centum appeal to the court of quarter sessions and the court may either confirm the apportionment or may order that the excess of such actual expenses shall be borne and paid in whole or in part by the Board.

Charge on premises.

48. (1.) Any premises included in the final apportionment and all estates and interests from time to time therein shall stand and remain charged (to the like extent and effect as under section 257 of the Public Health Act 1875) with the sum apportioned against them as from the date of the final apportionment with interest at the rate of five pounds per centum per annum and the Board shall for the recovery of such sum and interest have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

(2.) The Board shall keep a register of charges under this Act and of the payments made in satisfaction thereof and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for and the Board shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Board.

Jurisdiction of county court.

49. On the application of the Board the county court for the district in which any premises are wholly or partly situate in respect

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of which any principal or interest is for the time being due in respect of expenses of private street works shall have jurisdiction to make all orders which could be made by the High Court of Justice or by any other court for the purpose of giving effect to the charge created by this Act.

Recovery of expenses summarily or by action.

50. The Board if they think fit from time to time (in addition and without prejudice to any other remedy) may recover summarily in a court of summary jurisdiction or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due for expenses of private street works the whole or any portion of such sum together with interest at a rate not exceeding five pounds per centum per annum from the date of the final apportionment till payment thereof provided that any proceeding in a court of summary jurisdiction or county court under this section may be commenced at any time within twelve months from the date when payment of such sum is demanded by the Board from such owner.

Contribution by Board to expenses.

51. The Board if they think fit may by resolution of an absolute majority of the whole number of the members of the Board at any time resolve to contribute the whole or a portion of the expenses of any private street works and may pay the same out of the district fund or general district rate.

Exemption from expenses of incumbent of church &c.

52. The incumbent or minister or trustee of any church chapel or place appropriated to public religious worship which is for the time being by law exempt from rates for the relief of the poor shall not be liable to any expenses of private street works as the owner of such church chapel or place or of any churchyard or burial ground attached thereto nor shall any such expenses be deemed to be a charge on such church chapel or other place or on such churchyard or burial ground or to subject the same to distress execution or other legal process but the proportion of expenses in respect of which an exemption is allowed under this section shall be borne and paid by the Board.

Power for limited owners to borrow for expenses.

53. All owners of buildings or lands being persons who under the Lands Clauses Consolidation Act 1845 are empowered to sell and convey or release lands may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under this part of this Act and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum but so

that the principal due on any such mortgage shall be repaid by equal yearly or half-yearly payments within thirty years.

Adoption of private streets.

54. Whenever all or any of the private street works in this Act mentioned have been executed in a street or part of a street by the Board and the Board are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large and thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large.

Provided that no such street or part of a street shall become a highway so repairable if within one month after such notice has been put up the owner or the majority in number or value of owners of such street or part of a street by notice in writing to the Board object thereto and in ascertaining such majority joint owners shall be reckoned as one owner.

On street being paved, &c., Board to declare same public highway.

55. If any street is now or shall hereafter be sewered levelled paved metalled flagged kerbed channelled and made good (all such works being done to the satisfaction of the Board) then on the application in writing of the greater part in value of the owners of the houses and land in such street the Board shall within three months from the time of such application declare in writing under their common seal the same to be a public highway and thereupon the said street shall become a public highway and shall be thereafter repaired by the Board.

Separate accounts of expenses of works.

56. The Board shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this Act relating to private street works.

Railways abutting but not communicating with streets not to be chargeable with expenses under this part of Act.

57. No railway company shall be deemed to be an owner or occupier for the purposes of this part of this Act in respect of any land of such company upon which any street as defined in this part of this Act shall wholly or partially front or abut and which shall be used by such company solely as a part of their line of railway sidings stations or works and shall have no communication with such street and the expenses incurred by the Board under the powers of this part of this Act which but for this provision such railway company would be liable to pay shall be repaid to the Board by the owners having frontages abutting on such street and in such proportion as shall be settled by the surveyor and in the event of such railway company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the Board the expenses which but for the foregoing

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provision such railway company would in the first instance have been liable to pay and the Board shall divide among the owners for the time being having frontages abutting on such street the amount so paid by such railway company to the Board in such proportion as shall be settled by the surveyor. But this section shall not apply to any street (as defined in this part of this Act) existing at the date of the passing of this Act.

PART IV.—INFECTIOUS DISEASES.

Board may declare diseases infectious.

58. The Board may from time to time by resolution on the report of the medical officer of health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act.

(1.) Any such order of the Board may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Board shall give public notice of the order by publishing the same by advertisement in at least two of the local newspapers circulating in the district and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act.

(2.) The production of the newspapers containing a copy of the order shall be conclusive evidence that public notice of the order has been so given.

(3.) The Board shall immediately after any such order shall have been made send a copy thereof to each legally qualified medical practitioner residing in the district but the omission to send any such copy shall not affect the validity of such order.

Cowkeepers and others to furnish lists of customers in certain cases.

59. Whenever it shall be certified to the Board by the medical officer of health or other legally qualified medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the Board may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full true and complete list of the names and addresses of all his customers within the district and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Board shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall

wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which the offence is continued.

Further powers in relation to disinfection of premises.

60. Where the Board are of opinion on the certificate of their medical officer of health or of any other legally qualified medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Board than by the owner or occupier of such house or part thereof the Board without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section. And any person who shall obstruct any duly authorised officer of the Board in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

61. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire or purchase of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

62. No person shall without the sanction in writing of the medical officer of health or of a legally qualified medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding forty shillings for every day during which the offence is continued.

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

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

Justices may in certain cases order dead bodies to be buried.

64. Where the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or of a legally qualified medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a legally qualified medical practitioner any justice may order the body to be removed at the cost of the Board to any mortuary provided by the Board and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

65. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than

a hearse which has been used for conveying the corpse of a person who has died from infectious disease who has not immediately afterwards provided for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Temporary shelter &c.

66. The Board shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and may further provide or contract with any person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the district and may charge a reasonable sum for the services of any nurse provided by them.

Penalty for offences under section 84 of the Public Health Act 1875.

67. Any keeper of a common lodging house in the district who fails to give the notice required by section 84 of the Public Health Act 1875 shall be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a daily penalty not exceeding forty shillings.

Penalties only recoverable by Board.

68. No penalty under this part of this Act shall be recoverable except on the information or complaint of the Board.

Saving for Acts relating to dairies animals &c.

69. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order license or Act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the dairies milk stores or milk shops or the slaughter-houses or knackers yards to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

PART V.—SLAUGHTER-HOUSES.

Notice to be given in case of changing occupation of a slaughter-house.

70. Upon any change of occupation of any building within the district licensed or registered for use and used as a slaughter-house the person thereupon becoming the occupier shall give notice in writing of the change of occupation to the inspector of nuisances and in case he fails or neglects to give such notice within one month after the change of occupation occurs he shall be liable to a penalty not exceeding five pounds.

PART VI.—TELEGRAPH WIRES.

As to telegraph wires &c. over streets.

71. With respect to the fixing placing or attaching of wires tubes or other apparatus across over or along but not under any public

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street for telegraphic telephonic or any electrical purpose (all and every of which are and is in this section included under the word apparatus) the following provisions shall have effect (that is to say):—

(1.) No such apparatus shall after the passing of this Act be so fixed placed or attached as to cross over or pass along any public street except with the previous license in writing of the Board under the hand of the clerk which license shall not be unreasonably refused and subject to such terms and conditions as they may from time to time prescribe so as to prevent danger annoyance or obstruction to passengers or traffic passing over or along or being in or upon such street. Any person who offends against this enactment or who fails to observe and perform any of such terms and conditions shall be liable for each offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings for every day during which the offence shall continue after notice thereof in writing under the hand of the clerk and the Board may cause such apparatus to be removed or altered and may recover the expense of and incidental thereto in any court of competent jurisdiction. No license granted as aforesaid shall be revocable except by notice in writing under the hand of the clerk and upon such ground in the interest of the public to be stated in the notice.

(2.) Where such apparatus has been placed over or along a street before the passing of this Act or in pursuance of a license under this Act the following provisions shall have effect (that is to say):—

(*a.*) The owner or lessee of such apparatus shall always keep the same in repair and good condition and in default thereof the Board may serve notice on him to put the same into repair and good condition and if he fail to do so the Board may remove the same and may recover fom him the expenses of so doing:

(*b.*) If in the opinion of the Board any such apparatus is so placed as to be or to be likely to become a cause of danger obstruction or annoyance to passengers or traffic in the street the Board may serve notice on the owner or lessee thereof to remove the same and if he fails to do so the Board may remove the same subject to the appeal hereinafter provided and may recover from him the expenses of so doing.

(3.) If the Board refuse the application for a license or attach thereto any terms or conditions which the applicant deems unreasonable or revoke the same for any reason which the licensee deems to be not in the interest of the public or to be

unreasonable or where the Board serve notice on the owner or lessee of such apparatus to remove the same in cases in which such apparatus has been placed over or along a street before the passing of this Act or in pursuance of a license under this Act or in any case in which any question shall arise whether any and if any what amount of compensation should be paid in respect of such removal the applicant or licensee or such owner or lessee or the Board as the case may be may apply to a court of summary jurisdiction under the Summary Jurisdiction Acts for an order in the premises including any order for a license or for a modification of the terms or conditions upon which the license has been granted or against the revocation of the license or against the removal of the apparatus (as the case may be) and the court may make such order thereon as they think fit and may direct by whom the cost of the application and of such removal shall be borne. If the order be for a modification of the terms or conditions upon which a license has been granted the license shall continue in force until lawfully revoked in accordance with this section subject only to the modified terms and conditions specified in the order. If the order be against the revocation of a license the revocation shall be to all intents and purposes null and void.

(4.) The Board may from time to time upon giving reasonable notice to the owner or lessee thereof inspect and examine any such apparatus in order to ascertain whether it is so fixed placed or attached and is generally of such description and in such condition as not to be productive of such danger annoyance or obstruction.

(5.) The Board by their officers and servants may at all reasonable times (but in case of an occupied building only between the hours of nine in the morning and four in the afternoon and after twelve hours notice to the occupier of such building) enter upon any lands or buildings in upon or to which any such apparatus is for the time being fixed placed or attached for the purpose of making such examination and inspection or of doing or executing any work under this section without being deemed trespassers or liable to any action indictment or other proceeding on account thereof.

(6.) Any expenses or compensation payable under the provisions of this section may be recovered in a county court or any court of competent jurisdiction.

(7.) The foregoing provisions of this section shall not apply to or include any apparatus which shall belong to any railway company or which shall be used by them in connexion with their

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business and which now is or hereafter shall be fixed upon posts or supports upon any railway provided such apparatus do not project or are not stretched or placed beyond such railway over any public street or be not stretched or placed over any public street crossing over such railway.

(8.) Nothing in this section contained shall extend to any post wire tube or other appliance or apparatus belonging to any railway company which before the passing of this Act was stretched or placed as aforesaid (herein-after called an "existing work") until the expiration of five years from the passing of this Act.

(9.) If during the said period of five years any existing work is in the opinion of the surveyor in such a state or position that immediate danger to any person is to be apprehended he may give information to any justice who may thereupon summon the owner or lessee thereof or other person interested therein to appear before a court of summary jurisdiction and the court may make an order requiring such owner lessee or other person or all or any of them to remove the source of danger or authorising the surveyor to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court in all the circumstances of the case to be necessary and proper.

(10.) The Board may during the said period of five years on a written certificate from the surveyor to the effect that danger is to be apprehended from the state or position of any existing work require such owner lessee or other person as aforesaid or all or any of them to make such alterations as shall remove the source of danger on payment or tender by the Board of one half of the expense or estimated expense of or in connexion with such alterations and in default of compliance with such requirement the Board may enter and effect the alterations and may recover one half of the expense thereof from such owner lessee or other person as aforesaid or from all or any of them.

(11.) Nothing in this section contained shall prejudice or affect the provisions of the Electric Lighting Act 1882.

Saving for Postmaster-General.

72. Nothing contained in this Act shall prejudice or affect the rights powers or authorities of the Postmaster-General under the Telegraph Acts 1863 to 1878.

PART VII.—OFFENCES.

Prohibition of obscene bills &c.

73. If any person affixes to any house building wall board or convenience or delivers or exhibits to any inhabitant or passenger in

or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

Street musicians to depart when required.

74. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

PART VIII.—BORROWING POWERS.

Power to borrow.

75. (1.) The Board may from time to time independently of any other borrowing power borrow at interest for the purpose of paying in the first instance expenses which the Board may incur in executing any private street works under this Act or any private improvement works under the Public Health Acts or any other works the cost of which may be declared to be private improvement expenses such moneys as the Local Government Board may from time to time sanction.

(2.) The Board may also independently of any other borrowing power borrow at interest for the purpose of paying the costs of this Act as herein-after defined the sum requisite for that purpose.

(3.) The Board may in order to secure moneys borrowed under this Act mortgage the district fund and general district rate.

(4.) Subject to the provisions of this Act the mortgages from time to time granted by the Board under this section shall be granted in accordance with the Public Health Act 1875 with respect to mortgages authorised to be made under that Act and all the powers and provisions of that Act applicable with respect to the form register and transfer of mortgages the appointment of a receiver and otherwise shall apply and have effect with respect to the mortgages granted under this section.

(5.) The power of borrowing moneys given by this section 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 Board may borrow under that Act or any Act amending or adding thereto or in substitution therefor any sums which they may borrow under this section shall not be reckoned.

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(6.) The Board shall pay off all moneys borrowed by them under this section by any one or more of the methods including a sinking fund mentioned in the Local Loans Act 1875 with respect to the discharge of loans borrowed in the manner provided by that Act within twenty years from the borrowing of the same respectively.

(7.) Money borrowed under this section shall be applied only to the purpose for which it is authorised to be borrowed and for purposes to which capital is properly applicable.

Power to re-borrow.

76. If the Board pay off any moneys borrowed by them under this Act otherwise than by instalments or appropriations or yearly or half-yearly payments or by means of a sinking fund or out of the proceeds of the sale of surplus lands or premiums or fines on leases they may re-borrow the same and so from time to time. Provided that 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 has been made and that the moneys originally borrowed and any moneys from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of section 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Board with respect to the sinking fund to be set aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

Annual return to Local Government Board with respect to sinking fund.

77. The clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for any sinking fund or appropriated or paid as an instalment or annual repayment under the preceding provisions of this Act transmit to the Local Government Board a return in such form and verified in such manner as that Board may from time to time prescribe showing the amount which has been appropriated or paid by instalments or annual repayment or invested for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and the purposes to which any portion of the moneys invested for the sinking fund or the interest thereof 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 any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner. If it appears to the Local Government Board by such return or otherwise that the Board have failed to pay any instalment or to make any appropriation or annual repayment or set apart the sum required by the preceding provisions of this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or the interest

thereof to any other purposes than those authorised the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Board as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

Saving for existing charges.

78. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Board 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 been 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.

PART IX.—MISCELLANEOUS.

Form and service of notice by Board.

79. The provisions of the Public Health Act 1875 with respect to notices orders and other such documents and the authentication and service thereof shall (except where otherwise expressly provided) apply to notices orders and other such documents under this Act. Provided always that in the case of a railway company every such notice order or other document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business. Any notice or other document requiring to be signed may be signed either by hand or by means of a block or stamp or other contrivance.

Buildings erected since last valuation list may be valued and rated.

80. And whereas owing to the rapid extension of buildings in the district it happens that between the making of the last valuation list or of the last rate for the relief of the poor (in this section called the poor rate) as the case may be and the making of the next assessment for rates leviable by the Board many new buildings have been erected which cannot therefore be included by the Board in such rates Therefore the following provisions shall have effect (that is to say) :—

(1.) If after the making of the valuation list or if there be none then after the making of the last poor rate and before the making of the next following rate by the Board any building be newly erected which would be assessable to the poor rate the Board may cause such building to be valued by a

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competent valuer and the Board may in making the assessment for their said next rate include such building therein.

(2.) For the purpose of every such valuation the valuer with his assistants may at all reasonable hours until the same is completed enter and survey all and every part of the property to be valued and do any act or thing necessary for the making of such valuation and the valuer may accept any valuation tendered to him which he may consider just and true.

(3.) If any person think himself aggrieved by any rate made on the basis of such valuation he may at the first meeting of the Board held after a demand of such rate in writing and giving three days' notice in writing to the Board apply to the Board for relief and they may grant such relief as they may think right and may amend such rate accordingly.

Penalty on occupier refusing execution of Act.

81. In case the occupier of any house or part of a house prevents the owner thereof from carrying into effect in respect thereof any notice given by the Board under this Act then after notice of this provision given by the owner to the occupier any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by such notice to be done and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he so continues to refuse to permit the owner to execute such works be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Power to execute works in default of person liable.

82. Whenever by or in pursuance of this Act or any byelaw for the time being in force within the district any work act or thing is required to be done by any owner occupier or other person and default is made therein or if any such work act or thing is improperly or insufficiently done the Board may cause such work act or thing to be executed re-executed or done (as the case may require) and also whenever any work act or thing is by this Act or any such byelaw prohibited from being done and it nevertheless is done the Board may remove abate or alter the work act or thing so done and the expenses incurred by the Board in any such case or incidental thereto shall be repaid to them by the person making default in the execution or doing of or improperly or insufficiently or unlawfully executing or doing such work act or thing as the case may be notwithstanding any penalty may be imposed upon such

person by any Act or byelaw and such amount may be recovered (being first apportioned by the surveyor amongst the persons liable where more than one) in the same manner as expenses of private street works are recoverable.

Power to apply district fund in executing works for private owners.

83. Whenever the Board are by this Act or any byelaws for the time being in force within the district authorised to execute or re-execute or alter any work act or thing in default of the owner occupier or other person required to do the same and whenever the Board execute any works upon the application of or by agreement with the owner of the lands houses or other property for or in respect of which the same are to be executed the Board may apply the district fund in or towards the executing re-executing or altering of such work act or thing but this section shall not affect the liability of any such owner or occupier or other person to repay the moneys expended by the Board.

Board may take payment of private improvement expenses by instalments.

84. The Board may by resolution at any time or from time to time allow to any person liable to the payment of expenses of private street works or of private improvement expenses time for the payment thereof respectively or of any part or parts thereof and may accordingly order the same to be repaid in one sum or by such instalments as the Board think fit (but not extending over a longer period than ten years) with such interest for the sum or sums for the time being unpaid as the Board may determine not exceeding five pounds per centum per annum but all sums for the time being remaining unpaid shall nevertheless at the expiration of the periods allowed for their repayment be recoverable as the same would have been recoverable had no such time been allowed and with respect to any such instalment the time limited for the recovery of expenses of private street works or of private improvement expenses shall be deemed to run only from the time when such instalment becomes due.

Extension of time for summary payment of rates, &c.

85. Proceedings in any court of summary jurisdiction for the recovery of any rate payable to the Board may be commenced at any time within twelve calendar months from the time when demand thereof is first made or served by the Board by or upon the person against whom such proceedings are taken.

Occupier may execute works in default of owner at owner's cost.

86. Whenever default is made by the owner of any house in the execution of any work by or by virtue of this Act required to be executed by him the occupier of such house may cause such work to be executed and the expense thereof shall be repaid to the occupier by the owner and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

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Right of appeal.

87. Any person aggrieved by any conviction or order made by a court of summary jurisdiction under this Act or any byelaw made under this Act and any person aggrieved by any order or determination of the Board or of any officer of the Board (including the withholding of any consent or approval of the Board or of any officer of the Board) under the provisions of Parts II. and III. and the Second Schedule of this Act or respecting any decision of the Board under subsection (3) of section 80 (buildings erected since last valuation list may be valued and rated) of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of section 269 (appeal to quarter sessions) of the Public Health Act 1875.

Byelaws to be subject to provisions of Public Health Act, 1875.

88. All byelaws authorised to be made by this Act shall be made subject to and in accordance with the provisions of the Public Health Act 1875 with respect to byelaws as though the same were made under and for the purposes of the said Act and sections 182 to 187 both inclusive of the Public Health Act 1875 shall be applicable to such first-mentioned byelaws accordingly.

Offences against byelaws, &c., to be prosecuted as if offences against the Public Health Act, 1875.

89. All offences against any byelaws made under the authority of this Act and all penalties or forfeitures which may be imposed for the breach of any such byelaws and the costs and expenses which may be incurred by the Board in the prosecution of any person offending against any such byelaws may respectively be prosecuted and recovered and applied in the manner provided by sections 251 and 254 of the Public Health Act 1875 respectively as if such offences were offences against the said Act.

Powers to be cumulative.

90. All powers rights and remedies given to the Board by this Act shall (except where otherwise expressly provided) be deemed to be and shall be in addition to and not in derogation of any other powers conferred upon them by Act of Parliament law or custom and the Board may exercise such other powers as if this Act had not been passed.

Penalties.

91. Every person offending against any of the preceding provisions of this Act shall except as otherwise provided be liable to a penalty not exceeding five pounds for every such offence and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after conviction.

Application of penalties.

92. Every penalty imposed by this Act shall be recoverable in a summary manner and sections 251 and 252 of the Public Health Act 1875 shall extend and apply to the recovery thereof and such penalty shall (except where the Board is the party by whom the penalty is to be paid) belong to the Board and shall be paid to the

treasurer of the Board and shall be carried by him to the credit of the district fund.

Contents of summons.

93. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or in the schedule thereto several names and several sums.

Costs of distress.

94. Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Judges not disqualified.

95. 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 liable to any rate or other charge payable to the Board.

Offences how punishable.

96. When any person is convicted of an offence against any provision of this Act punishable by the infliction of a penalty or in the discretion of the justice before whom he is convicted by imprisonment such justice may impose on such offender such period of imprisonment as in the opinion of the justice will satisfy the merits of the case but not exceeding the period which under the Summary Jurisdiction Acts he may impose for the non-payment of such penalty.

Expenses of Act.

97. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act shall be paid by the Board in the first instance out of the district fund and general district rate and ultimately out of money borrowed under and subject to the provisions of this Act and such costs shall include the costs of and incidental to complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth year of the reign of Her Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

THE FIRST SCHEDULE.

PRIVATE STREET WORKS.

Part I.—Particulars to be stated in Specifications Plans and Sections Estimates and Provisional Apportionments.

Specifications.—These shall describe generally the works and things to be done and in the case of structural works shall specify as far as may be the foundation form material and dimension thereof.

Plans and Sections.—These shall show the constructive character of the works and the connexions (if any) with existing streets sewers or other works and the lines and levels of the works subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

Estimates.—These shall show the particulars of the probable cost of the whole works including the commission provided for by this Act.

Provisional Apportionments.—These shall state the amounts charged on the respective premises and the names of the respective owners or reputed owners and shall also state whether the apportionment is made according to the frontage of the respective premises or not and the measurements of the frontages and the other considerations (if any) on which the apportionment is based.

Part II.

Any resolution notice or other document required by this Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in some local newspaper circulating within the district and shall be publicly posted in or near the street to which it relates once at least in each of three successive weeks.

THE SECOND SCHEDULE.

RULES AS TO THE STRENGTH OF TIMBER.

Part I.—General Rules.

In this schedule and for the purposes thereof—

The expression "public building" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church chapel or other place of public worship or as a hospital workhouse college school (not being merely a dwelling-house so used) theatre public hall public concert room public ball room public lecture room or public exhibition room or as a public place of assembly for persons admitted thereto by tickets or otherwise or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose.

The expression "warehouse building" means a warehouse factory manufactory brewery or distillery.

The expression "domestic building" means a dwelling-house or an office building or other outbuilding appurtenant to a dwelling-house whether attached thereto or not or a shop or any other building not being a public building or warehouse building.

Provided that whenever a building combines characteristics of more than one of the three classes of buildings above defined (namely public building warehouse building and domestic building) the Board may decide to which of the said classes such building or any part thereof shall be deemed to belong.

Timbers of fir or pine.

1. The following rules of this schedule shall apply to beams joists purlins and rafters of any species of fir or pine. Timbers of any other kind of wood shall be of such size and strength as is satisfactory to the surveyor.

Minimum size.

2. The sizes specified in this schedule for the cross sections of the several timbers mentioned therein shall represent the least size and strength which any such timbers may have.

Timbers on edge.

3. Every beam joist purlin and rafter mentioned in this schedule shall be laid and fixed on edge its greatest side being in a vertical position or nearly so and when laid and fixed in such position the distance between the upper and lower surfaces thereof shall be deemed to be the depth thereof and is in this schedule hereafter so referred to.

Calculation of equal strength.

4. In calculating the size and strength required for any beam or other timber intended to be of a strength equal to or greater than that of any particular beam or other timber of the same length and of the dimensions specified in this schedule the following method shall be adopted. In both cases the number of inches in the depth of such beam or other timber shall be multiplied by itself and the product shall be multiplied by the number of inches in the breadth. The number thus obtained shall be taken to represent the strength of such beam or other timber.

Floors of usual kind.

5. The rules of this schedule relating to joists and beams in floors are applicable only to floors formed of joists laid on edge in the ordinary way and covered with boards.

Floors of unusual kind.

6. In case of a framed floor or of a floor formed with beams at a short distance apart and covered with battens deals or planks without joists the several timbers of such floor shall be of such size and strength as is satisfactory to the surveyor.

Distance apart of joists and beams.

7. The rules of this schedule relating to joists and beams in floors are applicable only to joists laid at a distance of not more than fifteen inches apart measured from the middle of one joist to the middle of the next or to the nearest wall and to beams laid at a distance of not more than ten feet apart measured from the middle of one beam to the middle of the next or to the nearest wall. And joists and beams not exceeding the dimensions specified therefor in this schedule shall be laid and fixed at not more than the aforesaid distances apart namely fifteen inches and ten feet respectively.

Provided that nothing in this rule contained shall prevent or limit the operation of the rules numbered 8 9 10 and 19 in this schedule.

Timbers larger than in schedule.

8. In the case of a floor formed of joists or beams of greater dimensions than the respective dimensions specified therefor in this schedule such joists or beams

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may be laid and fixed at a proportionately greater distance apart than fifteen inches and ten feet respectively.

Timbers smaller than in schedule.

9. In the case of a floor formed of joists or beams of less dimensions than the respective dimensions specified therefor in this schedule such joists or beams shall be laid and fixed at a proportionately less distance apart than fifteen inches and ten feet respectively.

Lengths not in schedule.

10. In the case of a floor in which any joist or beam is of a length for which no provision is made in this schedule such joist or beam shall be of such size or strength as is satisfactory to the surveyor.

Roofs of usual kind.

11. The rules of this schedule relating to rafters and purlins in roofs are applicable only to roofs formed of rafters and purlins laid in the ordinary way and covered with slates of the usual kind.

Roofs of unusual kind.

12. In the case of a roof formed of coupled rafters or of rafters laid horizontally or in the case of a boarded roof covered with slates or in the case of a roof covered with glass lead tiles iron cement or other incombustible material not being slates of the usual kind the several timbers of such roof shall be of such size and strength as is satisfactory to the surveyor.

Distance apart of rafters and purlins.

13. The rules of this schedule relating to rafters and purlins in roofs are applicable only to rafters laid at a distance of not more than fifteen inches apart measured from the middle of one rafter to the middle of the next or to the nearest wall and to purlins laid at a distance of from six to nine feet apart measured from the middle of one purlin to the middle of the next or to the ridge or to the bearing upon the wall. And rafters and purlins not exceeding the dimensions specified therefor in this schedule shall be laid and fixed at not more than the aforesaid distances apart namely fifteen inches and nine feet respectively.

Provided that nothing in this rule contained shall prevent or limit the operation of the rules numbered 14 15 and 16 in this schedule.

Timbers larger than in schedule.

14. In the case of a roof formed of rafters or purlins of greater dimensions than the respective dimensions specified therefor in this schedule such rafters or purlins may be laid and fixed at a proportionately greater distance apart than fifteen inches and nine feet respectively.

Timbers smaller than in schedule.

15. In the case of a roof formed of rafters or purlins of less dimensions than the respective dimensions specified therefor in this schedule such rafters or purlins shall be laid and fixed at a proportionately less distance apart than fifteen inches and six feet respectively.

Length not in schedule.

16. In the case of a roof in which any rafter or purlin is of a length for which no provision is made in this schedule such rafter or purlin shall be of such size and strength as is satisfactory to the surveyor.

Part II.—Floors of Domestic Buildings.

Joists.

17. In the floors of domestic buildings the least cross section of the several bearing joists shall be of the following size and strength or shall be of equal strength therewith (that is to say)—

3 ft. 4 in.

(1.) Every joist not exceeding three feet four inches in clear bearing shall be three inches in depth and three inches in thickness.

(2.) Every joist exceeding three feet four inches and not exceeding five feet four inches in clear bearing shall be three and a half inches in depth and three inches in thickness.	3 ft. 4 in. to 5 ft. 4 in.
(3.) Every joist exceeding five feet four inches and not exceeding seven feet four inches in clear bearing shall be four inches in depth and three inches in thickness.	5 ft. 4 in. to 7 ft. 4 in.
(4.) Every joist exceeding seven feet four inches and not exceeding nine feet four inches in clear bearing shall be five inches in depth and two and a half inches in thickness.	7 ft. 4 in. to 9 ft. 4 in.
(5.) Every joist exceeding nine feet four inches and not exceeding eleven feet four inches in clear bearing shall be six inches in depth and two and a half inches in thickness.	9 ft. 4 in. to 11 ft. 4 in.
(6.) Every joist exceeding eleven feet four inches and not exceeding thirteen feet four inches in clear bearing shall be seven inches in depth and two and a half inches in thickness.	11 ft. 4 in. to 13 ft. 4 in.
(7.) Every joist exceeding thirteen feet four inches and not exceeding fourteen feet four inches in clear bearing shall be seven inches in depth and three inches in thickness.	13 ft. 4 in. to 14 ft. 4 in.
(8.) Every joist exceeding fourteen feet four inches and not exceeding sixteen feet four inches in clear bearing shall be eight inches in depth and three inches in thickness.	14 ft. 4 in. to 16 ft. 4 in.
(9.) Every joist exceeding sixteen feet four inches and not exceeding eighteen feet four inches in clear bearing shall be nine inches in depth and three inches in thickness.	16 ft. 4 in. to 18 ft. 4 in.
(10.) Every joist exceeding eighteen feet four inches and not exceeding twenty feet four inches in clear bearing shall be ten inches in depth and three inches in thickness.	18 ft. 4 in. to 20 ft. 4 in.
(11.) Every joist exceeding twenty feet four inches and not exceeding twenty-two feet four inches in clear bearing shall be eleven inches in depth and three inches in thickness.	20 ft. 4 in. to 22 ft. 4 in.
(12.) Every trimming joist receiving a trimmer at not more than three feet from one end and every trimmer joist receiving not more than six common joists shall have an extra thickness of one inch more than is herein specified for a common joist of the same bearing. Such extra thickness shall not be added in a separate scantling but the trimmer or trimming joist shall be solid throughout.	Trimming joists and trimmer joists.

Beams.

18. In the floors of domestic buildings the least cross section of the several beams or girders supporting the same and not supporting any wall pier or other such load shall be of the following size and strength or shall be of equal strength therewith (that is to say)—

(1.) Every beam exceeding eight feet and not exceeding ten feet in clear bearing shall be ten inches in depth and six inches in thickness.	8 to 10 ft.
(2.) Every beam exceeding ten feet and not exceeding twelve feet in clear bearing shall be eleven inches in depth and seven inches in thickness.	10 to 12 ft.
(3.) Every beam exceeding twelve feet and not exceeding fourteen feet in clear bearing shall be twelve inches in depth and eight inches in thickness.	12 to 14 ft.

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14 to 16 ft. (4.) Every beam exceeding fourteen feet and not exceeding sixteen feet in clear bearing shall be thirteen inches in depth and nine inches in thickness.

16 to 18 ft. (5.) Every beam exceeding sixteen feet and not exceeding eighteen feet in clear bearing shall be fourteen inches in depth and ten inches in thickness.

18 to 20 ft. (6.) Every beam exceeding eighteen feet and not exceeding twenty feet in clear bearing shall be fifteen inches in depth and eleven inches in thickness.

Part III.—Floors of Public Buildings.

Floors of public buildings one-fifth stronger.

19. In the floors of public buildings the least cross section of the several bearing joists and of the beams supporting the same shall be at least one-fifth stronger than the respective cross sections specified in Part II. of this schedule for joists and beams in the floors of domestic buildings or otherwise such joists and beams of public buildings (being of the same size and strength as those of domestic buildings) shall be laid and fixed at a distance of not more than twelve inches and eight feet respectively apart measured from the middle of one joist or beam to the middle of the next or to the nearest wall:

Provided that joists and beams in the floors of small private rooms and anterooms of public buildings may be of the same size and strength as those of domestic buildings.

Part IV.—Floors of Warehouse Buildings.

Joists.

20. In the floors of warehouse buildings the least cross section of the several bearing joists shall be of the following size and strength or shall be of equal strength therewith (that is to say):—

Length up to 3 feet. (1.) Every joist not exceeding three feet in clear bearing shall be four and a half inches in depth and three inches in thickness.

3 to 4 feet. (2.) Every joist exceeding three feet and not exceeding four feet in clear bearing shall be six inches in depth and two and a half inches in thickness.

4 to 5 feet. (3.) Every joist exceeding four feet and not exceeding five feet in clear bearing shall be seven inches in depth and two and a half inches in thickness.

5 to 6 feet. (4.) Every joist exceeding five feet and not exceeding six feet in clear bearing shall be seven inches in depth and three inches in thickness.

6 to 7 feet. (5.) Every joist exceeding six feet and not exceeding seven feet in clear bearing shall be seven and a half inches in depth and three inches in thickness.

7 to 8 feet. (6.) Every joist exceeding seven feet and not exceeding eight feet in clear bearing shall be eight inches in depth and three inches in thickness.

8 to 10 feet. (7.) Every joist exceeding eight feet and not exceeding ten feet in clear bearing shall be nine inches in depth and three inches in thickness.

10 to 12 feet. (8.) Every joist exceeding ten feet and not exceeding twelve feet in clear bearing shall be ten inches in depth and three inches in thickness.

12 to 14 feet. (9.) Every joist exceeding twelve feet and not exceeding fourteen feet in clear bearing shall be eleven inches in depth and three inches in thickness.

(10.) Every joist exceeding fourteen feet and not exceeding sixteen feet in clear bearing shall be twelve inches in depth and three inches in thickness. — 14 to 16 feet.

(11.) Every joist exceeding sixteen feet and not exceeding eighteen feet in clear bearing shall be nine inches in depth and six inches in thickness. — 16 to 18 feet.

(12.) Every joist exceeding eighteen feet and not exceeding twenty feet in clear bearing shall be eleven inches in depth and four and a half inches in thickness. — 18 to 20 feet.

(13.) Every trimming joist receiving a trimmer at not more than three feet from one end shall have an extra thickness of one inch and a half more than is herein specified for a common joist of the same bearing. And every trimmer joist receiving not more than six common joists shall for every such joist have an extra thickness of one quarter of an inch more than is herein specified for a common joist of the same bearing. — Trimming joists and trimmer joists.

21. In the floors of warehouse buildings the least cross section of the several beams or girders supporting the same and not supporting any wall pier or other such load shall be of the following size and strength or shall be of equal strength therewith (that is to say)— — Beams.

(1.) Every beam exceeding eight feet and not exceeding ten feet in clear bearing shall be twelve inches in depth and eleven inches in thickness. — 8 to 10 feet.

(2.) Every beam exceeding ten feet and not exceeding twelve feet in clear bearing shall be thirteen inches in depth and twelve inches in thickness. — 10 to 12 feet.

(3.) Every beam exceeding twelve feet and not exceeding fourteen feet in clear bearing shall be fourteen inches in depth and thirteen inches in thickness. — 12 to 14 feet.

(4.) Every beam exceeding fourteen feet and not exceeding sixteen feet in clear bearing shall be fifteen inches in depth and fourteen inches in thickness. — 14 to 16 feet.

(5.) Every beam exceeding sixteen feet and not exceeding eighteen feet in clear bearing shall be fifteen inches in depth and eighteen inches in thickness. — 16 to 18 feet.

(6.) Every beam exceeding eighteen feet and not exceeding twenty feet in clear bearing shall be fifteen inches in depth and twenty-four inches in thickness. — 18 to 20 feet.

Part V.—Roofs.

22. In the roofs of domestic buildings public buildings and warehouse buildings the least cross section of the several rafters shall be of the following size and strength or shall be of equal strength therewith (that is to say)— — Rafters.

(1.) Every rafter not exceeding six feet in clear bearing shall be three inches in depth and two and a half inches in thickness. — Length up to 6 feet.

(2.) Every rafter exceeding six feet and not exceeding seven and a half feet in clear bearing shall be three inches in depth and three inches in thickness. — 6 to 7½ feet.

(3.) Every rafter exceeding seven and a half feet and not exceeding nine feet in clear bearing shall be four inches in depth and three inches in thickness. — 7½ to 9 feet.

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Purlins.

23. In the roofs of domestic buildings public buildings and warehouse buildings the least cross section of the several purlins shall be of the following size and strength or shall be of equal strength therewith (that is to say)—

Length up to 6 feet 4 inches.

(1.) All purlins not exceeding six feet four inches in clear bearing and not more than six feet apart shall be five inches in depth and three inches in thickness or if more than six feet and not more than seven and a half feet apart five and a half inches in depth and three inches in thickness or if more than seven and a half feet and not more than nine feet apart six inches in depth and three inches in thickness.

6 ft. 4 in. to 8 ft. 4 in.

(2.) All purlins exceeding six feet four inches and not exceeding eight feet four inches in clear bearing and not more than six feet apart shall be six inches in depth and four inches in thickness or if more than six feet and not more than seven and a half feet apart six and a half inches in depth and four inches in thickness or if more than seven and a half feet and not more than nine feet apart seven inches in depth and four inches in thickness.

8 ft. 4 in. to 10 ft. 4 in.

(3.) All purlins exceeding eight feet four inches and not exceeding ten feet four inches in clear bearing and not more than six feet apart shall be seven inches in depth and five inches in thickness or if more than six feet and not more than seven and a half feet apart seven and a half inches in depth and five inches in thickness or if more than seven and a half feet and not more than nine feet apart eight inches in depth and five inches in thickness.

10 ft. 4 in. to 12 ft. 4 in.

(4.) All purlins exceeding ten feet four inches and not exceeding twelve feet four inches in clear bearing and not more than six feet apart shall be eight inches in depth and six inches in thickness or if more than six feet and not more than seven and a half feet apart eight and a half inches in depth and six inches in thickness or if more than seven and a half feet and not more than nine feet apart nine inches in depth and six inches in thickness.

12 ft. 4 in. to 14 ft. 4 in.

(5.) All purlins exceeding twelve feet four inches and not exceeding fourteen feet four inches in clear bearing and not more than six feet apart shall be nine inches in depth and six inches in thickness or if more than six feet and not more than seven and a half feet apart nine and a half inches in depth and six inches in thickness or if more than seven and a half feet and not more than nine feet apart ten inches in depth and six inches in thickness.

14 ft. 4 in. to 16 ft. 4 in.

(6.) All purlins exceeding fourteen feet four inches and not exceeding sixteen feet four inches in clear bearing and not more than six feet apart shall be eleven inches in depth and six inches in thickness or if more than six feet and not more than seven and a half feet apart eleven and a half inches in depth and six inches in thickness or if more than seven and a half feet and not more than nine feet apart twelve inches in depth and six inches in thickness.

16 ft. 4 in. to 18 ft. 4 in.

(7.) All purlins exceeding sixteen feet four inches and not exceeding eighteen feet four inches in clear bearing and not more than six feet apart shall be eleven inches in depth and seven inches in thickness or if more than six feet and not more than seven and a half feet apart eleven and a half inches in depth and seven inches in thickness or if more than seven and

a half feet and not more than nine feet apart twelve inches in depth and seven inches in thickness.

18 ft. 4 in. to 20 ft. 4 in.

(8.) All purlins exceeding eighteen feet four inches and not exceeding twenty feet four inches in clear bearing and not more than six feet apart shall be twelve inches in depth and eight inches in thickness or if more than six feet and not more than seven and a half feet apart twelve and a half inches in depth and eight inches in thickness or if more than seven and a half feet and not more than nine feet apart thirteen inches in depth and eight inches in thickness.

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