



## CHAPTER cv.

An Act to extinguish the tolls levied in respect of the user of certain roads in and adjoining the county borough of Middlesbrough and to make provision for the maintenance of such roads to authorise the mayor aldermen and burgesses of the said county borough to acquire the undertaking of the North Ormesby Gas Company Limited to confer further powers upon them with respect to their gas and electricity undertakings to make further provision for the health local government and improvement of the borough and for other purposes. A.D. 1914.

[31st July 1914.]

**W**HEREAS the borough of Middlesbrough (hereinafter called "the borough") is a county borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation") acting by the council are the urban sanitary authority for the district thereof:

And whereas the roads and portions of road in this Act described are situate partly in the borough and partly in the rural district of Middlesbrough in the North Riding of the county of York and are private roads over which the inhabitants at large have rights of way subject however to the payment of tolls charges and payments which are made levied and recovered by the owners of the said roads or some of them from all persons passing over along or using the said roads for vehicular traffic:

And whereas it is expedient that all rights to make levy and recover tolls charges and payments for or in respect of the user of the said roads be extinguished and that the roads be declared and become public highways repairable by the inhabitants

A.D. 1914. at large upon the terms in this Act declared and that provision be made for the cost of such extinguishment and of the future maintenance and repair of such roads to be borne in the manner in this Act prescribed and that the powers and provisions in that behalf in this Act contained be conferred and enacted :

And whereas the county council of the said riding have agreed that as from the date on which the right to make levy and recover tolls charges and payments for or in respect of the user of the roads No. 1 and No. 3 referred to in this Act shall be extinguished such portions of the said two roads as are situate in the said rural district shall be main roads :

And whereas plans showing the situations of the said roads and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands forming the site of the roads and containing the names of the persons in whom the rights to make levy and recover tolls charges or payments for the use of such roads are now vested (which plans and book of reference are in this Act referred to respectively as "the deposited plans" and "the deposited book of reference") have been duly deposited with the clerk of the peace for the county of the North Riding of Yorkshire :

And whereas by the Middlesbrough Extension and Improvement Act 1866 and the Middlesbrough Extension and Improvement Act 1874 the Corporation were empowered to supply gas within the borough and the townships or parishes of Linthorpe Acklam Marton Ormesby and Normanby as the same existed immediately before the commencement of the Middlesbrough (Extension) Order 1913 which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 18) Act 1913 :

And whereas by the North Ormesby Gas Order 1876 which was confirmed by the Gas and Water Orders Confirmation Act 1876 No. 1 the North Ormesby Gas Company Limited (hereinafter referred to as "the company") were authorised to supply gas within that portion of the said parish of Ormesby which is defined by such Order :

And whereas by the Middlesbrough (Extension) Order 1913 the area within which the company are supplying gas was included within the borough and by section 3 of the Local Government Board's Provisional Order Confirmation (No. 18)

Act 1913 the power of the Corporation to supply gas within the area of supply of the company was repealed and provision made with respect to the purchase by the Corporation of the undertaking of the company and it was provided amongst other things that if within the then next two sessions of Parliament the Corporation should promote a Bill for the purchase of the undertaking of the company the company should not oppose such Bill except so far as it might be necessary to secure the insertion therein of clauses to protect their interests with respect to such purchase :

A.D. 1914.

And whereas it is expedient that the undertaking of the company be transferred to and vested in the Corporation in manner provided by this Act :

And whereas by the South Bank and Normanby Gas Act 1914 the powers of the Corporation to supply gas within the existing parishes of Normanby and Ormesby and so much of the existing parish of Marton as was thereby included within the limits of supply of the South Bank and Normanby Gas Light and Coke Company Limited have been repealed :

And whereas it is expedient that the area within which the Corporation are empowered to supply gas be extended so as to include the parish of Hemlington in the North Riding of the county of York :

And whereas the Corporation are also the owners of the undertaking by which the borough is supplied with electricity :

And whereas it is expedient that further provision be made in regard to the supply of gas and electricity by the Corporation :

And whereas it is expedient that further powers be conferred upon the Corporation with reference to streets buildings sewers and drains and that further provision be made for the health local government and improvement of the borough :

And whereas in erecting their transporter bridge the Corporation by reason of the necessity of constructing additional works in connection with the foundations of the bridge and otherwise and of other unforeseen circumstances have expended the sum of seven thousand five hundred and seventeen pounds in excess of the sums which they were authorised to borrow by the Middlesbrough Corporation (Transporter Bridge) Act 1907 and it is expedient that such expenditure be sanctioned and confirmed :

A.D. 1914.

And whereas such excess expenditure is in respect of permanent works and it is expedient that the cost thereof be spread over a term of years:

And whereas it is expedient that the Corporation be authorised to borrow moneys for the purposes of this Act:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

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

## PART I.

### PRELIMINARY.

Short title.

1. This Act may be cited as the *Middlesbrough Corporation Act 1914*.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Toll Bar Roads.

Part III.—Purchase of North Ormesby Gas Undertaking.

Part IV.—Gas and Electricity—Further Powers.

Part V.—Streets Buildings Sewers and Drains.

Part VI.—Infectious Disease and Sanitary Provisions.

Part VII.—Common Lodging-Houses.

Part VIII.—Police.

Part IX.—Finance.

Part X.—Miscellaneous.

Incorporation of general Acts.

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

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such constructions And in this Act unless the subject or context otherwise requires—

A.D. 1914.  
Interpreta-  
tion.

“The Corporation” means the mayor aldermen and burgesses of the borough of Middlesbrough :

“The borough” means the county borough of Middlesbrough :

“The council” means the council of the borough :

“The mayor” “the town clerk” “the treasurer” “the medical officer” “the inspector of nuisances” and “the surveyor” mean respectively the mayor the town clerk the treasurer the medical officer of health the inspector of nuisances and the surveyor of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices :

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough :

“The county council” means the council of the county of the North Riding of York :

“The rural district” means the rural district of Middlesbrough :

“The rural council” means the council of the rural district :

“The toll bar owners” means the owners of the roads described in the section of this Act of which the marginal note is “Toll roads to be highways repairable by inhabitants at large and vesting of roads” and the persons in or by whom the rights to make levy and recover tolls charges and payments upon or from persons passing along or using the said roads are now vested or exerciseable :

“The Act of 1912” means the North Ormesby South Bank Normanby and Grangetown Railless Traction Act 1912 :

“Trolley vehicle equipment” has the same meaning as the meaning assigned to that expression by the Act of 1912 :

A.D. 1914.

“The company” means the North Ormesby Gas Company Limited :

“The date of purchase” means the first day of January one thousand nine hundred and fourteen :

“The completion of the purchase” means the payment by the Corporation of the moneys prescribed by the section of this Act of which the marginal note is “Purchase of undertaking of company by Corporation” :

“The undertaking of the company” includes all the gas-works mains pipes machinery and plant fixed and moveable and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges which were vested in or belonged to or were enjoyed by the company in relation to the supply of gas at the date of purchase save and except—

(A) All cash balances (other than consumers' deposits) reserve funds undivided profits book and other debts bills of exchange cheques and other negotiable securities in the possession of the company or of their bankers or agents on the date of purchase ;

(B) All rents and charges accrued due prior to the date of purchase with proportionate parts of accruing rents and charges up to the same date ;

(C) All books relating exclusively to the shareholders in and the constitution of the company ; and

(D) Moveable stock in trade and other stores belonging to the company at the date of purchase :

“The transfer” means the transfer to the Corporation of the undertaking of the company effected by this Act :

“The Order of 1876” means the North Ormesby Gas Order 1876 confirmed by the Gas and Water Orders Confirmation Act 1876 No. 1 :

“The limits of supply” means the limits within which the Corporation are for the time being authorised to supply gas :

“The Act of 1910” means the Middlesbrough Corporation Act 1910 :

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction :

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough: A.D. 1914.

Words and expressions to which meanings are assigned by the Public Health Act 1875 and the Public Health Acts Amendment Act 1890 shall have in this Act the same respective meanings unless otherwise expressly provided.

## PART II.

### TOLL BAR ROADS.

5.—(1) As from the passing and subject to the provisions of this Act the roads and portion of road hereinafter described and shown on the deposited plans and referred to in the deposited book of reference shall become and be highways repairable by the inhabitants at large of the borough or district in which the same respectively are situate and so much of the said roads and portion of road and of the pavements (if any) stones and other materials thereof as are situate within the borough shall be transferred to and vest in and be under the control of the Corporation and so much of the said roads and of the pavements (if any) stones and other materials thereof as are situate in the rural district shall be transferred to the rural council and be deemed to be highways within the meaning of section 25 (Powers of district council with respect to sanitary and highway matters) of the Local Government Act 1894 and the provisions of such section shall apply accordingly Provided that notwithstanding anything in this Act contained the owners of all gas and water mains and pipes and other works (except railways railway sidings trolley vehicle equipment and electric lines as defined by the Electric Lighting Act 1882) constructed or laid across along upon in or under any of the said roads shall be subject to the same liability to maintain repair restore reinstate or make good such portions of the said roads and for such periods and in such manner as they were respectively subject to on the seventeenth day of November one thousand nine hundred and thirteen.

Toll roads to be highways repairable by inhabitants at large and vesting of roads.

(2) Subject to the provisions of this Act the Corporation and the rural council respectively shall have and may exercise in respect of the said roads or portions of road within their respective districts the same powers authorities and duties and shall be subject in respect thereof to the same liabilities as they

A.D. 1914. now have and may exercise and are subject to in respect of other highways repairable by the inhabitants at large and situate within their respective districts :

Provided that until the right to make levy and recover tolls charges and payments for or in respect of the user of roads No. 1 and No. 3 shall be extinguished the rural council shall not be under any obligation to maintain the portions of those two roads situate in the rural district in a better condition of repair than the same are in at the passing of this Act :

The roads hereinbefore referred to all in the North Riding of the county of York are—

Road No. 1.—Marton Road situate in the parish and borough of Middlesbrough and in the parish of Marton in the rural district with the toll gate or toll bar situate across in or upon the said road in the borough Road No. 1 commences at the north end of Newlands Bridge in the borough and terminates at its junction with the Stockton and Redcar main road in the said parish of Marton ;

Road No. 3 comprises North Ormesby Road (except the portion thereof lying to the west of the toll bar therein) Langbaugh Place West Terrace Westbourne Grove and a portion of Ormesby Road in the said parish and borough of Middlesbrough and the remainder of Ormesby Road in the parish of Ormesby in the rural district with the toll gate or toll bar situate across in or upon North Ormesby Road Road No. 3 commences at the toll bar in North Ormesby Road in the borough and terminates at the junction of Ormesby Road with the Stockton and Redcar main road in the said parish of Ormesby ;

Road No. 4.—The portion of Southbank Toll Road situate in the said parish and borough of Middlesbrough with the toll gate or toll bar situate across in or upon the said road Road No. 4 commences at the junction thereof with Smeaton Street and terminates at the point where the borough boundary crosses the road now in description ;

Road No. 5.—Cargo Fleet Lane situate in the said parish and borough of Middlesbrough and in the said parish of Ormesby in the rural district with the toll gate or toll bar situate across in or upon the said road or lane in the borough and the toll gate or toll bar (now disused) situate across in or upon and abutting on the said road or lane



in the said parish of Ormesby Road No. 5 commences at the junction thereof with Southbank Toll Road in the borough and terminates at the junction thereof with the said Stockton and Redcar main road in the said parish of Ormesby. A.D. 1914.

6. Notwithstanding that the said roads and portion of road shall have become highways repairable by the inhabitants at large as in this Act provided the toll bar owners may for a period of two years from the passing and subject to the provisions of this Act continue to exercise the rights which they respectively possess or are seised of at the passing of this Act of making levying and recovering upon and from persons passing over along or using the said roads the same tolls charges and payments as were made by them respectively on the seventeenth day of November one thousand nine hundred and thirteen and none other and on the expiration of the said period the toll bar owners shall forthwith cease to make levy and recover any tolls charges or payments for or in respect of the user of the said roads and portion of road or any of them and the Corporation and the rural council shall forthwith remove all toll gates toll bars posts huts and other obstructions across upon and in the said roads and portion of road in the borough and in the rural district respectively and from and after the expiration of the said two years the said roads shall be free from the payment of such tolls charges and payments. Tolls may continue for two years.

7.—(1) Such of the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement as relate to compensation in respect of lands injuriously affected by the execution of the undertaking or works authorised by the special Act shall apply to the extinguishment effected by this Act of the rights of the toll bar owners to make levy and recover tolls charges and payments (including any payments in respect of herbage rights easements and wayleaves) for or in respect of the user of the said roads as fully as if within the meaning of the said Lands Clauses Consolidation Act 1845 this Act were the special Act such rights were lands such extinguishment were the works or undertaking by the special Act authorised to be executed and the Corporation were the promoters of the undertaking and any toll bar owner shall be entitled (provided he makes his claim within three months from the passing of this Act) to compensation accordingly. Further compensation to toll bar owners.

A.D. 1914.

(2) Any compensation payable under this section shall be of such an amount as may be agreed between the toll bar owner claiming the same and the Corporation or as in default of such agreement shall be settled in manner provided by the said provisions of the Lands Clauses Act provided that in estimating the amount of such compensation to be paid by the Corporation regard shall be had amongst other considerations to—

- (A) The state and condition of the portion or portions of the said roads belonging to the toll bar owner claiming compensation but nothing herein contained shall be construed as a recognition of any liability on the owner to reconstruct or rebottom any road;
- (B) The cost of putting the surface of such portion or portions of the said roads into such a state of repair as will be sufficient for the present traffic;
- (C) The amount which the toll bar owner claiming compensation may receive under the sections of this Act of which the marginal notes are "Tolls may continue for two years" "As to electric lines of Cleveland and Durham County Electric Power Company" "For protection of North Ormesby South Bank Normanby and Grangetown Railless Traction Company" and "As to grazing and other rights in respect of Lord Furness' roads."

(3) Each toll bar owner claiming compensation under the provisions of this section shall at all times after making his claim afford to the Corporation all reasonable access to all books documents and accounts kept by him or in his possession of or relating to the maintenance and repair of the portion or portions of the said roads belonging to him and of or relating to the tolls charges and payments which have been made levied and recovered by him or his predecessors in title in respect of such portion or portions of road.

(4) The Corporation shall within three months after the final ascertainment of the amount of compensation payable under this section of this Act produce to the Commissioners of Inland Revenue a King's Printer's copy of this Act duly stamped with the ad valorem duty payable upon an instrument of conveyance or release on sale of the said roads and of the rights of the toll bar owners for the amount of such compensation and in default of such production as aforesaid the duty with

interest thereon at the rate of five per cent. per annum shall be a debt from the Corporation to His Majesty. A.D. 1914.

8. For the protection of the owners of the Middlesbrough Estate Limited (hereinafter referred to as "the Middlesbrough owners") the following provisions shall unless otherwise agreed in writing between the Corporation and the Middlesbrough owners have effect (that is to say):— For protection of owners of Middlesbrough Estate.

- (1) As from the passing of this Act and subject as in this section hereinafter provided the following carriage roads and footpath in the borough (that is to say):—

The carriageway (full width) and footpath on the west side of Park Vale Road from Marton Road to the centre of Clairville Road;

The carriageway of Douglas Street from Breckon Hill Road to the centre of Longlands Road;

The carriageway of Lansdowne Road from the centre of Longlands Road southwards to the south-east corner of the premises known as the "Longlands";

which carriage roads and footpath are coloured red on the map signed in triplicate by Ernest Gardner the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred copies whereof have been deposited in the Private Bill Office of the House of Commons the Parliament Office of the House of Lords and the office of the town clerk respectively shall become and be highways repairable by the inhabitants at large of the borough and such carriage roads and footpath and the pavements (if any) stones and other materials thereof shall be transferred to and vest in and be under the control of the Corporation:

- (2) Notwithstanding anything contained in this Act the Middlesbrough owners and any person authorised by them may maintain use and work at all times and for all purposes the existing railway crossing Road No. 1 on the level at the northern end thereof Provided that the Middlesbrough owners or any such person as aforesaid shall keep the level crossing in a proper state of repair for the passage across the same of carriages using the road and shall not

A.D. 1914.

allow any engine or truck to stop on the level crossing nor unduly or unreasonably obstruct the user of the said road :

- (3) The Corporation may at any time if they think fit erect and maintain on each side of Road No. 1 gates across the said railway to fence in the same and such gates if and when erected shall be kept constantly closed across the railway except when traffic passing along the railway shall have occasion to cross the road and the drivers or conductors of any engine or truck passing over the level crossing shall cause the same to be closed as soon as such engine or truck shall have passed through the gates :
- (4) From and after the expiration of two years from the passing of this Act all rights to levy tolls in respect of the user of Cargo Fleet Road described on the deposited plans as Road No. 2 and of the portion of North Ormesby Road lying to the west of the toll bar therein shall cease and the Corporation shall at their own expense remove the toll bar on Road No. 2 and any post or other obstructions used in connection therewith :
- (5) The Middlesbrough owners shall on the passing of this Act hand over to the Corporation all wayleave and other agreements in their possession under which any works have been laid or constructed along upon in or under the roads and footpath of the Middlesbrough owners by this Act declared highways repairable by the inhabitants at large and as from the passing of this Act the Corporation shall be entitled to all the benefit and shall be subject to all the obligations of the Middlesbrough owners and their predecessors under such agreements :
- (6) The provisions of this section shall be in lieu of compensation under the provisions of the section of this Act whereof the marginal note is "Further compensation to toll bar owners" which shall not apply to the Middlesbrough owners :
- (7) Section 61 (Private road towards Marton to be repaired by owners while tolls taken for use thereof) of the Middlesbrough Extension and Improvement Act 1866 is hereby repealed.

9. For the protection of James Worsley Pennyman his executors administrators successors and assigns (all of whom are in this section referred to as and included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the Corporation and the owner have effect (that is to say):—

A.D. 1914.  
For protec-  
tion of J. W.  
Pennyman.

- (1) Notwithstanding anything contained in this Act the owner and any person authorised by him may maintain use and work at all times and for all purposes the existing railway siding crossing Road No. 4 on the level at the western end thereof Provided that the owner or any such person as aforesaid shall keep the level crossing in a proper state of repair for the passage across the same of carriages using the road and shall not allow any engine or truck to stop on the level crossing nor unduly or unreasonably obstruct the user of the said road :
- (2) The Corporation may at any time if they think fit erect and maintain on each side of Road No. 4 gates across the said siding to fence in the same and such gates if and when erected shall be kept constantly closed across the siding except when traffic passing along the siding shall have occasion to cross the road and the drivers or conductors of any engine or truck passing over the level crossing shall cause the same to be closed as soon as such engine or truck shall have passed through the gates :
- (3) The owner shall on the passing of this Act hand over to the Corporation all wayleave and other agreements in his possession under which any works have been or may be laid or constructed along upon in over or under the roads of the owner by this Act declared highways repairable by the inhabitants at large (other than any agreement relating to the said railway siding) and as from the passing and subject to the provisions of this Act the Corporation shall be entitled to all the benefits and shall be subject to all the obligations of the owner and his predecessors under the agreements so handed over :
- (4) Notwithstanding anything contained in this Act the said James Worsley Pennyman his successors and assigns and his or their family and the servants

A.D. 1914.  
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and guests of any such person as aforesaid residing at Ormesby Hall or Ormesby Park End shall at all times after the passing of this Act be exempt from the payment of any tolls in respect of the user by him or them of Road No. 3 :

- (5) If any question shall arise under subsection (1) of this section between the Corporation and the owner such question shall be referred to and determined by an arbitrator to be agreed upon by the parties to such question or failing such agreement to be appointed on the application of either of such parties by the Local Government Board.

Provisions with respect to North Ormesby level crossing.

**10.** Nothing in this Act contained shall alter or affect the rights powers duties or obligations of the North Eastern Railway Company or of the owners of Road No. 3 or of any other person with respect to the maintenance and repair of the North Ormesby level crossing except that any rights powers privileges benefits duties and obligations which immediately before the passing of this Act may be vested in or attaching to any person other than the North Eastern Railway Company shall henceforth vest in or attach to and may be exercised or performed by the Corporation.

As to electric lines of Cleveland and Durham County Electric Power Company.

**11.**—(1) With respect to any electric line as defined by the Electric Lighting Act 1882 of the Cleveland and Durham County Electric Power Company (hereinafter referred to as “the power company”) which at the passing of this Act shall be laid across along upon in or under any of the said roads the power company and the Corporation respectively notwithstanding anything in this Act contained shall have and may exercise and shall be subject to the same rights powers privileges duties and obligations as they would have had or been subject to respectively if at the time when such electric line was laid the road had been a highway in the borough repairable by the inhabitants at large.

(2) During the period of two years from the passing of this Act the power company shall pay to the Corporation the wayleave rentals payable under the agreement dated the twenty-fifth day of October one thousand nine hundred and five and made between James Worsley Pennyman of the one part and the power company of the other part and shall pay to the Right Honourable Marmaduke Baron Furness his

executors administrators or assigns the wayleave rentals payable under the agreement dated the seventh day of April one thousand nine hundred and six and made between William Henry Wood and Thomas Rawle of the one part and the power company of the other part.

A.D. 1914.

(3) As from the passing of this Act each of the said agreements shall be cancelled but without prejudice to any then subsisting cause of action or proceeding thereunder which may be enforced or continued by and against the parties thereto respectively in all respects as if this Act had not been passed.

**12.** For the protection of the North Ormesby South Bank Normanby and Grangetown Railless Traction Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the company and the Corporation have effect (that is to say):—

For protection of North Ormesby South Bank Normanby and Grange-town Railless Traction Company.

(1) Notwithstanding anything in this Act it shall be lawful for the company (subject to the provisions of the Act of 1912 in regard to roads repairable by the inhabitants at large in the urban district of Ormesby) to continue maintain renew alter and use any trolley vehicle equipment which may before the passing of this Act have been erected or laid on in over or under Road No. 4 and after the passing of this Act to exercise on over under along and across that road all or any of the powers conferred upon the company by section 18 of the Act of 1912 and for the purposes of the Act of 1912 Road No. 4 shall be deemed to have been at the passing of that Act a highway repairable by the council of the urban district of Ormesby and not a street or road to which the provisions of section 52 of the Act of 1912 apply and any trolley vehicle equipment erected or laid in such road before the passing of this Act shall be deemed to have been erected or laid with the consent of the Corporation as the successors of that council:

(2) Before commencing to run trolley vehicles or motor omnibuses along Road No. 4 the company shall pay to the Corporation the sum of three hundred pounds towards the cost of repairing the carriageway of the said road and the Corporation shall forthwith apply such sum towards the repairing of the portion of the

A.D. 1914.

said carriageway which lies between Ormesby Beck and Spencer Beck :

(3) The provisions of the section of this Act of which the marginal note is "Tolls may continue for two years" shall not be exercised in respect of any trolley vehicles or motor omnibuses worked or run by the company over the portion of Road No. 4 now belonging to Lord Furness but the company shall pay to the said Lord Furness his executors administrators or assigns during so much of the period of two years from the passing of this Act as the company shall work or run trolley vehicles or motor omnibuses along the said portion of road the compounded toll of one hundred pounds per annum provided for by the indenture dated the ninth day of April one thousand nine hundred and fourteen and made between Lord Furness of the one part and the company of the other part :

(4) As from the passing of this Act the said indenture dated the ninth day of April one thousand nine hundred and fourteen and the agreement dated the eleventh day of June one thousand nine hundred and twelve and made between Sir Hugh Bell Baronet and Walter William Storr (for and on behalf of the company) of the one part and James Worsley Pennyman of the other part shall be cancelled but without prejudice to any then subsisting cause of action or proceeding thereunder which may be enforced or continued by or against the parties thereto respectively in all respects as if this Act had not been passed.

As to grazing and other rights in respect of Lord Furness' roads.

**13.** It shall be lawful for the Right Honourable Marmaduke Baron Furness his executors administrators or assigns (all of whom are in this section referred to as "Lord Furness") to recover all annual payments which during the period of two years from the passing of this Act may accrue to him under any existing agreement or deed relating to the right of grazing over the waste of Road No. 5 or to the maintenance of any gas or water main under that road or under the portion of Road No. 4 belonging to him and subject as aforesaid all rights of Lord Furness to make levy and recover charges or payments for the said grazing rights and for easements or wayleaves in respect



of any work upon in under or over the said road or portion of road are hereby extinguished. A.D. 1914.

**14.**—(1) So soon as the right to make levy and recover tolls charges and payments for or in respect of the user of Roads No. 1 and No. 3 shall be extinguished the portions of those two roads situate in the rural district shall by virtue of this Act be transferred from the rural council to and shall vest in the county council as main roads within the meaning of the Local Government Act 1888 and shall be maintained and repaired by the county council in the same manner and to the same extent as other main roads in the county of the North Riding of York maintained by them. As to main-  
ing of Roads  
Nos. 1 and 3.

(2) The county council shall not without the assent of the rural council having been first obtained make any application to the Local Government Board for an order under section 16 of the Highways and Locomotives (Amendment) Act 1878 or any statutory modification or re-enactment thereof for the time being in force declaring that the said portions of Roads No. 1 and No. 3 so vested in the county council or either of them have ceased to be main roads and become ordinary highways nor shall the county council without the like assent take any other steps or proceedings for the purpose of reducing the said portions of the said roads or either of them to the status of ordinary highways.

### PART III.

#### PURCHASE OF NORTH ORMESBY GAS UNDERTAKING.

**15.** Subject to the terms and conditions hereinafter set forth the company shall sell and transfer and the Corporation shall purchase and acquire as from the first day of January one thousand nine hundred and fourteen the undertaking of the company discharged from their then existing mortgages (if any) and other financial obligations and liabilities of the company for the sum of twenty-six thousand pounds which is hereinafter referred to as "the purchase money." Purchase of  
undertaking  
of company  
by Corpora-  
tion.

**16.** Until the completion of the purchase and subject to such reasonable directions as the Corporation by writing signed by the town clerk shall signify and the company shall in writing accept the company shall maintain and carry on the undertaking of the company in the ordinary course of business and subject Maintenance  
of under-  
taking of  
company till  
transfer.

A.D. 1914.

to such directions the company shall not without the previous consent of the Corporation under the hand of the town clerk create or issue any further capital or expend any money on capital account or make or enter into any new contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works the carrying on of the company's business and the proper conduct of the undertaking.

Transfer and vesting of undertaking of company to and in Corporation.

**17.**—(1) Within one month after the passing of this Act the Corporation shall pay to the company the purchase money together with interest thereon at the rate of five per centum per annum from the date of purchase up to the date of completion and if from any cause other than the default of the company or delay on their part the completion of the purchase shall not take place within the said period of one month then the Corporation shall pay to the company additional interest at the rate of one per centum per annum (making in all six per centum per annum) on the purchase money from the expiration of such one month until the completion of the purchase and on payment of the purchase money the undertaking of the company shall by virtue of this Act and without further assurance or other authority become and shall thenceforth stand transferred to and vested in and belong to the Corporation discharged from all mortgages and financial obligations and liabilities of the Company.

(2) The production of a printed copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by three directors of the company or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the undertaking of the company.

Corporation to purchase moveable goods of company.

**18.** On the completion of the purchase the Corporation shall also pay to the company the sum of four hundred and ninety-nine pounds ten shillings being the agreed value as on the date of purchase of all moveable stock in trade and other stores belonging to the company on that date together with interest thereon at the rate of five per centum per annum from the date of purchase up to the date of completion.

Receipt for purchase money.

**19.** The receipt in writing of three directors of the company for money paid to the company by the Corporation shall effectually discharge the Corporation from the sum which in

such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said Bank for the money which shall have the same effect as the receipt of three directors of the company. A.D. 1914.

**20.** The company shall forthwith after the completion of the purchase pay and discharge their debts and liabilities in respect of mortgages debentures debenture stock and money borrowed and interest accrued due thereon and (so far as the same shall not have been previously discharged by the company out of their own moneys) the debts outgoings and liabilities of every kind properly chargeable to revenue up to the date of purchase and shall be entitled to all rates rents profits and other receipts on revenue account from the undertaking up to the last mentioned date and where necessary for the purposes of giving effect to this enactment such outgoings rates rents profits and receipts shall be apportioned between the company and the Corporation. Company to pay debts and to be entitled to rents up to transfer.

**21.** Upon the completion of the purchase an account shall be stated as between the company and the Corporation of all the costs charges and expenses properly incurred by the company in maintaining and carrying on the undertaking of the company between the date of purchase and the completion of the purchase and of all moneys received by the company between those dates and the balance due on such account shall be paid to the Corporation by the company who shall prepare and submit the account to the Corporation and such account shall be settled as between the company and the Corporation within fourteen days after the completion of the purchase. Company to account to Corporation for profit subsequent to date of purchase.

**22.** All gas rates meter and other rents and other sums of money which may be due or accruing due to the company upon the completion of the purchase shall be payable and may be collected and recovered by the Corporation in like manner as if they had become payable for the like matters supplied or done by the Corporation under this Act. Recovery of gas rates &c.

A.D. 1914.  
Pending  
actions &c.

**23.** If on the completion of the purchase any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act contained but the same (if against or in favour of the company) may be continued prosecuted and enforced against or in favour of the Corporation as and when it might have been continued prosecuted and enforced against or in favour of the company if this Act had not been passed but not further or otherwise.

Contracts of  
company to  
be binding  
on Corpo-  
ration.

**24.** All agreements contracts conveyances deeds and other instruments affecting the company and in force on the completion of the purchase shall after such date be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Books &c.  
to remain  
evidence.

**25.** All books and documents in the possession of the company which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall after the transfer be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Extending  
powers of  
Corporation  
to company's  
area &c.

**26.** As from the completion of the purchase the undertaking of the company shall become and form part of the gas undertaking of the Corporation and all enactments relating to or affecting the Corporation and their gas undertaking at the date of the completion of the purchase shall apply to the whole gas undertaking of the Corporation and the Corporation shall have and may exercise as well within the company's limits for the supply of gas as within their existing limits for such supply all or any of the powers rights privileges and authorities conferred upon them by the said enactments or any of them and may also exercise within the company's limits for the supply of gas the powers rights privileges and authorities conferred upon the company by the provisions of the Order of 1876 which are not by this Act repealed.

Partial repeal  
of existing  
enactments.

**27.** The provisions of the Order of 1876 except section 4 (Limits of Order) and section 9 (Undertakers may maintain and

continue existing works on lands described in Part I. and erect new works on lands described in Part II. of the Schedule and may make and sell gas &c.) thereof and the Schedule thereto and so much of the Gas and Water Orders Confirmation Act 1876 No. 1 as confirms that Order except as aforesaid and section 3 of the Local Government Board's Provisional Order Confirmation (No. 18) Act 1913 are hereby repealed as from the completion of the purchase.

A.D. 1914.

**28.** The Corporation shall deliver to the registrar of joint stock companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Corporation shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues Every penalty under this section shall be recoverable summarily.

Copy of Act to be registered.

There shall be paid to the registrar by the Corporation on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding-up in England.

**29.** Upon or forthwith after the completion of the purchase the Corporation shall pay compensation to the secretary and manager in the employment of the company if he be not retained by the Corporation in the same or similar office or employment and at the salary and on the terms and conditions in at and on which he was employed by the company on the first day of July one thousand nine hundred and thirteen in respect of any loss of office or diminution of salary or income by reason of the transfer the amount of such compensation in default of agreement to be determined by arbitration by a single arbitrator to be appointed failing agreement between the Corporation and such secretary and manager by the Local Government Board on the application of either party and the secretary and manager shall not lose his right to compensation as aforesaid by reason of his declining to accept employment in the service of the Corporation nor shall such refusal be taken into account as a ground for reducing the amount of compensation to be paid.

Compensation to secretary of company.

A.D. 1914.

PART IV.

GAS AND ELECTRICITY--FURTHER POWERS.

Extension of limits of gas supply.

**30.** From and after the passing of this Act the limits of supply shall extend to and include the parish of Hemlington in the rural district of Middlesbrough in the North Riding of the county of York and the Corporation shall have and may exercise therein all the powers rights privileges and authorities for and in relation to the supply of gas and shall be subject to all the duties liabilities and obligations in respect thereof as they for the time being have and may exercise and are subject to within the limits of supply as existing immediately before the passing of this Act.

Substituting calorific for illuminating test.

**31.**—(1) The Corporation shall within three months after the passing of this Act provide at the existing testing place at the gasworks of the Corporation (hereinafter referred to as “the testing place”) all the apparatus required for testing in accordance with the provisions of this Act the calorific value of the gas supplied by them.

(2) As from the expiration of the said period of three months so much of section 8 of the Act of 1910 as requires the gas supplied by the Corporation to be of a prescribed illuminating power shall be and the same is hereby repealed and the Corporation shall cease to be under any liability or obligation to provide or maintain at the testing place any apparatus for testing the illuminating power of the gas and shall be at liberty to remove from the testing place any such apparatus which they shall have provided thereat and shall cease to be under any liability in respect of any deficiency in the illuminating power of the gas supplied by them.

Calorific power of gas supplied.

**32.**—(1) From and after the expiration of the said period of three months the gas supplied by the Corporation shall have a standard calorific power of five hundred and forty British thermal units the expression “British thermal units” being used in this Act as meaning British thermal units gross per cubic foot of gas but the Corporation shall not be liable to any penalty or proceedings for or in respect of deficient calorific power of the gas so supplied by them except in accordance with the provisions hereinafter contained.

(2) One testing only for calorific power shall be made at the testing place on any one day but in the event of the calorific

power being on any testing ascertained to be below the standard calorific power to an extent exceeding seven and one half per centum a second testing shall be made at an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be deemed to be the calorific power of the gas on that day and the gas examiner shall forthwith give notice of the results of such testings to the Corporation. A.D. 1914.

**33.**—(1) The calorimeter for testing the calorific power of the gas supplied by the Corporation shall be such calorimeter to be approved by the Board of Trade as shall be most suitable for ascertaining the total heat value of the gas expressed in British thermal units. Provisions as to testing for calorific power.

(2) The calorimeter shall be so used as to yield the total heat value of the gas which shall be developed by the complete combustion in moist (saturated) air of moist (saturated) gas and the products of combustion shall be cooled down to the temperature of the air.

(3) Subject to the provisions of the immediately preceding subsection the testing shall be made in the mode and under the conditions for the time being prescribed by the Metropolitan gas referees for testing the total heat value of gas so far as such mode and conditions are applicable.

(4) The result obtained by means of such testing shall be expressed in terms of British thermal units and shall be corrected to a temperature of sixty degrees Fahrenheit and a pressure balanced by a column of thirty inches of mercury at the same temperature. The corrected result shall be deemed to be the calorific power of the gas ascertained by the testing.

(5) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment test the calorific power of the gas supplied by the Corporation at the testing place at any hour of the day and at night between the hours prescribed by section 29 of the Gasworks Clauses Act 1871.

(6) The Corporation shall not be liable to any penalty for defective calorific power where the calorific power on any day of the gas supplied by them at the testing place is not below the standard calorific power to an extent exceeding seven and one half per centum but where the calorific power on any day of such gas is below the standard calorific power to an extent

A.D. 1914. — exceeding seven and one half per centum the Corporation shall be liable to the following penalties in respect of any deficiency beyond such last-mentioned margin (that is to say):—

Where the deficiency does not exceed fourteen British thermal units two pounds;

Where the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds;

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds.

(7) The provisions of section 31 of the Gasworks Clauses Act 1871 shall apply to any testing made under this section.

(8) For the purposes of this section sections 30 and 33 of the Gasworks Clauses Act 1871 shall be construed as if calorific power were therein referred to instead of illuminating power and purity.

(9) Section 9 (Exemption from penalties in certain cases) of the Act of 1910 shall be read and have effect as if the word "calorific" were inserted therein in lieu of the word "illuminating."

Period of error in defective gas meters.

**34.** In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Corporation may contract with local authority &c. for supply in bulk.

**35.** The Corporation may contract with any local authority company or person authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the limits of supply.



**36.** The Corporation may enter into and carry into effect agreements with any company or person for the supply of gas in a crude or partially purified state by such company or person to the Corporation for such remuneration on such terms and conditions and for such period as the Corporation may think fit.

A.D. 1914.  
Corporation may contract for purchase of gas.

**37.** The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Corporation by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire from the Corporation all or any of the pipes meters fittings or apparatus belonging to the Corporation and let by them on hire to any former occupier of such premises.

Power to enter premises and remove fittings.

**38.**—(1) All fittings provided or let for hire by the Corporation under the provisions of section 5 of the Act of 1910 shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation.

Gas fittings to continue to be property of and removable by Corporation.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any gas fittings are or shall be fixed.

**39.** In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Period of error in defective electricity meters.

**40.** The Corporation may with the consent of the owner of any building attach to that building such brackets wires and attachments as may be required for lighting any street in the borough :

Attachment of brackets &c. to buildings.

A.D. 1914.

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1);
- (3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building :

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

Provision as  
to general  
Gas Acts.

**41.** Nothing in this Act shall exempt the Corporation or their gas undertaking from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament.

## PART V.

### STREETS BUILDINGS SEWERS AND DRAINS.

Widening  
roads when  
only one  
side is built  
upon.

**42.** When a road or lane within the borough is about to become a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street is

about to be built on the Corporation may instead of requiring the owner of such land to widen such road or lane to a width prescribed by the byelaws in force within the borough require such owner to widen such road or lane so as to give a width of not less than one-half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land. Provided that if and when the land on the opposite side of such road or lane shall be built on the Corporation shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Corporation.

The provisions of this section shall not extend or apply to any land belonging to and used and occupied by the North Eastern Railway Company as a part of or in connection with their railway under any Act of Parliament upon which any building (not being a dwelling-house) is now or hereafter about to be erected.

**43.** The Corporation may grant to the owner or with consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given on such terms or at such rent and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit:

Power to grant licences for bridges over streets.

Provided that any licence given under this power shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street:

Provided also that in the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1913 be deemed part of the street or road which it crosses.

If any person shall construct such bridge without such licence or shall not construct or use the same in accordance

A.D. 1914. — with the terms and conditions of the licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Restriction on placing rails beams &c. over streets.

**44.**—(1) It shall not be lawful for any person to fix or place any overhead rail or beam or other similar apparatus (other than apparatus for telegraphic telephonic or railway signalling purposes) over across or along any street without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section and of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

(2) Nothing in this section shall extend to any apparatus belonging to the Postmaster-General or to any trolley vehicle equipment to be fixed placed or erected in accordance with the provisions of the Act of 1912.

Paved crossings may be required in new streets.

**45.** The Corporation (if in the circumstances of the case they think it expedient to do so) may make it a condition of approving the plans for any new street that so soon as any building shall be erected or commenced to be erected in such new street the owners shall where the footpath is paved provide a paved crossing of a width equal to the width of the footpath of such new street across the end of such street nearest to such building and across every street intersecting either side of such new street between such building and each end of the new street Any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

Provided that nothing in this section shall empower the Corporation to require the execution of any works in a street repairable by the inhabitants at large.

Trees or shrubs overhanging streets and footpaths.

**46.**—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub

or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage. A.D. 1914.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of right to appeal shall be endorsed on every requirement of the Corporation under this section.

**47.**—(1) In the case of any building to be connected with any sewer and intended to be erected on land which has been filled in or is made ground or where by reason of salt workings or for any other reasons subsidences may be reasonably expected to occur the Corporation may regulate and prescribe the materials to be used for the foundations of any such building the depth to which the same shall be laid and the level at which the ground floor of any such building is to be constructed and at the time of the deposit of plans and sections of any such building the Corporation may require any person intending to construct the same to specify the proposed level of the ground floor thereof. Construction of buildings on land liable to subsidence.

(2) Any person failing to comply with the requirements of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**48.** Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section. Amendment of section 23 of Public Health Acts Amendment Act 1890.

**49.** Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. Provision of storage for food in new houses.

A.D. 1914.

Byelaws as  
to materials  
and con-  
struction of  
buildings.

**50.** The Corporation may make byelaws with respect to the following matters viz. :—

- (1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:
- (2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united:
- (3) Woodwork in external walls of buildings:
- (4) The testing of drains of new buildings.

Byelaws as  
to staircases  
in new  
buildings.

**51.** Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for the admission of daylight to staircases in new buildings in order to prevent danger to persons using such staircases.

Means of  
escape from  
buildings in  
case of fire.

**52.**—(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hospital common lodging-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this subsection have been complied with in relation thereto.

(2) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

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

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

**53.**—(1) Where an unoccupied building is ruinous or so far delapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order to either put such building (in this section referred to as a “neglected structure”) into a state of repair and good condition to the satisfaction of the Corporation or take down the same and in addition to or in substitution for the foregoing order they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

A.D. 1914.  
Power to re-  
quire repair  
or taking  
down of  
dilapidated  
building.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

A.D. 1914.  
Provisions  
as to house  
without  
water  
supply.

**54.** The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

Courts to be  
flagged and  
drained.

**55.**—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or of any part of such court yard or passage shall flag asphalte concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphalting concreting or paving and drain in good repair.

(2) If such owner or owners shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

Power to lay  
drains in pri-  
vate streets.

**56.** The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Power to  
require spe-  
cially large  
sewer in  
new street.

**57.** If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.



**58.**—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the surveyor and inspector of nuisances twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

A.D. 1914.  
Notice of  
intention to  
repair drains.

(2) Free access to such drain or work of repair shall be afforded to the surveyor or inspector of nuisances or any officer of the Corporation authorised in writing by the medical officer for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

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

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

**60.** Every person who wilfully turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petrol oil or other like deleterious substances shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Prohibiting  
entry of  
petrol &c.  
into sewers.

**61.**—(1) Before the owner of any land within the borough shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourses and the method of culverting or covering over the same and the Corporation may subject as hereinafter provided require such owner to so construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse Provided that :—

Water-  
courses not  
to be covered  
over except  
in accordance  
with ap-  
proved plans.

(A) No requirement of the Corporation under this section shall operate to compel any such owner to receive

A.D. 1914.

upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;

(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency necessity or otherwise of the works required by the Corporation to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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

(4) Nothing in this section contained shall apply to any culvert or covering constructed or to be constructed by the North Eastern Railway Company under the powers of any Act of Parliament.

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

**62.** The powers given by section 19 (Extension of 38 and 39 Vict. cap. 55 section 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Saving for North Eastern Railway Company.

**63.** The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by the North Eastern Railway Company as a part of or in connection with their railway under any Act of Parliament.

## PART VI.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

To prevent the spreading of measles &c.

**64.**—(1) Any parent or guardian having personal charge of a child in attendance at a school who is aware of or has reason to suspect the occurrence of any of the diseases known as measles german measles chicken-pox or whooping-cough in any member of the family and who fails forthwith to notify such occurrence

to the head teacher or superintendent of the school shall be liable to a penalty not exceeding twenty shillings. A.D. 1914.

(2) If any person not less than sixteen years in age while suffering from any one of the diseases of measles german measles chicken-pox or whooping-cough wilfully exposes himself without proper precautions against spreading the disease in any street public place shop inn or any public conveyance or being in charge of any person so suffering wilfully exposes such sufferer he shall be liable to a penalty not exceeding five pounds.

(3)—(A) The Corporation shall cause to be given public notice of the effect of the provisions of this section by advertisement in two newspapers published and circulating in the borough and by handbills and otherwise in such manner as they think sufficient and this section shall come into operation at such time not being less than one month after the first publication of such advertisement as aforesaid as the Corporation may fix.

(B) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this subsection have been complied with.

(4) In this section the expression "school" includes a Sunday school.

**65.**—(1) No person being the parent or having the care or charge of a child who is or has been attending any school which has been closed by order of the Corporation with the view of preventing the spread of infectious disease shall permit such child to attend any Sunday school in the borough without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school without undue risk of communicating disease to others. Restrictions on attendance of children at Sunday school when infectious disease exists.

(2) Any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings.

**66.**—(1) If the Corporation or the committee thereof authorised by them to put into operation and to carry out the provisions of this section acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the borough require the closing of any Sunday school or any department thereof or the exclusion of certain children for a specified time such requirement shall be at once complied with. Power to close Sunday schools to prevent spread of infectious disease.

A.D. 1914.

(2) Any person responsible for the conduct management or superintendence of any Sunday school failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

Information to be furnished in case of infectious disease.

**67.**—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) In this section the expression “occupier” shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Cleansing of verminous persons.

**68.**—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is a child) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who does not consent or whose parent or guardian (where the person is a child) does not consent to be removed therefrom to and to be detained for so long as may be reasonably necessary for the purposes of such disinfecting and cleansing in any such temporary shelter or house accommodation where two justices on the application of the Corporation and on being satisfied of the necessity of the removal make an order for the removal subject to such conditions (if any) as are imposed by the order The Corporation shall in every case cause the removal to be effected and the conditions of any order satisfied

without charge to the person removed or to the parent or guardian or that person. A.D. 1914.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) If any person at the request of the Corporation or under an order of such justices shall cease his employment in order to comply with such order the Corporation may make compensation to him for any loss he may suffer thereby.

(4) For the purpose of this section the word "house" includes any tent van shed or similar structure used for human habitation or any boat lying in any river dock or other water within the borough and used for the like purpose.

**69.**—(1) If the medical officer has reason to believe that any dwelling-house or separate tenement in the borough comprising any number of living rooms and bedrooms not being more than four in all is used for the accommodation of more persons than having regard to the health and well-being of the occupants should be accommodated therein the medical officer or inspector of nuisances may at any time between the hours of nine in the morning and six in the evening enter such dwelling-house or tenement and may measure in cubic feet the space (exclusive of lobbies closets and presses and of recesses not exceeding four feet in depth and not having a separate window therein and not perfectly clear from floor to ceiling and from wall to wall and exclusive also of recesses in which there is any fixture whatever) contained in each such room and if the cubic contents of any such room do not exceed one thousand cubic feet may affix in some prominent position within the dwelling-house or tenement a plate or a ticket on which shall be marked the number of such cubic feet and the number of persons exceeding the age of eight years who without a breach of the provision of subsection (2) of this section may sleep in each room and any person who obliterates defaces removes or alters such marking or ticket shall be liable to a penalty not exceeding ten shillings Provided that if entry to any such dwelling-house under the provisions of this section is refused by the person having the custody of such dwelling-house or any person acting in his behalf any justice may upon the application of the Corporation or the medical officer or inspector of nuisances grant a warrant to the medical officer or inspector of nuisances to enter such dwelling-house during the hours aforesaid for the

Overcrowd-  
ing of small  
houses.

A.D. 1914.

purposes of this section and any person who obstructs the medical officer or inspector of nuisances in the performance of his duty under such warrant and this section shall be liable to a penalty not exceeding five pounds.

(2) If any room in any such dwelling-house or tenement is used for the purposes of sleeping in by a greater number of persons than in the proportion of one person of the age of eight years or upwards for every four hundred cubic feet of space or of one person of an age less than eight years for every two hundred cubic feet of space ascertained to be contained therein by measurement as hereinbefore provided or by a greater number of persons than is marked on the plate or ticket affixed therein in pursuance of subsection (1) of this section every person being an occupier of such dwelling-house and so using it or suffering it to be used shall be liable to a penalty not exceeding twenty shillings for every day or part of a day during which it is used or suffered to be used and the medical officer or an inspector of nuisances may from time to time enter such dwelling-house if he has reason to believe that the provisions of this section are being contravened.

Prohibition of blowing or inflating of carcases.

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

Removal of person suffering from pulmonary tuberculosis to hospital.

**71.**—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in an infectious state and that the lodging or accommodation with which such person is provided is such that proper precautions to prevent the spread of the infection cannot be taken or that such precautions are not being taken the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a medical man to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by

such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section. A.D. 1914.

(2) The medical officer shall give the person so suffering or some person being in charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The Corporation may in their discretion during the period of detention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering and removed to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

(4) An order under this section may be addressed to such constable or officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

**72.**—(1) (A) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat tent shed or similar structure used for human Disinfection  
in case of  
pulmonary  
tuberculosis.

A.D. 1914. habitation) would tend to prevent or check tuberculosis of the lung the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Corporation at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(B) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the town clerk and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2) (A) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung to cause such articles books things bedding or clothing to be delivered over to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.



(B) Such articles books things bedding and clothing shall be disinfected by the Corporation and brought back and delivered to the owner free of charge. A.D. 1914.

(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

**73.** Any person who being in charge of the body of any person who has died from any infectious disorder or infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds. For preventing contact with body of person who has died of infectious disease.

**74.** The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of this Part of this Act as if those purposes had been mentioned in the said section 102. Power to enter premises.

**75.** The provisions of the sections of this Act of which the marginal notes are "To prevent the spreading of measles &c." "Removal of person suffering from pulmonary tuberculosis to hospital" "Disinfection in case of pulmonary tuberculosis" shall cease to be in force within the borough at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875. Cesser of provisions.

## PART VII.

### COMMON LODGING-HOUSES.

**76.**—(1) Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house shall operate for one year only and application for the renewal of such registration shall be made to the Corporation on or previous to the thirty-first day of December in every year. Registration of common lodging-houses.

A.D. 1914.

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

(3) Every person who after the thirty-first day of December nineteen hundred and fourteen shall keep a common lodging-house without the registration of such house being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power medically to examine inmates of common lodging-houses where infectious disease is supposed to exist.

**77.** Whenever the medical officer shall report in writing to the Corporation that there is a prevalence of dangerous infectious disease in the borough or in any place or district near thereto and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough by persons resorting to common lodging-houses the Corporation may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the borough for such period as the Corporation having regard to the circumstances of the case shall in the resolution determine (that is to say):—

(1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation may exist or has recently existed in any common lodging-house in the borough medically examine any person found in any common lodging-house in the borough with a view to ascertaining whether such person is suffering or has recently suffered from such disease Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings:

(2) A copy of every such resolution shall forthwith be sent by the Corporation to every keeper of a registered common lodging-house in the borough and to the Local Government Board: A.D. 1914.

(3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board:

(4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

**78.**—(1) Notice of the provisions of this Part of this Act shall be served upon the keeper of every common lodging-house within the borough either personally or by leaving the same at or sending the same to the common lodging-house. Notice to common lodging-house keepers.

(2) A copy of a notice endorsed with a certificate purporting to be signed by the town clerk that such notice has been served in accordance with the requirements of the last preceding subsection shall be sufficient evidence that the provisions of such subsection have been complied with.

## PART VIII.

### POLICE.

**79.** The Corporation may for the purpose of preventing obstruction in the streets with the approval of the Secretary of State make byelaws with respect to the places where and the manner in which persons may collect money in any street within the borough for charitable or other purposes Any person who shall contravene any such byelaw shall be liable to a penalty not exceeding forty shillings. Byelaws as to street collections.

**80.** The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage plying for hire within the borough to be tested and inspected and they may also require any such taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as they may prescribe and no such Inspection and certification of taximeters.

A.D. 1914

taximeter or other similar apparatus shall be used or continued in use unless the same be certified to register correctly Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable upon conviction to a penalty not exceeding forty shillings.

Power to grant occasional licences for hackney carriages or other public vehicles.

**81.** An occasional licence for a hackney carriage or other public vehicle may be granted by the Corporation to be in force for such day or days or other period less than a year as may be specified in the licence.

Penalty for keeping obscene pictures for sale or exhibition and power to search for seize and destroy such pictures.

**82.**—(1) Any person who deposits or keeps any obscene or indecent print picture or drawing at any premises within the borough for the purposes of sale or distribution or exhibition for purposes of gain and any person being the occupier of premises who allows any such print picture or drawing to be deposited or kept at such premises for any of the purposes aforesaid shall be liable to a penalty not exceeding for the first offence five pounds for the second offence ten pounds for the third and every subsequent offence fifty pounds.

(2) The possession of any obscene or indecent print picture or drawing upon premises upon which prints pictures or drawings of any description are sold or kept for sale or for exhibition shall be *primâ facie* evidence that such obscene or indecent print picture or drawing is deposited or kept for the purpose of sale or for exhibition.

(3) Any justice of the peace for the borough if satisfied by information on oath made before him that there is reasonable cause to believe that any obscene or indecent print picture or drawing is deposited or kept at any premises within the borough for any of the purposes aforesaid may issue a warrant under his hand by virtue of which it shall be lawful for any borough constable named therein to enter such premises at any reasonable time by day or by night and to search therefor and seize and take away all such prints pictures or drawings found upon such premises and any print picture or drawing so seized shall be taken before a petty sessional court and in the event of any person being convicted in respect of any print picture or drawing so seized as aforesaid of an offence under the provisions of this

section such print picture or drawing shall be destroyed but otherwise any such print picture or drawing shall be restored to the occupier of the premises in which it was seized and the court shall make an order accordingly. A.D. 1914.

(4) The chief constable of the borough shall furnish to the Secretary of State such returns as he may require of any proceedings taken under the provisions of this section.

(5) The provisions of this section shall cease to be in force within the borough at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order confirmed by Parliament which Order the Secretary of State is hereby empowered to make in accordance with the provisions of the Public Health Act 1875 relating to Provisional Orders amending local Acts and in the application of those provisions to the purposes of this section the Secretary of State shall be substituted for the Local Government Board.

## PART IX.

### FINANCE.

**83.** All expenditure made by the Corporation before the passing of this Act for the purpose of executing the powers of the Middlesbrough Corporation (Transporter Bridge) Act 1907 not exceeding the sum of seven thousand five hundred and seventeen pounds in excess of the amount by section 47 (Power to borrow) of that Act authorised to be borrowed for such purpose is hereby ratified and confirmed and the Corporation shall repay to the account or fund out of which such expenditure was made the whole of such expenditure out of moneys by this Act authorised to be borrowed by them for that purpose. Excess expenditure on transporter bridge.

**84.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to Power to borrow.

[Ch. cv.] *Middlesbrough Corporation Act, 1914.* [4 & 5 GEO. 5.]

A.D. 1914. as "the prescribed period") mentioned in the fourth column thereof (namely) :—

1. Purpose.	2. Amount.	3. Charge.	4. Period for Repayment.
For and in respect of the expenditure confirmed by the last preceding section of this Act.	£ 7,517	The revenue of the transporter bridge undertaking of the Corporation the borough fund and borough rate.	50 years from the 31st day of March 1912.
For any compensation to be paid to the toll bar owners.	The sum requisite.	The district fund and general district rate.	60 years from the date or dates of borrowing the same.
For the purchase of the undertaking of the Company and expenses incidental thereto.	The sum requisite.	The revenue of the gas undertaking of the Corporation the district fund and general district rate.	30 years from the date or dates of borrowing the same.
For paying the costs charges and expenses of obtaining this Act.	The sum requisite.	As to such proportions as the Corporation shall think fit the district fund and general district rate and as to the remainder thereof the borough fund and borough rate.	5 years from the passing of this Act.

(2) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act and in order to secure the repayment thereof and the payment of interest thereon the Corporation may mortgage or charge such fund rate or revenue as the Board may prescribe Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 35 (Security for principal moneys) of the Act of 1910 applied to the purposes of this Act by the section whereof the marginal note is "Application of sections of Act of 1910 as to borrowing."

**85.** The following sections of the Act of 1910 shall (with any necessary modifications and subject to the provisions of

Application  
of sections  
of Act of

this Act) extend and apply mutatis mutandis to the moneys borrowed under and to the purposes of this Act namely:—

A.D. 1914.  
1910 as to  
borrowing.

Section 3 Interpretation.

Section 22 Certain regulations of Public Health Acts not to apply.

Section 23 Mode of raising money.

Section 24 Provisions of Public Health Act 1875 as to mortgages to apply.

Section 26 Mode of payment off of money borrowed.

Section 27 Sinking fund.

Section 28 Protection of lender from inquiry.

Section 29 Corporation not to regard trusts of moneys lent.

Section 30 Appointment of a receiver.

Section 31 Power to re-borrow.

Section 32 Return to Local Government Board as to repayment of debt.

Section 33 Application of money borrowed.

Section 34 Expenses of execution of Act.

Section 35 Security for principal moneys.

**86.** The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882 reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

Subscription  
to local  
government  
associations.

## PART X.

### MISCELLANEOUS.

**87.** The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or

Street  
orderly bins.

A.D. 1914. — shingle in upon or under the streets of the borough of such dimensions and in such positions as they may from time to time determine.

Fire alarms. **88.** The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the borough as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Public drinking fountains. **89.** The Corporation may within the borough put up continue remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively.

Bands and concerts. **90.** The powers of section 76 of the Public Health Acts Amendment Act 1907 with respect to bands of music shall extend to musical performances or concerts of any kind in any recreation ground or public building for the time being vested in the Corporation and suitable for the purpose to the provision and sale of programmes of any such performances and to advertisements thereof at public places and in newspapers published in the borough and shall apply to any such buildings as though the same were an enclosure in a park.

Use of swimming baths during winter. **91.** The Corporation may during the winter months from the first day of November to the first day of April close and cover over any swimming bath belonging to them and utilise or from time to time let the same for periods not exceeding one week at a time for meetings concerts entertainments cinematograph shows or for any other purposes free from any restriction contained in the Baths and Washhouses Act 1878 or any Act amending the same.

Apportionment of expenses in case of joint owners. **92.** Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.



**93.** The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act other than the powers conferred by the section of this Act of which the marginal note is "Byelaws as to street collections." A.D. 1914.  
General provisions as to confirmation &c. of byelaws.

**94.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein. Application of section 265 of Public Health Act 1875.

**95.** All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk. Consent of Corporation to be in writing.

**96.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts Provided that where any such compensation costs damages or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted. Compensation &c. how to be determined.

**97.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889. Application of Arbitration Act 1889.

**98.** Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Corporation authorised in that behalf or by the town clerk. Informations by whom to be laid.

**99.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council Evidence of appointments authority &c.

A.D. 1914. — under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Recovery of demands in county court.

**100.** Proceedings for the recovery of any demand made under the authority of this Act or of any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Incorporation of certain sections of Act of 1910.

**101.** The following sections of the Act of 1910 are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act namely:—

Section 48 Recovery of penalties &c.

Section 49 As to appeal.

Section 51 Judges not disqualified.

Section 52 Authentication and service of notices &c.

Section 53 Inquiries by Local Government Board.

Powers of Act cumulative.

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

Crown rights.

**103.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

**104.** The costs charges and expenses preliminary to and A.D. 1914.  
of and incidental to preparing and obtaining this Act shall <sup>Costs of</sup>  
after taxation by the taxing officer of the House of Lords or <sup>Act.</sup>  
the House of Commons be paid by the Corporation out of the  
borough fund and borough rate and the district fund and  
general district rate in such proportions as the Corporation shall  
think fit or out of moneys to be borrowed by the Corporation  
for that purpose under this Act.

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