



CHAPTER cciv.

An Act to confer further powers upon the Corporation of the borough of West Ham and to make further provision for the good government of that borough and for other purposes. A.D. 1893.
[24th August 1893.]

WHEREAS the borough of West Ham in the county of Essex (herein-after referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (herein-after referred to as "the Corporation") and the Corporation acting by the council of the borough are the urban sanitary authority for the district of the borough :

And whereas the Local Acts and Provisional Orders mentioned in the Second Schedule to this Act annexed affecting the Corporation and the borough have from time to time been passed made and confirmed and are in force within the borough which Acts and Provisional Orders are herein-after referred to as and included in the expression "the recited Acts" :

And whereas under the recited Acts and the London Council (General Powers) Act 1891 powers have been conferred upon the Corporation of purchasing property and otherwise for the improvement of the borough and it is expedient that such powers should be amended as in this Act provided and that further powers should be conferred upon the Corporation for the construction of street works and otherwise for the improvement of the borough :

And whereas under the West Ham Corporation (Improvements) Act 1888 (herein-after called "the Improvements Act of 1888") the Corporation have acquired land for the purposes of street improvements and have constructed street improvements but have been unable to let the lands adjoining such improved streets and it is expedient that the powers of the Corporation with respect to the retention and disposal of such land should be amended :

And whereas difficulty exists in disposing of the sewage of the borough :

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And whereas the Northern Outfall Sewer of the London County Council runs through the borough and it is expedient that the same should be utilised for the purpose of carrying the sewage of the borough and that provision should be made as herein-after set forth for requiring the London County Council to receive and dispose of such sewage :

And whereas the Corporation have contracted for the purchase of certain lands known as "The Green" Stratford for the purpose of erecting thereon a technical institute in accordance with the provisions of the Technical Instruction Act 1889 as amended by the Technical and Industrial Institutions Act 1892 :

And whereas the Corporation have adopted the Public Libraries Act 1892 and it would be convenient if a portion of the building proposed to be erected on the said land be appropriated for the purposes of a public library in conjunction with the technical institute and that the cost of the said site and the building thereon and maintenance thereof be defrayed out of the share of the local taxation (customs and excise) duties payable to the borough fund in accordance with the provisions of the Local Taxation (Customs and Excise) Act 1890 :

And whereas under the Provisional Order relating to the borough of West Ham confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1891 the Corporation are empowered to erect a public hall and municipal offices and to provide an organ for the said public hall and an organ for the town hall Stratford but the Corporation have no power to employ an organist or assistant and it is expedient that powers in that behalf should be conferred upon them :

And whereas it is expedient that the powers of the Corporation with respect to the prevention of the spread of infectious diseases and sanitary matters be amended and extended and that further and better provision be made for the good government of the borough :

And whereas it is expedient that the Corporation be authorised to borrow further moneys :

And whereas by the West Ham Corporation (Loans) Act 1888 (herein-after called "the Loans Act of 1888") the Corporation are empowered to create and issue corporation stock and it is expedient that the powers of the Corporation under that Act should be extended and enlarged as in this Act provided :

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

And whereas estimates have been prepared by the Corporation of the cost of executing the powers of this Act in connexion with the following matters and such estimates are as follows :—

For connexion of sewers with sewers of the	£	A.D. 1893.
London County Council- - - -	30,000	
For new street and street widenings - -	6,000	
For acquisition of land for the horse and cart dépôt	5,000	
For the acquisition of the Abbey Wharf and stores	8,000	
For sanitary convenience - - - -	2,000	

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

And whereas an absolute majority of the whole number of the council at a meeting held on the fourteenth day of February one thousand eight hundred and ninety-three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Stratford Express" a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the "Stratford Express" a newspaper published and circulating in the borough and has received the approval of the Local Government Board :

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

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

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and plans showing the lands to be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands acquired or which may be taken for the purposes of this Act and describing those lands have been deposited with the clerk of the peace for the county of Essex and are in this Act referred to respectively as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

A.D. 1893. Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited for all purposes as the West Ham Corporation Act 1893.

Act divided into parts. 2. This Act is divided into parts as follows (that is to say):—

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| Part | I. Preliminary. |
| „ | II. Works and Lands. |
| „ | III. Sewage Disposal. |
| „ | IV. Buildings and Streets. |
| „ | V. Educational. |
| „ | VI. Sanitary. |
| „ | VII. Infectious Diseases. |
| „ | VIII. Common Lodging Houses. |
| „ | IX. Recreation Grounds. |
| „ | X. Financial. |
| „ | XI. Miscellaneous. |

Limits of Act. 3. This Act except where otherwise expressly provided shall apply exclusively to the borough.

Incorporation of Acts. 4. The Lands Clauses Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act.

Interpretation of terms. 5. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to the construction (that is to say):—

“The borough” means the municipal borough of West Ham:

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

“The Council” means the town council of the borough:

“The town clerk” “the borough engineer” “the inspector of nuisances” and “the borough accountant” mean respectively the town clerk the borough engineer the inspector of nuisances and the borough accountant of the borough:

“The medical officer of health” means the medical officer of health for the borough and includes any person duly authorised to act temporarily as medical officer of health:

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

“Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act amending the same: A.D. 1893.

“Infectious disease” means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Corporation under the provisions and for the purposes of the Improvement Acts of 1888 may from time to time declare to be infectious:

“Registered medical practitioner” means any person for the time being registered under the Medical Act 1858 or any Acts amending the same:

“Dairy” includes any farm farmhouse cowshed milk-store milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale:

“Dairyman” includes any cowkeeper purveyor of milk or occupier of a dairy:

“Daily penalty” means (except where otherwise expressed or implied) a penalty to accrue for each day on which the offence is continued after conviction thereof:

“Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from any point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression “sky sign” shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not be deemed to include—

(1.) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;

(2.) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof. Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported; or

(3.) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed

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wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place :

“ Dwelling-house ” means any building or part thereof used or intended constructed or adapted to be used wholly or partly for human habitation by day or night :

“ Ground floor ” used with reference to any building means that storey the upper surface of the floor of which is nearest to the level of the street or ground adjoining the principal or only entrance to such building :

“ Ashpit ” means any ashpit dustbin ash-tub or other receptacle for the deposit of ashes or refuse matter :

“ Sanitary convenience ” includes urinals waterclosets earth-closets pan-closets privies ashpits and any similar convenience :

Terms to which meanings are assigned by the Acts incorporated with this Act or by the Public Health Acts have in this Act the same respective meanings unless varied by this section or unless there is something in the subject or context repugnant to such construction and in this Act and for the purposes of this Act in any Act incorporated with this Act the expression “ superior courts ” or “ court of competent jurisdiction ” or other like expression shall have effect as if the debt or demand with respect to which that expression is used were a common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

Act to be executed by council.

6 Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

PART II.

WORKS AND LANDS.

Power to make street works.

7. Subject to the provisions of this Act the Corporation may in the lines and situation and according to the levels shown on the deposited plans and sections make and maintain the new street and street widenings shown on those plans and herein-after described (that is to say) :—

(1.) A new street forty feet in width commencing at the junction of Hack Road Canning Town with Catherine Street Canning Town and terminating at a point 23 yards or thereabouts measured in a south-westerly direction from the front of the police station in the Lansdowne Road Canning Town.

(2.) A widening of Angel Lane Stratford on its eastern side between points respectively situate 20 yards and 35 yards south of the junction of Windmill Lane with Angel Lane. A.D. 1893.

(3.) A widening of Balaam Street Plaistow on the westerly side thereof commencing at or near the point at which it crosses the Northern Outfall Sewer of the London County Council and terminating at or about the junction of Grange Road with Balaam Street.

(4.) A widening of Parliament Place on the east side commencing at the junction of Parliament Place aforesaid with Forest Lane and terminating at the commencement of Whitehall Place.

8. In constructing the new street and street widenings by this Act authorised the Corporation may deviate from the levels thereof respectively shown on the deposited sections to any extent not exceeding three feet. Power to deviate.

9. The Corporation may enter upon take and use all or any part of the lands following shown on the deposited plans and described in the deposited book of reference (that is to say):— Power to purchase lands.

(1.) For the purposes of the new street and street widenings the lands shown on the deposited plans in connexion therewith and which they may require for the purposes thereof respectively.

(2.) For the purpose of a horse and cart depôt the lands and houses adjoining and on the north-east side of the North Woolwich line of the Great Eastern Railway.

(3.) For a wharf and stores the Abbey Wharf and the lands lying between Abbey Wharf and Canning Road but notwithstanding anything shown on the deposited plan of those lands the Corporation shall not under the powers of this Act enter upon take or use any part of the land of the London County Council shown on that plan.

(4.) For the purposes of a sanitary convenience a triangular piece of land situate at or about the junction of Leytonstone Road Maryland Point and Forest Lane.

10. The powers conferred upon the Corporation by this Act for the compulsory purchase of land shall cease after the expiration of three years from the date of the passing of this Act. Period for compulsory purchase of lands.

11. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation may after ten days notice to the owners lessees and occupiers of the lands affected apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that Errors and omissions in plans &c. to be corrected.

A.D. 1893. — the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Essex and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

Power to take easements &c by agreement.

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

Restriction on taking houses of labouring class.

13. The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of this Act were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers nor shall the Corporation under such powers without the consent of the Local Government Board purchase or acquire in any such city borough district parish or part of a parish ten or more houses which were not so occupied on the said fifteenth day of December last but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Restricting deviation in constructing approach to

14. Notwithstanding anything shown on the plans deposited in respect of the London Council (General Powers) Act 1891 the Corporation shall not in or for the purpose of constructing the

approach on the West Ham side of the Barking Road bridge by that Act authorised to be constructed deviate from the lines thereof beyond the limits shown on the plans deposited in respect of this Act and the provisions of section 10 of the London Council (General Powers) Act 1891 shall extend and apply to the properties in the parish of West Ham numbered on the deposited plans and specified in the first part of the First Schedule to this Act.

A.D. 1893.
Barking
Road bridge.

15. Whereas in exercise of the powers of this Act and of the Provisional Orders specified in the third part of the First Schedule to this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans or the plans deposited in respect of such Provisional Orders respectively as the case may be may be sufficient for the purposes for which they are respectively authorised to be acquired and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners and other persons interested in the lands houses or other buildings or manufactories in the parish of West Ham described or referred to in the second and third parts of the First Schedule to this Act and whereof parts only are required as aforesaid may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for forty days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Corporation that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Corporation may proceed to take such portion or portions only but if within such forty days he shall by notice to the Corporation allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of such tribunal any such portions cannot be severed from the remainder of

Owners may
be required
to sell parts
only of
certain lands
and build-
ings.

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such property without material detriment thereto the Corporation may withdraw their notice to treat for the portion or portions of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice. Provided also that if in the opinion of such tribunal any such portion or portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person. The provisions of this section shall be stated in every notice given by the Corporation to sell and convey a part only of any of the aforesaid properties

Provided that the provisions of this section shall not apply to any property described or referred to in the third part of the First Schedule to this Act of which the Corporation give notice to acquire a greater part than is actually necessary for the construction of the respective improvement in accordance with the lines thereof as shown on the plans deposited in respect of the Provisional Order relating to such property.

Power to appropriate land for fire brigade and electric lighting stations.

16. The Corporation may retain appropriate and use for the purposes of a fire brigade station and a generating station and works connected with electric lighting the lands or any part or parts of the lands following now belonging or reputed to belong to them (that is to say) :—

(1.) The lands at the rear of High Street Stratford :

(2.) The lands adjoining West Ham Lane :

Which lands are shown on plans signed in duplicate by Walter Hume Long Esquire Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and thereon coloured green and one of which plans is deposited in the Private Bill Office of the House of Commons and the other with the town clerk at his office in the town hall West Ham.

Power to retain sell &c. lands.

17.—(A.) Sections 29 and 30 of the Improvements Act of 1888 are hereby repealed and notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in the Improvements Act of 1888 or in this Act or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale

either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in lands acquired under the Improvements Act of 1888 and now vested in the Corporation or acquired by the Corporation under this Act and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange Provided that the Corporation shall absolutely sell and dispose of the reversion of any lease of such lands granted by them within ten years from the date of such lease.

(B.) The Corporation may from time to time sell lease exchange or otherwise dispose of in such manner and upon such terms and conditions and for such considerations as they may think fit the lands or any part of the lands acquired by them under the West Ham Local Board Extension of Powers Act 1884 for the purposes of section 11 of that Act and now vested in the Corporation.

(c.) All moneys received by the Corporation on re-sale or from leasing or letting or for equality of exchange or other disposition of any land which the Corporation are by this section authorised to retain hold and use sell lease exchange or otherwise dispose of shall be applied by the Corporation in or towards extinguishment of any loans raised by them for the purposes of the Act under which such land was acquired.

(D.) The application of any money in or towards extinguishment of any loan pursuant to the provisions of this section shall be in addition to and not in substitution for any other mode of extinguishment except to such extent and upon such terms as may be approved by the Local Government Board and the borrowing powers of the Corporation under the respective Act by which the loan to the extinguishment of which such money is applied was authorised shall be reduced to the extent of the amounts so applied.

PART III.

SEWAGE DISPOSAL.

18. The following provisions shall have effect with respect to the reception and dealing with the sewage of the borough by the London County Council (in this section called "the London Council") (that is to say) :—

Sewage of borough to be dealt with by London County Council.

(1.) Within six months from the passing of this Act the chief engineer to the London Council shall select some convenient

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point or points within the borough at which the sewage of the borough may be delivered into the Northern Main Outfall High Level Sewer of the London Council and shall give notice in writing to the Corporation of the point or points so selected.

- (2.) Within six months after such notice in writing shall have been given to the Corporation the London Council shall either themselves commence to execute and do and proceed with all due despatch to complete at the expense of the Corporation all necessary works matters and things for securing and maintaining such openings in such sewer and such communications therewith from the sewers of the Corporation so far as such communications would be situate on the lands or property of the London Council as may be requisite for the purpose of permitting the sewage of the borough to be delivered into the said sewer at such point or points as aforesaid or may require the Corporation themselves to execute and do all such works matters and things as aforesaid.
- (3.) In the event of the London Council requiring the Corporation to execute and do such works matters and things such works shall be executed by the Corporation in accordance with plans sections and specifications to be previously submitted to and approved by the chief engineer to the London Council which approval shall not be unreasonably withheld and all works matters and things to be done by the Corporation as aforesaid shall be executed and done to the reasonable satisfaction of the said chief engineer and the London Council shall afford to the Corporation all necessary facilities for enabling them to execute and do such works matters and things.
- (4.) When such works matters and things have been completed the London Council shall permit the sewage of that part of the borough which is situate to the northward of the Victoria and Albert Docks to be delivered into the Northern Main Outfall High Level Sewer at such point or points as aforesaid.
- (5.) The works for delivering the sewage into the Northern Main Outfall High Level Sewer shall be so constructed as to prevent the discharge or to enable the London Council to shut off the discharge of sewage into the same at any time when the sewage passing along the sewer rises or is about to rise higher than within six inches of the top of the storm overflow weir at Old Ford And when and so long as the sewage is above that height at the said weir no discharge into the said sewer shall be permitted without the consent of the London Council Notice of the intention of the London Council to shut off such discharge

shall be given to the officer of the Corporation in charge of their sewage works. A.D. 1893.

- (6.) The whole of the sewage of that part of the borough which is situate to the northward of the Victoria and Albert Docks shall (except when the sewage shall be so shut off and except temporarily in the case of accidents or emergency) be delivered into the said sewer and it shall not be lawful for the Corporation to discharge any of the sewage from that part of the borough into the Rivers Thames or Lee.
- (7.) When and so soon as the London Council shall have constructed a sewer from the western boundary of the parish of North Woolwich to Barking the sewers of the Corporation shall be connected therewith at such convenient point at or near the said boundary as the chief engineer to the London Council may select so that the sewage from that portion of the borough which is southward of the Victoria and Albert Docks may flow by gravitation from the sewers of the Corporation into and along the said sewer and all works required for effecting such connexion so far as the same will involve any interference with the sewer of the London Council shall either be executed by the London Council at the expense of the Corporation or if so required by the London Council by the Corporation in accordance with the provisions of sub-section 3 of this section. After the completion of such connexion the whole of the sewage of the said part of the borough shall (except temporarily in the case of accidents or emergency) be delivered into the sewer so provided by the London Council and it shall not be lawful for the Corporation to discharge any of the sewage from that part of the borough into the Rivers Thames or Lee.
- (8.) When any sewage has been delivered into a sewer of the London Council in accordance with the provisions of this part of this Act the Corporation shall be free from any further obligation or liability for the disposal of such sewage or in connexion therewith but nothing herein contained shall impose upon the London Council any responsibility for the internal drainage of any part of the borough or render them in any way responsible for any flooding which may occur in the borough or for the discharge of any sewage or storm-water into the Rivers Thames or Lee.
- (9.) The Corporation shall make to the London Council in respect of the right of delivering their sewage under this Act into the sewers of the London Council such annual or other payments in such manner at such times and on such principle having regard to all the circumstances of the case as may be agreed

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between the Corporation and the London Council or as failing agreement may be determined by an arbitrator appointed by the Corporation and the London Council or in case of difference as to the appointment to be appointed by the Local Government Board and such arbitrator shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts and the provisions of those Acts with respect to an arbitration shall apply accordingly and further the arbitrator may state a special case provided that notwithstanding anything in the said Acts the costs of such arbitration shall be in the discretion of the arbitrator who shall determine the amount of the costs and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been incurred unnecessarily.

(10.) Any payments required to be made by the Corporation to the London Council under any agreement between the London Council and the Corporation under this section or under any award of any arbitrator under this section shall be deemed to be expenses incurred by the Corporation in the execution of the Public Health Act 1875 and if at any time the Corporation fail to make any of such payments at the times agreed or determined by the arbitrator it shall be lawful for the London Council to proceed to recover the same with costs from the Corporation and the amount thereof shall be charged on and defrayed out of the district fund and general district rate in accordance with the said Act.

PART IV.

BUILDINGS AND STREETS.

19. From and after the passing of this Act—

The erection of any building ;

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

The conversion into or using as a dwelling-house of any building or part of a building not originally constructed for human habitation ;

The conversion into one dwelling-house of two or more dwelling-houses constructed originally as one dwelling-house ;

The conversion into or using as two or more dwelling-houses of any building constructed originally as one dwelling-house ;

What to be deemed new buildings.

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the borough into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;

The re-conversion into or using as a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than a dwelling-house ;

The conversion into a dwelling-room of any room or part of a room used as a shop ;

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

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

shall for all the purposes of this part of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a " new building."

20. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service Nothing in this Act or in any byelaws to be made thereunder shall apply to any buildings or structures (not being used solely as a dwelling-house) or to any erections (not being sky signs) belonging to any railway or dock company and used by such company as a part of or in connexion with their railway or dock as the case may be.

Exemption
of certain
buildings.

21.—(1.) Before any person erects or sets up any temporary or movable building (not being a new building within the meaning of this Act) he shall apply to the Corporation for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surrounding of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

As to tem-
porary and
movable
buildings.

(2.) The Corporation shall within twenty-one days after the delivery of the plans and sections and specification signify in

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(3.) The Corporation may attach to their approval any condition which they deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4.) If any such building is commenced erected or set up without such application accompanied by such plans sections and specification or after the disapproval of the Corporation or before the expiration of the said twenty-one days without such approval or is in any respect not in conformity with any condition attached by the Corporation to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Corporation or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Corporation may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

(5.) The following buildings and works shall be exempt from the operation of this section :—

(A.) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the borough with respect to new buildings and any tent or stand not remaining for more than seven days ;

(B.) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Corporation may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion ; and

(C.) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of right of light.

No buildings
allowed until
street formed
&c.

22. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate

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for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

23.—(1.) Where any street in the borough for the time being repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street. The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by and deposited with the borough engineer and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

Corporation may define future line of streets.

(2.) The Corporation may and at the request of the owner shall purchase the land lying between any such line as aforesaid and the street and the same when purchased shall vest in the Corporation as part of the street.

(3.) Where any such line has been prescribed and defined the Corporation shall make full compensation to the owner and other persons immediately interested in any new building or land for any loss or damage they may sustain in consequence of the operation of this section so far as such compensation shall not have been included in any purchase money paid for land purchased by the Corporation pursuant to sub-section 2 of this section. The amount of all purchase money and compensation payable under this section shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

(4.) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

24. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to

Crossings for horses or vehicles &c. over footways.

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

Waste land
to be fenced.

25. If any vacant land or land adjoining any street is allowed to remain unfenced or the fences thereof to be or remain out of repair and such land is in the opinion of the Corporation owing to the absence or inadequate repair of such fence a source of danger to passengers or is or may be used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the inhabitants of adjoining property or to the public then after the expiration of fourteen days notice from the borough engineer to the owner or occupier of the same or without any notice if the Corporation are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Corporation may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred shall be recoverable from such owner or occupier summarily or as a debt in any court of competent jurisdiction.

Coal shoots
&c.

26. No coal shoot area or cellar grating or opening shall be hereafter placed in the carriageway of any street nor except with the consent of the Corporation in the footway of any street and then only if formed of the materials and size and in the manner and in such position and with such protection as may be approved by them Any person offending against this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty of the same amount.

Elevation of
buildings
erected on
front land to
be subject to
approval of
Corporation.

27. All buildings or parts of buildings erected or which may in future be erected on the site of any building or any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make

the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation and in case the Corporation for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence. A.D. 1893.

28. No new building shall without the approval of the Corporation be erected on the side of any street not being at the date of the passing of this Act repairable by the inhabitants at large which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance Provided that the approval of the Corporation shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be In case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves. Height of buildings.

29. In case any building is after the passing of this Act erected or raised to a greater height than any adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the tops of the chimneys of the building so erected or raised Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Raising of chimneys &c.

30. With respect to the height of chimneys the following provisions shall have effect (that is to say):— Height of chimneys.

- (1.) All chimneys hereafter erected for carrying any smoke from the furnace of any mill factory brewery sizing-house dyehouse gasworks corn-mill foundry or buildings used for manufac-

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turing purposes or for the conveying away of any noisome or deleterious gases or effluvia from any such buildings shall be raised to the height of fifty feet at least from the level of the centre of the street nearest thereto and in all cases where any chimney serves the furnace of a steam engine the chimney shall be raised to an additional height from such level adapted to the power of such engine according to the following scale (that is to say) If such steam engine be of more than six horse power and do not exceed thirty horse power the height of such chimney shall not be less than eighty feet if such steam engine be of more than thirty horse power and do not exceed forty horse power the height of such chimney shall not be less than one hundred and ten feet and if such steam engine be of more than forty horse power the height of such chimney shall not be less than one hundred and twenty feet Provided that where any chimney serves the furnace of any annealing oven the height of such chimney shall not be less than eighty feet.

- (2.) All steam ejected from any fixed steam engine or the boiler thereof and all spent or ejected steam arising or produced in any trade or business shall be discharged so as not to be an annoyance to the public.
- (3.) The foregoing provisions of this section shall not apply to locomotives used upon any railway or to any portable steam engines or to traction engines steam rollers or fire engines or to any chimneys used exclusively for casting or puddling furnaces.
- (4.) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Yards to be paved.

31. If any yard or open space in connexion with any house erected before the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface water being carried off to the drains of such house the Corporation shall give to the owner of such house notice in writing requiring him within seven days after such notice shall have been so given to proceed to form and to flag asphalted or pave such yard or open space for at least one hundred square feet immediately adjoining such house so as to allow of the surface water being carried off to the drains of such house and within twenty-one days after such notice shall have been so given to complete such several works to the satisfaction of the Corporation and if such owner shall make default in complying with any of such requirements to the satisfaction of the Corporation within the respective times aforesaid the Corporation may if they think fit execute the works necessary for carrying out such requirements and

the expenses incurred by them in so doing shall be paid to the Corporation by such owner and shall be recoverable summarily. A.D. 1893.

32. The entrance to any court or place not being a highway repairable by the Corporation shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Corporation in writing. Entrances to courts not to be closed.

33. It shall not be lawful to erect fix maintain or retain upon or in connexion with any building or erection any sky sign whether existing at the passing of this Act or not except with the license in writing of the Corporation and in the event of such license being granted then only for such period not exceeding two years and under and subject to such terms and conditions as shall be therein prescribed: Regulations as to sky signs.

Provided that in any of the following cases a license of the Corporation under this section shall become void namely:—

- (1.) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the borough engineer;
- (2.) If any change be made in the sky sign or any part thereof;
- (3.) If the sky sign or any part thereof fall either through accident decay or any other cause;
- (4.) If any addition or alteration be made to or in the building or erection on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof;
- (5.) If the building or erection over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed:

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the license for the erection maintenance or retention thereof for any period shall have expired or become void the Corporation may give information thereof to any justice who shall thereupon issue his summons requiring the owner and occupier or either of them of the building or erection on which such sky sign is erected fixed maintained or retained to appear before a court of summary jurisdiction and the court may order such owner or occupier or either of them to forthwith remove and take down such sky sign to the satisfaction of the Corporation within a period to be prescribed by such order:

Any person acting in contravention of any of the foregoing provisions of this section or of the terms and conditions (if any) of any license under this section or failing to obey any order of the

A.D. 1893. — court made in pursuance of the foregoing provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :

The court may at any time after the expiration of the period by its order prescribed as aforesaid make an order authorising the Corporation to cause such sky sign to be taken down and removed and the person on whom such first-mentioned order was made shall in addition to any penalty or penalties for not obeying the same pay all the costs charges and expenses incurred by the Corporation in respect of the taking down and removal of such sky sign and the same may be recovered summarily by the Corporation from such person.

Slaughter-house and knacker's yard licenses.

34. Licenses granted by the Corporation for the erection of a slaughter-house or knacker's yard shall not extend to authorise the use of such slaughter-house or knacker's yard beyond such time or times not being less than twelve months as the Corporation shall think fit to specify in such licenses.

PART V.

EDUCATIONAL.

Power to provide public library.

35.—(1.) The purchase by the Corporation of the vacant land known as "The Green" Stratford is hereby ratified and confirmed.

(2.) The Corporation may appropriate any building or any portion of any building to be erected by them on the said property as or may erect in conjunction with any other building to be erected on such site a public library with all requisite furniture fittings and conveniences and such library shall vest in the Corporation as if it had been provided by them under the provisions of the Public Libraries Act 1892 and the provisions of that Act and of any Act or Acts from time to time amending the same shall except as otherwise expressly provided in this Act extend and apply to the library so provided by the Corporation and to the site thereof and to the Corporation in relation thereto but no part of the expenses of the purchase of the said site or of the erection or maintenance of the building or part of a building appropriated or erected as a public library shall be defrayed out of the library rate of the borough.

As to expenses of buildings &c.

36. Notwithstanding the appropriation to the purposes of or use as a public library of any building or portion of building as aforesaid the purchase of the said property and the erection of the technical institute and public library thereon and the fitting up furnishing and maintenance of the said institute and the maintenance of the building so erected or appropriated as a public library shall be deemed

to be purposes of technical education within the meaning of the Technical Instruction Act 1889 and the Local Taxation (Customs and Excise) Act 1890 and the Corporation may apply in payment of the expenses thereof and in repayment of any moneys which may from time to time be borrowed by the Corporation for payment of such expenses with interest thereon any sum or part of a sum received by them under section 1 of that Act. A.D. 1893.

37.—(1.) The Corporation may from time to time employ organists organ blowers and attendants in connexion with the town hall and public hall authorised as herein-before recited or either of them and may pay to any organist organ blower or attendant employed by them such salary or other emolument as they think fit. Power to employ organists &c.

(2.) The Corporation may from time to time hold organ recitals in the town hall and public hall and may make such reasonable charges for admission thereto as they see fit.

(3.) The salaries or other emoluments payable to such organists organ blowers and attendants and all expenses in connexion with any such recitals shall be paid out of the borough fund and any profit derived by the Corporation from such recitals shall be carried to the credit of that fund.

PART VI.

SANITARY.

38. (A.) Any premises in such a state as to be dangerous to health ; Extending definition of nuisances.

(B.) Any cistern watercloset earth-closet or dung-pit so foul or in such a state as to be a nuisance or injurious or dangerous to health ;

(C.) Any pool ditch gutter watercourse privy urinal cesspool drain or ash-pit so foul or in such a state as to be dangerous to health ;

(D.) Any animal kept in such place or manner as to be dangerous to health ;

(E.) Any accumulation or deposit which is dangerous to health

(F.) An occupied house without a proper and sufficient water supply or the absence in respect of any such house of proper water fittings ;

(G.) Every fireplace or furnace which is used in any public bath or washhouse printinghouse or waterworks which does not so far as practicable consume the smoke arising from the combustibles used therein ;

shall be deemed to be a nuisance within the meaning of section 91 of the Public Health Act 1875.

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As to dilapidated ceilings.

39. If any ceiling or wall of any dwelling-house is by reason of its dilapidated condition liable to cause injury to the occupiers of such dwelling-house the Corporation may by notice in writing require the owner or occupier of such house to make good such ceiling or wall and if such owner or occupier fail so to make good such ceiling or wall within the time prescribed by such notice not being less than one week the Corporation may make complaint to a justice as in the case of a nuisance under the Public Health Acts and the provisions of sections 95 and 96 of the Public Health Act 1875 shall apply accordingly.

Wilful damage to drains.

40. If any person cause any drain water-closet earth-closet privy or ash-pit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds.

Inspection of drains &c.

41. The Corporation if they have reasonable grounds for believing the existence of a nuisance may inspect any drain sanitary convenience or cesspool or any water supply sink trap syphon pipe or other work or apparatus connected therewith and for that purpose or for the purpose of ascertaining the course of any such work the borough engineer medical officer of health or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twelve hours notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the borough engineer medical officer of health or inspector of nuisances or their authorised assistants think fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the borough engineer medical officer of health or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds If such drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work and apparatus be found on inspection as aforesaid to be properly made in accordance with the Acts and byelaws in force within the borough and the directions of the Corporation and in proper order and condition the Corporation

shall cause the same to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Corporation and full compensation shall be made by them for all damage or injury done or occasioned by such examination. If upon such inspection any drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work or apparatus appear not to have been properly made as aforesaid or to be in bad order and condition or to require cleansing alteration or amendment or to be filled up the Corporation shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to place the work in proper order and condition and if such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings or the Corporation if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

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

Cleansing of cisterns &c.

43. Any person on whom an order to close a polluted well is made under section 70 of the Public Health Act 1875 who fails to comply with such order shall (without prejudice to any right of the Corporation to pursue any other remedy which they would be entitled to pursue if this Act had not been passed) be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Polluted wells.

44.—(1.) Any dwelling-house without a proper and sufficient water supply shall be deemed to be unfit for human habitation within the meaning of section 97 of the Public Health Act 1875.

Provisions as to houses without proper water supply.

(2.) No new building shall be occupied as a dwelling-house until a proper and sufficient water supply shall have been provided thereto to the satisfaction of the borough engineer and if any building shall be occupied contrary to the provisions of this section the owner of such building if he shall occupy or allow to be occupied such building and every person who shall wilfully and knowingly occupy such building as a dwelling-house shall be deemed to have committed an offence against the provisions of this section and shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

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Corporation may require removal or alteration of urinals.

45. If any urinal or other sanitary convenience now or hereafter erected in or opening on any street shall in the opinion of the Corporation be so placed or constructed as to be a nuisance or offensive to public decency the Corporation by notice in writing may require the owner to remove such urinal or convenience to a place to be specified by them free from such objection. Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings. Provided that nothing in this section contained shall extend or apply to any urinal or convenience now or hereafter to be erected by any railway company at or within any railway station or station yard.

Urinals to be attached to refreshment houses &c.

46. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Corporation may by notice in writing require the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain on the premises in a position to be specified in the order a urinal or urinals to the satisfaction of the Corporation. Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

As to underground rooms.

47. The provisions of sections 96 97 and 98 of the Public Health (London) Act 1891 shall extend and apply to and within the borough and for the purposes of such application the Corporation shall be deemed to be the sanitary authority referred to in those sections.

Extending section 72 of Public Health Act 1875 to cellars not let or occupied for hire or rent.

48. The provisions of section 73 of the Public Health Act 1875 shall extend and apply to every person occupying or suffering to be occupied any cellar dwelling which does not conform with the requirements of section 72 of that Act although such cellar dwelling is not let or occupied or suffered to be occupied for hire or rent.

Swine not to be allowed to stray.

49. Any person keeping swine who permits any such swine to stray or go about in any street or public place shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings and any swine found straying or going about in any street or public place may be seized and removed by any officer of the Corporation and be by him detained until the owner has claimed the same and paid all expenses incurred by reason of such detention.

Where the owner of any swine so taken possession of is known a letter stating the fact of such swine having been taken possession

of shall be sent by the officer who seized the same by post or otherwise to the owner at his usual or last known place of abode.

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When any swine taken in pursuance of this section has been detained for three clear days without the owner claiming the same and paying all expenses incurred by its detention the Corporation may cause such swine to be sold.

Any moneys arising from the sale of any swine in pursuance of this section shall be paid to the borough fund.

All swine detained under this section shall be properly fed and maintained at the expense of the borough rate.

50. The Corporation if they think fit may employ a sufficient number of scavengers or contract with any scavengers whether a company or individuals for collecting and removing the manure and other refuse matter from any stables and cow-houses the occupiers of which signify their consent in writing to such removal Provided that—

Removal of refuse from stables cow houses &c.

(A) Such consent shall not be withdrawn or revoked without one month's previous notice to the Corporation ; and

(B) No persons shall be hereby relieved from any penalty to which he may be subject for placing dung or manure upon any footways or carriageways or for having any accumulation or deposit of manure or other refuse matter so as to be a nuisance or injurious or dangerous to health.

51.—(1.) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 or under those sections as amended by section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was purchased by him from another person for the food of man and when so purchased was in such a condition as to be liable to be seized and condemned under those sections the person who so sold the same shall also be punishable as mentioned in those sections unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that it was in such a condition.

As to un-sound meat.

(2.) When a person convicted of an offence under the aforesaid sections has been within twelve months previously convicted of an offence under the said sections the court may if it thinks fit and finds that he knowingly and wilfully committed both such offences order that a notice of the facts be affixed in such form and manner and for such period not exceeding twenty-one days as the court may order to any premises occupied by that person and that the person do pay the costs of such affixing and if any person obstructs the fixing of such notice or removes defaces or covers up such notice

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Lighting of
common
stairs &c.

52. The owner or owners of common stairs or passages or private courts or of houses or buildings in or entering or having a right of access by any common stair or passage or private court shall provide fit up and maintain and renew in or on such common stairs passages or private courts all necessary lamps brackets and other means of lighting and all necessary means of extinguishing the light and shall provide the necessary supply of gas or other light as may be required by the Corporation therefor and such owner or owners shall further on being required by the Corporation within seven days next after service of an order for that purpose provide and fit up in such common stairs passages or private courts such number of lamps brackets and other means of lighting and all such means of extinguishing the light as the Corporation may determine and provide the necessary supply of gas or other light as may be required by the Corporation and shall maintain alter repair and renew such lamps and brackets to the satisfaction of the Corporation and shall in all cases clean light and extinguish the lights in such lamps and brackets at such time or times as the Corporation may require and in default of compliance with any order of the Corporation under this section such owner or owners shall each only in respect of any act or default of his own be liable to a penalty not exceeding forty shillings and a daily penalty of a like amount Provided always that the owner or owners so providing a supply of gas or other light shall be entitled to recover the amount expended by such owner or owners in providing such supply from the occupiers of every such house or building in or entering or having access by the common stair passage or court each such occupier being liable to pay his proportionate part of such amount according to the rent payable by each such occupier respectively.

Power to
Corporation
to supply
light and
charge
owner.

53. The Corporation may at any time and from time to time as they may think fit provide fit up and maintain and renew in such common stairs passages or private courts as they may consider to be insufficiently lighted all necessary lamps brackets or other means of lighting and all necessary means of extinguishing the light and provide the necessary supply of gas or other light therefor and clean any lamps and brackets and light and extinguish the same and for all purposes aforesaid any officer or servant of the Corporation duly authorised in writing under the hand of the borough engineer shall be entitled to require and shall have access to and from all such common stairs passages or private courts at all times and the Corporation may in such cases as they think fit recover the expense they may incur as a debt from the owner or if there are more owners

than one then proportionately from each owner according to the rental received by him in respect of the properties in any house or building or part thereof to which access is obtained by such common stair passage or private court and such owner or owners shall be entitled to recover the amount expended in providing the supply of gas or other lights from the occupiers each such occupier being liable to pay his proportionate part of such amount according to the rent payable by him : A.D. 1893.

Provided always that the said expense recoverable by the Corporation as aforesaid shall not in the case of common stair lighting exceed twenty shillings per burner per annum and in the case of all other lighting exceed twenty-five shillings per burner per annum.

PART VII.

INFECTIOUS DISEASES.

54. Where on the certificate of the medical officer of health it appears to the Corporation that any articles of bed or body clothing in any house or part thereof are in such a filthy or dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the medical officer of health or other person to be appointed by the Corporation shall give notice in writing to the occupier of such house or part thereof requiring him within a time to be specified in such notice to cleanse or purify or destroy such articles of bed or body clothing as the case may require to the satisfaction of such medical officer and if the person to whom such notice is given fail to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings and to a daily penalty of the like amount and the Corporation may if they think fit or if the occupier is unable to bear the cost cause any such articles of bed or body clothing in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same. Articles of bed or body clothing to be purified.

55. It shall not be lawful to hold any wake over the body of any person who has died of an infectious disease and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises or part of a house or premises and every person who with knowledge of this prohibition attends or takes part in such wake shall be liable to a penalty not exceeding forty shillings. Wake not to be held over body of person dying of infectious disease.

56. The words "without proper lodging or accommodation" in section 124 of the Public Health Act 1875 shall be construed to include any person without proper lodging or accommodation having regard to the danger of infection to other persons in the same house. Explaining section 124 of Public Health Act 1875.

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

Prohibition on infected persons carrying on business.

Milk of cow affected with tuberculosis &c. not to be sold.

Dairymen &c. to notify cases of tuberculosis.

Notice to be given of foregoing sections.

Compensation to dairymen.

Compensation to nurses &c.

Penalty on guardian permitting infected child to attend school.

57. All dairymen supplying milk within the borough from premises beyond the borough shall notify to the Corporation all cases of infectious disease among persons engaged in or in connexion with their dairies and any dairyman who knowingly makes default in so doing shall be liable to a penalty not exceeding forty shillings.

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

59. Every dairyman who shall sell the milk of any cow to his knowledge affected with tuberculosis or milk (or parturient) fever shall be liable to a penalty not exceeding forty shillings.

60. Every dairyman occupying any dairy in or supplying milk in the borough shall notify to the Corporation all cases of tuberculosis or milk fever to his knowledge occurring in his dairy and in default shall be liable to a penalty not exceeding forty shillings.

61. Notice of the provisions of the two last preceding sections of this Act shall be given forthwith after the passing of this Act by a notice affixed outside the town hall of the borough and by the distribution of handbills amongst the dairymen affected by such provisions.

62. If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease the Corporation shall make compensation to him for any loss occasioned by such stoppage.

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

64. Every parent or person having care or charge of a child who is or has been within six weeks suffering from infectious disease or who resides in a house whether situate within or without the borough where such disease exists or has existed within a period of six weeks who shall knowingly or negligently permit such child to attend any school within the borough without procuring and producing to the teacher or person in charge of such school a certificate from the medical officer of health which he shall grant free of charge or from some registered medical practitioner that such child can attend school without danger of communicating such disease shall be liable to a penalty not exceeding forty shillings.

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

Penalty for permitting infected children to attend school.

66. Whenever any scholar who attends any school within the borough shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith send notice thereof to the medical officer of health and shall furnish to the Corporation at their request a list of the pupils attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings. The Corporation shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and after the rate of sixpence for every twenty-five pupils named therein.

Principal of school to furnish list of pupils in certain cases.

67. Where a person not being a pauper is received as a patient into any hospital for infectious diseases belonging to or managed by the Corporation the Corporation may if they think fit themselves pay the expenses arising out of the reception and maintenance of such person.

Corporation may pay expenses of person in hospital.

PART VIII.

COMMON LODGING-HOUSES.

68. Section 83 of the Improvements Act of 1888 is hereby repealed.

Repealing section 83 of the Act of 1888.

69. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the town clerk shall with the approval of the Corporation in writing under the hand of the town clerk (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be.

Regulations as to common lodging-house keepers.

70. Every person who without being registered in accordance with section 77 of the Public Health Act 1875 keeps a common lodging-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalties on unregistered common lodging-house keepers.

A.D. 1893.
—
Cancellation
of registra-
tion of com-
mon lodging
house
keepers.

71. Notwithstanding anything contained in section 88 of the Public Health Act 1875 where a common lodging-house keeper has been convicted of any offence against the provisions of the Public Health Acts or of this Act or any other Act in force within the borough or of any byelaw made under the authority of any of such Acts in respect of common lodging-houses the court before whom the conviction takes place may cancel the registration of such common lodging-house keeper.

Power to
refuse regis-
tration of
common
lodging
house
keepers.

72. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

PART IX.

RECREATION GROUNDS.

Corporation
may erect
buildings &c.

73. The Corporation may in any public park garden or recreation ground belonging to them or under their control and management erect maintain furnish and equip and may remove refreshment and reading rooms pavilions and other buildings and conveniences which may be required or convenient for the purposes of such park garden or recreation ground and the public resorting thereto and may charge for admission to such reading rooms pavilions or other buildings or conveniences or any of them or in respect of the use thereof or of any part or parts thereof respectively :

Provided that the Corporation shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Power to
Corporation
to let re-
freshment
rooms &c.

74. The Corporation may let any refreshment rooms with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Corporation may think fit.

Corporation
may let
pavilions &c.

75. The Corporation may from time to time let any such pavilions or other buildings for the purposes of particular meetings or entertainments.

Power to
provide
apparatus for
games.

76. The Corporation may provide apparatus for playing at games and recreation for the use of the public frequenting any public parks gardens and recreation grounds within the borough

and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Corporation may make byelaws with respect to the use and the payment for the use of such apparatus. A.D. 1893.

77. The moneys (if any) received from the admission of any persons to any public park garden or recreation ground belonging to the Corporation or under their control and management or any reading room assembly room pavilion or building or from the letting of any refreshment rooms or other buildings or from the letting of any apparatus for playing at games shall after providing for the maintenance of such parks gardens and recreation grounds or any of them be carried to the district fund. Application of moneys received from admission to public recreation grounds &c.

78. The Corporation may from time to time pay or contribute towards the payment of a public band of music for the borough : As to public band.

Provided that the amount of such payments or contributions do not in any year exceed the rate of one farthing in the pound on the rateable value of the borough :

Any rate necessary for the purpose of this section may be levied with and as part of the general district rate.

79. The Corporation may from time to time set apart portions of any park or place of public resort or recreation for the time being belonging to them or under their control and management for cricket football archery and other games and for the drill of volunteers yeomanry or cadets or any military or police force or for the purposes of the delivery of speeches or other matter or the holding of meetings but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Corporation may make byelaws for regulating the use of the portions of the park or place so set apart. Power to set apart land for games.

80. The Corporation may from time to time appoint officers for securing the observance of this part of this Act and of the byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose. Power to Corporation to appoint officers.

PART X.

FINANCIAL.

81. The Corporation may from time to time borrow on the security of the district fund and the general district rate for the following purposes such sums as they may deem requisite not exceeding the following (that is to say) :— Power to borrow.

For connexion of sewers with the sewers of the London County Council thirty thousand pounds ;

A.D. 1893.

For new street and street widenings authorised by this Act six thousand pounds ;

For the acquisition of land for the horse and cart depôt five thousand pounds ;

For the acquisition of the Abbey Wharf and stores eight thousand pounds ;

For sanitary convenience two thousand pounds ;

For the purposes of the horse and cart depôt (including the stables sheds and buildings to be erected thereon) and of the part of this Act relating to recreation grounds such sums as the Local Government Board may from time to time sanction ;

For payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act such sum as may be ascertained as hereinafter provided :

Provided always that in case further moneys may be required for such purposes or any of them the Local Government Board may from time to time at the request of the Corporation authorise them to borrow such further sums for all or any of such purposes as the Local Government Board may from time to time think fit and the provisions of this Act shall apply mutatis mutandis to the further sums so borrowed And in calculating the amount which the Corporation may borrow under the provisions of any other enactment the amount which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts :

The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority (except where the same are in this Act expressly altered or varied) shall apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act.

Protection of lenders from inquiry.

82. A person lending money to the Corporation shall not be bound to enquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

As to repayment of borrowed money.

83. All moneys borrowed by the Corporation under the foregoing provisions of this Act without the sanction of the Local Government Board may be borrowed for any terms not exceeding the terms herein-after respectively mentioned from the date of the original loan (that is to say) :—

As regards moneys borrowed for the purpose of paying the costs of this Act five years; A.D. 1893.

As regards moneys borrowed for any other purpose forty years :

And all moneys borrowed by the Corporation under the foregoing provisions of this Act with the consent of the Local Government Board may be borrowed for such term as the Local Government Board may prescribe and subject as aforesaid all moneys borrowed by the Corporation under the authority of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

84. The Corporation in case they borrow any moneys on mortgage under the foregoing provisions of this Act repayable by means of a sinking fund shall within twelve months after borrowing the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys out of the fund or rate on the security of which such moneys shall have been borrowed such equal annual sum or sums as will with accumulations by way of compound interest after a rate not exceeding three per centum be sufficient to pay within such a period as they may think fit (not exceeding the period by this Act in each case prescribed for the repayment thereof) the amount of the principal moneys so borrowed. Sinking fund for payment of money borrowed on mortgage.

All sums so set apart and the income thereof shall from time to time be invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or on the security of mortgages bonds debentures debenture stock or other security (not including annuity certificates or certificates payable to bearer) of any municipal corporation in Great Britain (other than the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875 or may be lent to any body to whom the Corporation are under the provisions of the section of this Act of which the marginal note is "Power to lend to certain other bodies" authorised to lend money for any period expiring at or previously to the expiration of the period within which the moneys for the repayment of which such sinking fund is formed are to be repaid.

If and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any deficiency shall be made good out of the respective funds or rates which are liable for the equal annual payments and if

A.D. 1893. — and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any such excess may be applied as part of such equal annual payments.

The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys borrowed under the foregoing provisions of this Act in such order and manner as they deem proper. Provided that in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per cent. on which the payments to the sinking fund are based. Provided also that whenever and so long as the securities in which such sinking fund is invested shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Annual
return to
Local
Government
Board with
respect to
repayment of
moneys
borrowed on
mortgage.

85. The borough accountant shall within twenty-one days after the twenty-fifth day of March of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed on mortgage under the foregoing powers of this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such borough accountant shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or

to set aside the sum required by this Act for the sinking fund or A.D. 1893.
have applied any portion of the moneys set apart for that fund or
any interest thereof to any purposes other than those authorised by
this Act the Local Government Board may by order direct that a
sum not exceeding double the amount in respect of which such
default shall have been made shall be set apart and invested as part
of the sinking fund and such order shall be enforceable by writ of
mandamus to be obtained by the Local Government Board out of
the High Court and the provisions of this section shall mutatis
mutandis apply to appropriations and annual repayments in the
event of the Corporation borrowing under the provisions of the
Local Loans Act 1875.

86. If the Corporation out of the proceeds of the sale exchange Sinking fund
or disposition of lands or out of moneys received by them by way of may be
fine or premium on any lease of any lands or other moneys received adjusted in
on capital account other than borrowed moneys repay any principal certain
moneys borrowed under the powers of this Act the payments of events.
the sinking fund may be reduced to such extent and upon such
terms as may from time to time be approved by the Local Government
Board.

87. The Corporation may from time to time borrow at interest Power to
on mortgage as aforesaid any money necessary for repaying any reborrow.
principal moneys borrowed under the foregoing provisions of this
Act on the same becoming repayable or for paying off any part of
any of such principal moneys as they can borrow at a lower rate
of interest Provided as follows:—

- (1.) The time for repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed:
- (2.) For the purpose of repayment all moneys so reborrowed and the moneys originally borrowed shall be deemed the same loan:
- (3.) The Corporation shall not reborrow any money paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of surplus lands or out of premiums or fines on leases or other moneys received on capital account not being borrowed moneys.

88. The Corporation if they think fit may borrow the moneys Power to
which they are by this Act authorised to borrow or any part thereof borrow under
under the powers and subject to the provisions of the Local Loans Local Loans
Act 1875 as amended by the Local Loans Sinking Fund Act 1885 Act 1875.
by means of a loan or loans to be raised by the issue of debentures
debenture stock or annuity certificates or partly in one way and
partly in another:

A.D. 1893.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same fund and rate as they would be charged upon and paid out of if raised by mortgage under this Act and such fund and rate shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875 :

Every such loan shall be discharged within the respective periods prescribed by this Act :

Provided always that the Corporation shall not invest any sinking fund formed by them under the provisions of the Local Loans Act 1875 in their own securities.

Application
of money
borrowed.

89. All money borrowed under the foregoing provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Corporation
not to regard
trusts.

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

As to
dividends on
Corporation
stock.

91. Notwithstanding anything in the Loans Act of 1888 contained the Corporation may exercise any statutory borrowing power by the creation under the powers of that Act of a new class of Corporation stock redeemable at their option at one and the same period from the first creation of such stock and bearing such rate of dividend as the Corporation shall determine Provided that all such stock shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock bearing one and the same rate of dividend and shall be charged in the same manner as and shall rank *pari passu* with all Corporation stock created under the Loans Act of 1888 as amended by this Act.

Power to
lend to
certain other
bodies.

92. Where the school board for the borough or the board of guardians of the poor law union of West Ham desire in pursuance of authority vested in them by Act of Parliament or under any

sanction of any Government Department to borrow money for any authorised purpose the Corporation may lend to such school board or board of guardians and they may borrow from the Corporation on the security of the rates and funds which the borrowing authority is authorised to charge for the repayment of the money borrowed such money as the Corporation think fit and as the school board or board of guardians are authorised and desire to borrow provided that the total amount of such loans shall not exceed one hundred thousand pounds in any one year. A.D. 1893.

Money borrowed from and lent by the Corporation under this section shall be repaid to the Corporation with interest within such time after the borrowing as the borrowers and the Corporation may agree not exceeding the time (if any) limited for the repayment thereof by the Act or sanction as the case may be by which such borrowing is authorised.

Where the Corporation under the authority of this Act lend any money to the school board or board of guardians the sanction of the Education Department or the Local Government Board as the case may be to the borrowing of such money shall be conclusive evidence that the borrowers had when such sanction was given power to borrow such money.

93. The Corporation may raise any sum or sums required by them for a loan to either of the aforesaid bodies by the creation and issue under the powers of the Loans Act of 1888 as amended and extended by this Act of Corporation stock but not otherwise and the power to raise such sum or sums shall be deemed to be a statutory borrowing power of the Corporation. Power to Corporation to raise money to be lent &c.

94. The Loans Act of 1888 shall be read and have effect as if— Amendment of Loans Act of 1888.

- (A.) There were added to sub-section (1) of section 11 thereof at the end of that sub-section the words “and all principal moneys received by the Corporation on the payment off or on account of any loan made by the Corporation by means of the creation and issue of Corporation stock under the powers of this Act” ;
- (B.) There were added to sub-section (2) of section 11 thereof at the end of that sub-section the words “and all moneys received by the Corporation as interest on any loan made by the Corporation by means of the creation and issue of Corporation stock under the powers of this Act” ;
- (C.) There were inserted in sub-section (3) (E) of section 14 thereof after the words “property of the Corporation” the words “or principal received on payment off of any loan made

A.D. 1893.

“ by the Corporation by means of the creation and issue of
“ Corporation stock under the powers of this Act ” ; and

(D.) There were added to section 14 thereof at the end of that
section the words “ (L) All money paid into the loans fund as
“ interest on any loan made by the Corporation by means of the
“ creation and issue of Corporation stock under the powers of
“ this Act.”

PART XI.

MISCELLANEOUS.

Under-
takings &c.
to bind
successive
owners.

95.—(1.) Every undertaking or agreement in writing given after
the passing of this Act by or to the Corporation to or by or on
behalf of any owner of property on the passing of plans or otherwise
in connexion with the property of such owner shall be binding upon
the owner of the property for the time being and upon his successors
in title and upon the Corporation and may be enforced by either
party in any court of summary jurisdiction by a penalty not
exceeding five pounds for each breach of such undertaking or
agreement and a daily penalty not exceeding twenty shillings for
each such breach and such owner shall be entitled to require from
the Corporation a copy of such undertaking or agreement.

(2.) The Corporation shall keep a register of such undertakings
and agreements and within seven days after the date of any such
undertaking or agreement an entry thereof shall be made in the
register showing the names and descriptions of the parties thereto
and the purport of the undertaking or agreement.

(3.) Every such register shall be open to inspection by any person
at all reasonable times on payment of a sum not exceeding one
shilling in respect of each name or property searched for and the
Corporation shall furnish copies of any part of such register to any
person applying for the same on payment of such reasonable sum
as may be fixed by the Corporation and any sums received under
this sub-section shall be carried to the credit of the borough fund.

(4.) If the town clerk or other person having the custody of such
register shall refuse to allow such inspection or to furnish such
copies he shall be liable to a penalty not exceeding five pounds for
each such refusal such penalty to be recoverable by the person
aggrieved in a summary manner.

Form and
service of
notices by
Corporation.

96.—(1.) Any instrument (other than a conveyance contract or
security but including a notice order resolution declaration requisition
consent approval disapproval demand or other document) made
given delivered or served by the Corporation under this or any

other Act or any byelaw shall be sufficiently authenticated by the signature (or in the case of a notice by the name in print) of the town clerk borough engineer borough accountant or other proper officer (according to the subject of the particular instrument) of the Corporation being affixed thereto on behalf of the Corporation.

A.D. 1893.
—

(2.) Where any such instrument is required to be given to or served on the owner or occupier of any premises it shall be sufficient to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any adjoining or neighbouring premises collectively and when so addressed may be served on more owners or occupiers than one provided that separate copies be served on the respective owners and occupiers of the premises concerned.

(3.) Any such instrument may be served on any such owner occupier or other person either personally or on his known agent or by sending the same through the post in a prepaid letter addressed to him or to his known agent by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or in case of an occupier to any inmate of the premises in respect of which it is given or served or if the premises are unoccupied and the place of abode of the person to be served is after diligent enquiry unknown it shall be sufficient to affix it or a copy thereof on some conspicuous part of such premises Provided that where any such instrument is required to be served on any railway company incorporated by Act of Parliament or other company such instrument shall be served at the office of the secretary of such company or forwarded to him by post in a letter addressed to the head office or registered office of such company.

(4.) Service by letter under this section shall be deemed to be effected on the day on which such letter would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the letter was properly addressed and put into the post.

97. Where the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are by any Act or byelaw authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to consent
of Corpor-
ation.

A.D. 1893.

As to appeals
against
nuisance
order.

98.—(1.) Where a nuisance order is made and a person does not comply with it and appeals against it to the court of quarter sessions and such appeal is dismissed or is abandoned the appellant shall be liable to a penalty not exceeding twenty shillings a day during the non-compliance with the order unless he satisfies the court before whom proceedings are taken for imposing such penalty that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay and where the appeal is heard by the court of quarter sessions that court may on dismissing the appeal impose the penalty as if the court were a petty sessional court.

(2.) Where a nuisance order is made on any person and appealed against and the court which made the order is of opinion that the continuance of the nuisance will or may be injurious or dangerous to health and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages the court may authorise the Corporation immediately to abate the nuisance but the Corporation if they do so and the appeal is successful shall pay the cost of such abatement and the damages (if any) sustained by the said person by reason of such abatement but if the appeal is dismissed or abandoned the Corporation may recover the cost of the abatement in a summary manner from the said person.

General
provisions
as to bye-
laws.

99. All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions contained in sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority.

As to appeal.

100. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding or revocation of any certificate license consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Offences
against Act
or byelaws to
be prosecuted
as if offences
against
the Public
Health Act
1875.

101. Except as otherwise by this Act expressly provided all offences against the provisions of this Act or any byelaw made under the authority thereof may be prosecuted and all penalties or forfeitures which may be imposed for the breach of any such provisions or byelaws and the cost and expenses which may be incurred by the Corporation in the prosecution of any person offending against any such provision or byelaw may respectively be recovered and applied in the manner provided by sections 251 and 254 of the Public Health Act 1875 respectively as if such offences were offences against the said Act.

102. 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.

A.D. 1893.
Compensation &c. how to be determined.

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

Compensation may be in land &c.

104. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Saving for indictments &c.

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

Judges &c. not disqualified.

106. 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 by the Public Health Acts and the Municipal Corporations Acts or any of them and the Corporation 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.

Powers of Act cumulative.

107. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Audit of accounts.

108. All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that Board may determine for the service of any inspector) in

Costs of Local Government Board.

A.D. 1893. — relation to the duties imposed on that Board under this Act shall be paid by the Corporation.

Expenses of Act.

109. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the Taxing Officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys borrowed under the powers of this Act and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the 35th and 36th years of the reign of Her present Majesty (Chapter 91) with respect to the Bill for this Act and all matters relating thereto.

SCHEDULES.

A.D. 1893.

THE FIRST SCHEDULE.

Describing Houses Buildings Manufactories and Premises of which portions may be taken.

FIRST PART.

FOR THE BARKING ROAD BRIDGE APPROACH.

	Nos. on Deposited Plan.
	10 11 12 13 14 15 and 16.

SECOND PART.

FOR THE PURPOSES OF THIS ACT.

Work.	Nos. on Deposited Plan.
Widening of Angel Lane Stratford - -	1.
Widening of Balaam Street Plaistow - -	1 2 3 4 5 and 6.

THIRD PART.

Provisional Order under which Property authorised to be taken.	Improvement in respect of which land to be acquired.	Nos. of Property on Plan deposited in respect of Provisional Order.
Provisional Order relating to West Ham confirmed by the Local Government Board's Provisional Orders Confirmation (No. 14) Act 1891.	- - -	11 15 16 17 18 19 20 22 23.
Provisional Order relating to West Ham confirmed by the Local Government Board's Provisional Orders Confirmation (No. 13) Act 1892.	Frederick Road Improvement.	1 1A 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16.

A.D. 1893.

Provisional Order under which Property authorised to be taken.	Improvement in respect of which land to be acquired.	Nos. of Property on Plan deposited in respect of Provisional Order.
Provisional Order relating to West Ham confirmed by the Local Government Board's Provisional Orders Confirmation (No. 13) Act 1892.	High Street Plais-tow Improvement.	2 3 4 5 6 7.
" "	Martin Street Improvement.	1.
" "	Balaam Street Improvement.	10 14 15 16 17 19 20 21 22 23 26 27.
" "	Victoria Decks Subway.	1 2 10 13 16 23.
" "	Church Street North Improvement.	1 5 6 7.
" "	Forty Acre Lane Improvement.	1 2 3.
" "	Grafton Road North Improvement.	1.
" "	Chantler Road Improvement.	1.
" "	Vicarage Road Improvement.	1.
" "	Ham Park Road Improvement.	1.

THE SECOND SCHEDULE.

ACTS AND PROVISIONAL ORDERS AFFECTING CORPORATION AND BOROUGH &C.

ACTS.

The Local Board of Health for West Ham in Essex Extension of Powers Act 1867.

The West Ham Local Board of Health Act 1876.

The West Ham Local Board Extension of Powers Act 1881.

The West Ham Local Board Extension of Powers Act 1882.

The West Ham Local Board Extension of Powers Act 1884.

The West Ham Corporation (Loans) Act 1888.

The West Ham Corporation (Improvements) Act 1888.

[56 & 57 VICT.] *West Ham Corporation Act, 1893.* [Ch. cciv.]

THE PROVISIONAL ORDERS RELATING TO THE BOROUGH OF WEST HAM A.D. 1893.
RESPECTIVELY CONFIRMED BY THE FOLLOWING ACTS (THAT IS TO SAY):—

The Public Health Supplemental Act 1856.

The Local Government Supplemental Act 1863 (No. 2).

The Local Government Board's Provisional Orders Confirmation (Aberdare &c.) Act 1875.

The Local Government Board's Provisional Orders Confirmation (Eastbourne &c.) Act 1880.

The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883.

The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1885.

The Local Government Board's Provisional Orders Confirmation (No. 13) Act 1889.

The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1891.

The Local Government Board's Provisional Orders Confirmation (No. 14) Act 1891.

The Local Government Board's Provisional Orders Confirmation (No. 13) Act 1892.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
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