



CHAPTER ccxxxii.

An Act to provide for altering the wards of the county borough of Rotherham and for increasing the number of aldermen and councillors to confer further powers on the Corporation of the borough in regard to their gas water tramways and electrical undertakings to make further provisions for the health improvement and local government of the borough and for other purposes. A.D. 1904.

[15th August 1904.]

WHEREAS the borough of Rotherham in the West Riding of the county of York (in this Act called "the borough") is a county borough under the government for municipal sanitary and other purposes of the mayor aldermen and burgesses acting by the council (in this Act called "the Corporation") :

And whereas the borough is now divided into six wards and the council consists of six aldermen and eighteen councillors and it is expedient that the borough be divided into nine wards and that the numbers of aldermen and councillors respectively be increased to nine and twenty-seven :

And whereas on the petition of the West Riding county council an order was on the twenty-ninth day of January one thousand nine hundred and four made by His Majesty in Council providing that as from the next avoidance of the office of coroner in the Rotherham coroner's district such district shall be divided into two districts for coroner's purposes for the purposes of the Coroners Act 1844 to be named respectively (1) the borough of Rotherham coroner's district (2) the Rotherham county coroner's district and it is expedient that as from the date of such division the Corporation be empowered to appoint the coroner for the borough :

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And whereas the Corporation are the owners of a gas undertaking and their authorised limits of supply include the township of Kimberworth and also the parish of Tinsley while the Sheffield United Gas Light Company are also authorised to supply gas within parts of the township of Kimberworth in the said borough and within the parish of Tinsley and it is expedient to adjust the respective limits of supply of the Corporation and of the said company and also to empower the Corporation to lay mains and supply gas in part of the parish of Wentworth :

And whereas it is expedient to make new provisions respecting the illuminating power of gas supplied by the Corporation and the charges for gas and other matters connected with gas supply :

And whereas it is expedient to amend the provisions of the Rotherham and Kimberworth Local Board of Health Act 1863 relating to charges for a supply of water :

And whereas it is expedient to empower the Corporation to lay certain new lines of tramways and to confer on them further powers for the development and management of their tramways undertaking :

And whereas it is expedient to empower the Corporation to make further provisions in relation to the electrical undertaking of the Corporation :

And whereas it is expedient to authorise the Corporation to execute certain street widenings :

And whereas it is expedient to make further and better provision for the regulation of streets and buildings for the regulation of common lodging-houses for sanitary matters for the protection of the milk supply of the borough and for the prevention of and otherwise in relation to infectious disease :

And whereas it is expedient to authorise the Corporation to acquire and appropriate land for a dust destructor :

And whereas it is expedient to confer on the Corporation further powers with respect to slaughter-houses markets recreation grounds hackney carriages sky-signs and advertisement hoardings and vehicles and to make such other provisions as this Act contains :

And whereas plans and sections of the street widenings and other works authorised by this Act and plans showing the lands which the Corporation may acquire under the powers of this Act with books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the

occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York (which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference):

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And whereas the Corporation have caused to be prepared estimates showing that they will or may require to borrow the following sums for the following purposes (that is to say):—

For tramway purposes the sum of seventy-eight thousand five hundred and fifty pounds;

For the purchase of lands for and the execution of the street widenings by this Act authorised the sum of fifty-eight thousand pounds;

For works of permanent street paving and the construction of public conveniences and lavatories the sum of thirty thousand pounds;

For the purchase of land and the provision of a dust destructor the sum of fifteen thousand pounds:

And whereas the various sums borrowed by the Corporation are repayable within different periods by means of separate sinking funds and it is expedient to provide for their repayment within a uniform period by means of one sinking fund:

And whereas the loans numbered 2 3 5 and 6 mentioned in the Third Schedule and the loans mentioned in the Fourth Schedule of this Act were incurred wholly or partly in respect of the purchase of lands and are repayable in shorter terms than sixty years:

And whereas it is expedient that the term for the repayment of such loans should be extended:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-fourth day of September one thousand nine hundred and three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Rotherham Advertiser* 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 borough fund and borough rate:

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And whereas such resolution was published twice in the *Rotherham Advertiser* 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 nineteenth day of January one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament :

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *Rotherham Corporation Act 1904.*

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Alteration of Municipal Wards.

Part III.—Appointment of Coroner.

Part IV.—Gas.

Part V.—Water.

Part VI.—Tramways.

Part VII.—Electricity.

Part VIII.—Lands.

Part IX.—Street Widenings.

Part X.—Streets and Buildings.

Part XI.—Sewers Drains Closet Accommodation and other Sanitary Provisions.

Part XII.—Provisions as to Milk Supply.

Part XIII.—Infectious Disease.

Part XIV.—Common Lodging-houses.

Part XV.—Dust Destructor.

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Part XVI.—Slaughter-houses and Markets.

Part XVII.—Recreation Grounds.

Part XVIII.—Police Regulations.

Part XIX.—Hackney Carriages.

Part XX.—Sky-signs and Advertising Hoardings &c.

Part XXI.—Borrowing and Rates.

Part XXII.—Miscellaneous.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) and sections 3 19 and 20 of Part I. and Parts II. and III. of the Tramways Act 1870 are hereby respectively (so far as the same are not varied by or inconsistent with this Act) incorporated with and form part of this Act Provided that section 19 of the Tramways Act 1870 shall be read and have effect as if the words “but nothing in this Act” contained shall authorise any local authority to place and run “carriages upon such tramways and to demand and take tolls and “charges in respect of the use of such carriages” were omitted from that section. Incorporation of Acts.

4. In this Act unless the context otherwise requires the following words and expressions have the meanings hereby assigned to them respectively (that is to say):— Interpretation.

“The Corporation Acts” means—

The Rotherham and Kimberworth Local Board of Health Act 1863, and

The Rotherham and Kimberworth Local Board of Health Act 1870, and

The Rotherham Corporation Act 1875, and

The Rotherham Corporation Act 1877, and

The Rotherham Borough Extension and Sewerage Act 1879, and

The Rotherham Corporation Act 1882, and

The Rotherham Corporation Act 1896, and

The Rotherham Corporation Act 1900;

“The medical officer” “the town clerk” “the borough surveyor” “the inspector of nuisances” mean respectively the medical officer the town clerk the borough surveyor and the inspector of nuisances of the borough and the medical officer includes any person duly authorised to act temporarily as medical officer of health;

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“Closet accommodation” means any receptacle for human excreta and the fittings and apparatus connected therewith ;

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

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

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

“Infectious disease” in this Act means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough.

The several words and expressions to which meanings are assigned in enactments incorporated with this Act or in the Public Health Acts have in this Act (unless the context otherwise requires) the same respective meanings.

PART II.

ALTERATION OF MUNICIPAL WARDS.

Division of borough into wards.

5. The borough shall be divided into nine wards and the names or distinguishing numbers and boundaries of such wards shall be fixed and determined by a scheme to be made by a commissioner to be for that purpose appointed by His Majesty's Principal Secretary of State for the Home Department within three months of the date of an application to be made by the Corporation for the purpose :

Provided always that nothing in this Act shall take away or affect the power to alter the number or boundaries of the wards of the borough under the provisions of the Municipal Corporations Acts.

Commissioner to frame scheme.

6. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch and so as to complete his scheme by the thirty-first day of March one thousand nine hundred and five or such later day as may on his application be fixed by the said Secretary of State.

Provisions for existing councillors continuing to represent their former constituents.

7. The commissioner shall by his scheme apportion all the existing councillors among the new wards described therein so as to provide (as far as practicable) for each councillor continuing to represent as large a number as possible of his former constituents and every such councillor shall hold his office in the ward to which

he shall be so assigned for the same period as he would have held such office if the existing wards of the borough remained unchanged. The commissioner shall also by his scheme determine the order of retirement of the new councillors to be elected under the provisions of this Act. A.D. 1904.

8. The scheme shall be published in the London Gazette and also once at least in each of two successive weeks in two local newspapers circulating in the borough. Scheme to be published.

9. After the division of the borough into wards under the provisions of this Act the council for the borough shall consist of nine aldermen and twenty-seven councillors and each ward shall return three councillors. Constitution and number of council.

10. The three additional aldermen shall retire as follows. The one who was elected by the smallest number of votes shall retire on the ninth day of November one thousand nine hundred and seven and the other two shall retire on the ninth day of November one thousand nine hundred and ten. As to retirement of aldermen.

On the ninth day of November one thousand nine hundred and thirteen and on every alternate subsequent day for retirement of aldermen four of the whole number of aldermen shall retire and on the ninth day of November one thousand nine hundred and sixteen and on every alternate subsequent day for retirement of aldermen five of the whole number of aldermen shall retire. If any doubt arises in any year as to which alderman should retire that doubt shall be determined by the council.

11. Subject to the provisions of this Act subsections (8) to (15) (both included) of section 30 of the Municipal Corporations Act 1882 shall apply as if they were re-enacted in this Act. Application of section 30 of 45 & 46 Vict. c. 50.

PART III.

APPOINTMENT OF CORONER.

12. On and from the division of the existing Rotherham coroner's district the council of the borough shall become and continue to be entitled to appoint a coroner of the borough under and subject to the provisions of section 171 of the Municipal Corporations Act 1882 but subject nevertheless to the adjustment pursuant to the Local Government Act 1888 of any financial relation or questions which may arise between the West Riding Power of Corporation to appoint coroner of borough.

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PART IV.

GAS.

Adjustment
of limits of
supply with
Sheffield Gas
Light Com-
pany.

13.—(1) The Sheffield United Gas Light Company shall not at any time hereafter extend any of their mains in the township of Kimberworth in the borough within the limit of eight hundred yards from any part of either of the parishes of Sheffield and Ecclesfield if and so long as the Corporation shall be prepared to supply gas within the said limit to any person or persons who may require and be entitled to a supply Provided that if within six months after any such demand the Corporation shall fail to provide such supply then the company may extend their mains for the purpose of giving such supply.

(2) The Corporation may from time to time lay mains and supply gas in such portion of the parish of Ecclesfield as lies within the area adjoining Wortley Road from the parish of Rotherham to the Ball Inn at the junction of Wortley Road and Hesley Lane and thence along Hesley Lane to the boundary of the parish of Rotherham which area is coloured pink on the plan signed by John Heywood-Johnstone Esquire Chairman of the Committee of the House of Commons to which the Bill for this Act was referred and the company shall not supply gas within such area if and so long as the Corporation shall be prepared to supply gas within the said limit to any person or persons who may require and be entitled to a supply Provided that if within six months after any such demand the Corporation shall fail to provide such supply then the company may extend their mains for the purpose of giving such supply.

(3) The Corporation shall not at any time hereafter supply gas within any portion of the parish of Tinsley if and so long as the company shall be prepared to supply gas within the said limit to any person or persons who may require and be entitled to a supply Provided that if within six months after any such demand the company shall fail to provide such supply then the Corporation may extend their mains for the purpose of giving such supply.

(4) The Corporation shall not at any time hereafter lay any mains within any area wherein the company shall have become entitled to extend their mains under the provisions of this

section nor shall the company at any time hereafter lay any mains within any area wherein the Corporation shall have become entitled to extend their mains under the provisions of this section. A.D. 1904.

14. The limits of the Corporation for the supply of gas are hereby extended so as to include— Extension of Corporation limits of supply.

So much of the parish of Wentworth in the said Rotherham rural district as is situate within a distance of half-a-mile of the boundary of the borough:

And all the powers duties liabilities and obligations of the Corporation with respect to the supply of gas shall apply within the limits of supply as extended by this section and also within such portion of the parish of Ecclesfield as the Corporation may for the time being be entitled to supply with gas.

15. Section 35 of the Rotherham and Kimberworth Local Board of Health Act 1870 shall be read and have effect as if the word "fourteen" were therein inserted in lieu of "sixteen" before the words "sperm candles of six in the pound." Alteration of obligation as to illuminating power of gas.

16. Section 34 of the Rotherham and Kimberworth Local Board of Health Act 1870 is hereby repealed but the price of gas supplied by the Corporation shall not exceed the sum of three shillings and threepence for one thousand cubic feet. Amendment of provision as to charge for gas.

17. The Corporation may if they think fit allow discounts or rebates not exceeding in the case of discounts for prompt payment ten per centum and in the case of discounts for large consumption or in respect of gas supplied by contract or for motive power fifteen per centum upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Corporation and any of such consumers Provided that such discounts shall be of equal amount under like circumstances to all consumers Provided also that notice to the effect of this enactment shall be endorsed on every demand note for gas rent. Discounts.

18. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:— As to construction and placing of pipes &c. between mains and meters.

- (1) The Corporation may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the

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occasion of any renewal between the Corporation's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :

- (2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specification shall be published twice in some newspaper circulating in the borough and a copy thereof shall be kept exhibited in the office of the Corporation :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building :
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation. Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Corporation refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any question as to the reasonableness of the Corporation's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

19. Any meters slot-meters ranges engines stoves or other gas fittings let for hire by the Corporation shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such meters slot-meters ranges engines stoves or fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

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Gas fittings not to be subject to distress.

20. No penalty shall be incurred by the Corporation for neglect or refusal to give a supply of gas or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them if the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Corporation or was of so slight or unimportant a character as not materially to affect the value of the supply.

No penalty for failure to supply in case of unavoidable cause.

21. The Corporation may take hold and use within the gas limits patent rights or licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture production conversion utilisation or distribution of gas or of any materials or substance whether solid liquid or gaseous employed in or resulting from or otherwise connected with the manufacture production conversion utilisation or distribution of gas.

Power to hold licences under letters patent.

22. Twenty-four hours notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed on or contained in every demand note for gas rent payable to the Corporation.

Gas consumers to give notice to Corporation before removing.

23. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the offices of the Corporation.

Notice to discontinue supply of gas.

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Period of
error in de-
fective
meters.

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

PART V.

WATER.

Amendment
of section 9 of
Rotherham
Act 1870 and
section 69 (3)
of Sheffield
Corporation
Water Act
1896.

25. Section 9 of the Rotherham and Kimberworth Local Board of Health Act 1870 as amended by subsection (3) of section 69 of the Sheffield Corporation Water Act 1896 shall be read and have effect as if the words "ten pounds in the hundred on the annual rateable value" were therein substituted for the words "eight pounds in the hundred on the annual rateable value" and as if the words "ten shillings per annum" were therein substituted for the words "eight shillings per annum."

Rates for
waterclosets
and baths.

26. Section 42 of the Rotherham and Kimberworth Local Board of Health Act 1863 is hereby repealed and in addition to the charges which the Corporation may make under the said Act they may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Corporation
not bound to
supply sever-
al houses by
one pipe.

27. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

PART VI.

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TRAMWAYS.

28. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places triangles waiting rooms car-houses engine-houses stations sheds buildings works and conveniences connected therewith (that is to say) :—

Power to lay additional tramways.

Tramway No. 1 1 mile 2 furlongs and 0·2 chain in length of which 1 mile and 4·2 chains will be laid as a single line and 1 furlong and 6 chains as a double line situated wholly within the borough commencing in College Street by a junction with an existing tramway therein at a point 1 chain or thereabouts north of the junction of High Street with College Street passing thence along Wellgate Badsley Moor Lane and Middle Lane and terminating in that road at a point 7 chains or thereabouts north of the junction of Middle Lane with Clifton Grove :

Tramway No. 2 3 furlongs and 9 chains in length of which 3 furlongs and 3 chains will be laid as a single line and 6 chains as a double line situated wholly within the borough commencing in Effingham Square by a junction with an existing tramway therein at a point 0·7 chain or thereabouts south-east of the junction of Effingham Street with Drummond Street passing thence along Drummond Street and Greasborough Road and terminating in that road at the boundary of the borough :

Tramway No. 3 (on the plans described as Tramway No. 7) 5 furlongs and 6 chains in length of which 4 furlongs and 7 chains will be laid as a single line and 9 chains as a double line commencing in the borough in Fitzwilliam Road by a junction with an existing tramway therein at a point 0·5 chain or thereabouts north-west of the junction of the Doncaster Road with Fitzwilliam Road passing thence along the main road to Doncaster into the parish of Dalton and rural district of Rotherham and terminating in that road and parish at the parish boundary :

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Tramway No. 4 (on the plans described as Tramway No. 8) 4 furlongs and 7 chains in length of which 3 furlongs and 8 chains will be laid as a single line and 9 chains as a double line situated wholly within the borough commencing in the Wortley Road at its junction with Bradgate Lane passing thence along the Wortley Road and Midland Road and terminating by a junction with a tramway authorised by the Rotherham Corporation Act 1900 at a point 0·8 chain or thereabouts east of the junction of Union Street with Midland Road :

Tramway No. 5 (on the plans described as Tramway No. 9) 4 furlongs and 5·3 chains in length of which 3 furlongs and 9·3 chains will be laid as a single line and 6 chains as a double line situated wholly within the borough commencing in Midland Road by a junction with the aforesaid authorised tramway at a point 0·9 chain or thereabouts west of the junction of Princes Street with Midland Road passing thence along College Road Bridge Street and Rotherham Bridge and terminating in Frederick Street by a junction with a tramway authorised by the Rotherham Corporation Act 1900 at a point 0·4 chain or thereabouts east of the junction of Bridgegate with Frederick Street :

Tramway No. 6 (on the plans described as Tramway No. 10) a single line 1 furlong and 9·5 chains in length situated wholly within the borough commencing in Kimberworth Road by a junction with an existing tramway at a point 1·2 chains or thereabouts north-west of the junction of Midland Road with Kimberworth Road passing thence along Midland Road and terminating by a junction with Tramway No. 4 at a point 2·2 chains or thereabouts south-east of the junction of Midland Road with the Wortley Road :

Tramway No. 7 (on the plans described as Tramway No. 11) 4 furlongs and 4 chains in length of which 3 furlongs and 8 chains will be laid as a single line and 6 chains as a double line situated wholly within the borough commencing in the Wortley Road by a junction with Tramway No. 4 at a point 0·8 chain or thereabouts north-west of the junction of Park Street with the Wortley Road passing thence along Park Street Clough Street Roger Street and a bridge crossing the Midland Railway known as Robin Hood Bridge and terminating in Tenter Street by a junction with Tramway

No. 8 at a point 0·8 chain or thereabouts east of the junction of James Street with Tenter Street : A.D. 1904.

Tramway No. 8 (on the plans described as Tramway No. 12) 3 furlongs and 4 chains in length of which 2 furlongs and 8 chains will be laid as a single line and 6 chains as a double line situated wholly within the borough commencing in Tenter Street by a junction with Tramway No. 7 at the termination thereof at a point 0·8 chain or thereabouts east of the junction of James Street with Tenter Street passing thence along Tenter Street Slackwalk Tenter Street Glasshouse Street and George Street and terminating in Bridge Street by a junction with Tramway No. 5 at a point 1·1 chains or thereabouts east of the junction of George Street with Bridge Street :

Tramway No. 9 (on the plans described as Tramway No. 13) 2 furlongs and 8·8 chains in length of which 2 furlongs and 5·8 chains will be laid as a single line and 3 chains as a double line situated wholly within the borough commencing in College Road by a junction with Tramway No. 5 at a point 0·5 chain or thereabouts west of the junction of James Street with College Road passing thence along James Street and Brown Street and terminating in College Road by a junction with Tramway No. 5 at a point 0·7 chain or thereabouts east of the junction of Brown Street with College Road :

Tramway No. 10 (on the plans described as Tramway No. 14) 1 furlong 1·7 chains in length of which 8·7 chains will be laid as a single line and 3 chains as a double line situated wholly within the borough commencing in Brown Street by a junction with Tramway No. 9 at a point 0·7 chain or thereabouts south-east of the junction of Walter Street with Brown Street passing thence along Walter Street and James Street and terminating in Tenter Street by a junction with Tramways Nos. 7 and 8 at the termination and commencement thereof respectively at a point 0·8 chain or thereabouts east of the junction of James Street with Tenter Street :

Tramway No. 11 (on the plans described as Tramway No. 14A) a single line junction tramway 1·3 chains or thereabouts in length situated wholly within the borough commencing in Tenter Street by a junction with Tramway No. 7 at a point 0·8 chain or thereabouts west of the

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junction of James Street with Tenter Street and terminating in James Street by a junction with Tramway No. 10 at a point 0·8 chain or thereabouts south of the junction of Tenter Street with James Street:

Tramway No. 12 (on the plans described as Tramway No. 15) a single line junction tramway 1·3 chains or thereabouts in length situated wholly within the borough commencing in Brown Street by a junction with Tramway No. 9 at a point 0·75 chain or thereabouts west of the junction of Walter Street with Brown Street and terminating in Walter Street by a junction with Tramway No. 10 at a point 0·8 chain or thereabouts north of the junction of Walter Street with Brown Street:

Tramway No. 13 (on the plans described as Tramway No. 16) a single line 6·3 chains in length situated wholly within the borough commencing in Market Street by a junction with a tramway authorised by the Rotherham Corporation Act 1900 passing thence along Domine Lane and terminating in High Street by a junction with an existing tramway at a point 0·8 chain or thereabouts north-east of the junction of Market Place with High Street:

Tramway No. 14 (on the plans described as Tramway No. 17) a single line 8 chains in length situated wholly within the borough commencing in Kimberworth Road at a point 0·7 chain or thereabouts south-east of the junction of South Street with Kimberworth Road passing thence along Kimberworth Road and terminating by a junction with an existing tramway at the authorised termination thereof at a point 2·2 chains west of the junction of Bradgate Lane with Kimberworth Road.

Period for completion of tramways.

29. The tramways specified in and authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Application of existing provisions as to tramways.

30. The provisions of Part II. of the Rotherham Corporation Act 1900 (except sections 5 6 15 16 21 and 33) which relate to the existing or authorised tramways of the Corporation shall extend and apply mutatis mutandis to the tramways by this Act authorised.

31. Section 35 (For protection of Postmaster-General) of the Act of 1900 shall be and is hereby amended as follows:—

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For protection of Postmaster-General.

(1) Subsection (2) (c) (i) thereof shall be read as if the words within brackets "or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point" were omitted and such words shall be deemed to be omitted from the said subsection:

(2) The following provision shall have effect in addition to and shall be read with the provisions contained in the said section:—

If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations.

32. The Corporation may if they think fit provide such number of shelters or waiting rooms in such positions near to the route of the existing or authorised tramways of the Corporation and of such size description and design as the Corporation shall deem reasonably necessary and convenient for the use of persons intending to use the tramways.

Waiting rooms.

33. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the existing

Attachment of brackets &c. to buildings.

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Provided that—

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

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

**Amendment
of provisions
as to Raw-
marsh
Bridge.**

34. Notwithstanding anything contained in section 15 of the Rotherham Corporation Act 1900 or in section 49 of the Rawmarsh Urban District Council Tramways Act 1900 it shall not be necessary for the new bridge which is to be constructed in lieu of the present Rawmarsh Bridge to have a clear headway of more than twelve feet six inches above the ordinary water level of the canal nor a clear width between the abutments of more than thirty-five feet and those sections shall be read and have effect as if a clear headway of not less than twelve feet six inches had been mentioned therein instead of a clear headway of not less than fourteen feet six inches and a clear width between the abutments

of not less than thirty-five feet instead of a clear width of not less than forty feet. A.D. 1904.

35. In constructing and maintaining the street widening works and tramways by this Act authorised where the same will affect the railway lands and property of the Midland Railway Company (herein-after called "the Midland Company") the Corporation shall (except so far as it may be otherwise agreed between the Midland Company and the Corporation) be subject to the following conditions:—

For protection of Midland Railway Company.

- (1) All works crossing or affecting the railway or the lands and property of the Midland Company shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company (herein-after referred to as "the said engineer") and according to plans specifications and drawings to be previously submitted to and reasonably approved by him in writing or in case of difference by an arbitrator appointed in pursuance of this section. Provided that if for fourteen days after such plans drawings and specifications shall have been submitted to the said engineer he shall fail to give notice to the Corporation of his objections thereto he shall be deemed to have approved thereof:
- (2) If within fourteen days after the receipt of any such plans drawings and specifications the Midland Company give to the Corporation notice that they desire themselves to construct so much of the works as will affect the railway lands and property of the Midland Company that company may themselves execute such works and recover the reasonable costs thereof from the Corporation:
- (3) The arches or openings carrying the proposed widening of the Robin Hood Bridge over the railway lands and property of the Midland Company shall be constructed so as to clear the existing railway and sidings of the Midland Company and to provide space for the construction of two additional lines on the west side thereof as shall be reasonably approved by the said engineer:
- (4) From and after the completion of the widening of the said bridge the maintenance of so much of the works

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thereof as will pass over or affect the railway works and property of the Midland Company shall be carried out by that company but in all things at the expense of the Corporation who shall each half-year repay to the Midland Company on the certificate of their principal engineer the amount so certified to have been expended by them on the maintenance of the said bridge :

- (5) The proposed widenings of Main Street and Tenter Street so far as the same will be carried out on the property of the Midland Company shall be executed in accordance with plans sections and specifications to be reasonably approved by the said engineer and the Midland Company shall retain a full right of frontage to the said streets when widened with an unobstructed access for passengers and vehicles into the Midland Company's Westgate Station :
- (6) The Corporation shall take all possible precautions in the execution of their works to prevent any interference with the free uninterrupted and safe use in the ordinary manner and at the ordinary rate of speed of the railway sidings and works of the Midland Company :
- (7) In the event of any injury being caused to the railway and property of the Midland Company or to the said bridge or the approaches piers or abutments thereof by the construction of the works by this Act authorised or the maintenance repairing user or removal of the said tramway or the works in connexion therewith the Midland Company may at the expense of the Corporation restore such railway property and bridge or such part thereof which may be injured to as good a state and condition as it was in before such injury was occasioned and the Corporation shall indemnify the Midland Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge as the Corporation are liable to maintain and repair under section 28 of the Tramways Act 1870 :
- (8) All works affecting the railway lands and property of the Midland Company which the Corporation may execute under this section shall be so constructed and maintained as to cause no injury to the railway works and

property of the Midland Company or interruption to the passage or conduct of traffic thereon and if in consequence of the execution of such works or the failure thereof any injury be caused to the railway works and property of the Midland Company or any interruption be caused to the traffic the Corporation shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration :

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- (9) Whenever and so often as the Midland Company shall require to widen lengthen strengthen reconstruct alter or repair such bridge or to widen or alter their railways or to lift or support such bridge owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of the tramway over such bridge shall be wholly or partially stopped or delayed or that such tramway shall be temporarily diverted or wholly or in part taken up or removed and shall except in cases of emergency give to the Corporation fourteen clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or such tramway shall be diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as the Midland Company may find it to be absolutely necessary for effecting such purpose and without their being liable for any compensation claims and demands charges costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :
- (10) In case it shall be found that any such strengthening is necessary owing to the carriages or other vehicles on any of the tramways being or being intended to be worked by steam electrical or any mechanical power such strengthening shall be effected in all things at the expense of the Corporation who shall also pay to the Midland Company all additional expense which

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they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith :

- (11) If having regard to the proposed position of any works by this Act authorised when considered in relation to the works of the Midland Company at the point where the proposed tramway will be constructed over the railway and works of the Midland Company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the Midland Company should be altered the Midland Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation :
- (12) In the event of any of the telegraphic telephonic or electrical signal communications of the Midland Company being at any time injuriously affected by the working and use of the said tramway by electricity the Corporation shall at their own expense execute such remedial works as may be necessary for the protection of the Midland Company any difference arising between the Corporation and the Midland Company regarding such remedial works to be determined by arbitration as hereafter provided :
- (13) The Corporation shall not for the purpose of carrying out the proposed widenings of Main and Tenter Streets acquire more of the land and property of the Midland Company abutting on those streets than is absolutely necessary for carrying out the said widenings as shown on the deposited plans :
- (14) The Corporation shall acquire only such an easement across or over the railway and property of the Midland Company as may be necessary for constructing or maintaining the widening of the Robin Hood Bridge by this Act authorised and shall pay to the Midland Company for such easement to be acquired by them such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 :

- (15) Any dispute or difference that may arise between the Midland Company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be nominated by the Board of Trade on the application of the Midland Company or the Corporation and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

36. The following provisions for the protection of the Great Central Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company in writing under their common seal apply and have effect (that is to say):—

For protec-
tion of Great
Central Rail-
way Com-
pany.

- (1) The Corporation shall not without the previous consent of the company in writing under their common seal take use enter upon or interfere with any lands of the company:
- (2) All works by this Act authorised where the same will be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise interfere with the same shall be executed according to plans sections and specifications to be previously submitted to and approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as herein-after provided All such works shall be executed and thereafter maintained by the Corporation according to the plans sections and specifications so approved and to the reasonable satisfaction of the Company and under their superintendence if they so desire:
- (3) The Corporation shall so construct maintain and use the tramways as not to injuriously affect any such bridge or other work and in the event of any injury being occasioned to such bridge or work by the construction maintenance or user of the tramways upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing:

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- (4) The Corporation shall not in any manner in the execution maintenance user or repair of any of their works obstruct or interfere with the free uninterrupted and safe user of any railway siding or other work belonging to the company or any traffic thereon :
- (5) The Corporation shall on demand pay to the company the reasonable expenses of the employment by the company during the execution of any work affecting any bridge railway siding or other work belonging to the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for watching and signalling the same with reference to and during the execution of any such work and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or of their contractors or any person in the employment of the Corporation or of their contractors with reference thereto or otherwise :
- (6) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same or otherwise by or by reason of the execution or failure of any of the works by this Act authorised or by or by reason of any act or default or omission of the Corporation or of any person in their employment or of any contractors for the intended works or any part thereof or otherwise and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (7) If by reason of the traffic carried on the tramways or of the character of the motive power used by the Corporation or of the weight of the carriages engines or other rolling stock of the Corporation any bridge belonging to or maintainable by the company and upon which the tramways are laid though otherwise of sufficient strength and having been kept in proper repair is or is in danger of becoming too weak for the traffic upon

it or if the construction of the tramways will render any such bridge unsafe and it is therefore necessary to reconstruct or to strengthen the same the company shall give notice accompanied by sufficient plans and specifications to the Corporation of such works as may be reasonably necessary and may require the Corporation to execute the same or they may themselves after fourteen days from the date of the notice proceed with all due despatch to execute the same and the company may recover from the Corporation all moneys reasonably expended by them in the execution of such works as aforesaid:

- (8) Any additional expense in the maintenance of any such bridge or other work occasioned to the company by the construction or user of the tramways shall be borne by the Corporation:
- (9) Whenever the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or the approaches thereto or to widen or alter their railways or to lift or support any such bridge owing to the subsidence thereof the Corporation shall afford the company all reasonable and proper facilities for those purposes or any of them and if the company find it necessary for effecting any such purposes that the working and user of the tramways over any such bridge or approaches should be wholly or partly stopped or delayed or that such tramway should be temporarily diverted or wholly or in part taken up or removed after seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal shall have been given (except in cases of emergency) by the company to the Corporation the working and user of such tramway shall be stopped or delayed or such tramway shall be diverted or taken up or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence if they shall give such superintendence but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose and the tramways shall be restored with all possible despatch and the company shall not be liable for any compensation claims damages or expenses in

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respect of such stoppage or delay or in any way relating thereto :

- (10) It shall not be lawful for the Corporation in working the tramways to stop or permit to stop any engine carriage or other vehicle used on the tramways in front or opposite to the entrance or approach to any station or goods yard belonging to or maintainable by the company so as to impede the free access to or egress therefrom for passengers carts and carriages :
- (11) The Corporation shall not alter the level of the approaches to any bridge belonging to or maintainable by the company or the level of any road so as to affect the access to any premises of the company without in either case the consent in writing of the company :
- (12) If having regard to the proposed position of any works of the Corporation by this Act authorised when considered in relation to the position of the works of the company at any point where the tramways will be constructed over or under any railway of the company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation :
- (13) In the event of the tramways by this Act authorised being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the company be attached to any bridge house building property or other work belonging to or maintainable by the company :
- (14) The Corporation shall pay the cost of such additions to or alterations in the earth or metallic circuits of the company as the Board of Trade may consider necessary to prevent interference with the signals and apparatus of the company by reason of the tramways crossing the bridges belonging to the company :
- (15) Notwithstanding anything shown on the deposited plans the Corporation shall not construct any tramway by

this Act authorised so that a less space than nine feet six inches will intervene between the nearest rail of the tramway and the edge of the footpath abutting upon any house warehouse or station belonging to or occupied by the company : A.D. 1904.

(16) The Corporation shall not convey or permit to be conveyed on the tramways any goods animals merchandise minerals or parcels (except passengers' luggage and small parcels) in competition with the traffic of the company Any question arising under this subsection between the Corporation and the company as to what is competitive traffic shall be referred to and determined by the Railway and Canal Commission :

(17) If any difference shall arise under this section between the Corporation and the company as to the true intent and meaning of this enactment or the mode of giving effect thereto that question shall be referred to arbitration and the arbitrator shall failing agreement between the Corporation and the company be appointed by the Board of Trade on the application of either the Corporation or the company.

37. For the protection of the Sheffield and South Yorkshire Navigation Company (in this section called "the Navigation Company") the following provisions shall have effect (that is to say) :—

In this section "the navigation" means the canal and the River Don forming parts of the River Dun Navigation of the Navigation Company and the towing-paths and banks thereof respectively :

The "Greasborough Road Bridge" means and includes the bridge carrying Greasborough Road over the canal :

The "Bridge Street Bridge" means and includes the bridge carrying Bridge Street over the canal :

The "Jail Bridge" means and includes the bridge carrying Bridge Street over the River Don :

The "Main Street Bridge" means and includes the bridge carrying Main Street over the River Don :

Notwithstanding anything shown upon the deposited plans or contained in this Act the Corporation shall not enter upon take or use any lands or property of the Navigation Company but the Corporation may purchase and the Navigation Company may sell to the Corporation an easement

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over so much of the lands and property of the Navigation Company as may be necessary for the purpose of constructing the works by this Act authorised :

The Corporation shall so construct maintain and use the Tramway No. 2 to be constructed on or over the Greasborough Road Bridge and the Tramway No. 5 to be constructed on or over the Bridge Street Bridge as not to cut the stone arch masonry or other the permanent structure of such bridges or to injuriously affect the same or the approaches thereto and in the event of any injury being occasioned to the structure of such bridges or either of them or to the approaches belonging thereto respectively by the construction maintenance or user of the tramways on or over the same respectively the Navigation Company may make good the injury and recover the expense of so doing from the Corporation :

If by reason of the additional traffic carried on Tramways Nos. 2 and 5 or of the character of the motive power or of the weight of the carriages engines or other rolling stock used by the Corporation on the tramways or of any additional material placed on Greasborough Road Bridge or Bridge Street Bridge respectively the structure of either of these bridges though otherwise of sufficient strength and having been kept in proper repair is or is in danger of becoming too weak for such additional traffic upon it and it is therefore reasonably necessary to strengthen or restore or entirely rebuild the same then and in every such case the Navigation Company may at the expense of the Corporation strengthen or restore or entirely rebuild the bridge as in each case may be necessary And if by reason of the fusing of any electric main or wire placed on these bridges by the Corporation either for tramway lighting or other purposes the structure of either of these bridges may be injuriously affected the Navigation Company may make good the injury and recover the expense of so doing from the Corporation Provided that before commencing such strengthening or restoring or entirely rebuilding the Navigation Company shall give reasonable notice thereof to the Corporation :

The Corporation shall widen Jail Bridge and Main Street Bridge so that the span and arches of these bridges shall remain unaltered and the piers or abutments to be placed

in the waterway of the river shall be placed in such position as will not in the opinion of the engineer for the time being of the Navigation Company injuriously affect the user of the navigation for navigation purposes or obstruct the flow of the waters in times of flood and no work shall be commenced on these bridges respectively nor shall such bridges be in any way interfered with until the said engineer shall have signified his approval of plans which must be submitted by the Corporation :

All works connected with the widening of Main Street Bridge and all other works crossing or affecting the navigation shall be carried on uninterruptedly when commenced and shall be completed with all reasonable despatch and all scaffolding piling and materials affecting the waterway or towing-path shall be removed as soon as the work for which they are required has been completed and in the meantime shall be kept in proper repair :

All the works by this Act authorised crossing or in any way affecting the navigation shall be constructed and maintained so that the traffic on the navigation shall not be in any way obstructed impeded or interfered with except so far as may be reasonably agreed between the Navigation Company and the Corporation and such construction and maintenance shall be effected under the superintendence and to the reasonable satisfaction of the Navigation Company but in all things at the expense of the Corporation :

The Corporation shall bear and on demand pay to the Navigation Company the reasonable expense of the employment by the Navigation Company of a sufficient number of inspectors and watchmen to watch the navigation during the execution of the works by this Act authorised crossing or in any way affecting the navigation and for preventing except as aforesaid any such obstruction or interference or any danger or accident from the acts or defaults of the Corporation or their contractors or the servants workmen or other persons in their respective employ :

The Corporation shall at all times maintain the whole of the existing roadways and footpaths on the Greasborough Road Bridge and the Bridge Street Bridge respectively and the approaches to the same and also the widened portion of Main Street Bridge and the footpath thereon and the approaches to the same in good and substantial repair and

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condition* to the reasonable satisfaction of the Navigation Company and so as not to cause any obstruction to the navigation and in default thereof the Navigation Company may as well on the lands of the Corporation as on their own land do all such works and things as they may think reasonably requisite in that behalf and the reasonable costs thereof shall on demand be paid by the Corporation to the Navigation Company :

If by reason of the execution or maintenance of any of the works or any proceedings of the Corporation or their contractors or of any officer servant or workmen or other person employed by the Corporation or such contractors the navigation or any of the works thereof be injured or damaged such injury or damage shall forthwith be made good by the Corporation at their own cost and in default thereof the Navigation Company may make good the same and recover the reasonable costs thereof from the Corporation :

The Corporation shall indemnify the Navigation Company for any loss or damage they may suffer and for any compensation they may be required to pay for any such obstruction (except as aforesaid) interruption or interference with the traffic of the navigation or any accident which shall have been occasioned by any such act or default as in this section is mentioned Nothing in this section shall extend to prevent the Navigation Company or any owner of vessels boats keels or barges using the navigation from recovering from the Corporation any special damage that shall be sustained by them or him for or in consequence of any such act or default as in this section is specified :

No stay posts wires or other appliances or apparatus to be used in connexion with electric traction on the Tramways Nos. 2 and 5 authorised by this Act or otherwise belonging to the Corporation shall be attached or fastened to any bridge crossing the navigation or to any other works or property of the Navigation Company without the previous consent in writing of the Navigation Company :

If any difference arise between the Corporation and the Navigation Company as to anything to be done or not to be done under this section or any money to be paid hereunder (except by way of compensation as in this section provided or for any easement as aforesaid) such difference shall be

determined by an engineer to be appointed (unless otherwise agreed on) on the application of either party by the President for the time being of the Institution of Civil Engineers but nothing in this Act shall be deemed to enable the said arbitrator to direct that any work shall be made of less dimensions than by this section is prescribed in that behalf:

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The Corporation and the Navigation Company may agree for any variation or alteration of the works in this section provided for or of the manner in which the same shall be executed.

38. For the protection of the mayor aldermen and burgesses of the borough of Doncaster (herein-after in this section referred to as "the Doncaster Corporation") the following provisions shall have effect (that is to say):—

For protection of corporation of Doncaster.

No part of any tramway shall be laid upon or over the said water mains pipes apparatus or property of the Doncaster Corporation except where the same is unavoidable and the Corporation shall pay to the Doncaster Corporation any additional expense caused to the Doncaster Corporation by reason of extra repairs to the said water mains pipes apparatus or property of the Doncaster Corporation being required where such tramways overlay the same or any part thereof.

39. The following provisions for the protection of the county council of the West Riding of Yorkshire (in this section called "the county council") and the Rotherham Rural District Council (in this section called "the rural council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing apply and have effect:—

For protection of West Riding County Council and Rotherham Rural District Council.

(1) Before the construction of Tramway No. 3 in the Doncaster main road in the parish of Dalton (rural district of Rotherham) the said road shall be widened so that the carriageway thereof shall be of not less width than thirty-three feet in all places where the tramway is to be constructed in double line and of not less width than twenty-seven feet where the tramway is to be constructed as a single line:

(2) The Corporation shall form with proper foundations and pave or macadamize and otherwise make up the said added portions and make proper provisions for the

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drainage (including the elongation of culverts so as to serve widened roads) and fencing and otherwise complete the said road widenings as required by and to the satisfaction of the county council and in conformity with plans sections and specifications to be approved by the county council. Provided that if the county council do not within twenty-eight days after receipt by them of such plans sections and specifications signify their approval or disapproval thereof or give their directions in relation thereto they shall be deemed to have approved thereof. The Corporation shall pay the reasonable expenses incurred in the superintendence by the county council of such works :

- (3) Before laying down Tramway No. 3 where it is intended to cross the Dalton Brook the Corporation shall at their own expense construct and for ever after during the continuance of such tramway maintain a culvert for carrying the waters of that brook where the same flow under the Doncaster and Tinsley main road of such dimensions and in accordance with such specifications as may be approved by the surveyor to the county council :
- (4) Notwithstanding anything shown on the deposited plans Tramway No. 3 shall terminate at a point measured 5 furlongs 4·5 chains from its point of commencement shown on the deposited plans :
- (5) Before commencing to construct any part of the tramway in the said main road the Corporation shall deliver to the county council a plan showing where it is proposed to construct the same as a single line or as a double line or otherwise and showing the proposed position thereof in the road and the proposed position of the passing-places. If the county council have any objection to the construction of the tramway in accordance with such plan they shall give notice thereof in writing to the Corporation and any difference arising between them in regard thereto shall be determined as herein provided but if the county council do not give such notice within twenty-eight days after receiving the said plan they shall be taken to have agreed thereto :
- (6) The Corporation at the time of giving notice to the county council of their intention to open or break up any main

road for the purpose of laying down the tramways shall in addition to the obligations imposed upon them by section 26 of the Tramways Act 1870 submit to the county council a copy of the plan showing the proposed mode of construction laying down and maintaining such tramways and of the statement of the materials to be used therein which they are by section 9 of the Rotherham Corporation Act 1900 required to submit to the Board of Trade and the works shall be executed under the superintendence and to the reasonable satisfaction of the surveyor of the county council as provided by section 26 of the Tramways Act 1870:

- (7) No tramway shall be constructed in the said road in such position as to leave a less space than four feet six inches between any building wall or fence and the nearest rail nor a less space than two feet six inches between the kerb of any footpath and such rail:
- (8) The position of the straining poles switch-boxes and other necessary apparatus placed by the Corporation upon the said road shall be subject to the reasonable approval of the county council:
- (9) The Corporation shall not make any alteration in the level of the said road without the consent of the county council but if by reason of the construction of the tramways any alteration is rendered necessary in the level of such road the expense of making such alteration shall be borne and paid by the Corporation:
- (10) The Corporation shall not in the construction or in the repairing or renewing of any of their tramways in the said road without the permission in writing of the county council or of their surveyor for the time being break up any portion of such road for a greater length than one hundred yards consecutively nor for more than one such length at any time unless there be a clear distance of one hundred yards between the portions of road broken up:
- (11) The Corporation shall at all times during the construction repair or renewal of the tramways or any part thereof in the said road make all necessary and suitable provision for the proper regulation of the ordinary traffic of such road and shall keep unobstructed so much of

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such road as the surveyor of the county council may deem adequate for the free and safe passage thereon of vehicles and foot-passengers and shall during such construction repair and renewal and until completion of the part of the tramway under construction maintain that portion of the road so required to be kept unobstructed in substantial repair to the satisfaction of the county council and all other portions of the road shall after completion of the tramway or part thereof be left in the like state of repair :

- (12) Where a terminus or other regular stopping-place is laid on the said tramway in the said road the Corporation shall at their own expense pave with granite setts and thereafter during the continuance of any such tramway maintain the whole width of the carriageway of such road so far as such terminus or stopping-place extends The Corporation shall also pave the whole width of the carriageway of the said road outside the tramway track (A) at their own expense where the carriageway is of less width than five feet (B) at the request of the county council and on such terms as may be agreed upon or failing agreement as may be determined by the Board of Trade where the carriageway exceeds five feet but does not exceed nine feet six inches "Tramway track" means so much of the road whereon the tramway is laid as lies between the rails of the tramway and (where double tramways are laid) the portion of the road between the tramways and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of such tramway :
- (13) The provisions of section 30 of the Tramways Act 1870 shall extend and apply to the mains pipes tubes wires and apparatus of the rural council as if the rural council were a company within the meaning of those provisions :
- (14) Nothing in this Act contained shall affect the respective rights of the county council and the rural council to have free access to and communication with drains and sewers under the road on which the Tramway No. 3 is laid and they shall have power to lay lateral and private drains to communicate therewith without the

consent or concurrence of the Corporation and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the county council or rural council as the case may be as if the same were a pipe for the supply of gas or water :

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- (15) All surplus paving metalling or materials removed during the construction of the tramway and not required by the Corporation for the construction thereof may be used for the repair and maintenance of any main road in the district and the Corporation shall not place any such paving metalling or material on any portion of the road but shall on receiving notice from the surveyor to the county council forthwith remove the same to such place or places not more than one mile distant from the place of excavation as the said surveyor may direct and if the Corporation fail to do so the county council may remove the same at the expense of the Corporation :
- (16) If any difference arises between the Corporation on the one hand and the county council or the rural council on the other hand under this section such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by them.

PART VII.

ELECTRICITY.

40. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply of electrical energy to premises having a separate supply (that is to say a supply from an installation other than that of the Corporation) unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and other standing charges incurred by the Corporation to meet the possible maximum demand of such person.

As to supply of electricity where consumer has separate supply.

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In case the Corporation and the person demanding such supply of electrical energy shall fail to agree on the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Electrical Engineers.

Corporation may refuse to supply electrical energy in certain cases.

41. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Discount on electrical charges &c.

42. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five per centum on the amount due in respect of any charges for electrical energy supplied by them from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect shall be contained in every demand note in respect of such charges. Provided that in making such allowance the Corporation shall not show any undue preference to any consumer.

Alteration of date for filling up annual accounts for electric lighting.

43. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the electric lighting undertaking of the Corporation shall after the passing of this Act be filled up on or before the twenty-fourth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the electric lighting undertaking of the Corporation as if the twenty-fourth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

Power to supply electric fittings.

44.—(1) The Corporation may purchase and may supply sell and let for hire but shall not manufacture electric motors apparatus and things for cooking heating and ventilating and for motive power and may provide materials and do all work necessary and proper for the fixing setting up connecting with supply mains alteration repair or removal thereof and may take such remuneration in money or such rents or charges for and make such terms and conditions with respect to such supply sale letting or use

setting up altering or repairing or removal and for securing the safety and return to the Corporation of such motors apparatus and things let as may be agreed upon between the Corporation and the persons to or for whom the same are sold supplied fixed or set up. A.D. 1904.

(2) Any motors apparatus and things as aforesaid let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be :

Provided that such motors apparatus and things have upon them respectively a distinguishing metal plate fixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(3) Any expenses incurred by the Corporation in carrying into effect the provisions of this section shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(4) All moneys received by the Corporation under this section shall be applied in manner provided by articles 52 and 53 of the Rotherham Corporation Electric Lighting Order 1898.

PART VIII.

LANDS.

45. Subject to the provisions of this Act the Corporation may enter on take and use for the purposes of the street widenings by this Act authorised and of the provision of space for the erection of houses and buildings adjoining or near to the same and of the erection of a small-pox hospital and a dust destructor or in connexion therewith respectively all or any of the lands shown on the deposited plans and described in the deposited books of reference. Power to acquire lands.

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

A.D. 1904.

Application
of certain
provisions of
Rotherham
Corporation
Act 1900.

47. The following provisions of the Rotherham Corporation Act 1900 (that is to say) :—

Section 51 (Correction of errors &c. in deposited plans and book of reference) ;

Section 54 (Persons under disability may grant easements &c.) ;

Section 55 (Purchase of additional lands by agreement) ;

Section 57 (Power to retain sell &c. lands) ;

Section 58 (Proceeds of sale of surplus lands) ;

Section 59 (Agreements with landowners) ;

shall apply for the purposes of and with reference to the lands authorised to be acquired by the Corporation under this Act as if they were with any necessary modifications re-enacted in this Act.

Extension of
time for com-
pulsory pur-
chase of lands
under Act of
1900.

48. The time limited by the Rotherham Corporation Act 1900 for the compulsory purchase of lands under the powers of that Act is hereby extended to the expiration of two years from the passing of this Act.

Power to
appropriate
lands.

49. The Corporation may appropriate and use with the approval of the Local Government Board and subject to such conditions as the Board may think fit to impose for any of the purposes of this Act or any previous Act or Order relating to the borough or for any of the purposes of the Public Health Acts or of the Municipal Corporations Acts any lands or property for the time being vested in them which are not wanted for the purpose for which such lands and property were originally acquired but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

PART IX.

STREET WIDENINGS.

Power to
make street
works.

50. Subject to the provisions of this Act the Corporation may in the lines and on the lands in that behalf delineated on the deposited plans and described in the deposited books of reference make and maintain the following street widenings together with all necessary and proper works improvements and conveniences connected therewith (that is to say) :—

- (1) A widening of the Jail Bridge over the River Don on the south side thereof and also the east side of Bridge Street from the Jail Bridge to Forge Lane :

- (2) A widening of Market Street on the east side thereof from Domine Lane to Main Street: A.D. 1904.
- (3) A widening of the bridge in Main Street over the River Don on the south side thereof and the portion of Main Street on the south side from the bridge in an easterly direction for one-and-a-half chains or thereabouts:
- (4) A widening of Broom Road on the north-east side thereof commencing at Badsley Moor Lane and terminating at a point five chains northward from the junction of Broom Lane:
- (5) A widening of Badsley Moor Lane on the south-east side thereof commencing opposite Granville Terrace and terminating at a point two chains westward from the western boundary of the Infectious Hospital grounds:
- (6) A widening of Middle Lane on the west side thereof commencing at the south-east corner of Clifton Park and continuing to a point north-westerly for a length of four chains or thereabouts:
- (7) A widening of Pigeon Lane on the west side thereof from Doncaster Gate Head to the junction with Howard Street and continuing on the west side of Howard Street to the boundary of the National Schools:
- (8) A widening and completion of Tenter Street on both sides north and south from Greasbrough Street to North Street:
- (9) A widening of Robin Hood Bridge (over the main line from Derby to Leeds of the Midland Railway) on the north side between North Street and Hartley Lane:
- (10) A widening of Roger Street on both sides between Hartley Lane and Clough Road:
- (11) A diversion of footpath known as Slack Walk for a distance of five and a half chains or thereabouts from Greasbrough Street.

51. If the street widenings authorised by this Act be not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of new streets.

A.D. 1904.

Power to deviate.

52. In the execution of the street widenings authorised by this Act the Corporation may deviate vertically from the levels shown on the deposited plans to any extent not exceeding two feet upwards or two feet downwards and they may deviate laterally within the limits of deviation shown on the deposited plans.

Application of sections 46 49 and 50 of Rotherham Corporation Act 1900.

53. Section 46 (Power to make subsidiary works) section 49 (Power to stop up thoroughfares) and section 50 (As to assessment of compensation) of the Rotherham Corporation Act 1900 shall apply as if they were re-enacted in this Act with respect to the street widenings by this Act authorised and the deposited plans relating thereto.

Lands laid into new streets to be public highways.

54. The sites of all houses and all lands purchased by the Corporation under the powers of this Part of this Act and laid into or appropriated for or as part of a street shall when so laid or appropriated be and for ever thereafter form part of the public streets and shall be repaired and maintained in like manner and out of the like fund or rate as other streets in the borough.

PART X.

STREETS AND BUILDINGS.

(i) *Streets.*

Corporation may define future line of streets.

55.—(1) Where any street or road in the borough repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered 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 any such street or road. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the borough surveyor 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 or road than such line of frontage. A.D. 1904.

(2) The Corporation may and if required by the owner shall purchase the land lying between any such line of frontage as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Corporation shall require the said line of frontage to be observed and kept they shall make full compensation to the owner and other persons immediately interested in any new building for any loss or damage they may sustain in consequence of such new building being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all loss damage or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept.

(4) After any such line shall be so defined and prescribed as aforesaid any person who shall act contrary to this enactment shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefit accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

56. No street shall be laid out of more than two hundred and fifty yards in length without an intersecting street. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Intersecting streets.

57. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street. Provided that this section shall not apply to or in the case of any continuation of any existing street the plan and section of which continuation have been approved of by the Corporation before the passing of this Act. Continuation of existing streets to be deemed new streets.

A.D. 1904.

Power to vary position or direction of new streets.

58. When any plans or sections of any new streets are submitted to the Corporation for their approval the Corporation may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Corporation may declare where new streets begin and end.

59. The Corporation may by order declare the point or limits at or within which any new street is to be taken as beginning or ending.

Further provisions as to new streets.

60. When a road or lane within the borough becomes in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street is built on the Corporation may instead of requiring the owner of the land built on to widen such road or lane to a width of forty feet in accordance with the byelaws in force in the borough require such owner to widen such road or lane so as to give a width of twenty feet from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the unbuilt-on side of such road or lane shall be built on the Corporation shall require the owner of such land to complete the widening of such road or lane so as to give a complete width of forty feet in accordance with the byelaws of the Corporation.

Provision for preventing formation of culs-de-sacs.

61. The Corporation may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out such street can show that it would be unreasonable or impracticable for him to comply therewith.

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

No buildings allowed until street formed.

62. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the

street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

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

63. It shall not be lawful for any person without the consent of the Corporation in writing first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Corporation.

Restriction on deposit of building materials &c.

Any person who fails to comply in any respect with the requirements of this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily.

64. The Corporation may remove appropriate use and dispose of any old materials existing in any street at the time of the execution by the Corporation of any works in such street unless the owners of buildings and lands in such street within forty-eight hours after notice so to do served on them by the borough surveyor remove such materials or their respective proportions thereof and the Corporation may if they think fit allow such sum as they may fix to be the reasonable value thereof to such owners for any materials which have been used or removed by the Corporation.

Materials in streets sewered and paved.

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

Recovery of damages caused to footways by excavations.

66. The Corporation may with the consent of two-thirds in number and value of the ratepayers in any street alter the name

Power to alter names of streets.

A.D. 1904. of such street or any part of such street The Corporation may also cause the name of any street or any part of a street to be painted or otherwise marked on a conspicuous part of any building or other erection.

Any person who wilfully and without the consent of the Corporation obliterates defaces obscures removes or alters any such name shall be liable to a penalty not exceeding forty shillings.

Entrances to courts &c. not to be closed.

67. The entrance to any court or similar place shall not at any time after the passing of this Act be closed or narrowed or built over nor shall the height or headway thereof be lowered.

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

Gardens forecourts &c. to be fenced off from streets.

68. Whenever the person erecting any building shall be desirous of leaving an opening from a footpath or street into and of placing any step or steps or other projection in any forecourt area or garden left in front of such building such forecourt area or garden shall if required in writing under the hand of the town clerk be well and sufficiently fenced off from the footpath or street by a railing parapet or dwarf wall or otherwise to the satisfaction of the Corporation Provided that where there are no steps or other projection in any such forecourt area or garden or the building is used as a saleshop this section shall not apply.

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

Prevention and removal of projections over streets.

69. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Trees or shrubs overhanging streets and footpaths.

70. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference

and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

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

Dangerous places to be repaired or inclosed.

- (1) If any building wall steps structure or other thing or any well excavation reservoir pond stream dam or bank on any land or place is in the opinion of the Corporation for want of sufficient repair protection or inclosure dangerous to the passengers along any street or foot-path the Corporation may order the owner within the period specified in such order to repair remove protect or inclose the same so as to prevent any danger therefrom :
- (2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Corporation may cause such works as they think proper to be done for effecting such repair removal protection or inclosure and the expenses thereof shall be payable by the owner and may be recovered summarily :
- (3) Nothing in section 75 of the Towns Improvement Clauses Act 1847 shall render it incumbent upon the borough surveyor to cause a hoard or fence to be put up in the case of a dangerous chimney :
- (4) Section 81 of the Rotherham Borough Extension and Sewerage Act 1879 is hereby repealed.

72. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

For preventing soil and sand from being washed into streets.

For the purpose of this section "public street" means so much of a street repairable by the inhabitants at large as is sewered and "private street" means a street not so repairable.

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Provided that such owner or occupier shall not be responsible for any soil and sand from land other than his own although such soil and sand may have passed over the land of such owner or occupier. Provided further that this section shall not apply to any land of a bonâ fide agricultural character or to any woodland.

(ii) *Buildings.*

What to be deemed new buildings.

73. From and after the passing of this Act—

- (1) The conversion into a dwelling-house of any building or part of a building not originally constructed for human habitation;
- (2) 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;
- (3) The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;
- (4) The making of any addition to any existing building by raising any part of the roof or making any projection therefrom but so far as regards such addition only; and
- (5) The roofing or covering over of any open space between walls or buildings;

shall for all the purposes of any Act or Provisional Order for the time being in force within the borough and of the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a "new building."

Height of buildings.

74. No building shall without the approval of the Corporation be erected on the side of any street made after the passing of this Act 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 such street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. 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 the case of a gable facing

the street the measurement shall be to a point halfway 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 sixty degrees the measurement shall be to the ridge of the roof and not to the eaves Provided that where any new building shall front to two or more streets the height of such new building shall be determined according to the width of the widest of such streets.

A.D. 1904.

75. 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 if so required in writing (before such building is completed) by the owner of the adjoining building build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

Erection of buildings to greater height than adjoining buildings.

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

76. All buildings or parts of buildings which may after the passing of this Act be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes land fronting on a street shall be erected according to such elevation as the Corporation shall 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 erects 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 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.

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

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

The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by

A.D. 1904. reason of the setting back or bringing forward of such building wall or fence required by the Corporation as a condition of their approval.

As to temporary and movable buildings.

77.—(1) Before any person erects or sets up any temporary or movable building he shall apply to the Corporation for permission so to do and such application shall be accompanied by a plan and section 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 surroundings 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.

(2) The Corporation shall within one month after the delivery of the plans and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing or intending to set up the same.

(3) The Corporation may attach to their approval any condition which they may 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 thereof by the Corporation or before the expiration of one month 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 not exceeding five pounds and to a daily penalty not exceeding forty shillings 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 operations of the Acts or byelaws for the time being in force within the

borough in respect to new buildings and any tent not remaining for more than seven days; A.D. 1904

- (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.

78. When a temporary or other building referred to in the last preceding section is taken down or removed by the Corporation under the powers of this Part of this Act the Corporation may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to such building and shall pay the balance if any to the owner of such building. Power to sell materials of temporary buildings.

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

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

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

A.D. 1904.

As to under-
ground
rooms.

80. The provisions of sections 96 97 and 98 of the Public Health (London) Act 1891 shall extend and apply to all underground rooms which were not let or occupied separately as dwelling-houses before the passing of this Act within the borough and for the purpose of such application the Corporation shall be deemed to be the sanitary authority referred to in those sections.

Power to
prohibit cel-
lars in part of
borough li-
able to flood.

81. The Corporation may prohibit in such part of the borough as is shown by the colour pink on a plan signed by John Heywood-Johnstone Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred the construction of any cellar or basement storey in any new building being a dwelling-house and may regulate the level of the ground floor of any new building in such part of the borough.

Byelaws as
to new build-
ings.

82. The Corporation may make byelaws with respect to the quality of the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings.

Saving for
railway com-
panies.

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

PART XI.

SEWERS DRAINS CLOSET ACCOMMODATION AND OTHER SANITARY PROVISIONS.

(i) *Sewers.*

As to sepa-
rate sewers
for surface
water and
sewage.

84. Where under the provisions of the Public Health Acts the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively and the Corporation may if such separate sewers have been provided from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only.

Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into a surface water sewer and so far as

practicable no surface or storm water shall be allowed to pass into a sewage sewer. A.D. 1904.

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

Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and pending any such alteration the said penalty shall not apply.

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

86. It shall not be lawful for any person to cause or suffer any refuse from any manufactory or works that would be destructive or injurious to any sewer or that would interfere with the treatment or utilisation of the sewage of the borough to flow or pass into any sewer of the Corporation or to flow or pass into any drain channel or watercourse communicating with any such sewer in such manner that the same will be carried by through or out of such drain channel or watercourse into any such sewer. Any person guilty of any act or omission in contravention of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings. Provided that any person charged with an offence against this section shall not be convicted thereof if he shows to the satisfaction of the court before whom he is charged that he has duly used the best practicable and reasonably available means of depriving the refuse from his manufactory or works of qualities that would make it injurious to the sewer or likely to interfere with the treatment or utilisation of the sewage of the borough. Provided also that a person shall not be liable to a penalty for an offence against this section until the Corporation shall have given him notice of the provisions of this Prohibition of throwing injurious matter into sewers.

A.D. 1904. section nor for an offence committed before the expiration of one month from the service of such notice but the Corporation shall not be required to give the same person notice more than once Section 42 of the Rotherham Borough Extension and Sewerage Act 1879 is hereby repealed.

(ii) *Drains &c.*

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

87.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes any sewer or drain whether constructed before or after the passing of this Act with which two or more houses or premises (whether belonging to the same or different owners) are at the date of the passing of this Act or may at any time hereafter be connected or which is used or capable of being or intended to be used for the conveyance of the drainage of such houses or premises directly or by means of any other sewer or drain to any public sewer situate under a street repairable by the inhabitants at large but shall not include any sewer which has been constructed to the satisfaction of the Corporation under section 152 of the Public Health Act 1875 or any sewer which has been constructed by the Corporation for the effectual drainage of the borough.

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

88. If it appear to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined

drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners or occupiers in a summary manner before a court of summary jurisdiction Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation.

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

As to reconstruction of drains.

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

90.—(1) On complaint made on oath by the borough surveyor medical officer or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such borough surveyor medical officer or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or cesspool or any water supply sink rain water cistern trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for that purpose or for the purpose of ascertaining the course of any such work the borough surveyor medical officer 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 rain water cistern 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

Inspection of drains &c.

A.D. 1904. cause the ground to be opened wherever the borough surveyor medical officer 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 surveyor medical officer 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.

(2) If upon such inspection it shall be found that no nuisance exists or that the nuisance is not caused by or is not attributable to such drain sanitary convenience or cesspool water supply sink rain water cistern trap syphon pipe or other work or apparatus the Corporation shall cause any of such works or apparatus which they may have taken up or disturbed 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.

(3) If upon such inspection any drain sanitary convenience or cesspool water supply sink rain water cistern trap syphon pipe or other work or apparatus is found to be in such a state as to cause a nuisance 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 abate the nuisance 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.

(4) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

Power to re-construct drain if laid in contravention of Public Health Act.

91. Where any person has been convicted of an offence under section 25 of the Public Health Act 1875 the Corporation may cause any drain in respect of which default has been made to be laid relaid or amended or re-made as the case may require and may recover the expenses incurred by them in so doing from such person.

92. Whenever the borough surveyor or medical officer or inspector of nuisances has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke or coloured water or similar test (except the test of water under pressure) as he may consider efficient to such drains for the purpose of discovering any defects therein. Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

A.D. 1904.
Owners &c.
to permit
application of
test to drains.

If the drains be found defective the owner of the premises shall on receiving notice from the Corporation to that effect specifying the nature of the defect remedy the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner.

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

Corporation
may require
old drains to
be laid open
for examina-
tion by sur-
veyor before
communica-
ting with
sewers.

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

Improper
construction
or repair of
watercloset
or drain.

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the

A.D. 1904. — said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful damage to drains waterclosets &c.

95. Any person causing any drain watercloset waste water-closet earth-closet privy or ashpit 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 wilfully stopping up interfering with or improperly using the same or any such water supply apparatus pipe or work shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

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

96. No water-pipe or stack-pipe or down-spout in existence at the date of the passing of this Act used for conveying surface water from any premises shall be used or permitted to serve or to act as a ventilating shaft to any drain.

Any person offending against this section after fourteen days from the service upon him by the Corporation of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Power to require water-closets for new buildings.

97. Notwithstanding anything in the Public Health Acts the Corporation may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice require that such new building shall be provided with proper and sufficient waterclosets according as circumstances may require.

Any person failing to comply with any requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Conversion of existing closet accommodation into waterclosets.

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

may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

A.D. 1904.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing. Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such state as to create a nuisance or to be dangerous or injurious to health then the Corporation shall bear and pay such sum towards the expenses incurred by them (not less than one-half thereof) as the Corporation may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

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

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

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

As to appeal under two last preceding sections.

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

(2) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included

A.D. 1904. — in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Byelaws as to
waterclosets
&c.

100. The Corporation may make byelaws with respect to waterclosets and may by such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus and the manner of flushing the same and the means to be provided for protecting the same from frost.

Provision for
filling up
cesspools &c.

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

Where it appears that any such cesspool receptacle ashpit or well is used in common by the occupiers of two or more houses or parts of houses the notice for filling up or removal of any such cesspool receptacle ashpit or well may be served on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

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

Urinals to be
attached to
inns &c.

102. 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 for the use of persons frequenting the same a reasonably sufficient urinal or urinals 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 always that a refreshment room now or hereafter belonging to any railway company shall not be deemed to be an inn public-house beer-house eating-house or other place of public entertainment within the meaning of this section.

A.D. 1904.

103.—(1) No person shall after the passing of this Act make or provide any urinal or similar convenience opening on to or fronting any street or public place without the consent in writing of the Corporation.

Restriction
on placing
urinals in
public places.

(2) The Corporation may give notice in writing to the owner or occupier of any building or land requiring him within a reasonable time to be specified in such notice to remove any urinal or similar convenience belonging thereto or thereon which shall be so situated or constructed as to be a nuisance or offensive to public decency and if such owner or occupier shall make default in complying with such requirement within the time specified in such notice the Corporation may remove such urinal or similar convenience and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier and may be recovered summarily.

104. The powers of the Corporation under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain public conveniences and lavatories in or under any street repairable by the inhabitants at large for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any public conveniences (other than a urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such public conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such public conveniences and lavatories for such periods not exceeding three years upon and subject to such terms and conditions as they may think fit.

Public con-
veniences
and lava-
tories.

105. Where under the provisions of this Part of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners

Work done
on two or
more proper-
ties.

A.D. 1904. the expenses which under this Part of this Act are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the borough surveyor or in case of dispute by a court of summary jurisdiction.

(iii) *Water Supply.*

Provision as to houses without water supply.

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

Cleansing of cisterns &c.

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

(iv) *Nuisances.*

As to nuisances.

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

- (A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health ;
- (B) Any gutter drain shoot stack-pipe or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building ; and
- (C) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health ;

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

Additional inspectors of nuisances.

109. The Corporation may appoint more than one inspector of nuisances and section 189 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the borough be construed accordingly.

Vacant land to be fenced.

110. If any land other than land now forming part of any common adjoining any street be allowed to remain unfenced or

the fences thereof are allowed 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 used for any immoral or indecent purpose or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days notice from the borough surveyor 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 may be recovered from such owner or occupier summarily as a civil debt.

A.D. 1904.

(v) *Sale of Unsound Meat &c.*

111. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough and any person so blowing or inflating any carcase or part of a carcase or exposing or depositing for sale within the borough a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding five pounds.

Prohibition of blowing or inflating carcasses.

PART XII.

PROVISIONS AS TO MILK SUPPLY.

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

Penalty for selling milk of diseased cows.

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

Penalty on failing to isolate diseased cows.

114. Every dairyman who supplies milk within the borough and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name

Obligation to notify cases of tuberculosis.

A.D. 1904. and address and the situation of the dairy or premises where the cow is.

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

Power to take samples of milk.

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

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

Power to inspect cows and to take samples of milk.

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

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

(C) If the medical officer has reason to believe that milk from any dairy situate outside the borough from which milk is being

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

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

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

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

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

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

117. The dairyman may appeal against an order of the Corporation made under the last preceding section or the refusal of the Corporation to withdraw any such order either to a petty sessional court having jurisdiction within the borough or at his option if the dairy is situate outside the borough to the Board of Agriculture and Fisheries who shall appoint an officer to hear Appeal.

A.D. 1904.

such appeal. Such officer shall fix a time and place of hearing within the borough and give notice thereof to the dairyman and the town clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

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

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

Compensation to dairyman.

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

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

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

Notice of provisions of this Part of Act.

119. The Corporation shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisements in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month

after the first publication of such advertisement as aforesaid as the Corporation may fix. A.D. 1904.

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

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

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

PART XIII.

INFECTIOUS DISEASE.

123. If the medical officer shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons to whom he has within such six weeks supplied milk within the borough and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five words contained therein. Every person failing to comply with such request shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Medical officer may require dairy-men to furnish lists of sources of their supply of milk and of their customers.

A.D. 1904.

Dairymen to notify infectious disease existing among their servants.

124. Every dairyman supplying milk within the borough from premises whether within or beyond the borough shall notify to the Corporation or to the medical officer all cases of infectious disease among the persons engaged in or in connexion with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists. Any dairyman offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Extension of provisions relating to milk vessels.

125. The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Corporation under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the borough for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

Persons engaged in washing or mangling clothes to furnish lists of customers in certain cases.

126. Whenever it shall be certified to the Corporation by the medical officer that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such persons to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein.

Any person who wilfully or knowingly fails to comply with a requirement of the Corporation under this section shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

127. Whenever any scholar who attends any school within the borough shall be known to 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 on becoming aware of the fact send notice thereof to the

medical officer and shall furnish to the Corporation at their request a list of the scholars attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings. A.D. 1904.

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 scholars named therein.

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

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

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

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

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

130. No person shall take out of any public or lending library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any public or lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall Protection against infection of books in public libraries.

A.D. 1904.

at once give notice to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Powers for disinfection of infected houses and articles and for removal of occupants in certain cases.

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

(2) If either—

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

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

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

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

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

(4) If the Corporation deem it necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of infectious disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the

justice if satisfied of the necessity of such removal may grant a warrant authorising the Corporation to remove such residents and imposing such conditions as to time and otherwise as to him may seem fit. Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian. The Corporation shall and they are hereby empowered to provide free of charge temporary shelter with any necessary attendants for such persons while prevented from returning to such house or part thereof.

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

For the purposes of this section the word "house" includes any tent or van.

(6) The Corporation may for the purposes of this section—

Themselves build or lease a place of reception ;

Contract for the use of any place of reception.

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

132. Section 124 of the Public Health Act 1875 shall extend and apply to all persons suffering from dangerous infectious disease and being in and upon any house or premises where such persons cannot be effectually isolated so as to prevent the spread of disease.

Section 124 of Public Health Act to apply to persons who cannot be isolated.

133. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the borough or pick fruit intended for consumption within the borough or engage in any trade or business connected with food intended for consumption within the borough or carry on any trade or business in such a manner as to be likely to spread infectious disease within the borough and if he does so he shall be liable to a penalty not exceeding twenty shillings.

Restrictions on infected person carrying on business.

134. If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

Power to compensate persons suspending employment.

A.D. 1904.

Wake not to be held over body of person dying of infectious disease.

135. It shall not be lawful to hold any wake over the body of any person who has died of any 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 attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.

Certificate required before removal by railway &c. of body of person dying of infectious disease.

136. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the borough of such disease the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purposes) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction.

Any undertaker and any person so responsible who after the giving of such notice knowingly removes or assists in removing such body without such certificate and any person who unless unaware of such notice procures or endeavours to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Corporation may pay expenses of persons in hospital.

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

Corporation may provide nurses.

138. The Corporation may provide or contract with any person or persons to provide nurses for attendance upon any persons suffering from any infectious disease within the borough and may charge a reasonable sum for the services of any nurse so provided.

Byelaws for regulating hospitals.

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

140.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice creams or other similar commodity who within the borough—

A.D. 1904.
For regula-
ting manu-
facture and
sale of ice
creams &c.

- (A) Causes or permits ice creams or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

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

(2) In the event of any inmate of any building any part of which is used for the manufacture of ice cream or any similar commodity suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Corporation may compensate the owners of the ice cream or similar commodity or materials so destroyed.

141.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice creams or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 of the Public Health Act 1875 in the cases therein mentioned.

Inspection of
premises.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

142. Every dealer in ice creams or other similar commodity vending his wares from any cart barrow or other vehicle or stand must have his name and address legibly painted or inscribed on

As to dealers
in ice creams.

A.D. 1904. such cart barrow or stand and if he fails to comply with this enactment he shall be liable to a penalty not exceeding forty shillings.

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

143. Public notice of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two local newspapers circulating in the borough and by a notice affixed outside the offices of the Corporation and by handbills or such further means as the Corporation deem reasonable for conveying notice of the provisions of this Part of this Act to persons affected or likely to be affected thereby. A copy of a newspaper or the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Power to utilise lands for small-pox hospital and to erect buildings thereon.

144. The Corporation may utilise for the purpose of erecting a small-pox hospital thereon the lands firstly described in the First Schedule to this Act and may erect all necessary and proper buildings thereon.

PART XIV.

COMMON LODGING-HOUSES.

Regulations as to common lodging-house keepers.

145. 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 offices of the Corporation 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.

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

Closet accommodation to be provided for inmates of common lodging-houses.

146. Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the Corporation be provided with sufficient closet accommodation having regard to the number of lodgers who may be received in such common lodging-house and all waterclosets and urinals shall

be provided with a proper water supply laid on for flushing purposes Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Corporation requiring him to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. A.D. 1904.

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

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

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

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

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

A.D. 1904.

Notice to
common lodg-
ing-house
keepers.

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

PART XV.

DUST DESTROYER.

Power to uti-
lise land for
purposes of
dust destruc-
tor.

150. The Corporation may utilise for the purposes of a dust destructor the lands secondly described in the First Schedule to this Act and may construct erect and lay down on such lands all necessary and proper buildings engines and works for or in connexion with such purposes.

PART XVI.

SLAUGHTER-HOUSES AND MARKETS.

Corporation
may revoke
licences for
private
slaughter-
houses.

151. The Corporation may at any time revoke cancel or call in any licence granted by them before the adoption by the Corporation of Part III. of the Public Health Acts Amendment Act 1890 to carry on private slaughter-houses making compensation in respect thereof according to section 308 of the Public Health Act 1875.

Power to
close slaugh-
ter-houses if
injurious to
public health.

152.—(1) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

153. The Corporation may make byelaws with respect to the management of and charges for the use of any slaughter-house provided by them under any local Act as if the same had been provided under the Public Health Act 1875.

A.D. 1904.
Byelaws as to slaughter-houses.

154. It is hereby expressly declared that section 88 of the Rotherham and Kimberworth Local Board of Health Act 1863 authorises the Corporation to erect and maintain on the site or sites of any of their existing markets new houses buildings weighing-places and conveniences of every description necessary or proper for market or fair purposes.

Explanation of section 88 of Rotherham and Kimberworth Local Board of Health Act 1863.

PART XVII.

RECREATION GROUNDS.

155. 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 branch free library pavilions and other buildings and conveniences which may be required or convenient for the purposes of such park garden or recreation ground and of the public resorting thereto.

Power to erect buildings &c

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

Power to provide apparatus for games.

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

Public bands.

A.D. 1904.

Seats or chairs may be provided.

158. The Corporation may place or authorise any person or persons to place seats or chairs for the use of the public in any street park recreation ground or pleasure ground or other public place and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of seats and chairs and for preventing injury or damage thereto.

Setting apart and closing of recreation grounds for games.

159.—(1) The Corporation may permit the use of or set apart any part or parts of the recreation grounds for cricket football lawn tennis and other games and sports for gymnastics for the drill of any military or police force for concerts and other amusements and for any purposes tending to promote the health amusement instruction and enjoyment of the inhabitants of the borough and the public.

(2) The Corporation may also during times of frost for the purpose of protecting ice for skating on all or any part of any lake or piece of water in any park or recreation ground inclose such part of such parks and places as may be necessary to effect such purpose and charge for admission to any part so inclosed Provided that the portion of any such lake or piece of water which shall be inclosed and for admission to which a charge shall be made shall not exceed one-half of the whole area of such lake or piece of water.

Expenses and application of moneys under this Part of this Act.

160. All expenses incurred by the Corporation in the exercise of the powers of this Part of this Act shall be paid out of the district fund and any moneys received by the Corporation in connexion with the execution of the purposes of this Part of this Act shall be carried to the credit of the district fund.

Power to Corporation to appoint officers.

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

PART XVIII.

POLICE REGULATIONS.

Unfenced ground &c. to be deemed streets for certain purposes.

162. Any unfenced ground adjoining or abutting on any street and any recreation ground belonging to or under the control of the Corporation shall be deemed streets for the purposes of sections 24 25 and 29 of the Town Police Clauses

Act 1847 and also for the purposes of so much of section 28 A.D. 1904.
of that Act as relates to the following offences:—

Every person who suffers to be at large any unmuzzled ferocious dog or urges any dog or other animal to attack worry or put in fear any person or animal:

Every person who rides or drives furiously any horse or carriage or drives furiously any cattle:

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

Every person who wilfully and indecently exposes his person:

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

Every person who wantonly discharges any firearm or throws or discharges any stone or other missile or makes any bonfire or throws or sets fire to any firework:

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

163.—(1) Every person who shall carry on business as a dealer in old metal or as a marine store dealer shall register his name and every place of business warehouse store and place of deposit occupied or used by him for the purpose of such business at the town hall in a book to be kept by the Corporation for the purpose.

As to dealers in old metal and marine stores.

(2) Every person who after the expiration of three months from the passing of this Act shall carry on such business without having so registered shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation their officers and servants and persons authorised in that behalf by the Corporation shall have free access at all reasonable times to every such place of business warehouse store and place of deposit to inspect the same and every person who shall prevent hinder or obstruct any officer servant or person so authorised in the execution of his duty under this subsection shall be liable for every such offence to a penalty not exceeding forty shillings.

(4) The Corporation shall give public notice of the provisions of this section by advertisement in two newspapers published in the borough.

A.D. 1904.

PART XIX.

HACKNEY CARRIAGES.

Powers of inspectors of hackney carriages.

164. Any person appointed by the Corporation in writing may examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed.

If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

As to public vehicles taken at railway stations.

165. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation with respect to public vehicles shall be as fully applicable in all respects to public vehicles within the borough conveying passengers to or from any railway station within the borough as if such railway station were a public stand for public vehicles :

Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles.

Occasional licences may be granted.

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

PART XX.

SKY-SIGNS AND ADVERTISING HOARDINGS &C.

Restrictions on sky-signs.

167. It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky-sign and it shall not be lawful to retain any existing sky-sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Corporation and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed :

Provided that in any of the following cases a licence of the Corporation under this subsection shall become void (namely):—

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- (1) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the surveyor:
- (2) If any change be made in the sky-sign or any part thereof:
- (3) If any sky-sign or any part thereof fall either through accident decay or other cause:
- (4) If any addition or alteration be made to or in the house building or structure on or 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 house building or structure over or on or to which the sky-sign is placed or attached becomes 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 licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky-sign in the same manner and with the same consequences as to the recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

168. In and for the purposes of this Act the expression "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 or over or above any house building or structure which or any part of which sky-sign shall be visible against the sky from some 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

Definition of sky-sign.

A.D. 1904.

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 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 or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or 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:
- (3) Any such word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place.

As to hoardings and other structures used for advertising purposes.

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

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

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

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made

or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

170. It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit. Any person who acts in contravention of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. Any person aggrieved under this or the preceding section by the refusal of the Corporation to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction held for the borough after the expiration of two clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk provided he give twenty-four hours notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as they think fit and to award costs such costs to be recoverable summarily as a civil debt.

Restriction
on advertis-
ing vehicles.

PART XXI.

BORROWING AND RATES.

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

Power to
borrow.

- (1) For tramways purposes the sum of seventy-eight thousand five hundred and fifty pounds :
- (2) For the purchase of lands for and the execution of the street widenings and other improvements by this Act authorised the sum of fifty-eight thousand pounds :
- (3) For works of permanent street paving and the construction of public conveniences and lavatories the sum of thirty thousand pounds :

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- (4) For the purchase of lands for and the provision of a dust destructor the sum of fifteen thousand pounds :
- (5) For the purchase of lands for and the provision of a small-pox hospital such sum as the Local Government Board may sanction :
- (6) For paying the costs and expenses of this Act as hereinafter provided the sum requisite for that purpose.

In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as regards purpose (1) the revenue of their tramways undertaking and the borough fund and borough rate and as regards purposes (2) (3) (4) and (5) the district fund and general district rate and as regards purpose (6) the borough fund and the borough rate Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Corporation may apportion the same between those accounts in such manner as they deem equitable.

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

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

Periods for discharge of loans.

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

As to moneys borrowed for the purposes (1) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty years from the date or dates of the borrowing of the same :

As to moneys borrowed for the purposes (2) in the said section mentioned within fifty years from the date or dates of the borrowing of the same :

As to moneys borrowed for the purposes (3) in the said section mentioned within thirty years from the date or dates of the borrowing of the same :

As to moneys borrowed for the purposes (4) in the said section mentioned within thirty years from the date or dates of borrowing the same ;

As to moneys borrowed for the purposes (5) in the said section mentioned within such period from the date or dates of borrowing the same as the Local Government Board may determine: A.D. 1904.
—

As to moneys borrowed for the purpose (6) in the said section mentioned within five years from the passing of this Act.

174. The following provisions of the Rotherham Corporation Act 1896 shall extend and apply to moneys borrowed under this Act except that the prescribed periods for the payment off of moneys borrowed under this Act shall be the periods prescribed by this Act:— Application
of certain
provisions of
Act of 1896.

Section 30 (Mode of repayment of moneys borrowed) ;

Section 31 (Power to re-borrow) ;

Section 32 (Protection of lender from inquiry) ;

Section 33 (Annual return to Local Government Board with respect to sinking fund) ;

Section 34 (Corporation not to regard trusts) ;

Section 35 (Power to borrow under Local Loans Act 1875) ;

Section 37 (Application of moneys borrowed) :

Provided that the said section 33 shall extend and apply with the necessary modifications to all moneys borrowed or to be borrowed for the purposes of the electric lighting undertaking of the Corporation and to the loans (other than loans raised by Corporation stock) mentioned or referred to in the Third and Fourth Schedules to this Act.

175.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use
one form of
mortgage for
all purposes.

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

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank

A.D. 1904. equally with all other securities granted by the Corporation at any time after the date of the first creation of Rotherham Corporation Stock.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation referred to in section 7 of the Rotherham Corporation Act 1882.

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

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

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

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

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

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

176. All mortgages granted under any Act by the Corporation after the passing of this Act shall rank *pari passu*.

Mortgages to rank *pari passu*.

177. The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole. The application for the appointment of a receiver shall be made to the High Court.

Appointment of receiver.

178. Notwithstanding anything contained in any Act order or sanction authorising the borrowing or raising by the Corporation of the several loans mentioned or referred to in the Third and Fourth Schedules to this Act a period herein-after determined shall be substituted for the periods prescribed by the said Act order or sanction for the repayment of those loans and in order to give effect to this enactment the following provisions shall apply (that is to say):—

Uniform period for repayment of moneys already borrowed.

- (1) All statutory provisions and conditions imposed by any public department of State subsisting at the passing of this Act prescribing the time at which or except as to loans raised by Corporation stock the mode in which any such loans shall be repaid are as regards the said loans hereby repealed and annulled and all such loans shall be paid off within the number of years mentioned in the tenth column of the said Third and Fourth Schedules respectively from the thirty-first day of March one thousand nine hundred and four. Provided that nothing in this subsection shall be construed to compel the holder of any mortgage or

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other security granted before the passing of this Act to accept payment of the principal due on his security before the time originally fixed or otherwise agreed in that behalf and the Corporation may continue on loan the sums of money secured by any such mortgage or other security until the time originally fixed or otherwise agreed for the repayment thereof :

- (2) All payments of any such loans other than loans raised by Corporation stock shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund :
- (3) The sinking fund shall be applicable to all such loans other than debts represented by Corporation stock as the Corporation do not repay by instalments as aforesaid and shall be as follows :—

The Corporation year by year after the thirty-first day of March one thousand nine hundred and four shall on or before the thirty-first day of March appropriate and set apart out of the respective funds and rates out of which the yearly or other sums would have been payable for the purpose of discharging the loans mentioned in the Third and Fourth Schedules if this section had not been enacted such sums as will together with the amount on the thirty-first day of March one thousand nine hundred and four standing or which should have been standing to the credit of any existing fund formed for the purpose of repaying any such loans when accumulated by way of compound interest at a rate not exceeding three per centum per annum be sufficient to pay off within the said periods mentioned in the tenth column of the said Third and Fourth Schedules the balance outstanding at that date of so much of the principal moneys respectively set forth in the said Third and Fourth Schedules to this Act as is to be paid off by means of a sinking fund :

- (4) Every such sinking fund existing or which should have been existing on the thirty-first day of March one thousand nine hundred and four shall be made up to the proper amount and shall be transferred to the

corresponding account in the sinking fund to be formed under this section: A.D. 1904.

- (5) The yearly sums so to be appropriated and set apart and the sums so to be transferred shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively and the dividends interest and annual income thereof in any statutory security as herein-after in this section defined. Provided that if in any year the income arising from the investments of such sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the current rates and revenues of the Corporation respectively liable for the equal annual payments to the sinking fund:
- (6) The Corporation may at any time apply the whole or part of the sinking fund set apart or transferred as aforesaid by them under this Act in or towards the repayment of the loan for the repayment of which such sinking fund was set apart in such order and manner as they deem proper. Provided that in that case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the loan to which such sinking fund is applicable is discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based. Provided also that when the amount standing to the credit of the sinking fund shall be equal to the amount of the loan outstanding for the repayment of which it was set aside the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto:
- (7) If at the expiration of the aforesaid period mentioned in the said tenth column of the Third Schedule any mortgages granted before the passing of this Act the holders of which cannot be compelled to accept payment of the sums due to them within the said period are still outstanding the Corporation may keep invested after the expiration of the aforesaid period such portion of the aforesaid sinking fund as shall be

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sufficient to pay off the principal moneys secured by such mortgages and the Corporation shall pay off the same at the times respectively mentioned in that behalf in the respective mortgage deeds and the interest on any such mortgages after the expiration of the said period and until the same are respectively paid off as herein-before provided shall be paid out of the interest and annual proceeds of the moneys which the Corporation are by this subsection empowered to keep invested as aforesaid and if at any time such interest and annual proceeds are insufficient to pay in full the interest on the said mortgages the deficiency so arising shall be made good out of the respective funds or rates which at the passing of this Act are liable in respect of such mortgages and in the order in which they are so liable:

- (8) Any security (not being annuities rents rentcharges or securities transferable by delivery and not being securities of the Corporation) in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain (except the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875 is for the purposes of this Part of this Act a statutory security.

PART XXII.

MISCELLANEOUS.

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

179. The Corporation may on the application of the owner or occupier of any premises within the Corporation water gas or electricity limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water gas or electricity and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable

for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. A.D. 1904.

180. The Corporation may provide and maintain ambulance vans for the use in cases of sickness and accidents happening within the borough and may employ officers in connexion therewith and may make such charges for the use of the said vans and for assistance rendered by such officers as they may think fit and the expense of providing and maintaining such ambulance vans and the employment of officers in connexion therewith shall be chargeable on the general district rate. Power to provide ambulance vans.

181. No matter or thing done or contract entered into by the Corporation and no matter or thing done by the town clerk or by any member officer or clerk of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer clerk or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation. Persons acting in execution of Act not to be personally liable.

182. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban authority shall apply to byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 are applicable under this Act. Confirmation of byelaws.

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

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

184. Where any notice or demand under this Act requires authentication by the Corporation the signature of the town clerk Authentication and service of notices &c.

A.D. 1904. — or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Information &c. by whom to be laid.

185. Save as herein expressly provided all information and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

Compensation how to be determined.

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

As to appeal.

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

Recovery of penalties &c.

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

Penalties to be paid over to treasurer.

189. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Corporation be paid to the treasurer and be by him carried to the credit of the borough fund or the district fund according to the nature of the case.

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

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Damages and charges to be settled by court.

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

In executing works for owner Corporation not liable for damage save in case of negligence.

192. 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.

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

Consent of Corporation to be in writing.

194. 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 consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that no person shall be punished more than once for the same offence.

Saving for indictments &c.

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

Judges not disqualified.

196. 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 of Act cumulative.

A.D. 1904. — powers rights or remedies conferred on them by the Public Health Acts or any of them and the Municipal Corporations Acts 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 the commission of the same offence.

Crown rights. **197.** Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

Expenses of execution of Act. **198.** All expenses of the execution of this Act by the Corporation shall save so far as otherwise by this Act provided be defrayed by the Corporation out of the district fund and general district rate:

Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Corporation may apportion the same between those accounts in such manner as they deem equitable.

As to audit of accounts. **199.** The accounts of all expenditure of the Corporation under this Act shall be audited in the same manner and with the like incidents and consequences as the accounts of the Corporation under the Municipal Corporations Act 1882.

Costs of Act. **200.** The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or House of Commons shall be paid by the Corporation.

SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

DESCRIBING LANDS TO BE APPROPRIATED TO THE PURPOSES OF A
SMALL-POX HOSPITAL AND DUST DESTROYER.

FOR SMALL-POX HOSPITAL.

Certain lands situated at Kimberworth near to Dropping Well in the parish of Rotherham within the borough bounded on the north by land belonging to George Wilton Chambers J.P. D.L. on the west and south by lands belonging to the Earl of Effingham and on the east belonging to the Parkgate Iron and Steel Company Limited and containing in measurement 8·797 acres or thereabouts.

FOR DUST DESTROYER.

Certain lands in the borough bounded on the north by the towing-path and canal of the Sheffield and South Yorkshire Navigation Company on the west by the Midland Railway main line from Derby to Leeds on the south and east by a road leading from Main Street to the Bessemer Works and the old Holmes Colliery (now disused).

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THE SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Rotherham Corporation Act 1904 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the county borough of Rotherham (herein-after called "the Corporation") in consideration of the sum of _____ pounds paid to the treasurer of the county borough by _____ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation as defined in section 7 of the Rotherham Corporation Act 1882 as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the _____ day of _____ and the _____ day of _____ in each year] And it is hereby agreed that the said principal sum of _____ pounds shall be repaid at the town hall in the said county borough [(subject as herein-after provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the mayor and town clerk of the said county borough for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

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

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____
 [of _____] in
 consideration of the sum of _____ pounds paid to me
 by _____ of
 (herein-after called "the transferee") do hereby transfer to the transferee
 [his] executors administrators and assigns [the within-written security] [the
 mortgage number _____ of the revenues of the Corporation of the
 county borough of Rotherham bearing date the _____ day
 of _____] and all my right and
 interest under the same subject to the several conditions on which I hold
 the same at the time of the execution hereof and I the transferee for myself
 my executors administrators and assigns do hereby agree to take the said
 mortgage security subject to the same conditions Dated this
 day of _____ one thousand nine hundred and _____

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THE THIRD SCHEDULE.

COUNTY BOROUGH OF ROTHERHAM.

STATEMENT OF THE OUTSTANDING LOANS OF THE CORPORATION.

No. of Loan.	Purpose of Loan.	Amount sanctioned to be borrowed.	Order sanctioning Loan.	Original Term.	Amount of Stock issued or Loan raised.	Date when borrowed.	Amount repaid from Sinking Fund.	Amount in Sinking Fund March 31st 1904.	Loan outstanding March 31st 1904.	Term unexpired March 31st 1904.	Equated and Extended Periods.
		1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
1	Baths	£ 4,100	May 31st 1886	30 years	£ 3,905	1886	£ 650	£ 1,131	£ 3,255	13 years	
2	Masbro Recreation Ground.	3,750	June 15th 1887	40 years	3,706	1890	654	216	3,052	27 years	
3	Clifton Park	22,500	May 28th 1891	50 years	23,437	1891-1892	2,442	561	20,995	38 years	
4	Clifton Park	4,800	May 28th 1891	20 years	5,000	1891-1892	1,899	528	3,101	9 years	
5	Clifton Park	2,850	July 27th 1892	50 years	2,969	1892-1893	230	113	2,739	39 years	
6	Land and Municipal Buildings.	21,100	August 13th 1895	30 years	21,100	1895	3,905	112	17,195	22 years	
7	Municipal Buildings and Furniture.	400	August 13th 1895	15 years	400	1895	190	5	210	7 years	
8	Baths	3,382	May 17th 1899	20 years	3,382	1899	520	16	2,862	16 years	
9	Municipal Buildings	5,700	May 16th 1900	30 years	5,700	1900	360	17	5,340	27 years	
10	Baths (Turkish)	1,550	June 2nd 1900	30 years	1,550	1901	90	13	1,460	27 years	
11	Assembly Rooms	4,000	October 20th 1900	20 years	4,000	1900	455	13	3,545	17 years	
12	Assembly Rooms	1,000	April 21st 1902	20 years	1,000	1902	35	3	965	19 years	
13	Boston Park	3,650	September 22nd 1902	60 years	3,650	1902	20	3	3,630	59 years	
14	Technical Institute	1,000	September 30th 1902	27 years	800	1902	—	20	800	26 years	
		£79,782			£80,599		£11,450	2,751	69,149	—	35 years

THE FOURTH SCHEDULE.

Purpose of Loan.	Amount sanctioned to be borrowed.	Order sanctioning Loan.	Original Term.	Amount of Stock issued or Loan raised.	Date when borrowed.	Amount repaid from Sinking Fund.	Amount in Sinking Fund March 31st 1904.	Loan outstanding March 31st 1904.	Term unexpired March 31st 1904.	Equated and Extended Periods.
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Cemetery -	£ 1,600	H.M. Treasury April 30th 1903	30 years	£ 1,600	1903	—	£ —	£ 1,600	30 years	60 years
Land for Sewage Works.	18,053	June 29th 1898	50 years	18,053	1899	660	22	17,393	46 years	56 years

A.D. 1904.

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