



## CHAPTER ccl.

An Act to authorise the urban district council of Erith in the county of Kent to construct and work tramways to carry out street improvements and to make further provision in regard to the supply of electricity and for the improvement health local government and finance of the district and for other purposes. A.D. 1903.

[14th August 1903.]

**W**HEREAS the urban district of Erith in the county of Kent (in this Act called "the district") is under the government of the urban district council of Erith (in this Act called "the Council") and the Council are the local authority of the district within the meaning of the Tramways Act 1870 :

And whereas it is expedient that the Council should be empowered to construct tramways in the district and to the extent herein mentioned in the metropolitan borough of Woolwich in the county of London and themselves or by their lessees to work the same by animal or mechanical means :

And whereas by the Erith Electric Lighting Order 1899 confirmed by the Electric Lighting Orders Confirmation (No. 8) Act 1899 the Council were empowered to produce and supply electrical energy within the district for all public and private purposes and it is expedient to make further provision with regard to the supply of electrical energy by the Council :

And whereas it is expedient that the Council should be empowered to construct the new roads bridge and street widenings hereinafter mentioned and to acquire the wharf offices and premises in High Street Erith now leased by the Council and the other lands in this Act respectively mentioned or referred to :

And whereas it is expedient that further and better provision be made with reference to buildings streets and sanitary matters

A.D. 1903. and for the improvement health and local government of the district and that the powers of the Council in relation thereto should be enlarged and extended :

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

And whereas estimates have been prepared by the Council in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows :—

For the purchase of the lands for and for the construction of the new roads bridge and street widenings authorised by this Act	£ 32,000
For and in connection with the construction of the tramways authorised by this Act	87,000
For tramway purposes	46,500

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required for the purposes of this Act were duly deposited with the respective clerks of the peace for the counties of Kent and London which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas an absolute majority of the whole number of the Council at a meeting held on the first day of December one thousand nine hundred and two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Erith Times* a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that it was expedient to promote the Bill for this Act :

And whereas such resolution was published twice in the *Erith Times* a local paper circulating in the district 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 second day of February one thousand nine hundred and three being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act: A.D. 1903.

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.

1. This Act may be cited as the Erith Tramways and Improvement Act 1903. Short title.

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

- Part I.—Preliminary.
- Part II.—Street Works and Lands.
- Part III.—Tramways.
- Part IV.—Electricity Supply.
- Part V.—Pleasure Grounds.
- Part VI.—Infectious Disease.
- Part VII.—Tuberculosis.
- Part VIII.—Streets and Buildings.
- Part IX.—Sky Signs and Hoardings.
- Part X.—Sanitary Provisions.
- Part XI.—Police and Fire Brigade.
- Part XII.—Financial Matters.
- Part XIII.—Legal Proceedings.
- Part XIV.—Miscellaneous.

Division of  
Act into  
Parts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) and section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Act. Incorporation of general Acts.

4. In this Act the following words and expressions have the meanings hereby assigned unless the subject or context otherwise requires :— Interpretation.

“ The district ” means the urban district of Erith :

“ The Council ” means the urban district council of Erith :

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- “The district fund” and “general district rate” mean the district fund and general district rate of the district :
- “Daily penalty” means penalty for each day on which an offence is continued after conviction :
- “The clerk” “the surveyor” “the medical officer of health” “the inspector of nuisances” means respectively the clerk and surveyor to the Council and the medical officer of health and inspector of nuisances of the district and “medical officer of health” includes any deputy medical officer of health duly appointed and “the office” in relation to any of the said officers means the office of that officer at the Council offices or at such other place in the district as the Council may from time to time appoint :
- “The tramways” means the tramways by this Act authorised :
- “The tramway undertaking” means the tramway undertaking of the Council for the time being authorised :
- “Tramway revenue” means all revenue of the tramway undertaking :
- “Mechanical power” includes steam electrical and every other motive power not being animal power :
- “Engine” includes motor :
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 applies for the time being within the district :
- “Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy :
- “Dairy” means and includes any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale :
- “Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from 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 announcement on over or above any house building structure or erection of any kind or on

or over any street or public way but shall not be deemed to include— A.D. 1903.

- (i) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;
- (ii) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or 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;
- (iii) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place :

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include any securities of the Council or annuities rentcharges or securities transferable by delivery.

Unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act or by the Public Health Acts have in this Act the same respective meanings.

## PART II.

### STREET WORKS AND LANDS.

5. Subject to the provisions of this Act the Council may in the lines and according to the levels shown upon the deposited plans and sections relating thereto make the new roads bridge and Power to construct works.

A.D. 1903. street widenings hereinafter mentioned and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference relating thereto as may be required for those purposes (that is to say):—

In the parish and urban district of Erith—

- (1) A new road to form an extension of Fraser Road commencing at the termination of Fraser Road 0·65 chain east of the north-east corner of the dining rooms opposite Fraser & Chalmers' Engineering Works and terminating in Bexley Road at a point 10·15 chains east of the north-east corner of the said dining rooms :
- (2) A new road on the north side of the Lower Road for the purpose of carrying the said road over the South Eastern and Chatham Railway (North Kent Line) by means of a bridge commencing at a point in the Lower Road 4·55 chains north-west of Gordon Road and terminating in the said Lower Road at a point 10·26 chains south-east of Gordon Road :
- (3) A widening of the corner of Queen's Road and Crayford Road commencing in Crayford Road at a point 10·60 chains south of Avenue Road and terminating in Queen's Road at a point 9·80 chains south-east of Avenue Road :
- (4) Widenings of High Street—
  - (A) On the south side thereof from Bexley Road in a north-westerly direction for a distance of 2·65 chains ;
  - (B) On the south side thereof from Cross Street in a north westerly direction for a distance of 2·22 chains :
- (5) Widenings of West Street—
  - (A) On the south side thereof from St. Francis Road in a south-easterly direction for a distance of 9·40 chains ;
  - (B) On the north side thereof between points respectively 2·60 chains and 11·15 chains south-east of its intersection with St. Francis Road :
- (6) A widening of Station Road Belvedere—  
On the east side thereof between points respectively 4·40 chains north and 2·30 chains south of its intersection with Picardy Street :
- (7) A widening of Picardy Road—  
On the east side thereof between points respectively 0·30 chain and 7·00 chains north of its intersection with Kentish Road.

In the parish of Plumstead and metropolitan borough of Woolwich— A.D. 1903.

(8) A widening of Knee Hill—

On the west side thereof between Abbey Wood Road and McLeod Road :

Provided that the Widening No. 8 shall not be constructed unless the Council construct Tramway No. 7 and in such case the said widening shall be completed before the said tramway is opened for public traffic and the Council shall as part of such widening make up the added portion of the road to the reasonable satisfaction of the Woolwich Borough Council and dedicate the same to the public as part of the highway and such added portion of the road shall thenceforth subject to the provisions of section 28 of the Tramways Act 1870 be repairable by and at the expense of the said Woolwich Borough Council.

6. For the protection of Edward Harbord Lushington and Stephen Louis Simeon trustees of the will of the late Sir Culling Eardley Eardley Baronet their heirs and assigns and the persons beneficially entitled under such will their heirs and assigns (hereinafter in this section called "the owners") the following provisions shall have effect (that is to say) :—

For protection of Edward Harbord Lushington and Stephen Louis Simeon.

The Council shall so construct the new road on the north side of the Lower Road authorised by the last preceding section of this Act as to afford access from the said new road by means of a cartway to be formed and maintained by the Council ten feet wide from a point on the east side of the cottage numbered 15 on the said deposited plans in the parish of Erith to the southern gates at the level crossing over the North Kent Line of the South Eastern and Chatham Railway and shall permit the owners and all persons authorised by them to have full and free right of way and passage for all purposes and with all manner of vehicles and at all times over the said cartway.

7. For the protection of the London County Council (in this section referred to as "the London Council") the following provisions shall unless otherwise agreed in writing between the London Council and the Council have effect (that is to say) :—

For protection of London County Council.

(1)—(A) Before commencing to make the widening of Knee Hill in the metropolitan borough of Woolwich by this Act authorised the Council shall submit to the London Council for their approval plans and sections showing the widening proposed to be made :

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(b) The London Council may disapprove such plans and sections or may approve the same subject to any alterations or conditions. Provided that if for a period of one month after the submission of such plans and sections the London Council shall not have disapproved the same or approved the same subject to alterations or conditions they shall be deemed to have approved such plans and sections :

(c) The Council shall not make the said widening in accordance with any plan or section which shall have been disapproved by the London Council and shall in making such widening make all alterations and observe all conditions subject to which the Council shall have approved such plans and sections :

- (2) Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Council to erect any building upon any part of the surface of any street or footway in the county of London (in this section referred to as "the county") or without the consent of the London Council as regards any such street or footway to erect or maintain any building or structure beyond the general line of building in any street part of a street place or row of houses in the county or to erect any building or structure in such manner that any external wall thereof or the external fence or boundary of any forecourt or space in front thereof shall be within the distances hereinafter prescribed from the centre of the roadway of any street or way (being a highway) in the county upon which the same will abut that is to say where such street or way is used for the purposes of carriage traffic twenty feet and where such street or way is used for the purposes of foot traffic only ten feet :
- (3) The Council shall not where any house or building in the county shall have been wholly or in part demolished by them leave any adjoining structures or any portion of a partly demolished structure in an unsightly condition for any longer period than is reasonably necessary :
- (4) The Council shall not erect or permit to be erected upon any lands acquired by them under the powers of this Act or in connection with any part of the works by this Act authorised in or within view of any public street in the county any unsightly hoarding and if the Council shall erect any hoarding which shall in the opinion of the London Council be unsightly they shall upon being required by the



London Council so to do forthwith make such alterations therein as that Council may prescribe and if the Council shall neglect or omit to make such alterations the London Council and their authorised officers may remove such hoarding or any part thereof and recover from the Council the costs charges and expenses incurred in so doing :

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- (5) The Council shall not affix or exhibit or permit to be affixed or exhibited upon any building or hoarding upon lands in the county acquired by them under the powers of this Act within view of any public street any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the London Council and by the town clerk of the metropolitan borough in which such lands are situate and if any such placard or advertisement be affixed or exhibited without such approval the London Council or the Council of the metropolitan borough and their authorised officers may remove the same :
- (6) The provisions of the London Building Act 1894 and any Act or Acts amending the same shall apply to the execution by the Council of any works on any lands in the county acquired by the Council under the powers of this Act.

8.—(1) The Council before commencing the construction of the bridge over the North Kent Branch of the South Eastern Railway authorised by the section of this Act whereof the marginal note is "Power to construct works" shall submit to the principal engineer to the South Eastern and Chatham Railway Companies' Managing Committee plans sections and specifications of the said bridge for his reasonable approval subject as hereinafter mentioned and if within twenty-one days after the plans sections and specifications have been so submitted the said principal engineer shall not have notified in writing to the clerk his disapproval of the same he shall be deemed to have approved thereof.

As to construction of bridge over South Eastern Railway and contribution towards cost thereof by South Eastern and Chatham Railway Companies' Managing Committee.

(2) If the said principal engineer shall have so notified his disapproval there shall be deemed to be a difference which shall be settled in manner hereinafter provided.

(3) The said bridge shall be constructed in accordance with the plans sections and specifications so approved or settled as aforesaid and to the reasonable satisfaction of the said principal engineer and shall be maintained by the Council.

(4) The said bridge shall be so constructed and maintained that the traffic upon the said railway shall not be impeded or interfered with.

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(5) The said bridge shall be constructed on the skew in three spans and with a clear headway throughout of at least fifteen feet. The centre span shall have twenty-five feet nine inches clear width measured on the square between the supports and the two side spans shall have each fourteen feet six inches clear width measured on the square between the supports so as to permit the construction by the said managing committee at any future time of two lines of rails in addition to the two now existing and the said managing committee and the South Eastern Railway Company shall grant to the Council without payment an easement or right of constructing and maintaining in perpetuity upon the lands of the South Eastern Railway Company the abutments and the columns stanchions or supports necessary for the said bridge.

(6) The Council shall so soon as they have constructed the said bridge and the new road on the north side of the Lower Road authorised by the section of this Act whereof the marginal note is "Power to construct works" apply for and use their best endeavours to obtain an order or certificate of justices authorising the diversion and stopping up of the Lower Road where it is now crossed by the South Eastern Railway on the level and the said managing committee shall afford the Council every assistance and support upon such application.

(7) So soon as such order or certificate has been obtained or if there be an appeal so soon as it has been confirmed on appeal the said managing committee shall and are hereby empowered and required to pay to the Council the sum of two thousand five hundred pounds to be applied by the Council in or towards defraying the cost of constructing and maintaining the said bridge.

(8) If any difference arises between the Council and the said managing committee such difference shall be referred to an arbitrator appointed failing agreement by the Board of Trade on the application of either the Council or the said managing committee.

Power to deviate.

9. In constructing the works authorised by the foregoing provisions of this Part of this Act the Council may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding two feet either upwards or downwards.

Period for completion of works.

10. If the works authorised by the foregoing provisions of this Part of this Act are not completed within seven years from the

passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed. Provided that the Council may construct such improvements of and additions to the works constructed under such provisions other than works in the county of London as they may from time to time deem necessary. A.D. 1903.

11. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Kent for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Kent and a duplicate thereof shall also be deposited with the clerk of the Council and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the Council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate. Correction of errors &c. in deposited plans and book of reference.

12. The powers of the Council for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

13. For the protection of the company of proprietors of the Kent Waterworks Company (in this section referred to as "the protected company") the following provisions shall apply and have effect:— For protection of Kent Waterworks Company.

(A) Whenever the construction of the street works or alteration of levels by this Act authorised necessitate in the opinion of the protected company's engineer subject in case of difference to arbitration as in this section mentioned the removal deviation alteration or support of any pipe or main of the protected company the work of removal deviation alteration or support so necessitated shall if they so desire be done by the protected company or their authorised

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contractors under the superintendence of the protected company or an engineer to be nominated by them at such time of the year as the protected company may reasonably select but so as not to unduly delay the construction of the works by this Act authorised and the reasonable expenses of the protected company in connection therewith shall be paid by the Council :

- (B) The Council shall make good all damage done by them to property belonging to or controlled by the protected company and shall make full compensation to all parties for any loss or damage which they may sustain by any interference with such property or with private service pipes of any person supplied by the protected company with water other than any loss or damage which may be caused by any act or default of the protected company :
- (c) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the protected company :
- (D) Any difference which may arise between the protected company and the Council touching any of the matters referred to in this section shall be decided by a single arbitrator to be agreed on between the parties or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers for the time being and the arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

For protection of South Metropolitan Gas Company.

**14.** For the protection of the South Metropolitan Gas Company (in this section referred to as "the company") the following provisions shall (unless otherwise agreed between the Council and the company) have effect (that is to say) :—

- (1) If the Council for the purposes or under the powers of this Act raise sink or otherwise alter the position of any gas pipe belonging to or connected with any house or building or any main or pipe or apparatus laid down or used by the company they shall make proper substituted works during any alteration and cause as little detriment and inconvenience as circumstances admit and shall make reasonable compensation to the company for any damage caused by any such alteration :
- (2) Before the Council alter the position of any main or pipe or apparatus laid down or used by the company they shall

(except in cases of emergency) give to the company fourteen days' notice of their intention to do so specifying the time at which they will begin to do so and the work for effecting such alteration shall be done under the superintendence (at the expense of the Council) of the company unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work and the Council shall subject as hereinafter provided execute such work to the reasonable satisfaction of the engineer of the company :

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- (3) The Council shall not cause any street to be lowered or raised nor the position of any main or pipe or apparatus of the company to be altered so as to leave over such main or pipe or apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Council shall in such case protect such main pipe or apparatus from injury by artificial covering to the satisfaction of the engineer of the company or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Council in such case provide special means of access to the same to the satisfaction of the engineer of such company or person :
- (4) If within seven days after the service of a notice by the Council under this section the company so elect they shall themselves execute all such alterations to their mains and pipes and apparatus as may from time to time be necessary and the reasonable cost of executing such alterations shall be repaid by the Council to the company Provided always that such alterations shall be carried out to the reasonable satisfaction of the engineer of the Council :
- (5) If any difference arise between the Council or their engineer and the company or their engineer touching the amount of any costs or charges under the provisions of this section to be paid by the Council to the company or touching any work matter or thing with reference to such mains pipes or apparatus to be done or executed by the Council or the mode of doing or executing the same such difference shall be referred to the arbitration of an engineer to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

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Power to  
purchase  
lands by  
agreement  
and to appro-  
priate lands.

**15.**—(1) The Council may for any of the purposes of this Act purchase take and hold (by agreement but not otherwise) any lands and hereditaments within the district not exceeding in the whole three acres in addition to the lands to be compulsorily acquired under this Act which the Council may require for the purposes of their tramway or other undertakings and the Council with the consent of the Local Government Board and subject to such conditions as that Board may prescribe may appropriate and use for any such purpose any lands or property for the time being vested in them which are not wanted for the purpose for which such lands or property were originally acquired but the Council shall not create or permit a nuisance on any such lands.

(2) The consideration for such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Council may give or take any money for equality of exchange.

Persons  
under dis-  
ability may  
grant ease-  
ments &c.

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

Restriction  
on taking  
houses of  
labouring  
class.

**17.**—(1) The Council shall not purchase acquire or appropriate under any of the powers of this Act or for any of the purposes of this Act twenty or more houses or sites of houses in the administrative county of London which at any time within five years before the passing of this Act have been or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

(2) The Council shall not under the powers of this Act purchase or acquire ten or more houses within the district which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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(3) If the Council acquire or appropriate any house or site under the powers by this Act granted or for any of the purposes of this Act in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house or site which penalty shall be recoverable by the Secretary of State or the Local Government Board as the case may be by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think reduce such penalty.

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

18. And whereas in the construction of the tramways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Council the portions only of the premises so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Owners may be required to sell parts only of certain lands and buildings.

19. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit and may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they

Power to retain sell &c. lands.

A.D. 1903. — may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands acquired by them under this Act or any interest therein and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of  
sale of sur-  
plus lands.

20. So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by way of fine or premium on the grant or renewal of leases as aforesaid in the purchase of lands so remaining to be acquired but as to any capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that the amount to be applied in the purchase of land under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the acquisition of such lands Provided further that the borrowing powers by this Act authorised for the acquisition of such lands shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Acquisition  
of wharf and  
offices in  
High Street  
Erith.

21. Subject to the provisions of this Act and in addition to any other lands which they are by this Act authorised to acquire the Council may enter upon take hold and use the wharf offices and premises in the High Street Erith with the rights of user of the foreshore of the River Thames demised to the Council by an indenture of lease dated the seventh day of October one thousand eight hundred and ninety-seven and made between Charles Beadle of Erith in the county of Kent of the one part and the Council of the other part.

### PART III.

#### TRAMWAYS.

Power to  
make tram-  
ways.

22. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Council may make form lay down work use and maintain 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 the tramways hereinafter described with all proper rails plates channels passages and tubes for ropes cables wires and electric lines posts poles brackets turn-outs crossings engine and boiler houses sheds buildings dynamos works and conveniences connected therewith:

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Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways hereinbefore referred to and authorised by this Act are situate in the urban district of Erith in the county of Kent and in the metropolitan borough of Woolwich in the county of London and are—

Tramway No. 1 1 mile 3 furlongs 7·2 chains in length (whereof 1 mile 0 furlong 7·9 chains will be single and 2 furlongs 9·3 chains will be double line) in the urban district of Erith commencing in Bexley Road at the boundary of the parish of Crayford at Northumberland Heath by a junction with Tramway No. 6 authorised by the Bexley Tramways Act 1901 at its point of termination proceeding thence in a northerly north-easterly and easterly direction along Bexley Road crossing the South Eastern Railway (North Kent Branch) by the Bexley Road Bridge into and along Queen's Road proceeding along that road in a south-easterly direction to Crayford Road and terminating in the last-mentioned road by a junction with Tramway No. 3 hereinafter described at a point 0·5 chain south of the intersection of Crayford Road with Queen's Road:

Tramway No. 1A Double line 1·6 chains in length in the urban district of Erith commencing in Queen's Road Erith by a junction with Tramway No. 1 at a point 9·3 chains south of the intersection of Avenue Road and Queen's Road running thence into Crayford Road and terminating therein by a junction with Tramway No. 3 at a point 10·2 chains south of the intersection of Avenue Road and Crayford Road:

Tramway No. 2 1 furlong 4·8 chains in length (whereof 1 furlong 2·3 chains will be single line and 2·5 chains will be double line) in the urban district of Erith commencing in Bexley Road by a junction with Tramway No. 1 at a point

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0·4 chain south-east of the intersection of Bexley Road and Station Road proceeding thence in an easterly direction along Pier Road thence into and along High Street and terminating therein by a junction with Tramway No. 3 hereinafter described at a point 0·7 chain south of the intersection of Pier Road and High Street: •

**Tramway No. 2A** Single line 2 chains in length in the urban district of Erith commencing in Pier Road Erith by a junction with Tramway No. 2 at a point 1·5 chains west of the intersection of Pier Road and High Street proceeding thence into High Street and terminating therein by a junction with Tramway No. 3 at a point 0·4 chain north of the intersection of Pier Road and High Street:

**Tramway No. 3** Double line 3 miles 3 furlongs 5·5 chains in length in the urban district of Erith commencing in Knee Hill at the boundary of the metropolitan borough of Woolwich at a point 0·5 chain south of the intersection of Abbey Road and Station Road passing thence in an easterly direction along Abbey Road Gilbert Road and Picardy Street thence in a southerly direction along Station Road Belvedere thence in an easterly direction along Lower Road thence over the South Eastern and Chatham Railway (North Kent Branch) by means of an intended new road and bridge thence proceeding in an easterly direction along Lower Road and West Street across the tramways crossing West Street constructed under the Act of 27 and 28 Vict. c. ccxv. thence first in an easterly and afterwards in a south-easterly direction along High Street thence in a southerly direction along Crayford Road crossing the South Eastern and Chatham Railway by the Crayford Road Bridge and proceeding in a southerly direction along South Road terminating therein at the boundary of the parish of Crayford 1·30 chains south of the intersection of South Road and Boundary Street:

Provided that in the construction of Tramway No. 3 along High Street Erith opposite any part of the Post Office situate in that street no rail shall be so laid that a less space than 7 feet 1 inch shall intervene between it and the outside of the footpath on the side of the road adjoining the said Post Office: .

**Tramway No. 4** 1 mile 5 furlongs 5·3 chains in length (whereof 1 mile 0 furlong 7·3 chains will be single and 4 furlongs 8·0 chains will be double line) in the urban

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district of Erith commencing in Woolwich Road at a point 1 furlong 1·8 chains west of the intersection of the centre lines of Albert Road and Woolwich Road proceeding thence in an easterly direction along Woolwich Road and Erith Road thence in an easterly direction along Holly Hill Road and Erith Road thence in a southerly direction along Fraser Road thence in an easterly direction along an intended extension of Fraser Road into Bexley Road and terminating in Bexley Road by a junction with Tramway No. 1 at a point 1·5 chains west of the intersection of Bexley Road and Victoria Road :

**Tramway No. 7** Double line 1 mile 0 furlong 1·7 chains in length wholly situate in the metropolitan borough of Woolwich commencing in Bostal Hill Road by a junction with Tramway No. 1 authorised by the Bexley Tramways Act 1901 at a point 1 chain west of the intersection of Wickham Lane and Bostal Hill Road Woolwich passing thence in an easterly direction along Bostal Hill Road thence in a northerly direction along Basildon Road thence in a north-easterly direction along McLeod Road thence in a northerly direction along Knee Hill and terminating therein at the boundary of the parish and urban district of Erith by a junction with Tramway No. 3 at its point of commencement hereinbefore described :

**Tramway No. 7A** Double line 1·2 chains in length in the metropolitan borough of Woolwich commencing in Wickham Lane by a junction with Tramway No. 1 authorised by the Bexley Tramways Act 1901 at a point 1·1 chains south of the intersection of Bostal Hill Road and Wickham Lane and terminating in Bostal Hill Road by a junction with Tramway No. 7 at a point 0·8 chain east of the intersection of Bostal Hill Road and Wickham Lane :

**Tramway No. 8** Double line 1 furlong 5·3 chains in length in the urban district of Erith commencing in Bexley Road Erith by a junction with Tramway No. 1 at a point 0·7 chain west of the intersection of Queen's Road and Bexley Road passing thence in a north-easterly direction along Bexley Road and in a northerly direction along an intended new road through property belonging to the Council on the Walnut Tree House Estate in Bexley Road and High Street and terminating in West Street by a junction with Tramway No. 3 at a point 0·3 chain west of the intersection of West Street and Station Road Erith :

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Tramway No. 8A Double line 1·4 chains in length in the urban district of Erith commencing in the open space at the junction of Station Road Bexley Road and Pier Road at a point 0·60 chain south-east of the intersection of Bexley Road and Station Road by a junction with Tramway No. 1 and terminating in the intended new road through the property of the Council on the Walnut Tree House Estate at a point 1 chain north of the intersection of Bexley Road and Station Road by a junction with Tramway No. 8:

Tramway No. 8B Double line 1·7 chains in length in the urban district of Erith commencing in the intended new road through the property of the Council on the Walnut Tree House Estate by a junction with Tramway No. 8 at a point 1 chain south of the intersection of Station Road and West Street and terminating in High Street at a point 1·50 chains south-east of the intersection of Station Road and West Street by a junction with Tramway No. 3:

Provided that notwithstanding anything in this Act Tramways Nos. 7 and 7A shall not be constructed by the Council except with the consent of the London County Council and the council of the metropolitan borough of Woolwich which consent may be given or withheld at the absolute discretion of those councils respectively:

Provided also that if in any future session the London County Council shall apply for parliamentary powers to construct tramways or a tramway between the same points as the said Tramways Nos. 7 and 7A or any of them and for the repeal of the powers by this Act conferred upon the Council for the construction of the said tramways or any of them the Council shall not oppose such application except upon details for the purpose of securing reasonable protection in respect of any junctions to be effected between any tramway so projected by the London County Council and any tramway belonging to or authorised to be constructed by the Council.

For protec-  
tion of South  
Eastern  
Railway  
Company  
and South  
Eastern and  
Chatham  
Railway  
Companies'  
Managing  
Committee.

**23.** In constructing reconstructing altering and maintaining any of the tramways by this Act authorised where the same are intended to pass over any bridge of the South Eastern Railway Company or in laying down or altering any wire cable or apparatus in any road the following provisions for the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee (hereinafter together referred to as "the railway company") shall apply and have effect (that is to say):—

- (1) If the railway company hereafter requires to widen lengthen strengthen reconstruct alter or repair any bridge upon which

the tramway is laid or the approaches thereto or to widen or alter any railway thereunder or to lift or support any such bridge the Council shall afford to the railway company all reasonable and proper facilities for the purpose and if the railway company finds it necessary for such purpose that the working or user of any part of the tramway upon such bridge or approaches be wholly or in part stopped or delayed or that such part of the tramway be wholly or in part taken up or removed and if the railway company accordingly gives to the Council seven days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such part of the tramway shall be stopped or delayed or such part of the tramway shall be taken up or removed as stated in such notice at the reasonable expense of the Council 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 necessary for effecting such purpose as aforesaid and such part of the tramway shall be restored with all possible despatch and in such case the railway company shall not be liable to pay compensation in respect of such stoppage delay or taking up or removal as aforesaid :

- (2) The Council shall execute all works affecting any bridges of the railway company in such a manner as to alter or interfere as little as possible with the structure of such bridges or with the approaches thereto so far as they belong to the railway company and they shall so maintain and use the tramway and apparatus as to interfere as little as possible with the structure of such bridges or approaches :
- (3) Any interference with or alteration of the structure of any bridges of the railway company shall only be executed by the Council according to plans and sections to be previously submitted to and reasonably approved by the engineer of the railway company and all works affecting any such bridges shall be carried out under the superintendence and to the reasonable satisfaction of the said engineer Provided that unless the said engineer by notice in writing to the Council within twenty-one days after the submission of such plans and sections give notice in writing to the Council objecting thereto or making any requirement with respect thereto the said plans and sections shall be deemed to have been

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approved on behalf of the railway company and the work may be proceeded with accordingly :

- (4) The Council shall on demand pay to the railway company the reasonable expense of the employment by them during the construction execution or repair by the Council of the tramway or any work or apparatus affecting any bridge or other work of the railway company of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for preventing all interference obstruction danger and accident from any of the operations acts or defaults of the Council or their contractors or of any person in their employ or otherwise but the appointment by the railway company of such inspectors watchmen and signalmen shall not in any way relieve the Council from the liabilities imposed upon them by this section :
- (5) In the event of any injury being caused to any bridges or approaches of the railway company by the construction maintenance or user of any works under the powers of this Act the railway company may at the expense of the Council restore such bridges and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Council shall indemnify the railway company against all expenses to which they may be put in repairing so much of such bridges or the roads over and the approaches thereto as the railway company are liable to maintain and repair and the railway company may recover from the Council the amount of such expenses :
- (6) In case it shall become necessary in consequence of the construction maintenance or user of any works under the powers of this Act to underpin or otherwise strengthen the structure of any bridges of the railway company the railway company may after giving to the Council fourteen clear days' notice thereof execute such works as may be necessary to underpin or otherwise strengthen such bridges and the costs and expenses of and incidental thereto shall be repaid by the Council to the railway company :
- (7) If it becomes necessary having regard to the relative positions of the works of the Council and the works of the railway company that the electric telegraphic telephonic or signal wires and apparatus connected with the railway should be placed in cable or otherwise altered the railway

company may execute any works reasonably necessary for such cabling or alterations and the expense of executing such works shall be borne by the Council: A.D. 1903.

- (8) The Council shall subject to the provisions of the section of this Act of which the marginal note is "Special provisions as to use of electrical power" be responsible for and make good to the railway company all losses damages and expenses which may be occasioned to them by or by reason of the execution or failure of any works under the powers of this Act or by reason of any act default or omission of the Council or of any person in their employment or of any contractors for any such works or any part thereof:
- (9) In the event of any of the tramways being worked by electricity on the overhead system no brackets wires or other apparatus shall without the previous consent in writing of the railway company under their common seal (which consent is not to be unreasonably withheld) be attached to any bridge or other work belonging to them:
- (10) If any difference shall arise under this section between the Council and the railway company as to anything to be done or not to be done under the provisions of this section or as to the reasonableness of any requirements or of any charges under this section the matter in difference shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.

24. For the protection of the owners and lessees for the time being of the tramways crossing West Street Erith on the level (in this section called "the owners") the following provisions shall have effect (that is to say):—

For protection of owners and lessees for time being of tramways crossing West Street Erith on level.

- (1) Nothing in this Act contained shall authorise the Council to acquire either in whole or in part the existing tramways of the owners nor to interfere with such tramways except as in this section set forth:
- (2) Nothing in this Act contained shall alter prejudice or interfere with any rights of the owners in relation to the said tramways under the Erith Tramways Act 1864 or otherwise:
- (3) The portions of Tramway No. 3 which are to be laid across the said tramways shall be constructed and maintained in

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accordance with plans to be agreed between the principal engineers of the Council and the owners or in case of difference to be settled as hereinafter mentioned and in either case to be approved by the Board of Trade (such plans to show the apparatus to be employed for ensuring the due control of the traffic on Tramway No. 3 when approaching the tramways of the owners) and such portions of Tramway No. 3 shall be constructed under the superintendence and to the reasonable satisfaction of such engineer of the owners at the cost of the Council and on such days and during such hours as the owners may reasonably require unless after seven days' notice in writing by the Council such superintendence is refused or withheld:

- (4) On and after the construction of Tramway No. 3 the Council shall be responsible for the maintenance of that portion of the roadway of West Street crossed by the said tramways of the owners which is situate between the rails of Tramway No. 3 and within 18 inches on either side thereof and shall indemnify the owners against any claim in respect of such portion of roadway:
- (5) The electric current for working Tramway No. 3 over the said tramways of the owners shall be carried over such tramways by means of overhead trolley wires which shall be fixed and maintained at the height of not less than 21 feet above rail level at any point throughout the extent of the property of the owners and no poles shall without the consent of the owners be fixed on their property. The return current shall be carried under the rails in such manner as the principal engineers of the Council and the owners may agree or as in case of difference may be determined as hereinafter mentioned:
- (6) If by reason of the construction of Tramway No. 3 the cost of maintaining the owners' tramways shall be increased such additional cost shall be borne by the Council and paid by them to the owners or if for the same reason it shall become necessary to specially construct add to or alter any signal cabins signal posts signals or other similar works upon the said tramways of the owners the same shall be so constructed added to or altered by the owners and the reasonable expense thereof shall be repaid to the owners by the Council:
- (7) If during the execution or by reason of the failure of any of the works or any act or omission of the Council or of



their contractors or of any person in the employ of the Council the said tramways of the owners shall be injured or damaged such injury or damage shall be forthwith made good by the Council at their own expense and in the event of their failing so to do the owners may make good the same and recover the expense thereof with costs against the Council:

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(8) The Council and the owners may agree upon any variation of or alteration in the provisions of this section:

(9) If any difference shall arise between the Council and the owners or their respective engineers under this section or as to anything to be done or not to be done thereunder the same shall be determined by an engineer to be agreed on between the Council and the owners or failing agreement to be appointed by the Board of Trade upon the application of either party after notice to the other.

**25.** The tramways shall be constructed on a gauge of four feet eight and a half inches but carriages or trucks adapted to run on railways shall not be run thereon.

Gauge of  
tramways.

**26.** The rails of the tramways shall be such as the Board of Trade may approve.

Rails of  
tramways.

**27.** In addition to the requirements of section 26 of the Tramways Act 1870 the Council shall before they open or break up any road for the purpose of constructing laying down maintaining and renewing the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Council shall not commence the construction laying down maintenance and renewal of the tramways until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

Plan of pro-  
posed mode  
of construc-  
tion.

**28.—(1)** The Council shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Council at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not

Penalty for  
not main-  
taining rails  
and roads.

A.D. 1903. exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Council have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer reports that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Council to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of road.

29. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways are laid or authorised to be laid the Council may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Cross-overs to be constructed in certain cases.

30. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than 9 feet 6 inches the Council shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs and to double tramway lines.

31.—(1) The Council may subject to the provisions of this Act make maintain alter and remove such cross-overs passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any wharf warehouses stables or carriage-houses or works of the Council.

(2) Notwithstanding anything shown on the deposited plans the Council may with the consent of the Board of Trade lay double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the

tramways and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Council may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

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(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that a less space than 9 feet 6 inches would intervene between it and the outside of the footpath on either side of the road the Council shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such premises by writing under their hands addressed and delivered to the Council within three weeks after receiving the notice from the Council express their objection thereto.

**32.** Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Council necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Council may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways may be made when necessary.

**33.** For the purpose of constructing any of the tramways the Council may with the consent of the road authority increase the width of the carriageway of any street in which a tramway is to be laid by reducing the width of the footway on each or either side of such street Provided that no footway be so reduced to a less width than six feet.

Council may reduce width of footway for constructing tramway.

**34.** Any paving metalling or material excavated by the Council in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Council so far as may be necessary in or towards the reinstatement of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Council are by section 28 of the Tramways Act 1870 required to maintain and the Council shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road

Application of road materials excavated in construction of works.

A.D. 1903. authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Council and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Council and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

Sanitary authority to have access to sewers.

**35.** Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Council 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 said authority as if the same were a pipe for the supply of gas or water.

Junctions with tramways which can be worked in connexion with the tramways.

**36.** The Council may form junctions between the tramways and any tramways which can be worked in connection therewith but only with the consent of the owners and lessees of such tramways and of the local and road authority within whose jurisdiction such junctions would be formed.

For further protection of South Metropolitan Gas Company.

**37.** The South Metropolitan Gas Company may in any notice given by them to the Council under the provisions of section 30 of the Tramways Act 1870 requiring the lowering or other alteration of any main or pipe or apparatus state their intention to themselves execute such lowering or alteration and the said company shall thereupon be entitled to execute such works as may from time to time be necessary and the reasonable cost of executing such works shall be repaid by the Council to the said company. Provided always that such works shall be carried out by the said company to the reasonable satisfaction of the engineer of the Council.

Provisions as to motive power.

**38.** The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power: A.D. 1903.

(3) The Council or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Council or such company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public; may by order either direct the Council or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Council or such company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

**39.** The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:— Special provisions as to use of electrical power.

(1) The Council shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Council shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of

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telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Council shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Council either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by and from other electric currents :
- (6) If any difference arises between the Council and any other party with respect to anything hereinbefore in this section contained 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 the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) The expression "Council" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Council.

40.—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

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For protec-  
tion of Post-  
master  
General.

(B) In the event of the carriages on the tramways being moved by electric power the following provisions shall have effect :—

(1) The Council shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Council have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Council shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

(2) If any telegraphic line of the Postmaster General is injuriously affected by the construction by the Council of their electric lines and works or by the working of the undertaking of the Council the Council shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster General as may be necessary to remedy such injurious affection :

(3)—(a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs) the Council or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line and the nature of the work including the gauge of any wire and the Council and their agents shall conform with such reasonable requirements (either general or special) as may from time

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to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work ;

(b) Any difference which arises between the Postmaster General and the Council or their agents with respect to any requirements so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster General situate within one mile of any portion of the works of the Council is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Council'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 Council enter any of the Council's works for the purpose of inspecting the Council's plant and the working of the same and the Council 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 Council pursuant to the Board of Trade regulations :

(5) In the event of any contravention of or wilful noncompliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(6) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(7) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by an act or work if telegraphic communication by



means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work : A.D. 1903.

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act :

(11) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Council by indictment action or otherwise in relation to any of the matters aforesaid :

(12) In this section the expression "the Council" includes any person owning working or running carriages on any of the tramways of the Council.

41. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Council for the purposes of mechanical power were parts of the tramway. Apparatus used for mechanical power to be deemed part of tramway.

42. The Council may for the purpose of working any of the tramways by mechanical power lay down construct erect and maintain on in under or over the surface of any streets or roads (including footways) in which any of the tramways by this Act authorised will be situate such posts conductors wires tubes mains plates brackets electric cables and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the tramways or for providing access to or forming connections with any generating station car shed engine machinery or apparatus of the Council and may for those purposes subject to the restrictions and provisions contained in Part II. of the Tramways Act 1870 open and break up Construction of electric works.

A.D. 1903. — any such street or road and raise alter remove and interfere with any sewers drains water or gas pipes tubes conductors telegraphic telephonic and electric wires posts and apparatus therein or thereunder.

Attachment  
of brackets  
to buildings.

**43.** The Council 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 tramways by mechanical power :

Provided that—

(1) Where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances 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 Council 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 Council to temporarily remove the attachments where necessary during any reconstruction or repair of the building :

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

Byelaws.

**44.** Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For regulating the emission of smoke or steam from engines used on the tramways ; A.D. 1903.

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

45. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power. Power to Council to work tramways.

46. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Council be made by the Council alone. Regulations.

47. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade. Inspection by Board of Trade.

48. The tramways shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Council 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 works.

A.D. 1903.

Provided that the Board of Trade may if they see fit allow an extension of time as regards some of the tramways or some portion of the tramways only or may direct that the powers of the Council shall cease under this section as regards some of the tramways or some portion of the tramways only and not as regards the whole subject in either case to such conditions (if any) as they may see fit to impose.

Passengers'  
fares.

49. The Council may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Council be bound to charge a less sum than one penny.

Passengers'  
luggage.

50. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Council not  
bound to  
carry goods.

51. The Council shall not be bound unless they think fit to carry passengers' luggage exceeding the weight in this Act in that behalf mentioned nor any parcel or goods.

Heavy traffic  
confined to  
certain  
hours.

52. No goods animals articles or things other than passengers and passengers' luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the tramway between the hours of eight in the morning and eight in the evening without the consent of the local authority and the road authority.

Animals and  
goods.

53. The Council may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding the following:—

*Animals.*

- For every horse mule or other beast of draught or burden  
fourpence per head per mile ;
- For every ox cow bull or head of cattle threepence per head  
per mile ;
- For calves pigs sheep and small animals three halfpence per  
head per mile.

*Goods.*

A.D. 1903.

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways two pence per ton per mile ;

For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron no otherwise specially classed herein and for heavy iron castings including railway chairs two and a half pence per ton per mile ;

For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings threepence per ton per mile ;

For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein fourpence per ton per mile ;

For every carriage of whatever description one shilling per mile.

*Small Packages.*

For any parcel not exceeding seven pounds in weight three-pence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Council may think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight :—

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other

A.D. 1903.  
—

single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Council may think fit not exceeding two shillings per ton per mile;

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Council may think fit.

*Regulations as to Rates.*

For articles or animals conveyed on the tramways for a less distance than three miles the Council may demand rates and charges as for three miles;

For the fraction of a ton the Council may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

With respect to all articles except stone and timber the weight shall be determined according to imperial avoirdupois weight;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity;

In addition to the foregoing rates the Council may demand such charges as are reasonable for loading and unloading animals and goods and if any difference shall arise as to the reasonableness of any such charge the matter in difference shall be settled by the Board of Trade.

As to fares  
on Sundays  
or holidays.

**54.** The Council shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week days.

Cheap fares  
for labouring  
classes.

**55.**—(1) The Council at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance

but in no case shall the Council be bound to charge a less sum than one penny On Saturdays the Council in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes. A.D. 1903.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Council to provide such service as may appear to the Board to be reasonable.

(3) The Council shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

56. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portions are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Council that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided that a copy of this section shall be annexed to every table or list of fares published or exhibited by the Council. Periodical  
revision of  
rates and  
charges.

57. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the Council to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Byelaws by  
local autho-  
rity.

A.D. 1903. Trade regulations but the byelaws of the Council may restrict the rate of speed to a lower rate than that so authorised.

Penalty for malicious damage.

58. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any tramway of the Council anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Council shall be liable to a penalty not exceeding twenty pounds.

Agreements for working &c.

59. The Council may enter into and carry into effect contracts and agreements with any local authority company or person owning tramways or light railways in any adjacent district which can be worked with any of the Council's tramways with respect to the working use management and maintenance by the contracting parties of all or any of their respective tramways light railways and works or any part or parts thereof respectively the making of all necessary junctions the supply under any agreement for all or any of the respective tramways or light railways of the contracting parties being worked by the other of them as aforesaid of rolling stock plant machinery and electrical energy or power necessary for the purposes and during the continuance of such agreement the appointment and removal of officers and servants the payments to be made and the conditions to be performed in respect of such working use management and maintenance the interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties and the division and the apportionment of the revenue arising from such traffic and the payment of any fixed or contingent rent.

Power as to supply of electric energy.

60. The Council may enter into and carry into effect agreements with any local authority company or person authorised to produce supply or use electric energy for the supply of electric energy for any purpose to and by the Council by and to such local authority company or person but such agreements shall in all respects be subject to the approval of the Board of Trade.

Any supply of electrical energy under either of the last preceding two sections and any works constructed for the purpose thereof shall be subject to all provisions for the protection of the



telegraphic lines of the Postmaster General and his rights in respect thereof which are contained in the Act or Order by which the supplying council local authority company or person is authorised to generate or supply electricity for the purposes of its own undertaking.

A.D. 1903.

**61.** The Council may during the execution and for the purposes of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time The Council shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

Temporary  
stoppage of  
streets.

**62.** The Council may provide and maintain and may work run or use omnibuses in connection with the tramways along the routes of intended tramways during construction or during the reconstruction of any of the tramways and they may levy and take such tolls rates or charges for the use of such omnibuses as they may think reasonable.

Power to use  
omnibuses.

**63.** For the purpose of using mechanical power it shall be lawful for the Council to acquire hold and exercise patent and other rights or licences (not being exclusive) relating to motive power or otherwise.

Power to  
acquire  
patent rights.

**64.** All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Orders &c.  
of Board of  
Trade.

**65.** Nothing in this Act contained shall exempt the Council or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of rates or charges authorised by this Act.

Provision as  
to general  
Tramway  
Acts.

## PART IV.

## ELECTRICITY SUPPLY.

**66.** The Council may construct on the lands described in the Second Schedule to this Act a station for generating electrical energy and may thereon provide and use subject to the provisions of sections 13 and 16 of the Erith Electric Lighting Order 1899 and of section 10 and all other sections of the said Order operating in any way for the protection of the telegraphic lines of the

Generating  
station.

A.D. 1903. Postmaster General engines dynamos machinery generating plant buildings and works necessary or proper for carrying into effect the objects of this Act including the working of tramways by mechanical power All works already executed by the Council upon the said lands shall be deemed to have been executed under the authority of this Act Nothing in this Act shall authorise the Council to construct a station for generating electrical power elsewhere than on the lands described in the said Schedule.

Power to  
supply elec-  
tric fittings.

67. The Council may within the district provide sell let for hire and fix set up alter repair and remove but shall not manufacture lamps meters electric lines fittings apparatus and things for lighting and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fittings apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Council as the Council may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

Altering date  
for filling up  
accounts for  
electric  
lighting.

68. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the electric lighting undertaking of the Council for the time being shall after the passing of this Act be filled up on or before the thirtieth 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 undertaking of the Council as if the thirtieth 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.

Discount  
on electric  
lighting and  
power ac-  
counts.

69. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Council for the supply of electric light or electrical power or energy from every person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to this effect shall be

endorsed on every demand note in respect of such charges. Provided that the Council shall make the same allowance to all consumers under similar circumstances.

A.D. 1903.

70. The Council may refuse to supply electrical energy to any person whose payment for the supply of electrical energy is for the time being in arrear whether such payment be due to the Council in respect of a supply to the same or other premises.

Council may refuse to supply electrical energy in certain cases.

71. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Council a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Council such minimum annual sum as will give to the Council a reasonable return on the capital expenditure and other standing charges incurred by the Council to meet the possible maximum demand of such person. In case the Council and the person demanding such supply of electrical energy shall fail to agree 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 Civil Engineers.

As to supply of electricity where consumer has separate supply.

72. If the local authority for any district adjacent to the area which the Council are for the time being authorised to supply with electrical energy are or shall be authorised by Act of Parliament or by Provisional Order confirmed by Parliament to supply energy or if any company are so authorised to supply energy within any such district the Council and such local authority or company as the case may be may enter into and carry into effect agreements for the supply of electrical energy in bulk by the Council to such authority or company but such agreements shall in all respects be subject to the approval of the Board of Trade.

Supply of electrical energy outside district.

73. Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act shall be deemed to be expenses incurred by the Council 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. Any moneys received by the Council under this Part of this Act shall be applied in manner provided by section 52 of the Erith Electric Lighting Order 1899 except capital moneys which shall be applied in manner provided by section 53 of the said Order.

Expenses and revenue under this Part of Act.

A.D: 1903.

As to supply  
of electrical  
energy with-  
in county of  
London.

74. Nothing in this Act shall authorise the Council to supply electrical energy to any local authority or company within the county of London except with the consent of the London County Council which consent may be given or withheld at the absolute discretion of that council.

## PART V.

## PLEASURE GROUNDS.

Council may  
erect reading  
refreshment  
rooms &c.

75. The Council may erect maintain furnish and equip and may remove pavilions conservatories waiting refreshment concert assembly or reading rooms museums baths and other buildings and conveniences in the pleasure grounds in the district or in any park or garden belonging to or held by them which may be required or convenient for such ground park or garden or the public resorting thereto and may charge for admission thereto :

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

Power to  
Council to  
let refresh-  
ment rooms  
&c.

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

Council may  
let assembly  
rooms.

77. The Council may let any reading rooms or assembly rooms in the pleasure grounds belonging to them for the purpose of particular meetings or entertainments.

Power to  
provide  
apparatus  
for games.

78. The Council may provide apparatus for games and recreation for the use of the public frequenting the public parks gardens and pleasure grounds and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and payment for the use of such apparatus.

Power to  
contribute  
towards  
band.

79. The Council may pay or contribute towards the payment of a public band of music for the district provided that the amount of such payments or contributions do not in any year exceed a sum equal to a rate of one penny in the pound on the assessable value

of the district for the purposes of the general district rate The Council may in any pleasure ground or other place enclose an area within which such band shall play and make regulations as to the time and place for the playing of the band the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band. A.D. 1903.

**80.** The public parks gardens and pleasure grounds and the cemeteries within the district 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 of that Act as relates to the following offences:— Pleasure grounds and cemeteries to be deemed streets.

Every person who slaughters or dresses any cattle or any part thereof except in the case of cattle overdriven which may have met with accident and which for the public safety or other reasonable cause ought to be slaughtered on the spot:

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 discharges any missile or makes any bonfire:

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

**81.** The Council may permit the use of or set apart any portion of any park garden or pleasure ground for the time being belonging to or held by them for cricket golf football tennis and other games and for athletic and cycling sports and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of meetings of public or local interest and may make an agreement with any club or association by which such portion may be secured to the club or association but so that the same shall be open to the public when not in use for such games or drill or other purposes. Setting apart and closing pleasure grounds for games.

**82.** The Council may place or authorise any person or persons to place seats shelters or chairs in any street park recreation ground or pleasure ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to Power to provide and let chairs.

A.D. 1903. charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

Application of moneys received.

83. The moneys (if any) received from the admission of any person to the recreation grounds or any reading room assembly room or enclosure therein or from the letting of any refreshment rooms or other buildings or for the use of chairs or any apparatus or under the section of this Act of which the marginal note is "Power to contribute towards band" as in this Part of this Act mentioned shall be carried to the district fund.

Power to appoint officers.

84. The Council may appoint officers for securing the observance of this Part of this Act and of the byelaws and regulations 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 VI.

### INFECTIOUS DISEASE.

Byelaws for regulating hospitals.

85. The Council 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 Council.

Medical officer may require dairymen to furnish list of sources of their supply of milk and of their customers.

86. If the medical officer of health shall have reasonable cause to believe that any person in the district is suffering from infectious disease attributable to milk supplied within the district 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 which he has within such six weeks supplied milk within the district and the Council shall pay for such last-mentioned list the sum of sixpence and after the rate of sixpence for every twenty-five words contained therein Every person failing to comply with any request of the medical officer of health under this section shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

A.D. 1903.  
Disinfection  
of clothes.

88.—(1) Where on the certificate of the medical officer of health it appears to the Council that any articles in any house or part thereof are in such a filthy and dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Council may if they think fit cause any such articles in any such house or part thereof to be at their own expense cleaned or purified or they may destroy the same.

Filthy and  
dangerous  
articles to be  
purified.

(2) If any owner suffer any unnecessary damage the Council shall compensate him for the same and the Council shall also reasonably compensate the owner for any articles destroyed.

89. Whenever it shall be certified to the Council by the medical officer of health 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 Council may require such person to furnish to them within a time to be fixed by 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 and of the persons who have been employed by any such person aforesaid during the past six weeks and such person shall furnish such list accordingly and the Council 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. Every person who shall knowingly or wilfully offend against this enactment shall be liable for each such offence to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Persons  
engaged in  
washing or  
mangling  
clothes to  
furnish list  
of owners of  
clothes in  
certain cases.

90. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the district or pick fruit intended for consumption within the

Infected per-  
sons not to  
carry on  
business &c.

A.D. 1903. district or engage in any occupation connected with food intended for consumption within the district or carry on any trade or business in such a manner as to be likely to spread such infectious disease within the district and any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Protection  
against in-  
fection of  
books from  
lending  
library.

**91.** 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 at once give notice thereof to and leave the book at the office of the inspector of nuisances whose duty it shall be to cause the same to be disinfected and then returned to the librarian or proprietor Any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Council may  
pay expenses  
of person in  
hospital.

**92.** Where a person not being a pauper is received as a patient into any hospital for infectious disease the Council 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.

Dairymen  
to notify  
infectious  
disease  
among their  
servants.

**93.** Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the Council or the medical officer of health all cases of infectious disease among persons engaged in or in connection with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings.

Compensa-  
tion to dairy-  
men.

**94.** If any dairyman shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

Compensa-  
tion to per-  
sons ceasing  
employment  
or business.

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

Power to  
provide  
nurses.

**96.** The Council may if they think fit provide or contract with any other person to provide nurses for attendance upon any



person suffering from infectious disease within the district and may charge a reasonable sum for the service of any nurse so provided. A.D. 1903.

**97.** 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 district and any person offending against this enactment or exposing or depositing for sale within the district a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings. Prohibition of blowing or stuffing carcases.

**98.** Any person being a manufacturer or vendor of or merchant or dealer in ice creams or other similar commodity who within the district— For regulating manufacture and sale of ice creams &c.

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

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

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

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

**99.** If the Council 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 Council 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 Council 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 and any expenses incurred by the Council under this section shall be paid out of the district fund and general district rate. Further provisions as to isolation.

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Penalty on  
guardian  
permitting  
infected child  
to attend  
school.

**100.** Any person being the parent or having care or charge of a child who is or has been suffering from infectious disease shall not after a notice from the medical officer of health that the child is not to be sent to school permit such child to attend school without having procured from the medical officer of health a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Power to  
medical  
officer to  
examine  
school chil-  
dren.

**101.** The medical officer of health may enter any public elementary school within the district 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.

The medical officer of health 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 shall obstruct the medical officer of health in carrying into effect the provisions of this section or who shall permit 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.

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

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

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

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 Notice of provisions of Part VI. of Act.

PART VII.

TUBERCULOSIS.

**104.** Every person who knowingly sells or suffers to be sold or used for human consumption within the district 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.

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

**106.** Every dairyman who supplies milk within the district 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 of health stating his name and address and the situation of the dairy or premises where the cow is Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

Obligation to notify case of tuberculosis.

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

Power to take samples of milk.

**(2)** The like powers in all respects may be exercised outside the district by the medical officer of health or such authorised person if he shall have first 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.

**108.—(1)** If milk from a dairy situate within the district is being sold or suffered to be sold or used within the district the

Power to inspect cows or to take

A.D. 1903.  
samples of  
milk.

medical officer of health or any person provided with and if required exhibiting the authority in writing of the medical officer of health 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 of health 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.

(2) If the medical officer of health is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the district from consumption of the milk supplied from a dairy situate within the district or from any cow kept therein he shall report thereon to the Council and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Council 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 district until the order has been withdrawn by the Council.

(3) If the medical officer of health has reason to believe that milk from any dairy situate outside the district from which milk is being sold or suffered to be sold or used within the district is likely to cause tuberculosis in persons residing within the district the powers conferred by this section may in all respects be exercised in the case of such dairy Provided that the medical officer of health 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.

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

(5) If in their opinion the dairyman fails to show cause why such an order may not be made as aforesaid the Council 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 district on the council of the borough or district in which it is situate.

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

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

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

(9) The dairyman may appeal against an order of the Council under this section or the refusal of the Council to withdraw any such order either to a petty sessional court having jurisdiction within the district or at his option if the dairy is situate outside the district to the Board of Agriculture who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the district and give notice thereof to the dairyman and the clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

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

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

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

Compensa-  
tion.

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the making of the order or of the refusal of the Council to withdraw the order.

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

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

Notice of  
provisions of  
Part VII. of  
Act.

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

Procedure.

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

As to  
expenses.

**112.** All expenses incurred by the Council in carrying into execution the provisions of this Part of this Act shall be chargeable upon the district fund and general district rate and the Council may also charge upon the same 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 district Provided that no such test shall be applied except with the previous consent of the owner of such cow.

Execution  
of this Part  
of Act by  
committee.

**113.** 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.

## PART VIII.

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## STREETS AND BUILDINGS.

**114.**—(1) The approval by the Council of any plan or section of any street or building or any alteration of a building shall be null and void if the execution of the work specified in such plan or section be not commenced and bonâ fide proceeded with within the following periods (that is to say) :—

Approval of plans to be void after certain intervals.

As to plans deposited after the passing of this Act within two years from the date of such deposit ;

As to plans deposited before the passing of this Act within two years from the passing of this Act :

And at the expiration of those respective periods fresh notice and deposit of plans shall unless the Council otherwise determine be requisite.

(2) The Council shall give notice of the provisions of this section to every person intending to lay out any street or to erect a new building the plans for which shall have been approved before the passing of this Act but the laying out of which street or the erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

**115.** The Council may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with them in pursuance of any enactment for the time being in force in the district or any byelaw thereunder respectively.

As to plans &c. deposited with Council.

**116.** No person except with the consent of the Council 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 Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

No buildings allowed until street defined.

**117.**—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Council propose

Council may define future line of existing streets.

A.D. 1903. — to prescribe and define shall be distinctly marked and shown on a plan to be signed by and deposited with the 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 Council 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.

(2) The Council may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the existing building line of the street or road and the same when purchased shall vest in the Council as part of the street or road.

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

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits 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.

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

Intersecting  
streets.

**118.** No street shall be laid out for a length of more than one hundred and fifty yards without an intersecting street or foot passage not less than eight feet in width and uncovered 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.



**119.** When the plans of any new street are submitted to the Council for approval the Council may 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 Council shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

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Power to vary position or direction of new streets.

**120.** 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 district be deemed to be a new street.

Continuation of existing street to be deemed new street.

**121.** The Council may by resolution declare the point or limits at or within which any street is to be taken as beginning or ending.

Council may declare where streets begin and end.

**122.** It shall not be lawful for any person without the consent of the Council first obtained which consent shall not be unreasonably withheld 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 Council and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offenders summarily.

Deposit of building materials or excavations not to be made without consent.

**123.** The Council may remove appropriate use and dispose of any old materials existing in any street at the time of the execution by the Council 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 surveyor remove such materials or their respective proportions thereof and the Council 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 re-used or removed by the Council.

Materials in streets may be sold.

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Crossings for  
horses or  
vehicles over  
footways.

**124.** Every person desirous of forming a communication for horses or vehicles across any footway so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Council and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made he shall for each offence be liable to a penalty not exceeding forty shillings.

Height of  
buildings.

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

(2) In case any building is after the passing of this Act erected or raised to a greater height than any adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

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

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Height of  
chimneys.

(1) All chimneys hereafter erected for carrying any smoke from the furnace of any mill factory brewery sizing-house dyehouse gasworks corn-mill foundry or buildings used for manufacturing purposes or for the carrying away of any noisome or deleterious gases or effluvia from any such buildings shall be raised to the height of fifty feet at least from the level of the centre of the street nearest thereto :

(2) All steam ejected from any fixed steam-engine or the boiler thereof and all spent and ejected steam arising or produced in any trade or business shall be discharged so as not to be an annoyance to the public :

(3) The foregoing provisions of this section shall not apply to locomotives used upon any railway or to any portable steam-engines or to traction engines steam rollers or fire engines or to any chimneys used exclusively for casting or puddling furnaces.

Any person who shall offend against any provision of this or the preceding section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

**127.** Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the district 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 Council may determine to be dangerous or an obstruction to the safe and convenient use of any street.

Prevention  
and removal  
of projec-  
tions over  
street.

**128.** The Council may make byelaws with respect to the materials with which new buildings shall be constructed and with respect to the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings.

Byelaws as  
to building  
materials.

**129.** If the footway or carriageway of any street belonging to or under the management of the Council be injured by or in consequence of any excavations or building operations on lands adjoining thereto the Council may repair or replace the footway or carriageway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Council by the owner of the lands on which such excavations or building operations have been made or by the persons causing or responsible for the injury.

Recovery of  
damages  
caused to  
footways by  
excavations.

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In executing works for owner Council not liable for damages save in case of negligence.

**130.** Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Council 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 recoverable accordingly.

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

**131.** All buildings or parts of buildings which may in future be erected on the site of any building or any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Council and in case the Council for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

What to be deemed new buildings.

**132.** From and after the passing of this Act—

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

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

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

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

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

**133.** Every new building exceeding thirty-five feet in height (used or intended to be used as a lodging-house flats shop tavern hotel 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 let or occupied until the Council 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 forty shillings.

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

As to tem-  
porary and  
movable  
buildings.

(2) The Council shall within six weeks 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 to erect or set up the same.

(3) The Council 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.

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(4) If any such building is commenced erected or set up without such application accompanied by such plans sections and specification or after the disapproval of the Council or before the expiration of six weeks without such approval or is in any respect not in conformity with any condition attached by the Council 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 Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Council 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 term temporary or movable building in this section shall not include—

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

(B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Council 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.

Power to sell materials of temporary buildings.

**135.** Where a temporary or other building referred to in the last preceding section is taken down or removed by the Council under the powers of this Part of this Act the Council 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 thereof to the owner of such structure.

**136.** Where separate sewers have been provided in any street for the reception of surface water and sewage respectively the Council may from time to time by resolution declare that any such sewer or sewers shall be appropriated and used for surface water only or for sewage only and 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 the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers. Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. 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 Council 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.

A.D. 1903.  
As to separate sewers.

**137.** If in any new street the Council 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 Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Council may require enlarged sewer.

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

Trees or shrubs overhanging streets and footpaths.

**139.** The Council may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for

Council may take proceedings for preventing obstruction

A.D. 1903.  
in water-  
courses.

the purpose of preventing obstruction of any watercourse or outfall for water or for the removal of any obstruction from any watercourse or outfall of water.

Dangerous  
places to be  
repaired or  
enclosed.

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

(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 Council for want of sufficient repair protection or enclosure dangerous to the passengers along any street or footpath the Council may order the owner within the period specified in such order to repair remove protect or enclose 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 Council may cause such works as they think proper to be done for effecting such repair removal protection or enclosure and the expenses thereof shall be payable by the owner and may be recovered summarily.

As to under-  
ground  
rooms.

**141.** 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 district and for the purpose of such application the Council shall be deemed to be the sanitary authority referred to in those sections.

Forecourts  
to be fenced  
off from  
streets.

**142.** Whenever the person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required in writing under the hand of the 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 Council and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Exemption  
for railway  
property.

**143.** Nothing contained in this Part of this Act or in 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 connection with their railway.



## PART IX.

A.D. 1903.

## SKY SIGNS AND HOARDINGS.

144.—(1) It shall not be lawful to erect or fix to upon or in connection 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 Council 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 :

Regulations  
as to sky  
signs.

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

- (i) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor ;
- (ii) If any change be made in the sky sign or any part thereof ;
- (iii) If any sky sign or any part thereof fall either through accident decay or any other cause ;
- (iv) If any addition or alteration be made to or in the house building or structure 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 ;
- (v) If the house building or structure over 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 Council to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequence as to 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.

(2) 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.

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Provisions as  
to hoardings  
and other  
structures  
used for ad-  
vertising  
purposes.

**145.**—(1) Every hoarding or similar structure in or abutting on or adjoining any street within the district shall be securely erected and maintained.

(2) It shall not be lawful to erect any such hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Council 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 Council may determine.

(3) The owner or other person using any such hoarding wall or similar 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 if any papers affixed for advertising purposes to such hoarding wall or other structure fall away or become detached shall forthwith remove and clear away such papers.

(4) Any person who acts in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

(6) Any person aggrieved by the refusal of the Council to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal or after the giving of such consent (as the case may be) provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt.

Restriction  
on advertis-  
ing vehicles.

**146.** It shall not be lawful in any street in the district to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Council which consent shall be in writing and may be for such time and contain such terms and conditions as the Council think fit. Any person aggrieved by the refusal of the Council to grant such consent or by the terms and conditions imposed may appeal to a court of summary jurisdiction held for the district after the expiration of two clear days after the decision of the Council is notified to him provided he give twenty-four hours' notice of such appeal and the grounds thereof

to the clerk and the court shall have power to make such order as to them may seem fit and to award costs such costs to be recoverable as a civil debt. A.D. 1903.

PART X.

SANITARY PROVISIONS.

147. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Provisions as to houses without water supply.

148. Whenever the surveyor or the medical officer of health 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 such test (other than test by 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 forty shillings and to a daily penalty not exceeding twenty shillings. Owner &c. to permit application of test to drains.

If the drains be found defective so as to cause risk to health the owner or occupier of the premises shall be bound on receiving notice from the Council to that effect specifying generally the nature of the defect to carry out all reasonable operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Council may enter and execute the work and recover the expenses thereof from the owner or occupier in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts but nothing in this section shall affect contracts between owner and occupier.

149. The powers conferred by section 41 of the Public Health Act 1875 upon the Council to empower the surveyor and inspector of nuisances to enter premises for the purposes therein mentioned shall extend to authorise the Council if on the report of either of such officers it shall appear that they have reason to suspect that Extension of section 41 of Public Health Act 1875.

A.D. 1903. any drain watercloset earth-closet privy ashpit or cesspool is in a condition in which it is a nuisance or injurious to health or likely to become so to empower the surveyor or inspector of nuisances after twenty-four hours' notice to the occupier of such premises or in case of emergency without notice to enter such premises and to act in accordance with the provisions of the said section as if such written application had been made as therein mentioned.

Reconstruc-  
tion of  
drains.

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

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

Improper  
construction  
or repair of  
watercloset  
or drain.

**151.** 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. 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 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 water-  
closets &c.

**152.** Any person who shall cause any drain watercloset 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 otherwise wilfully stopping up or wilfully 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.

**153.** If it appear to the Council 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 Council may when the drains for such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Council shall determine and if constructed by the Council may be recovered by the Council from such owners or occupiers in a summary manner before a court of summary jurisdiction :

Provided that the Council 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 Council.

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

**155.**—(1) The Council may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the person by whom plans relating to the new building are deposited require that such new building shall be provided with proper and sufficient water-closets.

(2) The Council may on the erection of any new building when a sewer and water supply sufficient for a watercloset are not reasonably available require one or more proper and sufficient earth-closets and ashpits to be provided at or in connection with such building.

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

**156.**—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Council may require any existing closet accommodation (other than a watercloset) provided

A.D. 1903.  
—  
Council may order houses &c. to be drained by a combined operation.

Council may require old drain to be laid open for examination by surveyor before communicating with sewers.

Council may require waterclosets to new buildings.

Conversion of existing accommodation into waterclosets.

A.D. 1903. at or in connection with any 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 connection with such building.

(2) If the owner of any such building fail in any respect to comply with a notice from the Council under this section the Council 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 Council 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 of health to be insufficient for the necessities of the inhabitants of the building or to be in such a state as to create a nuisance or to be injurious to health then the Council shall bear and pay such sum towards the expenses incurred by them (not being less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Council 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 this section shall state the effect of the provisions of this section.

As to appeal  
under two  
last preced-  
ing sections.

**157.**—(1) Where any person deems himself aggrieved by any requirements of the Council under either of the two last-preceding sections or disputes the reasonableness of the expenses charged to him by the Council 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 :

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 Council shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed. A.D. 1903.

**158.** If it shall appear to the Council by the report of the medical officer of health surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ashpit or any well or disused well belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Council 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. Provision for filling up cesspools &c.

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 Council 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.

**159.** Where any inn public-house beer-house eating-house theatre or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Council may by notice in writing require the owner of such inn public-house beer-house eating-house theatre or other place of public entertainment to provide and maintain on the premises a proper and sufficient urinal or urinals and shall keep the same in good order and condition Any person who fails after a period of Urinals to be attached to refreshment houses.

A.D. 1903. twenty-eight days from such notice to comply therewith shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

Council may require removal or alteration of urinals.

**160.** If any urinal or other sanitary convenience now or hereafter opening on any street shall be so placed or constructed as to be a nuisance or offensive to public decency the Council by notice in writing may require the owner to remove such urinal or convenience Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Public conveniences and lavatories.

**161.** The powers of the Council under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain closet accommodation urinals 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 closet accommodation or of any lavatory so provided by the Council and to make byelaws for the management of such closet accommodation urinals and lavatories and as to the conduct of persons frequenting the same and to let any such closet accommodation and lavatories for such periods and upon and subject to such terms and conditions as they may think fit.

Charge for emptying ashpits of trade refuse.

**162.** If any trade refuse or any building materials or other materials or rubbish of a like description be deposited in any ashpit or ash-tub the Council may make a reasonable charge for the removal of the said refuse materials or rubbish which charge shall be paid to the Council by the occupier of the premises in respect of which the charge is made and may be recovered summarily.

Council may provide ambulances.

**163.** The Council may provide ambulances for use in cases of sickness and accident happening within the district and may provide attendants and horses and maintain and keep the same.

As to nuisances.

**164.** For the purposes of the Public Health Act 1875—

- (1) Any cistern used for the supply of water for domestic purposes which is so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health ;
- (2) Any watercloset earth-closet or manure pit so foul or in such a state as to be a nuisance or injurious to health ;  
and



(3) Any gutter shoot or stack pipe of a building which by reason of its insufficiency or its defective condition shall cause damp in an adjoining building ;  
shall be deemed to be nuisances and liable to be dealt with summarily under the provisions of that Act. A.D. 1903.

**165.** For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established anew not only if it is established newly but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area. Defining...  
establishing  
of a new  
business.

**166.** If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under this Act or under any byelaw made under the powers of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. Penalty on  
occupiers  
refusing  
execution of  
Act.

If the occupier of any premises when requested by or on behalf of the Council to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully misstate the same he shall (unless he shall show a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding two pounds.

**167.** The Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other Cleansing  
cisterns.

A.D. 1903. receptacles used for the storing of 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 whether aerated or otherwise.

Public  
drinking  
fountains.

168. The Council may put up continue remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Council may think fit and every person who shall wilfully use any water so gratuitously supplied elsewhere or otherwise than as hereinbefore mentioned or foul such water shall for every such offence be liable to a penalty not exceeding forty shillings which penalty may be recovered by the Council.

## PART XI.

### POLICE AND FIRE BRIGADE.

Power to  
police constable &c.  
to enter and  
break open  
premises in  
case of fire.

169. Any police constable acting under the orders of his superintendent or inspector and any member of the fire brigade of the Council being on duty and any officer of the Council may enter and if necessary break into any building in the district being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary to extinguish fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Captain of  
fire brigade  
or other  
officer to  
have control  
of operations.

170.—(1) The captain or superintendent of the fire brigade of the Council or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Council or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

(2) The officer in charge of the police at any fire in the district shall have power to stop or regulate the traffic in any street when-

ever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds. A.D. 1903.

171. Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets of the district shall give written notice thereof and the route proposed to be taken and of the time at which it will take place to the chairman of the Council by leaving such notice at the clerk's office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. Notice of procession to be given.

If any such procession passes through any streets of the district without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

## PART XII.

### FINANCIAL MATTERS.

172. The Council may from time to time independently of any other borrowing power borrow at interest on the following securities such sums as shall be requisite for the following purposes (that is to say) :— Power to Council to borrow.

- (A) For the purchase of the lands for and for the construction of the new roads bridge and street widenings on the security of the district fund and general district rate the sum of thirty-two thousand pounds ;
- (B) For the purchase of the wharf offices and premises in High Street Erith now leased to the Council such sum as may be requisite on the security of the district fund and general district rate ;
- (C) For and in relation to the construction of the tramways by this Act authorised primarily on the security of the tramway revenue and if they think fit in addition on the security of the district fund and the general district rate the sum of eighty-seven thousand pounds ;
- (D) For and in relation to tramway purposes primarily on the security of the tramway revenue and if they think fit in addition on the security of the district fund and general

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district rate the sum of forty-six thousand five hundred pounds ;

(E) For paying the costs of this Act as hereinafter defined on the security of the district fund and general district rate the sum necessary for the purpose :

And with the sanction of the Local Government Board or of the Board of Trade as the case may be such further sums as the Council may require for any of the purposes of this Act or for any purposes of their tramway undertaking on the security in the case of a loan for the purposes of their tramway undertaking of the revenue of that undertaking and if they think fit in addition of the district fund and general district rate and in the case of loans for other purposes of the district fund and general district rate.

Mode of  
raising  
money.

**173.** The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

Certain  
regulations  
of Public  
Health Act  
as to borrow-  
ing not to  
apply.

**174.** 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 Council may borrow under that Act any sums which the Council may borrow under this Act shall not be reckoned.

Provisions  
of Public  
Health Act  
as to mort-  
gages to  
apply.

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

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ;

Section 238 (Transfer of mortgages) ;

Section 239 (Receiver may be appointed in certain cases).

Periods for  
payment off  
of money  
borrowed.

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

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

As to moneys borrowed for the purpose (B) mentioned in the said section within fifty years from the date or dates of the borrowing of the same: A.D. 1903.

As to moneys borrowed for the purpose (C) 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 purpose (D) in the said section mentioned within twenty years from the date or dates of the borrowing of the same:

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

As to moneys borrowed with the approval of the Local Government Board or of the Board of Trade as the case may be within such periods as they may respectively think fit to sanction.

**177.** The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund. Provided that it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund in respect of moneys borrowed under paragraphs (C) and (D) of the section of this Act of which the marginal note is "Power to Council to borrow" until after the expiration of one year from the date of borrowing the same. Mode of payment off of money borrowed.

**178.—(1)** If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either— Sinking fund.

(A) By payment to the fund throughout the prescribed periods of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called "an accumulating sinking fund."

A.D. 1903.  
—

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the funds may be applied by the Council towards the equal annual payments of the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed periods a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied toward such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose provided that if it appears to the Local Government Board

that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct. A.D. 1903.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed periods the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed periods the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

**179.**—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which

Return  
respecting  
sinking fund  
to Local  
Government  
Board.

A.D. 1903. any investment has been made and the purpose to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Power to  
re-borrow.

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

Council not  
to regard  
trusts.

**181.** The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which



A.D. 1903.

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

**182.** A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Protection  
of lender  
from inquiry.

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

Saving for  
existing  
charges.

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

Application  
of borrowed  
moneys.

**185.** Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

Audit of  
accounts.

**186.** The Council shall apply all money from time to time received by them in respect of their tramway undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

Application  
of tramway  
revenue.

First In maintaining the tramway and any tramways owned leased or worked by the Council and in maintaining so much

A.D. 1903.  
—

of the road on which the tramway is laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by Section 28 of the Tramways Act 1870 :

Secondly In payment of all working and other expenses properly chargeable to revenue :

Thirdly In payment of the interest on the moneys borrowed by the Council for the purpose of their tramway undertaking :

Fourthly In providing the requisite instalments appropriations annual repayments or sinking fund in respect of moneys borrowed by the Council for the purposes of their tramway undertaking :

Fifthly In providing a reserve fund or renewal fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Council upon their tramway undertaking which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from that undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens :

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their tramway undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to the prescribed maximum.

As to deficiency in receipts.

**187.** Any deficiency in the revenue or receipts of the Council on account of their tramway undertaking or their electricity undertaking shall be made good out of the district fund and the next general district rate to be made by the Council shall be increased

so far as may be necessary to recoup to the district fund the amount so made good out of that fund. A.D. 1903.

**188.** The Council shall keep the accounts in respect of their tramway undertaking and their electricity undertaking separate from each other and all their other accounts distinguishing therein capital from revenue. Separate accounts to be kept as to tramways and electricity undertakings.

**189.** All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate. Expenses of execution of Act.

### PART XIII.

#### LEGAL PROCEEDINGS.

**190.** All the provisions with respect to byelaws contained in Sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates to byelaws made by a rural sanitary authority) shall apply to all byelaws (other than byelaws made by the Council under the provisions of the Tramways Act 1870 or of the Electric Lighting Act 1882) made by the Council under the powers of this Act. General provisions as to byelaws.

**191.** Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman or the clerk shall be *prima facie* evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointment authority &c.

**192.** In the case of any notice or demand under this Act requiring authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Notices orders and 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 order or document Authentication and service of notices.

A.D. 1903. shall be delivered or sent by post addressed to the secretary or clerk of the company at their principal office or place of business.

As to appeal. **193.** Any person deeming himself aggrieved by any order determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of any officer or valuer of the Council or by the 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 Council may in like manner appeal.

Recovery of penalties. **194.** Save as otherwise by this Act expressly provided all offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Damages and charges to be settled by justices. **195.** 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 a court of summary jurisdiction before whom any offender is convicted.

Penalties to be paid to treasurer. **196.** All penalties recovered by the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer to the Council and carried by him to the credit of the district fund.

Compensation &c. how to be determined. **197.** When any compensation costs damages charges or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Compensation may be in land &c. **198.** The Council 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.

**199.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that no person shall be punished twice for the same offence.

A.D. 1903.  
—  
Saving as to  
indictments.

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

Judge not to  
be disquali-  
fied by pay-  
ment of  
rates.

**201.** All powers rights and remedies given to the Council by this Act shall be deemed to be in addition to and not in derogation of any other powers rights and remedies conferred on them or on any committee appointed by them under the Public Health Acts and the Council or such committee as the case may be may exercise such other power and be entitled to such other rights and remedies as if this Act had not passed. Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence.

Powers of  
Act to be  
cumulative.

#### PART XIV.

##### MISCELLANEOUS.

**202.** The Council may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or to the widow or family of any such officer or servant who may die in their service or may at their discretion contribute any sum (not exceeding as aforesaid) to any charity or institution which may have undertaken the maintenance or relief of any such officer or servant. Every such gratuity or contribution shall be charged on and paid out of the fund or funds on which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Power to  
grant gra-  
tuities to  
officers and  
servants.

**203.** All consents of and permission by the Council under this Act shall be given in writing and unless otherwise prescribed by the Council shall be given under the hand of the clerk.

Consent of  
Council to be  
in writing.

**204.—(1)** The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the

Power to  
Local Go-  
vernment  
Board to  
direct in-  
quiries.

A.D. 1903. purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under 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.

Service of  
notice on  
Council.

**205.** Except where otherwise expressed to the contrary any notice to or demand on the Council under this Act may be served on the Council by being delivered to the clerk or by being sent through the post in a prepaid letter addressed to the clerk.

Crown  
rights.

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

Saving for  
London  
County  
Council.

**207.** Nothing in or done under this Act shall affect any outfall or other works of the London County Council (although beyond the county of London) executed under the Metropolis Management Act 1855 and the Acts amending the same or take away abridge or prejudicially affect any right power authority jurisdiction or privilege of the London County Council.

Costs of Act.

**208.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act including the costs charges and expenses preliminary to and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall be taxed by the taxing officer of the House of Lords or of the House of Commons and shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed for the purpose under this Act.

The SCHEDULES referred to in the foregoing Act.

A.D. 1903.

**FIRST SCHEDULE.****PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.**

Nos. on deposited Plans all Numbers inclusive.	Parish.	Description of Property.
4 and 5	Erith	Gardens.
13 and 14	"	Forecourts of houses.
15	"	Forecourt of house and passage.
21 to 23	"	Forecourts of houses and shops.
24 to 34	"	Forecourts of houses.
35 and 36	"	Forecourts of houses and shops.
37	"	Forecourt of house.
38 to 49	"	Forecourts of houses and shops.
55 to 61	"	Forecourts of houses.
62	"	Forecourt of National Schools.
63	"	Forecourt of Roman Catholic Church.
65	"	Forecourt of public-house.
66 to 68	"	Forecourts of houses and shops.
69 to 76	"	Forecourts of houses.
77	"	Forecourt of house and passage.
78 to 84	"	Forecourts of houses.
85 to 87	"	Houses and gardens.
88	"	House garden and passage.
89	"	House and garden.
90 to 92	"	Houses shops and yards.
93	"	Beer-house and yard.
94	"	A lock-up shop.
95 to 98	"	Houses shops and yards.
110	"	Iron building and land.
111 and 112	"	Gardens.
114	"	Garden and carriageway.
120	Plumstead	Public Elementary School.

A.D. 1903.  

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SECOND SCHEDULE.  

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## LANDS FOR GENERATING STATION.

A piece or parcel of land situate in the parish and urban district of Erith in the county of Kent containing 2 acres or thereabouts situate to the south of High Street Erith and bounded on the north-east by gardens and yards attached to premises Nos. 1 to 11 inclusive High Street on the south-east by garden ground in the occupation of Stephen Jeffreys and on the north-west and south-west by other land the property of the Council.

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