



CHAPTER xli.

An Act to extend the time limited for the construction of the Knoll Brook Waterworks by the mayor aldermen and burgesses of the county borough of Barnsley to extend their powers with respect to their water and electricity undertakings to make further provision for the health local government and improvement of the borough and for other purposes. [8th July 1914.] A.D. 1914.

WHEREAS the borough of Barnsley in the West Riding of the county of York (herein-after called "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the mayor aldermen and burgesses of the borough (herein-after referred to as "the Corporation") acting by the council are the urban sanitary authority for the borough:

And whereas the Corporation are supplying water within the borough and within certain adjoining places under the powers of the Barnsley Local Board Act 1862 and the Barnsley Corporation (Water) Act 1896 and under the last-mentioned Act the Corporation have constructed extensive waterworks upon which in pursuance of the powers conferred upon them by that Act and by the Barnsley Order 1902 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1902 and the Barnsley Order 1907 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1907 they have raised the loans referred to in the First Schedule to this Act and it is expedient to make provision as in this Act contained for the consolidation of such loans and for the repayment thereof:

And whereas by the Barnsley Corporation (Water) Act 1900 the powers granted to the mayor aldermen and citizens of the

A.D. 1914. city of Sheffield by the Sheffield Corporation Water Act 1896 (herein-after referred to as "the Sheffield Act") for the construction of certain waterworks (defined by the before-mentioned Act of 1900 as and herein-after referred to as "the Knoll Brook Works") and for the purchase and taking of the lands and easements required for and in connexion with the said works and of taking collecting diverting and using all waters which would or might be intercepted by or by means thereof were transferred to and made exerciseable by the Corporation and the time limited by the Sheffield Act for the compulsory taking of lands required for the said works and for the completion thereof was extended :

And whereas the Corporation have purchased and acquired all the said lands and easements and it is expedient that the time limited for the construction of the Knoll Brook Works be further extended and that the Corporation be empowered to borrow additional moneys for the purposes of their water undertaking and that further powers be conferred upon them in regard to that undertaking as herein-after mentioned :

And whereas the Corporation are the owners of the undertaking by which the borough is supplied with electricity and it is expedient that the further powers herein contained be conferred upon them with regard to that undertaking :

And whereas certain of the provisions of the Towns Improvement Clauses Act 1847 which are in force within the borough prevent the making by the Corporation of new and better byelaws with respect to new buildings and it is expedient to provide that such provisions shall cease to apply and be in force within the borough :

And whereas the manufacture of gas meters is a large and increasing industry within the borough :

And whereas the powers and duties under the Sale of Gas Act 1859 are not exercised within the borough by the council of the county of the West Riding of Yorkshire to whom they were transferred by the Local Government Act 1888 and it is expedient that such powers be transferred to and made exerciseable within the borough by the Corporation who are not manufacturers or sellers of gas :

And whereas it is expedient that the Corporation be empowered to erect a new town hall and municipal buildings

upon lands part of which were acquired by them for the purposes of street improvements: A.D. 1914.

And whereas it is expedient that further powers be conferred upon the Corporation with reference to sanitary matters and further provision made in relation to the health local government and improvement of the borough and other matters as by this Act provided:

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

And whereas estimates have been prepared by the Corporation for the purposes herein-after mentioned and such estimates are as follows:—

	£
For the construction of the Knoll Brook Works -	12,000
For the construction of additional filter-beds -	12,000
For the laying of new mains and for other water-works purposes - - - - -	6,000
For the purchase of additional lands for and for the erection of a new town hall and municipal buildings in Church Street Barnsley - -	30,000
For the erection of market warehouses and other market buildings with shops and offices -	6,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof be spread over a term of years:

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Barnsley Corporation Act Short title.
1914.

A.D. 1914.
Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Water and Electricity.
- Part III.—Sanitary.
- Part IV.—Infectious Disease.
- Part V.—Finance.
- Part VI.—Miscellaneous.

Interpreta-
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires—

- “The Corporation” means the mayor, aldermen and burgesses of the county borough of Barnsley;
- “The borough” means the county borough of Barnsley;
- “The council” means the council of the borough;
- “The mayor” “the town clerk” “the treasurer” “the surveyor” “the medical officer” and “the inspector of nuisances” mean respectively the mayor, the town clerk, the treasurer, the surveyor, the medical officer of health and any inspector of nuisances of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;
- “The improvement rate” means the improvement rate authorised to be made and levied by the Barnsley Local Board Act 1862 as amended by the Barnsley Local Board Amendment Act 1866;
- “The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund, the borough rate, the district fund and the general district rate of the borough;
- “The area of electricity supply” means the area within which the Corporation are for the time being authorised to supply electrical energy;
- “Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction therefor;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

“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 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 annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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“Statutory borrowing power” means any power whether or not coupled with the duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Corporation” includes the revenue of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

PART II.

WATER AND ELECTRICITY.

4. The time limited by the Barnsley Corporation (Water) Act 1900 for the construction of the Knoll Brook Works is hereby extended until the expiration of seven years from the passing of this Act and on the expiration of that period the powers granted for the construction of those works shall cease except as to so much of them as shall then be completed unless such powers shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and

Extending
time for con-
structing
Knoll Brook
Works.

A.D. 1914. confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

Water rent to be according to gross estimated rental.

5. The words "annual value" in section 28 of the Barnsley Local Board Act 1862 shall mean the gross estimated rental of the premises as ascertained by the valuation list in force at the commencement of the quarter in which the water rent accrues. Provided also that where the water rent is chargeable as aforesaid on a part only of any premises entered in the valuation list such value shall be a fairly apportioned part of the gross estimated rental of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined in manner provided by the sixty-eighth section of the Waterworks Clauses Act 1847.

Amendment of section 29 of Barnsley Local Board Act 1862.

6. Section 29 (Limiting maximum and minimum rates) of the Barnsley Local Board Act 1862 shall be read and have effect as if the words "eight shillings and eightpence" had always been inserted therein instead of the words "five shillings."

Rates for water-closets.

7. Notwithstanding anything contained in section 30 (Rates for waterclosets and baths) of the Barnsley Local Board Act 1862 the Corporation shall not after the thirty-first day of March nineteen hundred and fifteen make a charge for the first water-closet provided at or in connexion with any dwelling-house and where two or more dwelling-houses are provided with common waterclosets equal to or less in number than the number of such dwelling-houses no charge shall be made by the Corporation for any of such common waterclosets.

Letting hiring and fixing of lamps meters and other electrical fittings.

8.—(1) The Corporation may subject to the provisions of this section purchase sell let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuzes switches lamp-holders motors and other electrical fittings for lighting motive or other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges and subject to such terms and conditions as may be agreed upon.

(2) The Corporation shall not themselves execute the wiring of private property except between the main of the Corporation and the consumer's meter but they may enter into contracts for the execution of any of the powers of this section including the wiring of private property provided that the contractor acts independently of the Corporation in the execution of the

contract The Corporation shall not sell any such electrical fittings except through a contractor carrying on his business independently of the Corporation. A.D. 1914.

(3) Any electrical fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(4) Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connexion therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed) :

(B) The sums properly chargeable and received by the Corporation in connexion with the purposes of this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year :

(C) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer.

9. The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electrical energy by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section. Byelaws as to electrical fittings.

10. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any Power to lay electric mains in private streets.

A.D. 1914. street laid out but not repairable by the inhabitants at large within the area of electricity supply supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electric Lighting Act 1882 and of the Barnsley Electric Lighting Order 1890 confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1890 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes hereof Provided that nothing in this section contained shall apply to any street or road belonging to and forming the approach to any station or depôt of the Midland Railway Company or of the Lancashire and Yorkshire Railway Company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street or road.

Power to construct electrical sub-stations under streets.

11. The Corporation may in the area of electricity supply but subject to the provisions of the Electric Lighting Acts 1882 to 1909 and of the Barnsley Electric Lighting Order 1890 confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1890 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations and transforming stations in connexion with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations and transforming stations as may be necessary or convenient Provided that no such sub-stations or transforming stations shall be constructed within a distance of twenty-five yards of any property of any railway company except with the consent of such company.

Power to discontinue supply of electricity in certain events.

12. If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the energy supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electrical energy to such consumer until they are satisfied that any energy so supplied will be consumed in accordance with the terms of such agreement Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days notice in writing

of their intention so to do and shall in such notice specify the respect in which the energy is used contrary to the terms of such agreement. A.D. 1914.

PART III.

SANITARY.

13.—(1) Any person being a manufacturer of or vendor or merchant or dealer in ice-cream or other similar commodity who within the borough— Regulation
of manufac-
ture and sale
of ice-cream.

(A) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain ;
or

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

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

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

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

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable upon conviction to a penalty not exceeding forty shillings.

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(4) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable upon conviction to a penalty not exceeding forty shillings for each offence.

(5) The Corporation shall cause public notice to be given of the effect of the provisions of this section by advertisement in a local newspaper and by hand-bills and otherwise in such manner as they think sufficient and the provisions of this section 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 Corporation may fix.

(6) Any expenses of the execution by the Corporation of this section shall be defrayed out of the district fund and general district rate.

Regulation
dustbins.

14. The Corporation may by notice in writing require the owner or occupier of any dwelling-house to provide a movable galvanised iron (or enamelled iron) dustbin for the convenient removal of house refuse and such dustbin shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not authorise the Corporation to require the provision of such dustbin in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition.

Overcrowd-
ing of small
houses.

15.—(1) If the medical officer has reason to believe that any dwelling-house or separate tenement in the borough comprising any number of living-rooms and bedrooms not being more than four in all is used for the accommodation of more persons than having regard to the health and well-being of the

occupants should be accommodated therein the medical officer or inspector of nuisances may at any time between the hours of nine o'clock in the morning and nine o'clock in the evening enter such dwelling-house or tenement and may measure in cubic feet the space (exclusive of lobbies closets and presses and of recesses not exceeding four feet in depth and not having a separate window therein and not perfectly clear from floor to ceiling and from wall to wall and exclusive also of recesses in which there is any fixture whatever) contained in each such room and if the cubic contents of any such room do not exceed one thousand cubic feet may affix in some prominent position within the dwelling-house or tenement a plate or a ticket on which shall be marked the number of such cubic feet and the number of persons exceeding the age of eight years who without a breach of the provision of subsection (2) of this section may sleep in each room and any person who obliterates defaces removes or alters such marking or ticket shall be liable to a penalty not exceeding ten shillings Provided that if entry to any such dwelling-house under the provisions of this section is refused by the person having the custody of such dwelling-house or any person acting in his behalf any justice may upon the application of the Corporation or the medical officer or inspector of nuisances grant a warrant to the medical officer or inspector of nuisances to enter such dwelling-house during the hours aforesaid for the purposes of this section and any person who obstructs the medical officer or inspector of nuisances in the performance of his duty under such warrant and this section shall be liable to a penalty not exceeding five pounds.

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

A.D. 1914.

PART IV.

INFECTIOUS DISEASE.

Removal of
person
suffering
from pul-
monary tu-
berculosis to
hospital.

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

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

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

(4) An order under this section may be addressed to such constable or officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys

or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds. A.D. 1914.

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

17.—(1) (A) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat tent shed or similar structure used for human habitation) would tend to prevent or check tuberculosis of the lung the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Corporation at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

Disinfection
in case of
pulmonary
tuberculosis.

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

A.D. 1914.

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

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

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

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

Cesser of provisions.

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

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

19. Whenever the medical officer shall report in writing to the Corporation that there is a prevalence of dangerous infectious disease in the borough or any adjoining county or neighbouring county borough and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough by persons resorting to common lodging-houses the Corporation may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in

the resolution it is expedient that the medical officer should be entrusted with the special powers herein-after mentioned and subject as herein-after provided the following provisions shall thereupon be in force within the borough for such period as the Corporation having regard to the circumstances of the case shall in the resolution determine (that is to say):—

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

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

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

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

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

Information to be furnished to medical officer and penalty for furnishing false information.

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

A.D. 1914.

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

Persons to furnish names of laundrymen to whom clothes &c. from infected houses are sent.

21.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by subsection (A) of section 3 (Notification of infectious disease) of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

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

Removal of body of person dying of infectious disease.

22. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall have died of such disease in the borough or in an infectious diseases hospital outside the borough and the property of or in which accommodation has been rented by the Corporation and the medical officer shall have given notice thereof to the person responsible for the conduct of the burial of the body of such deceased person it shall not be lawful to transport such body by railway or other public conveyance within the borough (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

For preventing contact with body of person who has died of infectious disease.

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

PART V.

A.D. 1914.

FINANCE.

24.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Part of this Act referred to as “the prescribed period”) mentioned in the third column of the said table (namely):—

Power to borrow.

(1) Purpose.	(2) Amount.	(3) Period for Repayment.
(A) For the construction of the Knoll Brook Works.	£ 12,000	60 years from the date or dates of borrowing.
(B) For the construction of additional filter beds.	12,000	35 years from the date or dates of borrowing.
(C) For new mains and other water-works purposes.	6,000	35 years from the date or dates of borrowing.
(D) For the purchase of additional lands for and for the erection of a new town hall and municipal buildings in Church Street Barnsley.	27,000	50 years from the date or dates of borrowing.
(E) For the furnishing of the new town hall and municipal buildings.	3,000	15 years from the date of borrowing.
(F) For the erection of market warehouses and other market buildings with shops and offices.	6,000	35 years from the date or dates of borrowing.
(G) For paying the costs charges and expenses of this Act as herein-after defined.	The sum requisite.	5 years from the passing of this Act.

(2) The Corporation may also with the consent of the Local Government Board borrow such further moneys as may be necessary for any of the purposes (A) (B) and (C) herein-before mentioned and any moneys so borrowed shall be repaid within such period not exceeding sixty years (in this Part of this Act referred to as “the prescribed period”) as may be prescribed by the Board.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards moneys borrowed for the purposes (A) (B) and (C) herein-before mentioned the revenue of the water undertaking of the Corporation and the improvement rate

A.D. 1914.

The district fund and general district rate shall be a collateral security for the payment of the principal and interest of any moneys borrowed for the purposes (A) (B) and (C) aforesaid and in so far as the revenue of the water undertaking and the improvement rate shall be insufficient to discharge such principal and interest such principal and interest shall be deemed to be and be charged upon the district fund and general district rate and be paid out of the same;

As regards moneys borrowed for the purposes (D) and (E) the borough fund and borough rate;

As regards moneys borrowed for the purpose (F) the revenue of the market undertaking of the Corporation and the district fund and general district rate;

As regards one half of moneys borrowed for the purpose (G) the borough fund and borough rate and as regards the other half thereof the district fund and general district rate.

The provisions of this subsection shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

(4) In calculating the sums the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned. The powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of any of the Public Health Acts.

Mode of raising money.

25. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the 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 or others. Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provision as to mortgages.

26. The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall (subject to the provisions of

the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act. A.D. 1914.

27. A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof. Protection of lenders from inquiry.

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

29. The Corporation 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 combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made. Mode of payment off of money borrowed.

30.—(1) If the Corporation 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 period of such equal annual sums as will together amount to the moneys for the repayment of which

A.D. 1914.

the sinking fund is formed. A sinking fund so formed is herein-after 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 pounds 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 herein-after called "an accumulating sinking fund."

(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 Corporation 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 fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation 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 Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period 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 Corporation :

(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 towards 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 Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation 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 Corporation 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 Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation 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 Corporation 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 period 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 period the Corporation 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

A.D. 1914. Corporation with the consent of the Local Government Board may determine.

Power to invest all sinking funds in statutory securities.

31. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Return to Local Government Board as to sinking fund.

32.—(1) The town clerk shall within forty-two 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 the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the town clerk showing for the next year 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 any investment has been made and the purposes 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 together with such further information (if any) relating thereto as the Board shall require and in the event of his failing to make such return the town 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 Board out of the High Court.

(2) If it appears to the Board by that return or otherwise that the Corporation 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 the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has 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 Board out of the High Court.

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33.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

Appointment
of receiver.

The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than two thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

34.—(1) The Corporation shall have power—

Power to re-
borrow.

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) by instalments or annual payments; or

(B) by means of a sinking fund; or

(C) out of moneys derived from the sale of land; or

(D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to use sinking fund instead of borrowing.

35.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(B) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is “Power to use one form of mortgage for all purposes” and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the use of moneys from such sinking fund:

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund: A.D. 1914.

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

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

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

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

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

A.D. 1914.

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

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

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

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

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

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

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

37. The loans which have been raised for waterworks purposes in pursuance of the Barnsley Corporation (Water) Act 1896 the Barnsley Order 1902 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1902 and the Barnsley Order 1907 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1907 and which are referred to in the First Schedule to this Act shall be consolidated and so much thereof as remained outstanding on the thirty-first day of March one thousand nine hundred and fourteen shall be repaid within the period of thirty-five years from that date.

Consolidation of waterworks loans.

38.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more equated periods within which all or any loans contracted by them under statutory borrowing powers (including the loans borrowed or taken over by the body formerly known as the Barnsley School Board the liability in respect of which was by the provisions of the Education Act 1902 transferred to the Corporation) shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

Scheme for fixing equated periods and consolidating loans.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

A.D. 1914.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights or remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any Corporation stock existing at that time except with the consent of such mortgagee or holder.

(4) The Corporation may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such moneys as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board shall sanction.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Application of money borrowed.

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

Expenses of execution of Act.

40. All expenses incurred by the Corporation in the execution of this Act which are not defrayed out of borrowed moneys or otherwise provided for shall be defrayed as to sanitary matters out of the district fund and general district rate and as to other matters out of the borough fund and borough rate or the district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure think fit.

PART VI.

MISCELLANEOUS.

Cesser of application to borough of certain sections of Towns Improvement Clauses Act 1847.

41. So much of the Public Health Supplemental Act 1853 (No. 1) and the Barnsley Order confirmed thereby as incorporates and applies to the borough—

Section 109 Party walls to be carried up through the roof;

Section 110 Regulating construction of buildings intended as places for public meetings;

Section 111 If Commissioners fail to signify their approval of plan within fourteen days party may proceed to build; A.D. 1914.
— —

Section 112 Persons may appeal against determination of Commissioners;

of the Towns Improvement Clauses Act 1847 is hereby repealed.

42.—(1) Notwithstanding anything contained in the Local Government Act 1888 there shall be transferred to the Corporation on and after the passing of this Act all the powers exercisable within the borough under the Sale of Gas Act 1859 by and now vested in the county council of the West Riding of Yorkshire and notwithstanding anything contained in the Sale of Gas Act 1859 the Corporation shall be the authority under that Act for the testing and stamping of gas-meters within the borough and may subject as herein-after mentioned execute that Act accordingly. Testing and stamping of gas-meters.

(2) Where in the Sale of Gas Act 1859 anything (other than the adoption of that Act by the town council) is required to be done within a specified time after the passing of that Act such time shall be calculated as if the date of the passing of this Act had been the date of the passing of that Act.

43.—(1) The Corporation may use the lands coloured red upon the plans signed by Ernest Gardner the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (one copy of which is deposited in the Parliament Office of the House of Lords and another copy in the Private Bill Office of the House of Commons) and thereon erect and construct and hold furnish equip maintain insure and carry on a town hall municipal buildings police station petty sessional court public hall assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms ante-rooms refreshment rooms kitchen cloak-rooms lavatories gardens outbuildings conveniences and appurtenances and may for the purposes thereof alter adapt extend or otherwise deal with existing buildings belonging to the Corporation Provided that before commencing the erection of any buildings under the provisions of this section the Corporation shall submit to the Local Government Board for their approval plans sections and specifications of the proposed buildings. Power to provide town hall and other buildings.

A.D. 1914.

(2) The Corporation shall make such adjustments between the borough fund account and the district fund account as shall be necessary to charge to the borough fund account the original cost of so much of the lands before mentioned as were acquired by them for the purposes of street improvements and as are by this Act appropriated for the purposes mentioned in subsection (1) of this section.

(3) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums borrowed for the purchase of the said lands or some of them and secured by mortgages already granted under the powers of the Public Health Act 1875 of the district fund and general district rate and the interest upon such sums shall as heretofore be paid out of the last-mentioned fund and rate and shall be repaid thereto from the borough fund and borough rate.

Power to erect &c. market warehouses with shops and offices over.

44. The Corporation may upon lands forming part of their market undertaking erect and construct and may hold and maintain and from time to time repair alter pull down and re-erect buildings so constructed that the lower portions thereof shall form warehouses or other market buildings to be entered from the market and used in connexion with the market undertaking and that the upper portions thereof form shops offices or other buildings fronting on to and having entrances in Eldon Street or Kendray Street and such upper portions may be used as shops offices or for any purpose whether connected or unconnected with the market undertaking as the Corporation may think fit.

Letting of public buildings.

45.—(1) The Corporation may let for any period any such warehouses shops offices or buildings (other than the public buildings) as are referred to in the last preceding section of this Act upon such terms and conditions as they may think fit and any moneys received from such letting shall be carried to the credit of the revenue account of the market undertaking.

(2) The Corporation may grant or let with or without charge the use of the whole or any part of any public buildings acquired or constructed or held by them under the powers of the section of this Act whereof the marginal note is "Power to provide town hall and other buildings" for any public or other meetings or any musical or other entertainments or for

other purposes approved by the Corporation on such terms and conditions as they may think fit Any moneys received by the Corporation under this subsection shall be carried to the credit of the borough fund. A.D. 1914.

46. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing works for owner Corporation liable for negligence only.

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

Application of section 265 of Public Health Act 1875.

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

Informations by whom to be laid.

49. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment

Evidence of appointments authority &c.

A.D. 1914. authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Recovery of penalties &c.

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

Inquiries by Local Government Board.

51.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to any of the duties imposed on that Board under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation 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.

Authentication and service of notices &c.

52.—(1) Where any notice or demand under this Act or under any Local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be a sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any Local Act Provisional Order or byelaw for the time being in force within the borough 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 that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

53. All costs charges and expenses preliminary to and of A.D. 1914.
and incidental to the preparing applying for obtaining and Costs of Act.
passing of this Act as taxed by the taxing officer of the House
of Lords or of the House of Commons shall be paid by the
Corporation out of the borough fund and borough rate and
district fund and general district rate in equal proportions or
out of moneys to be borrowed for that purpose under the powers
of this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE (referred to in Preamble and section 37).

STATEMENT OF WATERWORKS LOANS.

1 Authority for Borrowing.	2 Amount authorised.	3 Period prescribed for repayment.	4 Period remaining on 31st March 1914.	5 Amount borrowed (by mortgage in each case).	6 Loans paid off and Sinking Fund in hand 31st March 1914.	7 Balance of Loan Outstanding after deducting Loans paid off and Sinking Fund in hand.
	£ s. d.	Years.	Years.	£ s. d.	£ s. d.	£ s. d.
Barnsley Corporation (Water) Act 1896 - Barnsley Order 1902 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1902 and sanction of Local Government Board dated the 29th August 1902.	170,000 0 0 113,422 0 0	60 30	42 23	170,000 0 0 113,422 0 0	15,922 18 3 28,129 17 8	151,077 1 9 85,292 2 4
The same Order and sanction of Local Government Board dated the 23rd March 1907.	6,578 0 0	35	29	6,578 0 0	903 17 4	5,674 2 8
Barnsley Order 1907 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1907 and sanction of Local Government Board dated the 2nd November 1907.	27,960 0 0	35	29	27,525 15 11	3,251 10 8	24,274 5 3
Totals -	£ 317,960 0 0	-	£ 317,525 15 11	£48,208 3 11	£269,317 12 0	
Balance of sanction	-	-	434 4 1	317,960 0 0		

THE SECOND SCHEDULE
(referred to in section 36).

A.D. 1914.

FORM OF MORTGAGE.

COUNTY BOROUGH OF BARNSELEY.

THE BARNSELEY CORPORATION ACT 1914.

Mortgage No.

By virtue of the Barnsley Corporation Act 1914 and of all other their powers in that behalf them enabling the mayor aldermen and burgesses of the county borough of Barnsley (herein-after referred to as "the Corporation") in consideration of the sum of pounds paid to the treasurer of the said borough by

of

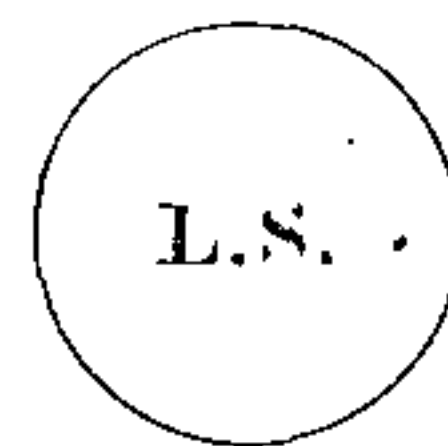
(who with executors administrators and assigns is herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee such proportion of the revenues of the Corporation in the said Act defined as the said sum of £

doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee until the said sum be repaid to the said with interest at the rate of per centum per annum by equal half-yearly payments on the first day of July and the first day of January in each year from the date hereof:

And it is hereby agreed that the principal sum secured by these presents shall be repaid at the office of the treasurer of the said borough on the day of one thousand nine hundred and (or at the option of the Corporation or of the mortgagee by the party desiring to make such repayment or requiring such repayment to be made as the case may be giving to the other months' notice in writing of such or intention).

Given under the common seal of the Corporation this day of one thousand nine hundred and

Sealed in the presence of



Town Clerk.

Received from the within named the sum of being the consideration money expressed to be paid by the within

A.D. 1914. named _____ to the Corporation of
Barnsley. _____

Borough Treasurer.

Entered on the Barnsley Register of Mortgages this
day of _____ 19 .

Town Clerk.

THE THIRD SCHEDULE.

(referred to in section 36).

FORM OF TRANSFER OF MORTGAGE.

COUNTY BOROUGH OF BARNSELY.

THE BARNSELY CORPORATION ACT 1914.

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

Dated this _____ day of _____ one thousand nine
hundred and _____

Signed sealed and delivered by the }
above-named }
in the presence of }

L.S.

Name of witness

Address

Occupation or description

Signed sealed and delivered by the }
above-named }
in the presence of }

L.S.

Name of witness

Address

Occupation or description

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

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