CHAPTER cxci.

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An Act to extend the borough of Rotherham, and to confer powers upon the Corporation of that borough for purchasing lands and constructing works for the disposal of sewage; also powers in relation to markets and affecting the sanitary condition and local government of the borough; and for other purposes. [24th July 1879.]

WHEREAS the borough of Rotherham, in the west riding of the county of York, comprises the townships of Rotherham and Kimberworth, which are separated from one another by the River Don, and the district of the Greasbrough Local Board of Health (in this Act called "the Greasbrough district") adjoins the said borough on the side of Kimberworth and Rotherham, and the township of Brinsworth, in the parish of Rotherham, adjoins the said borough on the side of Rotherham and Kimberworth, and the parish of Whiston adjoins the said borough on the side of Rotherham; and it is expedient that the said borough should be extended and comprise those portions of the Greasbrough district, the township of Brinsworth, and parish of Whiston respectively which are described in the First Schedule to this Act:

And whereas it is expedient that more effectual provision should be made for cleansing and keeping free from pollution and obstruction the Rivers Don and Rother and the tributaries thereto respectively within the limits of the borough as so extended, and for carrying off and disposing of the sewage of the extended borough, and for such purposes that the mayor, aldermen, and burgesses of the borough of Rotherham (in this Act called "the Corporation") should be authorised to purchase the lands and construct the works described upon the plans herein-after mentioned, and should have other powers in relation to sewage and the said rivers and tributaries:

And whereas the Corporation are the owners of the waterworks and gasworks which supply the present borough with water and

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gas, and the water is constantly laid on under pressure, and it is expedient that they should be empowered to purchase by agreement and hold certain land for the protection of their reservoirs, and should have further powers in reference to water, and should also be empowered to supply gas fittings:

And whereas the Corporation are or claim to be the owners of the market rights within the borough, and the present cattle market is inconveniently situated, and the pig market is held in one of the public streets and is found to be a nuisance, and it is expedient that the Corporation should be empowered to provide a new site for the cattle market and pig market and to purchase the site of the present cattle market, and should have further powers in relation to markets and fairs:

And whereas it is expedient to make further provision and confer further powers upon the Corporation with respect to streets and buildings, weights and measures, and omnibuses and hackney carriages, matters of police and sanitary matters, and other matters relating to or affecting the local government of the borough:

And whereas it is expedient to make further provision with respect to the borrowing powers and other financial matters of the Corporation, and that they should be authorised to raise a further sum of money:

And whereas the several local Acts following; that is to say, 26 and 27 Vict. cap. 117., 33 and 34 Vict. cap. 134., 38 Vict. cap. 70., and 40 Vict. cap. 24., relate to the existing borough, and are in this Act referred to as "the Borough Acts":

And whereas a plan and section describing the lines, situations, and levels of the works intended to be authorised by this Act, and the lands which may be taken compulsorily under the powers of this Act, and a book of reference to the said plan describing the said lands, and containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of such lands, have been deposited with the clerk of the peace for the west riding of the county of York (which respectively are in this Act referred to as "the deposited plan, section, and book of reference"):

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised, and such estimates are as under; namely,

With respect to sewage - - -	£110,000
With respect to cattle market and markets -	£20,000

And those purposes are permanent works within the meaning of section 234 of the Public Health Act, 1875 : 38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the Council, at a meeting held on the eighteenth day of September one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the "Rotherham and Masbrough Advertiser," a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to the promoting the Bill for this Act should be charged on the borough fund of the borough, or other the public funds or rates under the control of the Council :

And whereas such resolution was published twice in the said "Rotherham and Masbrough Advertiser," and in respect of matters under the control of the Local Government Board has received the approval of that Board, and in respect of other matters has received the approval of one of Her Majesty's Principal Secretaries of State :

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 on the twentieth day of January one thousand eight hundred and seventy-nine, in pursuance of a similar notice, being not less than fourteen days after the deposit of the Bill in Parliament :

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

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

I.—Preliminary.

Short title of Act.

1. This Act may be cited as the Rotherham Borough Extension and Sewerage Act, 1879.

Limits and commencement of Act.

2. Except as otherwise provided by this Act with respect to water and sewage, this Act shall apply exclusively within the extended borough, and shall come into operation on the first day of November one thousand eight hundred and seventy-nine.

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Execution of Act by the Corporation.

3. This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation acting by their Council, and in accordance with the public general statutes and local Acts and laws from time to time in force and relating to the Corporation, and their Council, committees, agents, officers, and servants, and applicable for the purposes of this Act, and as nearly as possible as if the purposes of this Act were purposes of the Municipal Corporations Acts and the "Public Health Acts" as herein-after defined, as the case may be, but sections 242 and 243 of the Public Health Act, 1875, shall not be applicable in the case of any loans to be raised under the powers of this Act.

Incorporation of general Acts 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 14.

4. The Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Lands Clauses Consolidation Act, 1869, (in this Act collectively called "Lands Clauses Acts,") and the Markets and Fairs Clauses Act, 1847, so far as they are respectively applicable to the purposes of and are not varied by or inconsistent with this Act, are incorporated with and form part of this Act, and are in this Act referred to as the incorporated Acts; and in construing the incorporated Acts for the purposes of this Act, the expressions "the undertakers" and the "promoters of the undertaking" shall mean the Corporation.

Interpretation of terms.

5. In this Act the several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings, unless the same be varied by this Act, or unless there be something in the subject or context repugnant to such construction:

"The existing borough" means the municipal borough of Rotherham as existing immediately before the passing of this Act:

"The added part of the borough" means the area added to the existing borough by this Act:

"The borough," used without any qualification, or "the extended borough," means the existing borough with the added part of the borough:

The expressions "the Council" and "the town clerk" shall mean respectively the Council and the town clerk for the time being of the borough:

"The general district rate" means the general district rate for the borough:

"The district fund" means the district fund of the borough:

"The borough rate" means the borough rate of the borough:

"The borough fund" means the borough fund of the borough:

"The highway authority" means the surveyor of highways for the parish or district with reference to which the expression is used:

"The Municipal Corporation Act" means the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, "To provide for the regulation of Municipal Corporations in England and Wales," and "Municipal Corporation Acts" means that Act and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England:

"The Public Health Acts" means the Public Health Act, 1875, the Public Health (Water) Act, 1878, and all Acts for the time being in force for amending or extending the same: 41 & 42 Vict. c. 25.

The word "premises" shall include houses, buildings, and erections and parts thereof respectively, and land with or without houses, buildings, or erections thereon:

The word "person" shall include company and also corporation, whether aggregate or sole:

The word "owner" shall mean the person for the time being receiving the rackrent of the lands and premises in connexion with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent:

The word "occupier" shall mean the person for the time being in the actual occupation or possession of the land with reference to which that expression is used:

The word "street" shall have the same meaning as in section 4 of the Public Health Act, 1875:

The word "building" shall mean and include all dwelling-houses, houses, messuages, warehouses, mills, manufactories, chimney shafts, and walls of whatever materials they may respectively be constructed:

The word "hackney carriage" shall mean every carriage used for the purpose of conveying passengers for hire or reward kept or plying for hire in the borough:

The expression "superior court" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

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II.—EXTENSION OF BOROUGH.

Borough extended.

6. From and after the thirty-first day of October one thousand eight hundred and seventy-nine the municipal borough of Rotherham and the district of the Corporation as the urban sanitary authority shall extend to and include those parts of the Greasbrough district, the township of Brinsworth, and the parish of Whiston which are described in the First Part of the First Schedule to this Act, and more particularly delineated on the borough plan herein-after mentioned; and the Municipal Corporation Acts, as applicable to the borough, the charter of incorporation of the twenty-ninth day of August one thousand eight hundred and seventy-one, and the provisions of the several local Acts applicable to and in force within the existing borough immediately before the passing of this Act, so far as the same are not repealed, and except as is otherwise provided by this Act, shall be in force in and throughout the whole of the borough.

Borough to be divided into wards.

7. The borough shall be divided into the same number of wards and bearing the same names as the present wards, and the added parts of the borough shall be added to such wards, and the boundaries of the said wards as so enlarged are set forth in the Second Part of the First Schedule to this Act, and more particularly delineated on the said borough plan.

Overseers to make out lists of burgesses.

8. The overseers of the poor for every parish or township situate wholly or partly within the borough shall, on or before the fifth day of September one thousand eight hundred and seventy-nine, make out and deliver to the town clerk an alphabetical list, to be called the Burgess List, according to the form for the time being in force under the Municipal Corporation Acts, of all persons who shall be entitled to be enrolled in the burgess roll of the borough for the year commencing the first of November one thousand eight hundred and seventy-nine, according to the provisions of the Municipal Corporation Acts in respect of property within the respective parish or township of the said overseers, and on and before the fifth day of September in every subsequent year the said overseers shall make out and deliver to the town clerk a similar list of burgesses, and shall also keep copies of the said lists, to be perused by any person without payment of any fee at all reasonable hours between the fifth and fifteenth days of September in every year, and the said overseers shall perform all other duties required to be performed by overseers under the Municipal Corporation Acts.

As to revision, &c. of burgess lists.

9. The lists delivered to the town clerk, as mentioned in the preceding section, shall be published, revised, and dealt with in manner prescribed by the Municipal Corporation Acts.

Deposit of plan.

10. A plan of the borough as extended by this Act, and showing the different wards, shall within two weeks after the passing of this Act be deposited with the town clerk at his office.

Copies of deposited plan to be evidence, &c.

11. Any copy of the said plan deposited with the town clerk, certified by him to be a true copy, or any extract therefrom certified by him to be true, shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents of such plan, and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation, and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Authority of Corporation, &c. extended.

12. Subject to the provisions of this Act, the powers, rights, privileges, authorities, and duties of the Corporation as a municipal body and as the sanitary authority for the district of the existing borough or otherwise, and of the mayor and all officers and servants of the Corporation, shall extend to and throughout the extended borough, and all byelaws, orders, and regulations which at the commencement of this Act are in force within the existing borough shall (subject to any future repeal or amendment of the same) extend and apply to the extended borough.

Extinction of liability to certain rates and collection of arrears.

13. Lands and other property in the added part of the borough shall not be liable to be rated or be rated to any sanitary or highway rate made after the commencement of this Act by any local, highway, or sanitary authority other than the Corporation, but orders of justices respecting such rates and matters connected therewith made before the commencement of this Act shall be executed in and with respect to the added part of the borough, and arrears of sanitary and highway rates existing at the commencement of this Act may be collected and recovered therein, as if this Act had not been passed.

Apportionment of secured debts of local, sanitary, or highway authority.

14. As between the Corporation and any such local, highway, or sanitary authority as aforesaid, the Corporation shall assume such a proportion of the total amount of debts of such local, highway, or sanitary authority charged by way of mortgage or other security on the rates leviable by such local, highway, or sanitary authority within and throughout the whole of their district as the rateable value of that part of the district which is added to the borough bears to the entire rateable value of the whole district, and for the

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purposes of this section the word "district" shall with respect to the district of Greasbrough mean the district of the local board of Greasbrough, and with respect to the township of Brinsworth mean only the township of Brinsworth, and with respect to the parish of Whiston mean only the parish of Whiston.

Officers, &c. of Corporation.

15. The town clerk and all other officers and servants of the Corporation shall continue to be the town clerk, officers, and servants of the Corporation, and shall hold their offices and situations by the same tenure and subject to the same conditions as to removal as at the passing of this Act, and the Corporation may from time to time appoint an engineer and such other officers, clerks, and workmen as they may require for the purposes of this Act, upon such terms with respect to salary or remuneration and otherwise as they may think fit.

Deputy town clerk and deputy borough surveyor.

16. The Council may from time to time appoint a deputy town clerk and a deputy borough surveyor, and may delegate to a deputy so appointed the performance of all or certain of the duties of the respective offices under any Act of Parliament for the time being in force within the borough, or under any byelaw of the Corporation. Any deputy so appointed shall within the limits of his delegation have all the powers of the town clerk or borough surveyor, as the case may be, and the signature of any such deputy shall be for all purposes a sufficient authentication of any notice or other document which may require to be authenticated by the signature of the town clerk or borough surveyor, as the case may be.

Dissolution of Brinsworth main sewer district.

17. So much of the provisional order of the General Board of Health dated February second one thousand eight hundred and fifty-two as constitutes the township of Brinsworth, together with the district of the Rotherham and Kimberworth Local Board, a district for the purposes of main sewerage only, is hereby repealed and dissolved.

Corporation to repair certain roads in Whiston.

18. From and after the commencement of this Act, the following roads in the parish of Whiston, to the extent herein-after mentioned, shall be repairable by the Corporation instead of by the parish of Whiston; that is to say,

1. The Rotherham and Barnby Moor Road, from Herringthorpe Lane End to Brecks Toll Bar, a distance of fifty-two chains:
2. The Laughton Road, from the boundary of the extended borough to the first Four Lane Ends on that road, a distance of twenty-three chains:

3. The Rotherham and Pleasly Road, from the boundary of the extended borough to the Whiston Toll Bar, a distance of thirty-eight chains.

As to supplying water to Whiston Green, &c.

19. The Corporation shall from their main conduit from Pinch Mill Spring lay down lines of pipes and construct all necessary works for carrying a continuous and sufficient supply of water from their mains to Whiston Green, and also to a point at the junction of Hungerhill Road with the road leading from Moorhouse past the Wesleyan chapel in Whiston, and shall for the purposes of such supply of water at such last-mentioned two points construct and maintain good and sufficient stand pipes with good and efficient self-closing taps, and further shall have power to fix at the existing tank near Booth's House a ball tap so as to keep the said tank continually full of water, but so as to prevent waste by overflow.

Supply of water to Whiston Hall and Farm.

20. The following provisions shall take effect for the benefit and protection of the owners, lessees, and occupiers for the time being of Whiston Hall and Farm, in the township and parish of Whiston, now belonging or reputed to belong to Sir George Reresby Sitwell, Baronet, and now or late in the occupation of William Staniforth Cox; that is to say,

(*a.*) The Corporation shall from time to time and at all times hereafter furnish, free of all rates and charges, a constant supply of water from the Pinch Mill Spring sufficient for farm and house purposes to and for the use of such owners, lessees, and occupiers, and so that they may take and use the same for those purposes without any interference by the Corporation. Farm purposes shall not include irrigation or watering land of any description, except gardens, and not nursery or market gardens:

(*b.*) Such supply shall be furnished from the line of pipes or conduit firstly described in and authorised by section 13 of the Rotherham and Kimberworth Local Board of Health Act, 1863, at a point not exceeding one hundred yards from the nearest part of Whiston Hall, by means of a pipe of two inches internal diameter (herein-after referred to as "the service pipe"), and for farm purposes shall be delivered into an open tank of galvanised iron, capable of containing not less than one thousand gallons of water, to be fixed at some convenient place in the farmyard and to be furnished with a ball tap, so as to keep the said tank constantly full of water but prevent waste by overflow, and for house purposes shall be furnished by means of a self-closing draw tap attached to the service pipe at such

26 & 27 Vict. c. cxvii.

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convenient place near the farmyard as shall be agreed upon, or, in case of difference, as shall be settled by arbitration in the manner herein-after provided:

(*c.*) The said tank, service pipe, and taps shall respectively be made and laid down, and shall for ever be maintained, repaired, kept clean, and renewed as may from time to time be necessary, by the Corporation at their own expense:

(*d.*) It shall be lawful for such owners, lessees, or occupiers as aforesaid from time to time, at his or their own expense, by means of force pumps or such other means as they shall think fit, to convey the water from the said tank to Whiston Hall and to any part or parts of the farm buildings and premises, but not beyond, for the purpose of rendering the same available either for supplying water-closets or baths in Whiston Hall, or for any other house or farm purpose which they may deem necessary or convenient:

(*e.*) The Corporation shall pay to the occupiers or respective occupiers for the time being of Whiston Hall and Whiston Hall Farm, as and by way of liquidated damages, the sum of five pounds for every day or part of a day during which they shall wilfully fail to furnish such a supply of water as aforesaid, and every or any such sum may be recovered in any court of competent jurisdiction:

(*f.*) Any difference between the Corporation and any such owner, lessee, or occupier as aforesaid touching any of the matters referred to in this section shall be determined by arbitration in manner provided by the Common Law Procedure Act, 1854:

17 & 18 Vict. c. 125.

(*g.*) The term Whiston Hall in this section shall mean and include the farmhouse and premises now known by that name as the same now stand, or as they may be hereafter altered or (so far as regards the house) enlarged, but not to comprise more than one dwelling, and any house and premises to be hereafter erected or built upon the site of or near to and in substitution for the present house and premises, but so as at no time to comprise more than one house; and the provisions of this section shall enure to and for the benefit of the respective owners, lessees, and occupiers for the time being of Whiston Hall and Farm, whether the same or any part or parts thereof respectively shall for the time being be owned, leased, or occupied, as

the case may be, by the same person or by different persons:

(*h.*) The Corporation shall not incur any liability for not supplying such water if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident, or the said spring shall fail, or during such time as the said line of pipes or conduit or any of the works requisite for furnishing the supply shall be undergoing necessary repair or renewal:

(*i.*) All pumps and works which may hereafter be constructed, put up, or laid down by any owner, lessee, or occupier of Whiston Hall or Farm under or for the purposes of this section shall be subject to the byelaws or regulations of the Corporation for the time being in force for preventing waste or misuse of water, and nothing in this section contained shall exempt Whiston Hall or Farm from such powers of entry and inspection as the Corporation have in the case of other premises supplied by them with water.

III.—As to Land and as to Works, &c. for Sewage Purposes.

Power to take, &c. lands.

21. Subject to the provisions and for the purposes of this Act, the Corporation may from time to time enter upon, take, and use all or any of the lands shown on the deposited plan and described in the deposited book of reference.

Correction of errors, omissions, &c.

22. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plan or book of reference, the Corporation may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, and if it appears to the justices that the same arose from mistake, they shall so certify, stating the particulars thereof, and their certificate shall be deposited (as regards both the county and the parish) as if the same had originally formed part of the deposited plan or book of reference (as the case may be), and shall be kept therewith and shall be deemed to be part thereof, and thereupon the deposited plan or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use the lands to which the certificate relates accordingly.

For the protection of the Manchester,

23. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes

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Sheffield, and Lincolnshire Railway Company.

of this Act, so far as the same affect lands belonging to the Manchester, Sheffield, and Lincolnshire Railway Company (herein-after called the Sheffield Company), shall, unless with the previous consent in writing of that company under their common seal, be exercised only subject to and in accordance with the following provisions:

The Corporation shall not take, use, or enter upon any land, railway, siding, canal, towing-path, wharf, or other work at any time belonging to or leased or worked by that company, except only a plot of land containing 6,530 square yards or thereabouts lying between the Midland Railway and Main Street in Rotherham, as delineated and edged red on a plan signed by Charles Sacré and George Jennings, the respective engineers of the Sheffield Company and the Corporation, and dated the 21st day of March 1879.

Saving Manchester, Sheffield, and Lincolnshire Railway Company's rights in River Dun Navigation.

24. Nothing in this Act contained shall extend or be construed to extend so as to prejudice or affect or to repeal or alter any of the powers, authorities, rights, and privileges granted to the South Yorkshire Railway and River Dun Navigation Company, or the Manchester, Sheffield, and Lincolnshire Railway Company as the present owners of the River Dun Navigation, by any Act or Acts of Parliament passed relating to that navigation, or in any respect to impede, obstruct, prejudice, injure, or damage that navigation, or any cut, canal, bank, culvert, drain, or work belonging thereto and now or heretofore used, held, or enjoyed therewith.

Compensation may be in land or works.

25. The Corporation, whenever they are by any enactment required to make compensation to any person interested in any lands or buildings, may by agreement with such person make such compensation wholly or partly in works or land.

Power to sell surplus lands and property.

26. The Corporation may from time to time sell and dispose of any part of the buildings, works, lands, and property transferred to them by or under this Act, and they shall apply the proceeds of any sale in the first place in paying off any debt of the local board or other body to whom such property belonged, and, subject thereto, in paying off money borrowed by the Corporation.

Period for compulsory purchase of lands.

27. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Description of works.

28. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plan and section, the works therein shown, which

works are wholly situate in the west riding of the county of York, and comprise the following; that is to say,

1. A sewer or line of pipes, in the townships of Rotherham and Kimberworth, to be carried under the bed of the River Don, at a point about seven chains north-east of the iron bridge over the said river at the bottom of Effingham Street:
2. A conduit or line of pipes, commencing in the township of Dalton, in the parish of Rotherham, at a point on the boundary of the said township ten chains or thereabouts, measured in a straight line in a northerly direction, from the old Aldwark Toll House, and terminating in the township and parish of Hooton Roberts at a point fourteen chains or thereabouts, measured in a straight line in a north-easterly direction, from the centre of Kilnhurst Bridge:
3. An overflow conduit or aqueduct, in the township of Dalton, commencing at a point immediately adjoining the commencement of the conduit above described, and terminating at a point on the right bank of the River Don twelve chains or thereabouts, measured in a straight line in an easterly direction, from the centre of Aldwark Bridge; and the Corporation may use the piece of land numbered two, in the township and parish of Rotherham, on the deposited plan, when purchased by them, for the purposes of a sewage screening and pumping station.

Power to deviate.

29. The Corporation in making the works shown on the deposited plan may deviate from the lines thereof shown thereon to any extent within the limits of deviation marked thereon, and from the levels thereof shown on the deposited section to such extent not exceeding five feet upwards and five feet downwards as they find necessary or convenient for effecting the objects of the works, and in estimating the purchase money or compensation to be paid to the owner of any land to be taken under the powers of this Act, regard shall be had to the damage, if any, sustained by such owner by reason of the power of deviation contained in this enactment.

Power to break up roads, &c.

30. The Corporation in making the works shown on the deposited plan may from time to time, as far as they find it necessary or convenient for effecting the objects of the works, break up or cross over or under any street or highway, sewer, drain, and watercourse, and any pipe or tube for water, gas, telegraph, or other purposes, doing as little damage as may be, and making compensation for any damage done.

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Power to make subsidiary works.

31. The Corporation may from time to time make, construct, and lay down and maintain all necessary and proper side cuts and channels, filter beds, culverts, carriers, junctions, conduits, sluices, outflow manholes, penstocks, entrances, ventilators, wells, pits, syphons, pumping stations, pumps, pumping apparatus, machinery, waste gates, gauges, regulating basins, tanks, pipes, ways, approaches, sidings, works, and conveniences requisite or convenient to be used for or in connexion with any sewer, filter bed, or sewage farm of the Corporation, or for collecting land drainage and effluent waters and conveying the same to and into the filtering beds and thence into the River Don, or for any other purpose of this Act.

Corporation may acquire easements.

32. Instead of purchasing the land required for the construction and maintenance of the sewer and conduit or the laying down of the lines of pipes shown on the deposited plan, or any of such works, the Corporation may, if they think fit, but by agreement only, purchase such easement only as they may require for those purposes, and the easement so to be acquired shall be lands within the meaning of the Lands Clauses Act.

Power to take easements, &c. by agreement.

33. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Period for completion of works.

34. The sewer, lines of pipes, and conduits by this Act authorised and shown on the deposited plan shall be completed within ten years from the passing of this Act, and if on the expiration of that period the said sewer, lines of pipes, and conduits are not completed, the powers by this Act granted to the Corporation for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Certificate of completion of sewers, &c.

35. A certificate of the Local Government Board certifying the completion of the said sewer, lines of pipes, and conduits, or any of those works, shall be for all purposes conclusive evidence thereof.

Power to use lands for

36. The Corporation may use any of the lands in the parishes of Thrybergh, Hooton Roberts, and Mexborough, or any of them,

shown on the deposited plan and comprised within the areas tinted or edged in pink, when purchased by them, for all or any of the following purposes; namely,

sewage purposes, &c.

For the purpose of thereon receiving, collecting, storing, depositing, precipitating, filtering, disinfecting, deodorising, defæcating, distributing, applying to purposes of agriculture, irrigation, or fertilisation, or other like purposes, or otherwise utilising or dealing with sewage and sewage matter, as they think fit:

To make, lay down, maintain, renew, improve, enlarge, cleanse, and use from time to time on those lands, conduits and other works and apparatus for supplying sewage to occupiers of those lands for irrigation and fertilisation thereof, or for appropriating and using sewage for irrigation and fertilisation thereof:

To make, provide, lay down, maintain, renew, improve, enlarge, cleanse, and use from time to time on those lands, such tanks, receptacles, filter beds, pipes, pumps, machinery, and apparatus in such manner and in such places as they think requisite for any of the purposes aforesaid:

To appropriate and use sewage for irrigation and fertilisation of those lands:

To let any part of those lands for such terms, at such yearly or other rents, and subject to such provisions and restrictions as they think fit:

To sell or dispose of any part of those lands, with or without a right to sewage, in such manner, to such persons, and on such terms and conditions as they think fit, but so that the Corporation shall retain a sufficient portion of those lands for the sewage purposes of this Act, and the lands which may be taken and appropriated to any of those purposes are in this Act called the sewage lands.

Power to hold licenses under letters patent.

37. The Corporation may take, hold, and use any license or authority (not being exclusive) under any letters patent for the use of any invention relative to the utilisation or treatment of sewage.

Power to supply for limited periods sewage for irrigating lands.

38. Subject to the provisions of this Act, the Corporation from time to time may, under any agreement for not exceeding seven years with the owners or occupiers of any lands, supply to such owners and occupiers respectively sewage for the irrigation and fertilisation of such lands.

Power to execute works for

39. For the purpose of drawing off or supplying sewage for the irrigation of lands under this Act, the Corporation may, subject to

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irrigation purposes.

the provisions of this Act, make all necessary openings in their sewers, conduits, and lines of pipes, and construct, execute, lay down, and maintain, and from time to time renew, improve, cleanse, and repair, all such works and apparatus as may be necessary or proper in, through, under, over, or upon any other lands belonging to the Corporation or where the Corporation have a right or easement, or in, through, under, over, or upon any other lands, with the consent of the owners, lessees, and occupiers thereof, and also all such culverts, pipes, or covered drains under any public road or highway through, under, or near which any of the said sewers pass as they may find to be necessary in order to form a communication between the sewer and the works and apparatus to be constructed, executed, and laid down by them as aforesaid,

Penalty for using sewage without agreement.

40. If any person not being entitled under agreement with the Corporation to a supply of sewage wrongfully takes or uses any sewage or sewage matter from the sewers, filter beds, or sewage lands of the Corporation, he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

IV.—As to Sewerage.

Power for Corporation and other authorities to *enter into* agreements.

41. The Corporation may from time to time make and carry into effect agreements with any local board, sanitary authority, company, or person with respect to the sewerage of any district, place, or lands outside the borough, and the disposal and application of the sewage derived therefrom and the expenses incidental thereto, or to any other matter within the powers of this Act in relation to sewage, but no such agreement shall be made for a term exceeding seven years.

Chemical refuse and other injurious matters not to be allowed to pass into the sewers.

42. It shall not be lawful for any person to throw or to permit or suffer to be thrown or to pass into any of the sewers of the Corporation any refuse matter from chemical works or other substance which would be injurious to the construction of the sewers or produce corrosion or decay in the materials thereof, or generate poisonous or pernicious gases, or injure or prejudicially affect the grass, herbage, crops, or vegetation of the Corporation sewage lands, and every person offending against this enactment shall for every such offence forfeit and pay a sum not exceeding fifty pounds, to be recoverable by the Corporation with full costs of suit in any court of competent jurisdiction.

For protection of Greasbrough Local Board.

43. Notwithstanding anything in this Act contained, nothing shall be deemed to alter, vary, or prejudice any existing right which the local board of Greasbrough now have or may legally acquire

under their now existing constitution for letting out or carrying the sewage or effluent matter of the district of the local board through the portion of the district of the local board by this Act included within the limits of the borough.

V.—As to Rivers and Streams.

Prohibition of sending sewage into rivers, &c.

44. From and after the commencement of this Act it shall not be lawful for any person to do within the borough of Rotherham any of the following things; (namely,)

(1.) To open into the rivers Don or Rother, or into any of their respective tributaries, including any canal or cut communicating therewith, any sewer, drain, pipe, or channel, with intent or in order thereby to provide for the flow or passage of sewage or other offensive or injurious matter:

(2.) To cause or without lawful excuse (proof whereof shall lie on the person accused) to suffer any sewage or other offensive or injurious matter to flow or pass into the rivers Don or Rother, or into any of their respective tributaries, including any canal or cut communicating therewith, down or through any sewer, drain, pipe, or channel not used for that purpose before the passing of this Act.

If any person does anything in contravention of this section he shall for every such offence, on the prosecution of the Corporation, be liable on summary conviction before two justices to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day on which the offence is continued after notice of the offence given to him by the Corporation, and after such conviction the Corporation may stop up at any point within the borough the sewer, drain, pipe, or channel in respect of which the offence is committed, and for that purpose may do all works that appear to them requisite, and may enter on any lands, and the Corporation may recover summarily from the offenders, with costs, all expenses reasonably incurred by them in so doing.

For cleansing, &c. rivers.

45. The Corporation may from time to time cleanse and scour, as they think fit, the waterway or bed and course, or any part or parts thereof respectively, of any river or brook within the borough, or of so much as is within the borough of any river which forms the boundary of the borough, and may also, by such ways and means as they may find most effectual, disinfect and purify the same and the waters thereof, and shall make compensation to the owners, lessees, and occupiers of all or any parts of the said rivers or brooks who may be injured by such cleansing, scouring, disin-

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fecting, or purifying, such compensation in case of difference to be settled in a summary way by the county court judge of the district, and his decision shall be final and conclusive, and all expenses incurred by the Corporation, including compensation payable by them under this section, may be paid out of the district fund or general district rate.

For preventing obstructions to streams, &c.

46. If any person shall after the passing of this Act place, cast, or suffer or permit to fall, flow, or be washed or carried into any drain, sewer, watercourse, stream, or river within the borough any matter, substance, or thing whatsoever, so as to impede the free flow of the water down or in the same, he shall for every such offence be liable to a penalty of not exceeding forty shillings.

For preventing the falling of rubbish into any river, &c.

47. No person shall place or suffer to be placed any cinders, refuse, earth, soil, or other substance in such a position as renders them liable to fall or be washed or carried into any stream or river within the borough, and if any cinders or other things as aforesaid shall be so placed, the Corporation may, in and by a notice or order in writing to be served upon the premises, require that a sufficient wall or fence shall be erected and maintained in good repair and condition by the owner of the land on which such cinders or other things as aforesaid are placed, for the purpose of preventing cinders, refuse, soil, or other substances slipping, falling, or being washed into such stream or river; and any person offending against this enactment in any respect shall be liable to a penalty not exceeding five pounds.

Power to arch over brooks, &c.

48. It shall be lawful for the Corporation, by agreement with the owner or owners of lands adjoining any brook or stream within the borough, to arch over or cover in such brook or stream.

Saving of 39 & 40 Vict. c. 75.

49. Nothing in this Act contained shall prevent the Rivers Pollution Prevention Act, 1876, from being enforced within the borough, or shall be construed as legalising any offence committed under that Act either by the Corporation or any person.

VI.—As to Water and Gas Fittings.

Power for Corporation to supply fittings, &c.

50. The Corporation may, if requested by any person supplied or about to be supplied by them with water, furnish to him at his costs and charges, and from time to time repair or alter, any such pipes, valves, meters, cocks, cisterns, baths, soil-pans, water-closets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf.

As to supply of water beyond Corporation's limits of supply.

51. It shall be lawful for the Corporation to enter into contracts with the owner of any tenement or hereditament situate in the neighbourhood of any water main or pipe of the Corporation, though not within the prescribed limits of supply of the Corporation, and also with any local board not within such prescribed limits, to take and use the water of the Corporation, upon such terms and conditions and for such period as may be agreed upon between them: Provided always, that the Corporation shall not supply water under any such contract if and so long as their doing so would prevent them from giving throughout their limits of supply a sufficient supply for domestic purposes.

Power to hold lands needful to protect waterworks against nuisances, &c.

52. It shall be lawful for the Corporation to hold any lands not exceeding fifty acres, either already or hereafter to be vested in them, which they may deem necessary for the purpose of protecting their waterworks against nuisances, encroachments, or injury, and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Consolidation Act, 1845, or any of the Acts relating to the waterworks of the Corporation: Provided always, that the Corporation shall not erect or authorise or permit the erection on any such lands while so held by them of any buildings other than buildings necessary for or connected with their waterworks.

Power for Corporation to supply gas fittings.

53. The Corporation may, if requested by any person supplied or about to be supplied by them with gas, furnish to him at his costs and charges, and from time to time repair or alter, any such gas fittings as they may be required to supply, and may provide all materials and do all work necessary or proper for putting up, cleaning, repairing, or removing the same.

VII.—As to Markets.

Corporation may provide new sites for cattle and pig market.

54. The Corporation may on any land belonging to them or which they may acquire under the powers of this Act provide a suitable site or sites for a cattle market and pig market, and may at such site or sites provide all things necessary for the holding of a cattle market and pig market.

When new pig market is ready for use sale of pigs in the streets to be discontinued.

55. When the site for the pig market is ready for use the Corporation may cause the market for the sale of pigs to be held thereat, and may, by advertisement in a local newspaper circulating in Rotherham, and by placards posted up at such places in the street where the pig market is now held, prohibit the penning or exposing pigs for sale in any street within the borough, and any

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person who after such prohibition pens or exposes for sale any pigs in any street or public place in the borough other than the pig market shall be liable to a penalty not exceeding ten pounds.

When the new cattle market is ready the old market may be discontinued.

56. When the new site for the cattle market is ready for use the Corporation may cause the holding of the market at the present site to be discontinued.

Site of cattle market may be purchased by the Corporation.

57. The Corporation may purchase the land upon which the cattle market is now held, or all such estate and interest therein as is not now vested in and does not belong to the Corporation, and may hold such land for the purposes of the cattle market so long as the cattle market continues to be held on such land, and after the discontinuance of the market thereat for any of the purposes of the Corporation, with power to sell, let, or otherwise dispose of the same as they think proper.

Closing of markets on Sunday, &c.

58. All the markets now or hereafter belonging to or under the control of the Corporation shall be closed on every Sunday, Good Friday, and Christmas Day, and on any day of public fast or thanksgiving.

Limits of markets and fairs.

59. The limits of the markets and fairs of the Corporation shall be the same as the limits of the borough.

Ejectment from markets, &c. for repeated offences.

60. Every person who shall have been convicted of three offences against any of the byelaws relating to cattle or other markets or fairs shall be liable after the third conviction to be forthwith removed and excluded, for a term not exceeding one year, from all or any of such markets or fairs in the borough by the market inspector or his assistants, and his tenancy (if any) of any pen, shop, stall, or standing shall be thereupon determined, without prejudice to any remedy or remedies for the recovery of any rent that may be due.

Markets inspectors, &c. may be made constables.

61. The Corporation may cause the inspectors and collectors of cattle or other markets and fairs now or hereafter belonging to or under the control of the Corporation, and all persons appointed to assist them, permanently or otherwise, to be sworn before a justice as constables, and the men so sworn shall have all such powers, authorities, and privileges, and shall be liable to all such responsibilities, and (subject to the directions of the Corporation) shall perform all such duties, as constables appointed under the Municipal Corporation Acts: Provided always, that no constable not in uniform shall act unless provided with his warrant.

Tolls to be made payable by successive sellers of articles.

62. The several tolls in the cattle and other markets and fairs now or hereafter belonging to or under the control of the Corporation payable with respect to any animal or article shall be paid not

only by the original seller, but also by any subsequent seller or person who offers such animal or article for sale, and such tolls shall become payable before such animal or article is sold or offered for sale.

Disposal of articles left in markets.

63. Every animal or article brought into any market or fair and left therein after the hour of closing (except such as may be left in charge of the superintendent of the market or fair) may be taken possession of by the superintendent, and if the same being of a perishable nature be not claimed within one hour after the closing, or not being of a perishable nature be not claimed within one month thereafter, then and in every such case the same may be sold by the Corporation, who shall return the surplus proceeds of such sale, after deducting any unpaid stallage, rent, or toll due in respect thereof, and the expenses of detention and sale, to the owner on demand, if such demand is made within one month after the sale, but if demand is not so made, the proceeds of the sale shall be forfeited to the Corporation.

Offences in markets.

64. Every person who in any cattle or other market or fair now or hereafter belonging to or under the control of the Corporation commits any of the following offences; (that is to say,)

Every person who makes use of any expression of cursing or swearing, or of any threatening, abusive, violent, offensive, obscene, or disgusting language;

Every person who is drunk or disorderly;

Every person who wilfully creates any obstruction;

Every person who loiters on any stall or bench, or on or near the fountain, or in any part of any market hall or of any building connected therewith, after having been warned to desist therefrom by a constable;

Every person who fights, quarrels, or makes any affray or disturbance;

Every person who commits or creates any nuisance;

Every person who wilfully damages any wall with chalk, paint, or otherwise, or posts any bill or paper thereon;

Every person who wilfully breaks any window or light, or does any other damage to the property of the Corporation;

Every person who permits any dog under his charge to be at large in the cattle market,

shall for every such offence be liable to a penalty not exceeding two pounds; and the superintendent of such market or fair, or other officer authorised by the Corporation, or any constable, may remove from such market or fair any person who within his hearing or view commits any such offence.

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Apprehension of persons treating animals cruelly.

65. If any person wantonly or cruelly tortures or ill-treats any animal in any cattle or other market place or fair ground, any officer of the market or fair or any constable on view thereof may apprehend him and take him before a justice of the peace to be dealt with according to law.

VIII.—Weights and Measures and Sale of Coal.

Inspector of weights and measures to test spring balances, &c., and affix test stamp.

66. Any inspector of weights and measures shall examine and test every spring balance, steelyard, or other machine to be used for the weighing of coal to be sold by retail which shall be brought to him for that purpose, and if he shall find the same correct he shall affix thereon a stamp or mark (in this Act called "the test stamp") indicating that it is correct.

Spring balances, &c. used in sale of coal by retail to be re-tested periodically or whenever required.

67. Every person selling coal by retail and using for that purpose a spring balance or steelyard or other machine with the test stamp thereon shall, whenever required by any inspector of weights and measures, and (whether or not required) before the expiration of one year from the date of the last examination, bring such spring balance or steelyard to any inspector of weights and measures to be re-verified, and so from time to time; and any inspector of weights and measures shall examine and test every spring balance and steelyard and other machine so brought to him, and if found correct shall affix a new test stamp thereon.

Charge for examinations and testings.

68. The inspector of weights and measures shall be entitled to charge one shilling for every examination and testing of a spring balance, steelyard, or other machine under this Act, except when a spring balance, steelyard, or other machine brought upon his requisition to be re-tested before the expiration of a year from the date of the test stamp shall be found upon examination and testing to be correct.

Test stamp not to be in force beyond a year.

69. No test stamp shall have any force or validity after the expiration of one year from the day on which it was affixed.

Penalty for using spring balances without a test stamp, or frauds in relation to test stamps.

70. Any person who uses in and for the purpose of the sale of coal by retail a spring balance, steelyard, or other machine which has not affixed upon it a proper test stamp, or who, not being for the inspector of weights and measures or acting under his authority, affixes a test stamp or stamp or mark intended to pass or be taken as a test stamp, shall for every such offence be liable to a penalty not exceeding forty shillings.

Tickets to be delivered on sale of more than half a ton of coal.

71. It shall not be lawful for any person to sell more than half a ton of coal to one and the same purchaser at one and the same time, to be delivered within the borough, without delivering or causing

to be delivered to such purchaser, or his agent or servant, immediately on the arrival of each and every cart, waggon, or other vehicle in which any part of such coal shall be sent, and before any of such coal shall be unloaded, a paper or ticket in the form, as near as may be, set forth in the Third Schedule to this Act, and no driver or person in charge of any such cart, waggon, or other vehicle shall permit any coal to be unloaded therefrom until such paper or ticket shall have been delivered as aforesaid. Every person who shall offend against this provision shall for every such offence be liable to a penalty not exceeding forty shillings.

Carts, &c. to have weighing machines, and any sacks chosen by purchasers to be weighed, &c.

72. Where coal is sold in sacks a weighing machine or proper scales and weights shall be carried with every such cart, waggon, or other vehicle as aforesaid, and the driver or person in charge thereof shall weigh gratuitously any sack or sacks of coal which shall be chosen by the purchaser, or his agent or servant: Provided always, that if more than one such cart, waggon, or other vehicle shall be unloaded at one and the same time, it shall be sufficient, if there be one weighing machine or proper scales and weights only for all such carts, waggons, or other vehicles, if such weighing machine or scales and weights are available for the weighing of any sack or sacks in any of such carts, waggons, or other vehicles.

Penalty for refusing to weigh, &c.

73. The driver or person in charge of any such cart, waggon, or other vehicle as aforesaid who refuses to weigh any sack or sacks of coal which shall be chosen by the purchaser, or his agent or servant, or drives away the cart, waggon, or other vehicle before the coals are weighed, or otherwise prevents or obstructs the weighing thereof, shall be liable to a penalty not exceeding forty shillings.

Penalty for obstructing an inspector of weights and measures.

74. If any person shall resist any inspector of weights and measures lawfully acting in the exercise of the powers by this Act conferred upon him, or shall prevent, obstruct, or hinder him in the performance of his duty, he shall be liable to the same pains and penalties as he would have incurred if he had resisted, prevented, obstructed, or hindered such inspector in the performance of his ordinary duties of examining weights and measures.

IX.—Street and Building Provisions.

Definition.

75. For the purpose of this Act buildings and lands shall be deemed to be in a street when they abut upon a street, or when only some portion of waste or unoccupied ground open to the passage of the public intervenes between any such buildings or lands and a street.

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Crossings between roadways and private premises.

76. No person shall take horses or vehicles across the footpath of any street from the roadway thereof to his own premises without making a proper crossing where necessary, whereof he shall submit a plan and particulars to the Corporation, and if such plan and particulars are approved, the work shall be executed to the reasonable satisfaction of the borough surveyor; and it shall not be lawful for any person to disturb the footpath for the purpose of making any such communication without such approval of the Corporation as aforesaid, or to use any communication until it has been made and completed to the satisfaction of the borough surveyor.

Notice to be given of completion of new building, &c.

77. Every owner of a new building shall before the same shall be inhabited give to the Corporation or the borough surveyor a notice in writing that the said building and its appurtenances, and the paving of the yard, and the drainage and the ventilation thereof, are completed, and that the drains thereof are sufficiently trapped, according to the provisions of the several Acts of Parliament and the byelaws for the time being in force in the borough, and a demand that the same may be inspected within fourteen days from the service of such notice; and no owner of a new building shall occupy or allow the same to be occupied if he shall have received from the borough surveyor, within fourteen days after the service of such notice, a notice in writing that such new building is not complete or sufficiently ventilated and fit for habitation, or that the drainage thereof is not completed, and the drains not sufficiently trapped (the notice to state in what particulars the building or the drainage is defective); and any owner who shall occupy or allow such new building to be occupied after such last-mentioned notice has been given shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such building shall be inhabited, until the borough surveyor shall have certified that the defects specified in his notice have been remedied.

Buildings to be used as hotels, &c. to have sufficient means of ingress and egress.

78. Every building which after the passing of this Act is intended to be used as an hotel, church, chapel, or school, or place of public amusement or entertainment, or for holding a large number of persons for any purposes, and which shall not have been in use for those purposes at the time of the passing of this Act, shall be provided with ample and convenient means of ingress and egress, regard being had to the purposes for which such building is intended to be used and the number of persons likely to be assembled at the same time therein, and it shall not be lawful for the proprietor or occupier or person in charge of such building to allow the same to

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be used for any such purpose as aforesaid unless and until he has obtained a certificate under the hand of the town clerk that the Corporation are satisfied with the sufficiency of the means of ingress and egress provided at such building, and any person who being the proprietor or occupier or person in charge of such building shall, with knowledge of this enactment, permit the same to be used for any such purpose as aforesaid, without having previously obtained such certificate, shall for every such offence be liable to a penalty not exceeding fifty pounds.

Plans, &c. when approved by Corporation to be binding, and approval to hold good for a limited period.

79. Whenever in pursuance or for any purpose of any Act in force in the borough, or of any byelaw thereunder, the owner or occupier of any land or building is required to deposit plans, sections, or elevations before the laying out of any street, sewer, or drain, or the erection or re-building of any building, and the Corporation have power within a reasonable time to approve or disapprove of such plans, sections, or elevations, such owner or occupier shall not lay out or construct such land, street, sewer, drain, or building, except in conformity with the plans, sections, and elevations approved by the Corporation, and any such approval shall cease to operate at the times and to the extent following; that is to say,

If the land is not laid out within three years after such approval, as to so much of the land as is not so laid out;

If the street is not opened for public use within four years after such approval, as to so much of the street as is so opened for public use;

If the sewer, drain, or building is not constructed or erected and finished for use or occupation within two years after such approval, as to so much of the sewer, drain, or building as is not so constructed or erected and finished for use or occupation:

And in any case fresh notice and approval shall be requisite as if approval had never been given, unless the Corporation, by indorsement on the plans, sections, or elevations, extend such approval for a further period, and so from time to time: Provided always, that nothing in this section contained shall prevent the construction of buildings in conformity with the byelaws of the Corporation, where their approval or disapproval has not been given within the time required by the Public Health Act, 1875.

Power for Corporation to provide cabmen's shelters.

80. The Corporation may from time to time, in such convenient place or places in any public street as they think fit, construct, maintain, and place cabmen's shelters, and may provide and pay for the lighting of any such cabmen's shelter, and every such cabmen's

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shelter shall be subject to such byelaws with respect to the use thereof as the Corporation may from time to time prescribe.

X.—As to Local Government, Police, &c.

Owners to fence lands, &c.

81. If the Corporation are of opinion that danger to the public is likely to ensue by reason of lands abutting on streets not being fenced, the owner of any such land shall, when required by the Corporation, and to their satisfaction, sufficiently fence off the land from the street, and shall afterwards keep such fence in good repair to the satisfaction of the Corporation; and if he fails so to fence or repair as aforesaid within fourteen days after notice for that purpose given to him by the Corporation, the Corporation may fence or repair, as the case may be, and charge him with the expenses of so doing, and recover the same as expenses under the one hundred and fiftieth section of the Public Health Act, 1875.

Lines and height of fences, &c.

82. Where any person under the foregoing provisions of this Act puts up in, on, or adjoining to any street or court any temporary hoard, fence, platform, handrail, scaffold, post, bar, rail, board, or other thing by way of enclosure, he shall put the same in such lines and of such height as the Corporation direct; and if any person fails to comply in any respect with the requirements of this section, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every twenty-four hours during which such failure continues after the expiration of twenty-four hours from the service upon him of notice of the requirement of the Corporation.

Occupier to be liable for removal of solid matter or refuse of certain size.

83. When the ashpit belonging to any house or premises contains any solid matter or refuse which will not pass through a grate or riddle with a half-inch mesh, the occupier of such house or premises shall be liable to the Corporation for the cost of removing such solid matter or refuse, and the same shall be recoverable from him before two justices; and the owner or occupier of such premises shall provide near to such ashpit a place or receptacle or utensil for the deposit of all such solid matter or refuse as will not pass through such grate or riddle.

Regulations as to places for public dancing, &c.

84. For the regulation of places for public dancing or other public entertainments of the like kind, the following provisions shall take effect; namely,

(1.) A house, room, or other place licensed for the sale of wine, spirits, beer, or other fermented or distilled liquors, or a room, garden, or place, shall not be kept or used for public

dancing, music, or other public entertainment of the like kind without a license for all or some of those purposes first being obtained from two justices :

(2.) Such justices may, under the hands of a majority of them assembled at any special session convened by fourteen days previous notice, grant licenses to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or some of the purposes aforesaid, upon such terms and conditions and subject to such restrictions as they by their respective licenses determine, and every license shall be in force for one year :

(3.) Such justices may from time to time at any such special session aforesaid transfer any such license to such person as they think fit :

(4.) Each person shall in each case give seven days notice to the clerk of the justices of his intention to apply for any such license or for the transfer of any such license :

(5.) If any house, room, garden, or place shall be kept and used for public dancing, music, or other public entertainment of the like kind without such license first obtained, the person occupying or rated as the occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept and used for any of the purposes aforesaid :

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid an inscription in large capital letters with the words following, "Licensed for music (or as the case may be) in pursuance "of Act of Parliament" :

(7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except between the hours stated in the license :

(8.) The affixing and keeping up of such inscriptions as aforesaid and the limitation of the hours of opening shall be inserted in and made conditions of every such license, and in case of any breach of either of those conditions such license shall be liable to be revoked by the order of any two justices.

As to hawking petroleum, &c.

85. It shall not be lawful for any person to hawk, sell, or expose for sale petroleum or any dangerous explosive or inflam-

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mable substance in any street within the borough, except in shops where such articles may lawfully be sold. Any person hawking or selling or exposing for sale any such article contrary to this enactment shall for each offence be liable to a penalty not exceeding five pounds.

Prevention of accidents on footpaths.

86. Every person who shall carry or convey anything along the footway of any street in the borough in such manner as to be dangerous to the public shall be liable to a penalty not exceeding twenty shillings.

Constable or fire police may enter without leave any building supposed to be on fire.

87. Any constable of the borough or of the fire police of the borough may enter and, if necessary, break into any building in the borough being or reasonably supposed to be on fire, or any building or land 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 for extinguishing fire in any such building, or for protecting the same, or rescuing any person or property therein from fire.

As to omnibuses. 10 & 11 Vict. c. 89.

88. The provisions contained in the Police Clauses Act, 1847, with respect to hackney carriages, as applicable within the borough under the 171st section of the Public Health Act, 1875 (except sections 51 to 59, both inclusive, and so much of section 68 as enables the Corporation to regulate the fares to be charged), shall extend and be applicable with respect to omnibuses plying in any part of the borough, and the drivers and conductors thereof.

As to offences by owners and drivers of hackney carriages, &c. and omnibus conductors.

89. Whenever complaint shall be made to the Corporation or the hackney carriage committee of the Council that any owner or driver of a hackney carriage or omnibus, or any omnibus conductor, has been guilty of any misconduct in connexion with his calling, or has acted contrary to any Public General Act, or to any byelaw in force in the borough for the regulation of hackney carriages and omnibuses, and owners, drivers, and conductors, or any of them, the said committee may summon such owner, driver, or conductor before them, appointing a reasonable time and place for the hearing of such complaint, and on such hearing it shall be lawful for the said committee to suspend the license of such owner, driver, or conductor for such period as the said committee may think proper, or to revoke the same.

Regulating hire of hackney carriages, &c.

90. The prescribed distance within which the Corporation may license to ply for hire hackney carriages of any kind or description adapted to the carriage of persons shall be the limits of the borough: Provided always, that it shall be obligatory on the drivers of such licensed hackney carriages to carry persons for

hire, if required, to any distance not exceeding three miles from any cab-stand from which such hackney carriage shall be hired: Provided also, that all byelaws for regulating such hackney carriages, and the conduct of the drivers thereof, which are now or may hereafter be in force, shall apply to such hackney carriages and drivers both within the prescribed distance for plying for hire and the prescribed distance for carrying persons as aforesaid, and any offence against any such byelaws, whether such offence shall have been committed within the borough or not, shall be brought before and may be determined by any justice of the peace for the west riding of the county of York or the borough of Rotherham.

Regulation of use of traction engines.

91. No traction engine shall be used in any street in the borough unless the same has been licensed by the Council, or the hackney carriage committee thereof, under and subject to such restrictions as to waggons or vehicles to be attached thereto as the said Council or committee may deem necessary for protection of the public. Every person using or permitting any traction engine to be used in the borough, save whilst a license in respect thereof is in force, shall be liable to a penalty not exceeding five pounds, and a like penalty for every day during which such misuser shall continue.

XI.—As to Sanitary Provisions.

Procedure when unoccupied building becomes a nuisance, &c.

92. If after the passing of this Act any unoccupied house or building in any street or public place in the borough is or becomes a nuisance or cause of injury or danger to the occupier of any adjoining building, or persons using such street or public place, the borough surveyor may by notice in writing under his hand require the owner of such unoccupied house or building, or his agent, within twenty-one days from receipt of such notice, to abate or remove such nuisance or cause of injury or danger, and in case of his failure so to do, such owner or his agent shall be liable to a penalty of forty shillings for every day in which such nuisance or cause of injury or danger shall continue.

Right of appeal in certain cases.

93. Any person deeming himself aggrieved by any notice given by the borough surveyor under the last preceding section of this Act, or any order or conviction of a court of summary jurisdiction in respect of any matter mentioned in that section, may appeal to the next practicable court of quarter sessions in the same manner and subject to the same provisions as in the case of an appeal from the decision of a court of summary jurisdiction under section 269 of the Public Health Act, 1875, and for the purposes of such appeal any decision of the borough surveyor shall be deemed to be the decision of the Corporation.

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Notice to be given of persons suffering from certain diseases.

94. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from small-pox, cholera, or any contagious or infectious fever, the following provisions shall have effect; (that is to say,)

1. If any such inmate be suffering from any such disease as aforesaid, the occupier or person having the management or control of such building shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the Corporation at the Town Hall of the existence in such inmate of such disease:
2. If such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, then such inmate (unless prevented by reason of such disease or of youth) shall, on becoming aware of the existence in such inmate or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person:
3. The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising within the borough forms for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases:
4. Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any such disease as aforesaid, forthwith fill up and sign and send to the Corporation at the Town Hall a certificate or declaration stating, according to the forms prescribed and supplied to him by the Corporation, the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering:
5. The Corporation shall pay to every medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration.

And any person who shall offend against this enactment (unless ignorant thereof, the burden of the proof of which shall be on him) shall for every such offence be liable to a penalty not exceeding ten pounds.

XII.—As to Financial and Borrowing Powers.

Payment of certain expenses.

95. All sums which by this Act are required or authorised to be defrayed out of the district fund and general district rate shall be

raised and levied by the Corporation as part of the general district rates throughout the extended borough, subject and according to the provisions of the Public Health Act, 1875, and of this Act.

Repayment of sums borrowed.

38 & 39 Vict. c. 83.

96. All sums borrowed by the Corporation on mortgage for defraying the expenses of the execution by them of this Act shall be repaid by such one or more of the methods (including a sinking fund) prescribed by the Local Loans Act, 1875, as the Corporation may see fit, and within the periods following; (that is to say,)

As regards any money borrowed before the expiration of five years from the passing of this Act, within sixty years after the expiration of those five years;

As regards any money borrowed after the expiration of five years from the passing of this Act, within sixty years from the borrowing of such money;

And all sums raised for the purpose aforesaid by debenture stock shall be paid off within the same period in manner provided by the 13th section of the Local Loans Act, 1875.

Application of money borrowed.

97. The money borrowed under this Act shall be applied for the purposes for which it was borrowed, and in payment of the costs of this Act, and for improvement, extension, and enlargement of works, and generally for objects to which capital money is properly applicable, and for no other purposes.

Power to borrow on mortgage for certain purposes.

98. And whereas by the Rotherham and Kimberworth Local Board of Health Act, 1863, the Rotherham and Kimberworth Local Board of Health (now represented by the Corporation) were authorised to raise by mortgage thirty-five thousand pounds, and to pay off the sums borrowed by annual or other instalments within forty years after the expiration of seven years from the passing of the said Act, or by a sinking fund as therein mentioned: And whereas the said local board could not at that time borrow the said sum so as to spread the repayment thereof over so long a period as forty years, but they borrowed twenty thousand pounds of the said sum, to be repaid by equal instalments in twenty-four years from the expiration of the said period of seven years from the passing of the said Act, and they borrowed the five thousand pounds more of the said sum of thirty-five thousand pounds, to be repaid, with the interest thereon, by instalments in thirty years from the expiration of the same period: And whereas the payment of so large a proportion of the said sum of thirty-five thousand pounds annually is found very burdensome to the ratepayers of the borough, and the said local board and the Corporation have since the passing of the said Act of 1863 been obliged to incur heavy expenses, which are charged upon the rates, and it is expedient that provision should be

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made for extending the repayment of the said sum over the period prescribed by the said Act in manner herein-after mentioned: And whereas the amount which has been paid off by means of the said instalments, beyond the amount which would have been paid off if the repayment of the money borrowed had been spread over forty years as prescribed by the Act, instead of over twenty-four years and thirty years, is five thousand eight hundred pounds: Therefore, the Corporation may at any time after the passing of this Act borrow on mortgage of the water undertaking of the Corporation, and of the district fund and general district rate, the said sum of five thousand eight hundred pounds, and may apply the sum so borrowed to the same purposes as the revenues of the Corporation, subject to the mortgages for securing the said sum of twenty thousand pounds and five thousand pounds, are applicable, and shall repay the sum so borrowed by annual instalments within forty years from the expiration of the said period of seven years from the passing of the Act of 1863.

Power to issue debenture stock.

99. It shall be lawful for the Corporation at any time or times to resolve that any portion of their debt then subsisting on security of outstanding mortgages (including securities issued under the Local Loans Act, 1875,) of the Corporation, not exceeding an amount to be defined in and by such resolution, may be converted into debenture stock of the Corporation of like or equivalent amount, having regard to the rate or rates of interest on such debt and the rate of interest to be paid on such debenture stock, either by agreement with the holders of such mortgages, or by paying off the same respectively when due, and issuing stock of a corresponding amount charged upon the same securities as the mortgages so converted or paid off, instead of re-borrowing the sums paid off, and also from time to time to resolve that the whole or any part, to be defined in and by such resolution, of the moneys which the Corporation shall have authority to raise by borrowing under the powers of this Act, and which shall not then have been raised, shall or may be raised by the creation and issue of debenture stock of equivalent amount, instead of borrowing the same by mortgage, and also to attach to the stock so authorised to be created and issued for any of the purposes aforesaid a fixed and perpetual yearly dividend or interest, at any rate not exceeding the rate of four pounds ten shillings for every one hundred pounds thereof, payable in equal half-yearly portions, and the stock so created and issued shall be a charge upon the borough fund, borough rate, waterworks undertaking, gas undertaking, sewage undertaking, and markets undertaking, and the general district fund and general district rate, or

such one or more of them as the Corporation thinks fit; but such stock shall be distributable, transmissible, and transferable as and in other respects have the incidents of personal estate, and the stock when so created shall be termed "The Rotherham Corporation Consolidated Debenture Stock," and the Corporation may, if they think fit, redeem all or any debenture stock at par.

Power for trustees to invest in debenture stock, &c.

100. Where a power has been given before the passing of this Act or hereafter may be given to trustees, executors, administrators, or other persons holding funds in a fiduciary capacity, to invest those funds in or on the mortgages or bonds of municipal corporations in England, such power shall, unless the contrary is expressed in the instrument creating it, be deemed to include a power to invest those funds in any mortgages or debenture stock of the Corporation, and an investment thereof in the same may be made accordingly.

Saving for existing rights.

101. Nothing in this Act contained shall in anywise prejudice or affect the rights of the holders of the existing mortgages of the Corporation, and all the debenture stock to be created as aforesaid shall be subject to such mortgages.

Restricting borrowing powers.

102. After the conversion of any mortgages or bonds into debenture stock, or after any money shall have been raised by the Corporation by the issue of debenture stock, it shall not be lawful for the Corporation to issue mortgages or bonds or any other securities for the amount so converted or raised, or again to borrow the same, but the powers of borrowing by the Corporation shall to that extent be extinguished.

No preference given to stock, &c. by priority of creation.

103. No holder of any portion of debenture stock shall have any priority or preference by reason of the creation or issue of such portion of stock before the creation or issue of any other portion of stock.

Register of stock to be kept.

104. The Corporation shall cause entries of the debenture stock from time to time created, and all transfers thereof, to be made in a register to be kept for that purpose, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled.

Certificate of stock.

105. The Corporation shall deliver on demand to every holder of debenture stock a certificate stating the amount of such stock held by him, and such certificate shall have the common seal of the Corporation attached thereto, and the same may be according to the form in the Third Schedule to this Act, or to the like effect, and for such certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

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Certificate to be primâ facie evidence of title.

106. The said certificate may be admitted in all courts as primâ facie evidence of the title of such stockholder, his executors, administrators, successors, or assigns, to the sum therein specified.

Certificate may be renewed in certain cases.

107. If any such certificate be worn out or damaged, then the same may, upon the production thereof, be cancelled, and another similar certificate may be given to the holder of the stock therein specified, or if such certificate be lost or destroyed, then upon proof thereof to the satisfaction of the Corporation a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made in the said register, and for every such certificate given in pursuance of this section a fee not exceeding two shillings and sixpence may be demanded.

Transfer of stock.

108. Debenture stock shall be transferable by deed, which may be in the form contained in the Fourth Schedule to this Act, but such deed shall exclusively relate to such transfer, and shall not contain any recital, trust, power, or proviso whatsoever, and such deed shall be effectual in law to pass to the transferee all the interest of the transferor in the stock expressed to be transferred, and the dividends thereon. A person becoming entitled to any stock in consequence of the death, bankruptcy, or marriage of the owner, or by any lawful means other than by such deed as aforesaid, shall produce such evidence of his title as may be reasonably required by the Corporation, and the same shall be entered in the said register as a transfer. The Corporation shall not be bound to register any transfer except upon production of the certificate relating to the stock to be transferred. Upon any subdivision of stock by transfer the Corporation shall, upon the delivery up to them of the original certificate, grant to the transferees new certificates for the sums of stock so transferred.

Register to be evidence.

109. The register so kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act, and of the title of persons or bodies corporate entered therein as owners of any debenture stock who are mentioned therein as such owners.

Payment of dividends.

110. The Corporation shall pay the dividends on all stock upon the twenty-fifth day of March and twenty-ninth day of September, excepting when such days shall fall on a Saturday, Sunday, or day observed as a public holiday at the Bank of England, and then upon the day next following such excepted day or days.

Application of money raised by debentures.

111. When any debenture stock has been created and issued under this Act in order to raise any portion of a loan authorised by any Act empowering the Corporation to borrow money, or by this Act, the money raised thereby shall be deemed to have been borrowed under and for the purposes of such Act, and shall be applied accordingly.

As to sale of lands, &c.

112. When any lands, rents, or property is or are sold, demised, or otherwise disposed of by the Corporation, the same shall, in the hands of any person or body corporate to whom the same shall have been sold, and his or their heirs, executors, administrators, successors, and assigns, be absolutely free from all charges in respect of any debenture stock granted or issued under this Act, and such person or body corporate shall not be bound to see to or inquire into the application by the Corporation of the money arising from such sale, or be in any way responsible for the non-application thereof.

Consent to conversion by persons empowered under 8 & 9 Vict. c. 18. to sell land.

113. Any person who holds any security granted by the Corporation before the passing of this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845, section seven, to sell land under that Act, may, in the manner and to the extent in the said section provided, consent to any arrangement authorised by this Act for the conversion of such security into debenture stock, and to the payment of such security before the time limited for the payment thereof.

Corporation not to regard trusts.

114. 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 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 book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof, notwithstanding any trust to which such loan or security may be subject, and whether or not the Corporation have had express or implied notice of any trust, or of any charge or incumbrance upon or transfer of such loan or security, or any part thereof or interest therein, not entered on their register, and the Corporation shall not be bound to see to the application of the money paid on any such receipt, or be answerable or accountable for any loss, misapplication, or non-application of any of such money.

Power to Corporation to issue coupons.

115. The Corporation from time to time, if and when they think fit, may issue with their debenture stock certificates coupons for interest from time to time to fall due upon the debenture stock, and the coupons may be in such form as the Corporation may from time to time think fit, so as every coupon refer to every debenture

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stock certificate to which it relates, and specifies the amount and time of payment of one half year's interest to fall due on the moneys secured by the debenture stock certificate, and the amount of such interest, and be authenticated by the signature of the town clerk.

Power to re-borrow.

116. If the Corporation pay off any money borrowed on mortgage otherwise than by means of a sinking fund or out of the proceeds of the sale of land acquired under the powers of this Act, they may re-borrow the same, and so from time to time, but no money shall be re-borrowed for any term extending beyond the period within which the original loan is required to be paid off by means of the sinking fund.

Power to issue debenture stock.

117. Any money by this Act authorised to be raised may be raised by the creation and issue of debenture stock under and according to the provisions of the Local Loans Act, 1875, and of this Act, and the form of the certificate and of the transfer of such stock may respectively be in the form set forth in the Third and Fourth Schedules of this Act, or to the like effect.

Annuity certificate to be for not less than 20*l*.

118. Any annuity certificate under this Act or the Local Loans Act, 1875, shall not be issued for a less sum than twenty pounds, and may be transferable by delivery.

Annual return to Local Government Board with respect to sinking fund, &c.

119. The town clerk of the borough shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid by way of instalment under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by some responsible officer of the Corporation by statutory declaration if so required by the said Board, showing the amount which has been paid off by way of instalment and the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same and the interest thereof has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, the town clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other

than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Power to borrow.

120. The Corporation may from time to time, in addition to any moneys they are now authorised to borrow, borrow and re-borrow at interest, or in any manner provided by or subject to the provisions of the Local Loans Act, 1875, on the following securities and for the following purposes the following sums; (that is to say,)

For sewage purposes, on the security of the sewage undertaking and general district rate, one hundred and ten thousand pounds;

For market purposes, including cattle market purposes, on the security of the markets undertaking and general district rate, twenty thousand pounds.

The provisions contained in the 236th section of the Public Health Act, 1875, to the 239th section inclusive shall be applicable in the case of all mortgages created under the powers of this Act; and the expression the "markets undertaking" and "sewage undertaking" in any mortgage relating thereto granted by the Corporation after the passing of this Act shall mean the revenue of those respective undertakings.

Mortgage to bearer for not less than 20*l.*

121. Any mortgage hereafter issued under the recited Acts, this Act, or the Local Loans Act, 1875, may be made payable to the bearer, and in that case shall be transferable by delivery, and such mortgage may be for any amount not less than twenty pounds.

As to registration of transfer.

122. The Corporation shall not be bound to register any transfer except upon production of the certificate relating to the stock to be transferred, or satisfactory proof of the loss thereof.

New certificates on subdivision by transfer.

123. Upon any subdivision of stock by transfer the Corporation shall, upon the delivery up to them of the original certificate, grant to the transferees new certificates for the sums of stock so transferred.

Application of certain provisions of 38 & 39 Vict. c. 55. to money borrowed for sewage purposes.

124. The provisions contained in the 235th section of the Public Health Act, 1875, with respect to the borrowing of money on mortgage of land, works, or other property possessed by a local authority for the purposes of disposal of sewage pursuant to that Act, and with respect to the payment of interest on such mortgages,

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shall be applicable, in the case of all or any lands, works, or other property which may be acquired or constructed by the Corporation for the purposes of disposal of sewage under the powers of this Act, as if the Corporation had possessed such lands, works, and property for the purposes aforesaid pursuant to the said Public Health Act, 1875, and the moneys so borrowed shall be applied for the purposes for which moneys may be borrowed under this Act.

Expenses of executing Act.

125. All expenses incurred by the Corporation in carrying into execution the provisions of this Act, except such of those expenses as are to be paid out of borrowed moneys, shall be paid as follows; (that is to say,)

Expenses other than those of or connected with waterworks and water supply, markets, and street improvements, out of the borough fund;

Expenses of and connected with water and water supply, out of the water revenue, so far as the same will extend;

Expenses of and connected with markets, out of the market revenue or rate, so far as the same will extend;

Expenses of and connected with street improvements, out of the district fund and general district rate;

And all deficiencies in the water revenue or market revenue shall be met out of the district fund and general district rate, and all moneys payable to or receivable by the Corporation under this Act or any byelaw thereunder shall be carried to the borough fund and to the credit of the proper account therein.

Power to rate prospectively and retrospectively.

126. The Corporation may make any rate prospectively in order to raise money to pay expenses to be incurred after the making of the rate, or retrospectively in order to raise money to pay expenses incurred before the making of the rate, whether before or after the commencement of this Act, or partly prospectively or retrospectively.

Books to be evidence.

127. The books of the Corporation shall be received as evidence of rates made by them.

Investment of sinking fund.

128. All moneys paid into any sinking fund established for the purpose of paying off any moneys which may have been or may hereafter be borrowed by the Corporation shall be invested in securities in which trustees are for the time being authorised by law to invest, and any such investments may be from time to time varied or transposed, and all dividends and other annual sums received in respect of such investments shall, as soon as may be

after they are received, be paid into such sinking fund and invested by the Corporation in like manner.

When payments to sinking fund, &c. to commence.

129. Any payment to a sinking fund or annual investment in respect of any loan borrowed under the provisions of this Act, the repayment of which may be provided for by a sinking fund or annual instalment, shall not commence until the expiration of five years from the contracting of such loan.

XIII.—Notices, Legal Matters, Penalties, &c.

Form and service, &c. of notices &c. by Corporation.

130. Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, demand, or other document) made, given, delivered, or served under this Act, or any byelaw by the Corporation may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the town clerk being affixed thereto in print or writing or by a stamp on behalf of the Corporation, and it shall be sufficient in all cases where any such instrument is required to be given or delivered to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (the same being described) in respect of which it is given or served, without further name or description, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several houses or building concerned), and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known or usual place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which it is given or served, or if the building is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such building.

Form and service of summonses, &c.

131. Any notice for summoning a meeting of the Council, if otherwise duly authorised, or any summons, demand, notice, or document made or entered into by or on the part of the Corpora-

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tion under this Act or any other Act relating to the borough, other than documents by such Acts, or any schedule thereto, requiring or expressed to be under the corporate seal, may be either in print or in writing, or partly in print and partly in writing, and shall be sufficient if signed by or in the name of the town clerk in print or in writing, and it shall be sufficient in all cases where any such summons, demand, notice, or document is required to be given to or served upon the owner or occupier of any property to address the same to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the same is given or served, without further name or description, and such summons, demand, notice, or document may be served upon any owner, occupier, or other person either personally or by sending the same prepaid through the post by registered letter addressed to him by name at his last known or usual place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the premises in respect of which such summons, demand, notice, or document shall be given or served, or if such premises be unoccupied and the place of abode of the person to be served be unknown, it shall be sufficient to affix such summons, demand, notice, or document, or a copy thereof, upon some conspicuous part of the premises.

Detention of offenders refusing name, &c.

132. Any person charged with any offence under this Act who will not disclose his name and place of abode to any person entitled to ask and asking for the same may be detained in custody until he has correctly given his name and place of abode.

Proceedings when offender refuses to give his name, &c.

133. If any person charged with any offence against this Act or any byelaw thereunder refuses to disclose his name, all the necessary proceedings may be had and carried on against him for the recovery of any penalty, forfeiture, or damage imposed or incurred by the description of his person and of the offence committed, without stating his name, or if one only of his names is known, all those proceedings may be had and carried on against him by that name only.

Disposal of stolen goods, &c.

134. If any goods or money charged to have been stolen or unlawfully obtained are or is in the custody of any constable by virtue of any warrant of a justice or in prosecution of any charge of felony or misdemeanor, and the person charged with having stolen or unlawfully obtained possession of the same is not found, or is summarily convicted or discharged, or is tried and acquitted, or is tried and found guilty, but the property so in custody has not

been included in any indictment, the following provisions shall apply thereto; (namely,) A.D. 1879.

1. Any justice may make an order for the delivery of the property to the person appearing to be the rightful owner thereof:
2. The order shall not be any bar to the right of any person to sue the person to whom the property is delivered, and to recover the same from him by proceedings at law, so that such proceedings be commenced within six months next after the order is made:
3. In case the owner cannot be ascertained, any justice may order that the property be delivered to the treasurer of the borough:
4. The treasurer of the borough may, after the expiration of twelve months during which no owner shows his title to the property, sell the goods and carry the proceeds thereof to the credit of the borough fund:
5. If nevertheless the goods are of a perishable nature, the sale may be effected immediately, and the proceeds thereof shall be carried to the credit of the borough fund after the expiration of the said period of twelve months.

Byelaws.

135. All byelaws made by the Corporation under this Act shall be made subject to the provisions of the Public Health Act, 1875, with respect to byelaws.

As to proceedings for summary convictions and appeals.

136. Proceedings with a view to the summary conviction of offenders under this Act or under any byelaw of the Corporation under this Act, or to the recovery of penalties (except when otherwise expressed), or of any money or expenses authorised to be recovered summarily, or any order to be made by justices under this Act or any such byelaw, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "To facilitate the performance "of the duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions and "orders," and section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six), "To consolidate and amend the statute "law of England relating to larceny and other similar offences," shall authorise and apply to appeals in respect of such summary convictions and orders.

Recovery and application of penalties, &c.

137. Offences against this Act, and penalties, forfeitures, costs, and expenses recoverable under this Act, may be prosecuted and recovered in a summary manner according and subject to the pro-

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visions of Part VII. of the Public Health Act, 1875, and penalties and other money recovered under this Act shall be applied according and subject to the last-mentioned provisions.

Recovery of rent, &c.

138. Whenever any person neglects to pay any rent, rate, or sum due to the Corporation under this Act or otherwise, the Corporation may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the Corporation under this enactment shall be in addition to their other remedies for the recovery of such rent, rate, or sum.

Proceedings against several persons for the same nuisance.

139. Where proceedings under this Act are to be taken against several persons in respect of one nuisance caused by their joint act or default, the Corporation may, if they think fit, include them in one complaint, and a justice may, if he thinks fit, include them in one summons, and any order made in such a case may be made on all or any one or more of the persons included in the summons, and the costs may be distributed as to the justices appears fair.

Proceedings against one or more of joint owners or occupiers.

140. In case of any demand or complaint under this Act to which two or more persons being owners or occupiers of lands, or partly the one or partly the other, are answerable, jointly or severally, it shall be sufficient to proceed against any one or more of them without proceeding against the others or other of them; but nothing in this Act shall prevent the parties so proceeded against from recovering contributions in any case to which they would be entitled by law to contribution if this Act had not been passed.

Several names and several sums in one summons.

141. Any summons or warrant issued for any purpose of this part of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of distress.

142. Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of and incidental to the recovery of the money to be levied be paid by the person liable to pay that money, and the costs shall be ascertained by the justice, and shall be included in the warrant of distress for recovery of the money.

Judges, &c. not disqualified.

143. 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 other charge under this Act.

Powers of Act cumulative.

144. All powers, rights, and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament, law, or custom, and the Corporation may exercise such other powers as if this Act had not passed.

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Expenses of Act.

145. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation out of the borough fund or any other of the public funds or rates under the control of the Council, except money borrowed from the Public Works Loan Commissioners, and shall be debited to such accounts as the Corporation shall think fit.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

BOUNDARIES OF THE ADDED PARTS OF THE BOROUGH.

FIRST PART.

GREASBROUGH DISTRICT.

Commencing at the point where the Greasbrough township boundary is intersected by the north-western fence of the high road leading from Rotherham to Rawmarsh, at or near the bridge carrying the road over the railway and canal of the Manchester, Sheffield, and Lincolnshire Railway Company, thence following the said fence to the southern end of the western fence of Earl Fitzwilliam's private carriage road, thence along the last-mentioned fence to its junction with the southern fence of the Midland Railway, and thence westwardly along the last-mentioned fence to the point at which it intersects the boundary between the said township of Greasbrough and the borough, thence following the present borough boundary until the same is intersected by the highway leading from Rotherham to Rawmarsh at or near the above-mentioned bridge.

TOWNSHIP OF BRINSWORTH.

Commencing at the point where the township boundary betwixt Tinsley and Brinsworth joins the present borough boundary in the River Don, thence in a south-westwardly direction along the said township boundary to a point thereon one hundred yards south of the south side of the highway from Tinsley to Doncaster, thence in a straight line, in a direction somewhat south-easterly, to an angle in the present borough boundary in the River Rother opposite the north-west corner of Canklow Wood, thence following the present borough boundary northwards, and then south-westwardly to the point in the River Don where the present borough boundary unites with the township boundaries of Tinsley and Brinsworth.

PARISH OF WHISTON.

Commencing at the present borough boundary at the north-east corner of Canklow Wood, proceeding in a southwardly direction alongside the said Canklow Wood to the fence forming the northern boundary of the grounds called Oakwood Park, thence running along the said fence eastward to the highway leading from Rotherham to Whiston, thence along the south-west side of that highway to the fence forming the northern boundary of the carriage road leading to the residence belonging or reputed to belong to and in the occupation of Mr.

Thomas Wright Badger, thence following the last-mentioned fence for about twenty-two chains to the north-eastern corner of the garden in the occupation of the said Thomas Wright Badger, thence in a southerly direction along the eastern wall and in a westerly direction along the southern wall of that garden to the fence forming the western boundary of the field called Middle Field, thence in a southerly direction along the last-mentioned fence to its junction with the fence forming the northern boundary of the field called South Water Slackss, thence across Middle Field in an eastwardly direction to the south end of a fence forming the south-western boundary of a field called Top Haver Croft, thence along the western side of the said fence to Broom Lane, thence along the south-west side of the said Broom Lane about one chain, then across the said Broom Lane in a north-eastwardly direction along the fences forming the southern boundary of the fields called respectively Low Haver Croft and Large Black Hill to the highway leading from Rotherham to Wickersley, thence along the south side of the said highway to the Herringthorpe Lane, along the said Herringthorpe Lane to an occupation road belonging to Mr. Wadsworth's farm, thence along the south side of the said occupation road and the fences forming the southern boundary of the fields called respectively Big Meadow and Engine Fields to the township boundary betwixt Whiston and Dalton, following the said township boundary northward to the junction of the Whiston and Dalton boundaries with the present borough boundary at the south-east corner of the present borough, thence following the present borough boundary south-westerly to the point where the north-east corner of Canklow Wood joins the borough boundary.

Second Part.

East Ward

Shall comprise so much of the townships of Rotherham and Whiston as lie within the boundary herein-after described; namely, commencing at the Crinoline Bridge, extending eastwardly along the centre of the River Don unto and as far as the township boundary brook near the Aldwark toll bar, then following the township boundary brook southwardly to Alpha Place, and continuing along the township boundary of Dalton and Whiston to the fence forming the southern boundary of the field called Engine Field, along the said fence and the fence forming the southern boundary of the field called Big Meadow, and along the occupation road on Mr. Wadsworth's farm to Herringthorpe Lane, thence along the east side of Herringthorpe Lane to the highway leading from Rotherham to Wickersley, continuing along the west side of the said highway north-westwardly to Rotherham, and along the west side of Wellgate to the Doncaster Road, and along the north side of the Doncaster Road up to and as far as Clifton Lane, then along the west side of Wharncliffe Street and Drummond Street to the Crinoline Bridge again.

South Ward

Shall comprise so much of the townships of Rotherham and Whiston as lie within the boundary herein-after described; namely, commencing at the Crinoline Bridge and extending along the west side of Drummond Street and Wharncliffe Street, and along the north side of the Doncaster Road westwardly

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then along the west side of Wellgate and the west side of the Rotherham and Barnby Moor Road to the fence forming the southern boundary of the field called Large Black Hill, in the township of Whiston, thence along the said fence and the fence forming the southern boundary of the field called Lower Haver Croft southwardly across Broom Lane, then along the south side of the said Broom Lane to and along the fence forming the southern boundary of the field called Top Haver Croft, then in a straight line across the field called Middle Field to the fence forming the western boundary of the said field, thence along the said fence to the garden wall of Mr. T. W. Badger, following the said garden wall eastward and northward, and continuing westward along the said wall and fence forming the northern boundary of the carriage road of Mr. T. W. Badger to the highway leading from Rotherham to Whiston, across the said highway and along the western fence of the said highway northward to the fence forming the northern boundary of Oakwood Park, along the said fence to Canklow Wood, thence northward along the east side of Canklow Wood to the boundary betwixt Rotherham and Whiston, following the said boundary eastwardly to the Moorgate Road, then northward along the west side of Moorgate Road and of Talbot Lane, the north side of High Street as far as Church Street, and thence along the west side of Church Street and of Bridgegate up to and as far as the River Don Bridge, and thence along the centre of the River Don up to Crinoline Bridge again.

West Ward

Shall comprise so much of the townships of Rotherham and Brinsworth as lie within the boundary herein-after described; namely, commencing at the River Don Bridge and extending along the west side of Bridgegate and of Church Street, and from thence turning to the west and extending along the north side of High Street to the top thereof, then crossing High Street and extending along the west side of Talbot Lane and Moorgate Road up to the township boundary, and following the township boundary westwardly to the River Rother, thence in a straight line westwardly to a point 100 yards from the south side of the Sheffield and Rotherham Road on the township boundary betwixt Brinsworth and Tinsley, following the said township boundary northward to the River Don, following the centre of the River Don northward to the River Don Bridge again.

North Ward

Shall comprise so much of the townships of Kimberworth and Greasbro' as lie within the boundary herein-after described; namely, commencing at the River Don Bridge and extending along the south side of Bridge Street, of College Road, of Midland Road, and of the New Wortley Road, up to and as far as Bradgate, then going northwardly along the east side of Low Lane to the township boundary brook, and following the township boundary brook eastwardly to the fence forming the southern boundary of the Midland Railway, along the said fence to the junction with the fence forming the western boundary of the private road belonging to Earl Fitzwilliam, along the said fence to the highway leading from Rotherham to Rawmarsh, thence along the north-western fence of the said highway to the point where the present borough boundary is intersected, thence following the centre of the River Don southwardly to the River Don Bridge again.

MASBROUGH WARD

Shall comprise so much of the townships of Kimberworth and Brinsworth as lie within the boundary herein-after described ; namely, commencing at the River Don Bridge and extending along the south side of Bridge Street, of College Road, of Midland Road, and of the New Wortley Road, up to and as far as Bradgate, and from there along the east side of Bradgate Lane to Kimberworth Road, crossing the Kimberworth Road, and extending along the west side of Psalter's Lane to Harrison Street, thence along the west side of Harrison Street and Brown Street to the Midland Railway, thence crossing the Midland Railway to Steel Street, then to the Canal Bridge and along the north side of the canal eastward to the Holmes Tail Goit, following the said goit southward to the River Don, then following the centre of the River Don northward to the River Don Bridge again.

KIMBERWORTH WARD

Shall comprise so much of the township of Kimberworth as lies within the boundary herein-after described ; namely, commencing at the Holmes Rolling Mills near the canal and township boundary, following the north side of the canal westwardly, and then crossing Steel Street and the Midland Railway, thence along the west side of Brown Street and Harrison Street to Psalter's Lane, and thence along the west side of Psalter's Lane up to Kimberworth Road, and along the east side of Bradgate Lane and Low Lane, following the township boundary westward to Thorpe, then southward along the township boundary to the River Don, following the centre of the River Don eastwardly to Holmes Tail Goit, and then along the said goit northwardly to the canal near the Holmes Rolling Mills again.

THE SECOND SCHEDULE.

[FORM OF TICKET FOR DELIVERY OF COAL.]

(*State the office or place from which the coals are sent, and where weighed.*)

To (*state name of purchaser*).

Take notice that you are to receive herewith

ton cwt. qrs. of (*give description of coal*).

(*Name of seller.*)

N.B.—The Rotherham Borough Act, 1879, directs that with any quantity of coal exceeding half a ton a paper or ticket containing the particulars above set forth shall be delivered by the driver or other person in charge of every cart, waggon, or other vehicle in which any such coals are carried to the purchaser of such coal, his agent or servant. A penalty of forty shillings is incurred by any such driver or other person who does not deliver such ticket before any of the coals are unloaded.

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THE THIRD SCHEDULE.

[FORM OF CERTIFICATE.]

BOROUGH OF ROTHERHAM.

No.

This is to certify that of is the proprietor of pounds shillings and pence of the Rotherham Corporation debenture stock, issued by the mayor, aldermen, and burgesses of the borough of Rotherham, in the west riding of the county of York, pursuant to Act of Parliament.

Given under the common seal of the mayor, aldermen, and burgesses this day of one thousand eight hundred and

Seal.

THE FOURTH SCHEDULE.

[FORM OF TRANSFER.]

I (*A.B.*) of , in consideration of the sum of pounds paid to me by (*C.D.*) of , do hereby transfer to the said (*C.D.*) his executors, administrators, and assigns, the sum of , Rotherham Corporation debenture stock standing in my name in the books kept of such stock, and all my property, right, and interest in and to the same, and the dividends thereon.

In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and seventy

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