CHAPTER cxvi.

An Act for conferring further powers upon the Corporation of Rotherham with reference to their tramway water gas and other undertakings to authorise the construction of street widenings and to make better provision for the health local government and finance of the borough of Rotherham and for other purposes. A.D. 1911.

[18th August 1911.]

WHEREAS the county borough of Rotherham (in this Act called "the borough") is a municipal borough under the management and control of the mayor aldermen and burgesses of the borough acting by the council (in this Act called "the Corporation"):

And whereas it is expedient that the Corporation should be empowered to construct the street widenings and to acquire the lands in this Act respectively mentioned or referred to:

And whereas it is expedient that new tramways should be constructed for the purpose of extending the existing tramways of the Corporation and that all necessary powers for that purpose should be conferred upon the Corporation:

And whereas it is expedient that the provisions should be made as in this Act contained with respect to the provision and use by the Corporation of motor omnibuses and trolley vehicles:

And whereas it is expedient that the Corporation should be authorised to construct the service reservoir in this Act described and that further powers should be conferred upon the Corporation with respect to their water undertaking:

And whereas it is expedient that the limits for the supply of gas by the Corporation should be extended and that further

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powers with reference to their gas undertaking should be conferred upon the Corporation as by this Act provided:

And whereas it is expedient that further and better provision should be made with reference to streets buildings and sanitary matters and for the local government health and improvement of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended:

And whereas the following adoptive Acts and parts of Act are in force within the borough (that is to say):—

The Public Libraries Acts 1892 and 1893;

The Infectious Disease (Prevention) Act 1890;

The Public Health Act (Amendment) Act 1890 (Parts I. II. and III.); and

The Notification of Births Act 1907:

And whereas the Corporation have applied to the Local Government Board for an order declaring portions of the Public Health Acts Amendment Act 1907 to be in force within the borough:

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

For the purchase of lands for and for the construction of the street widenings by this Act authorised - - - - - - - -	£85,000
For the construction and equipment of the tramways by this Act authorised and for the general purposes of the tramway undertaking of the Corporation - - - - - -	£51,585
For or in connection with the provision and running of omnibuses by this Act authorised -	£10,000
For the provision of and the electrical equipment for trolley vehicles by this Act authorised -	£48,350
For the purchase of lands for and for the construction of the service reservoir by this Act authorised - - - - - - -	£20,900
For the purchase of lands for and for the construction of further sewage works and storm water sewers - - - - - -	£3,880

For the general purposes of the gas undertaking of the Corporation - - - -	£25,000
For works of permanent street paving - -	£34,000
For the enlargement of the dust destructor of the Corporation - - - -	£5,500

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

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation:

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

And whereas plans and sections showing the lines and levels of the proposed works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the county of York which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the council at a meeting held on the thirtieth day of November one thousand nine hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Rotherham Advertiser a local newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the funds rates and revenues of the Corporation:

And whereas the said resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Rotherham Corporation Act 1911.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Street Widenings.
Part III.—Tramways.
Part IV.—Trolley Vehicles.
Part V.—Water.
Part VI.—Sewage.
Part VII.—General Provisions as to Lands and Works.
Part VIII.—Gas.
Part IX.—Streets and Buildings.
Part X.—Sanitary Provisions.
Part XI.—Notification of Tuberculosis.
Part XII.—Finance.
Part XIII.—Miscellaneous.

Incorporation of general Acts.

3. The following Acts and part of Act so far as they are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870;

The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words "with the consent in writing of the "owner or reputed owner of any such house or of the "agent of such owner" in clause 44 of the Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

And the Gasworks Clauses Acts 1847 and 1871. Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every "such contract entered into by the undertakers shall be "alike in terms and amount under like circumstances to "all consumers" were added at the end of that section.

Interpretation.

4. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have the same respective meanings And—

"The borough" means the county borough of Rotherham;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the medical officer" "the inspector of nuisances" mean respectively the town clerk the treasurer the medical officer of health and the inspector of nuisances of the borough and "medical officer" includes any person duly appointed by the Corporation to discharge temporarily the duties of a medical officer of health;

"The borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same;

"The Act of 1900" means the Rotherham Corporation Act 1900;

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"The Act of 1904" means the Rotherham Corporation Act 1904;

"The tramways" means the tramways by this Act authorised;

"The Corporation tramways" includes the tramways and the existing tramways of the Corporation;

"The tramway undertaking" means the tramway undertaking of the Corporation for the time being authorised;

"Mechanical power" means steam electrical and any other motive power not being animal power;

"The water undertaking" means the water undertaking of the Corporation for the time being authorised;

"The gas undertaking" means the gas undertaking of the Corporation for the time being authorised;

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

"Daily penalty" means a penalty for every day on which any offence is continued after conviction;

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

PART II.

STREET WIDENINGS.

Power to construct street widenings.

5. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown upon the deposited plans and sections and described in the deposited book of reference make and maintain the street widenings hereinafter described together with all proper works and conveniences connected therewith (that is to say):—

In the borough—

Work No. 1 A widening of Sheffield Road on the north-west side thereof from the bridge carrying the Midland Railway over that road to a point about half a chain west of the south-east corner of Ickles Mill:

Work No. 2 A widening of Sheffield Road on the south-east side thereof from a point about three and three-quarters chains east of its junction with Fullerton Road to Sheffield Old Road:

Work No. 3 A widening of Sheffield Road and Westgate on the north-west side thereof from Marsh Street to the White Swan Public House:

Work No. 4 A widening of Westgate on the west side from a point about one and three-quarters chains north of its junction with Water Lane to Burrell Street:

Work No. 5 A widening of Westgate on the east side thereof from the north side of the True Briton Inn to a point half a chain north thereof:

Work No. 6 A widening of Westgate on the east side thereof from Oil Mill Fold to the south side of the Wellington Inn:

Work No. 7 A widening of Westgate on the east side thereof from a point about one chain north of its junction with Unity Place to Talbot Lane:

Work No. 8 A widening of Wellgate on the north-east side thereof between points respectively about two and three-quarters chains and two chains north-west of the north-west side of Wellgate Mount:

Work No. 9 A widening of Wellgate on the north-east side thereof from Clifton Bank to Albion Road:

Work No. 10 A widening of Broom Road on the south-west side thereof between points respectively about two and a half chains and three-quarters of a chain north-west of the west side of Broom Terrace:

Work No. 11 A widening of Broom Road and Wickersley Road on the north side thereof from a point about three and a half chains west of the junction of Wickersley Road and Broom Lane to Herringthorpe Park entrance:

In the borough and in the parish of Whiston in the rural district of Rotherham—

Work No. 12 A widening of Wickersley Road on the south side thereof from the north-east corner of the premises known as the "Old Homestead" to Stag Lane:

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In the borough—

Work No. 14 A widening of Kimberworth Road on the south side thereof from a point about one chain east of the east side of Meadow Street to Devonshire Street.

Limits of deviation for street widenings.

6. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan thereof respectively and may deviate vertically from the levels shown on the deposited section thereof respectively to any extent not exceeding two feet upwards and two feet downwards.

Easements for widening bridge across River Rother.

7. Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation may purchase and acquire an easement or right of constructing maintaining and using the widening of Bow Bridge over the bed banks and foreshore of the River Rother (Works Nos. 2 and 3 by this Act authorised) without the Corporation being obliged or compellable to purchase any greater interest in the bed banks and foreshore of the said river.

Lands laid into new streets to be public highways.

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

For protection of Great Central Railway Company.

9. For the protection of the Great Central Railway Company (in this section called "the company") the following provisions shall (unless otherwise agreed between the company and the Corporation) apply and have effect:—

(A) Before carrying Work No. 2 by this Act authorised under the bridge carrying the Rotherham Main Colliery Branch over Sheffield Road the Corporation shall deliver to the company for approval by their engineer plans drawings and specifications showing the manner in which the work is intended to be carried out and the approval of the engineer shall not be given to the said plans sections and specifications until after the completion by the company of the alteration strengthening or reconstruction described in subsection (B) of this section:

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(B) If the construction of the said Work No. 2 under the said bridge will in any way affect the security or the structure of the said bridge or endanger the traffic passing thereover the company may alter strengthen or reconstruct the said bridge and the lines works and appliances thereon and the Corporation shall bear and on demand pay to the company all the costs charges and expenses to which the company may be put in connection with such alteration strengthening or reconstruction Any additional expense of the maintenance of the structure of the said bridge by reason of the said alteration strengthening or reconstruction shall be borne and paid from time to time by the Corporation to the company :

(C) The said Work No. 2 shall be executed by the Corporation at their sole expense so far as it affects the said bridge and under the superintendence and to the reasonable satisfaction of the engineer of the company :

(D) The Corporation shall not in the execution of the said work in any way alter or interfere with the structure of the said bridge without the consent in writing of the engineer of the company :

(E) The Corporation shall indemnify the company against all claims and compensate them for any damage or injury occasioned to the said Rotherham Main Colliery Branch Railway or to any persons using such railway in consequence of or arising from the execution of the said work or the alteration strengthening or reconstruction of the said bridge :

(F) The Corporation shall bear and on demand pay to the company all reasonable costs of the superintendence by them of the execution of the said work and all reasonable costs of watching lighting and the protection of the said Rotherham Main Colliery Branch Railway with reference to and during such execution or the alteration strengthening or reconstruction of the said bridge but such superintendence shall not relieve the Corporation from liability for any accident which may be occasioned in connection with the execution of

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the said work by the Corporation or the alteration strengthening or reconstruction of the bridge by the company:

(G) Any difference arising between the Corporation and the company under this section (including the question whether the security or the structure of the said bridge is affected or the traffic thereover endangered and as to the works necessary for altering strengthening or reconstructing the said bridge and the lines works and appliances thereon) shall be determined by an engineer or other fit person to be appointed failing agreement by the President of the Institution of Civil Engineers at the request of either party.

Part III.

Tramways.

Power to make tramways.

10. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1 (1 mile 1 furlong 0·18 chain or thereabouts in length whereof 1 furlong 5 chains or thereabouts will be double line and 7 furlongs 5·18 chains or thereabouts will be single line) wholly in the parish and county borough of Rotherham commencing in Wellgate at or near the junction therewith of Badsley Moor Lane passing thence into and along Broom Road and Wickersley Road and terminating in the last-mentioned road at the borough boundary at or near the junction therewith of Herringthorpe Lane:

Tramway No. 2 (7 furlongs 0·98 chain or thereabouts in length whereof 1 furlong 1 chain or thereabouts will be double line and 5 furlongs 9·98 chains or thereabouts will be single line) in the parishes of Dalton and Thrybergh in the rural district of Rotherham commencing in Doncaster Road at a point about twenty yards south-west of the junction therewith of Old Gate Lane passing thence along Doncaster Road and terminating in that road at a point about seventy-seven yards north of the junction therewith of School Lane Thrybergh.

Period for completion of tramways.

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

As to electrical works.

12.—(1) The Corporation may in under or over the surface of the streets or roads in which the tramways will be situate or in which it may be necessary so to do in order to connect the tramways with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the said tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder:

Provided as follows:—

(A) All posts and apparatus erected by the Corporation under the powers of this Act in any street or road shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade:

If any post apparatus or other work becomes owing to the construction of any new road or to any road improvements or otherwise in the opinion of the road authority an obstruction the Corporation shall alter the position thereof in such manner as

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the road authority direct but the Corporation may appeal against such direction to the Board of Trade and the decision of the Board shall be final:

(B) The route in which any electrical apparatus is to be laid or erected for the purpose of connecting the tramways with a generating station shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

Incorporation of certain provisions of former Acts.

13. The provisions of Part II. of the Act of 1900 (except sections 5 6 9 15 16 19 21 32 33 36 and 42) and of sections 31 and 33 of the Act of 1904 which relate to the existing tramways of the Corporation shall extend and apply mutatis mutandis to the tramways:

Provided that section 13 of the Act of 1900 as applied by this Act shall be read and have effect as if the words "with the consent of the Board of Trade" had been inserted therein after the word "Act" where it first occurs in that section.

Plan of proposed mode of construction.

14. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing and laying down such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction and laying down of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

Shelters or waiting-rooms.

15. The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads.

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Use of tramway posts by Postmaster-General.

16.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the Corporation tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:

(C) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

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(D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:

(E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

(G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants:

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided:

(I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of

electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramway or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "Corporation" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

Apparatus used for mechanical power to be deemed part of tramways.

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

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Purchase of lands for tramway purposes by agreement.

18. In addition to the other lands which the Corporation are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of the tramway undertaking any lands not exceeding five acres and they may on such lands erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connection with the tramway undertaking.

Penalty for malicious damage.

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

For protection of west riding county council.

20. The following provisions for the protection of the county council of the west riding of Yorkshire (in this section called "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing apply and have effect with respect to Tramway No. 2 by this Act authorised (that is to say):—

(1)—(A) The said tramway shall not be constructed on the Doncaster and Tinsley main road until the said road has to the satisfaction of the county council been widened to the extent and in manner indicated by a red line on the plan signed by Ernest Branwhite Martin on behalf of the Corporation and by Frederick George Carpenter on behalf of the county council A footpath of such width (not exceeding six feet) as the county council may require shall be provided in place of the existing footpath where altered in consequence of such widenings:

(B) Such widenings and footpath may at the request and cost of the Corporation be executed by the county council:

(C) If the Corporation execute such widenings and footpath they shall form with proper pitched foundations

and pave or macadamise and otherwise make up the added portions and make proper provision for the drainage and fencing and otherwise complete the said widenings and footpath as required by and to the satisfaction of the county council and in conformity with plans sections and specifications to be approved by the county council Provided that if the county council do not within twenty-eight days after receipt by them of such plans sections and specifications signify their approval or disapproval thereof or give their directions in relation thereto they shall be deemed to have approved thereof The Corporation shall pay if demanded the reasonable expense incurred in the superintendence by the county council of such works :

(2) The provisions of subsections (5) (6) (7) (9) (10) (11) (14) (15) and (16) of section 39 of the Act of 1904 shall extend and apply mutatis mutandis to the said tramway and road :

(3) The materials with which the Corporation shall maintain and keep in good condition and repair the portion of road referred to in section 28 of the Tramways Act 1870 shall be granite or other setts or paving approved by the county council :

(4) Where a terminus or other regular stopping place is laid on the said tramway in the said road the Corporation shall at their own expense pave with granite setts and thereafter during the continuance of any such tramway maintain the whole width of the carriageway of such road so far as such terminus or stopping place extends :

If the county council or the Rotherham Rural District Council on their behalf pave any margin less than nine feet in width of the carriageway of the said road between the edge of the tramway track and the footpath kerb or the fence or boundary of the road (as the case may be) at either side of such track the cost of such paving shall be borne in equal shares by the Corporation and the county council Provided that the said portions of road so paved shall thereafter be maintained by the authority liable for the maintenance of main roads in the district :

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The expression "tramway track" where used in this subsection means so much of the road whereon the tramway is laid as lies between the rails of the tramway and (where double lines are laid) the portion of the road between each tramway and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of the tramway or tramways:

(5) If in consequence of the construction existence or user of the tramway it becomes necessary within two years after the tramway is opened for traffic to raise strengthen or reconstruct with suitable foundations any portion of the said road (whether metalled or unmetalled) at the sides of the tramway or to adjust in level or otherwise any such portions of the road or any footpath or other work or to strengthen any retaining wall the Corporation shall execute the work so required within one month after such work becomes necessary to the reasonable satisfaction of the said surveyor and any difference arising under this section as to whether any such work as aforesaid is necessary in consequence of the construction existence or user of the tramway or as to the reasonableness of the requirements of the said surveyor shall be settled in manner provided by section 39 of the Act of 1904.

For protection of Great Central and Midland Joint Committee.

21. The provisions of section 36 of the Act of 1904 shall extend and apply to the lands railways and works belonging to or maintainable by the Great Central and Midland Joint Committee as if that section had been re-enacted in this Act in relation to Tramway No. 2 by this Act authorised and the said committee had been mentioned in the said section in place of the Great Central Railway Company.

For protection of Sheffield Corporation.

22. Notwithstanding anything contained in this or any other Act the following provisions for the protection and benefit of the lord mayor aldermen and citizens of the city of Sheffield (in this section referred to as "the Sheffield Corporation") shall in addition to any other provisions for their protection contained in this Act or in any Act incorporated therewith apply and have effect unless otherwise agreed in writing between the Sheffield Corporation and the Corporation (that is to say):—

(1) Before commencing Street Widening No. 2 from Green Lane to Sheffield Old Road and Tramway No. 2

authorised by this Act the Corporation shall give one month's notice in writing to the Sheffield Corporation of their intention to commence the same and shall at the same time deliver to the Sheffield Corporation plans and sections of the works proposed to be constructed as aforesaid:

(2) If in the construction of such works as aforesaid the Corporation shall propose to reduce the depth of covering over any water main or pipe or apparatus connected therewith or other works used for the purpose of or incidental to water supply belonging to the Sheffield Corporation (in this section referred to as "water apparatus") or shall propose to interfere reconstruct or alter the Bow Bridge Pipe Line Bridge of the Sheffield Corporation or the water apparatus crossing the said bridge or shall propose to interfere with or impede the passage of water through the same or to construct the said works over any such water apparatus the Sheffield Corporation may within one month after delivery of any such plans and sections give notice in writing to the Corporation to lower reconstruct or otherwise alter or protect the position of such water apparatus or bridge in such manner as may be considered necessary by the Sheffield Corporation and any difference as to the necessity of any such lowering reconstruction alteration or protection shall be settled by arbitration under the provisions of this section and all alterations to be made to any such water apparatus or bridge by reason of the construction of the said works shall be made at the expense of the Corporation and with as little detriment and inconvenience to the Sheffield Corporation as the circumstances will admit and under the superintendence (if given after not less than forty-eight hours' notice in writing by the Corporation which notice the Corporation are hereby required to give) and to the reasonable satisfaction of the engineer of the Sheffield Corporation Provided that if the Sheffield Corporation give notice in writing to the Corporation within seven days after the receipt by them of the notice of the intended commencement by the Corporation of any such works that they

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desire themselves to execute the necessary works of lowering reconstruction alteration or protection of any such water apparatus or bridge the Sheffield Corporation may themselves execute such works and any other works to be constructed for their protection or benefit under the provisions of this section and the Corporation shall on the completion thereof pay to the Sheffield Corporation the expenses incurred by them in so doing:

(3) The Corporation in making the street widening aforesaid or Tramway No. 2 under the powers of this Act shall not interfere with remove or displace any water apparatus or the said bridge or do anything to impede the passage of water into or through such apparatus without the consent of the Sheffield Corporation until good and sufficient water apparatus and bridge necessary or proper for continuing the supply of water as efficiently as the same was supplied by the apparatus and the said bridge proposed to be interfered with removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and properly connected with the existing apparatus which is not removed or displaced to the reasonable satisfaction of the engineer of the Sheffield Corporation:

(4) The Corporation shall pay to the Sheffield Corporation the reasonable costs incurred by them in connection with the superintendence by their engineer of the making of the street widening aforesaid or Tramway No. 2 and the Corporation shall bear and on demand pay to the Sheffield Corporation any additional expense which may be imposed upon them in laying down reconstructing altering or removing any water apparatus and bridge by reason of the construction of the said street widening or Tramway No. 2 where any of the water apparatus or the said bridge may be required to be laid down repaired reconstructed altered or removed:

(5) Where the Corporation in constructing any of the works as aforesaid stop up temporarily any road in which any apparatus is situate they shall provide access for

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the officers and servants of the Sheffield Corporation for the purpose of enabling them to repair or renew any water apparatus:

(6) Wherever the Corporation shall in reducing the width of the footway of any street or road under the provisions of the section of this Act whereof the marginal note is "Corporation may reduce footpath before constructing tramway" and add to the roadway any portion of any footway in which there shall have been placed any water apparatus the Sheffield Corporation may at the cost of the Corporation lower or alter the position of such water apparatus to such depth below the surface of the roadway not exceeding two feet six inches measured from the upper surface of the apparatus as the Sheffield Corporation may deem necessary:

(7) The Corporation in making the said street widening or Tramway No. 2 shall make good all damage done by them to any water apparatus or the said bridge and shall repay to the Sheffield Corporation all damages losses and expenses incurred by them by reason of the exercise of the powers of this Act and shall also indemnify and hold harmless the Sheffield Corporation against all claims and demands made against them by reason of such works:

(8) If any difference shall arise between the Sheffield Corporation and the Corporation under the provisions of this section such difference shall be determined by arbitration the arbitrator being appointed in default of agreement by the Local Government Board on the application of either of the parties in difference after notice in writing to the other of them and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

Power to provide and run motor omnibuses.

23.—(1) The Corporation may provide and run (but shall not manufacture) motor omnibuses within the borough and also in connection with their tramway undertaking in certain districts without the borough on the following routes (namely):—

Route (A) Rotherham and Barnby Moor main road from the termination of the Tramway No. 1 by this Act authorised at or near Herringthorpe Lane Rotherham and the

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Bawtry and Tinsley main road to the junction therewith of Grange Lane Maltby:

Route (B) Nether Moor Lane Wickersley Stoney Gate Field Lane Morthen Lane Woodhouse Green Green Harbour Road Laughton Common Road Dinnington Lane and Common Lane to its junction with Laughton Road Dinnington:

Route (C) Canklow Lane from the termination of the existing tramway Tinsley and Bawtry main road White Hill Lane Treeton Lane to its junction with Mill Lane:

And the Corporation may demand and take such reasonable fares and charges for the conveyance of passengers and parcels therein or thereon as may be approved by the Board of Trade:

Provided that the Corporation shall not purchase any motor omnibuses for the purposes of the said Routes (A) and (C) and the powers by this section conferred in respect of the said routes shall respectively cease from and after the opening for traffic of the Trolley Routes Nos. 2 and 3 respectively by this Act authorised or from and after the expiration of two years from the first day of January one thousand nine hundred and twelve whichever shall be the earlier:

Provided also that the Corporation shall not run motor omnibuses on the said Route (B) except with the consent of the Rotherham Rural District Council under their common seal and the provisions of the section of this Act whereof the marginal note is "Consents of local or road authority" shall not apply to any such consent.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such motor omnibuses.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon their motor omnibuses provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) The Corporation and any urban or rural council within whose district or any part thereof the Corporation propose to run the motor omnibuses by this Act authorised or any of

them may from time to time enter into and carry into effect agreements with regard to the routes and running of such omnibuses within the district or any part thereof of such urban or rural council:

Provided that if any such agreement has relation to a main road such agreement shall have no effect unless approved by the county council and on such conditions as the county council think fit.

(5) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(6) The Corporation shall perform in respect of the motor omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(7) All expenditure in respect of motor omnibuses shall be defrayed and all receipts shall be applied as if the motor omnibuses were part of the tramway undertaking of the Corporation but such expenditure and receipts shall (so far as reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking.

(8) In this section the expression "motor omnibus" means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

Consents of local or road authority.

24. Subject to the provisions of this Act where the consent or approval of any local or road authority is by this Part of this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration and section 33 of the Tramways Act 1870 shall apply to any such arbitration.

Provision as to general Tramway Acts.

25. Nothing in this Act contained shall exempt the Corporation or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement

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of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

PART IV.

TROLLEY VEHICLES.

Power to use trolley vehicles.

26. At any time after the first day of January one thousand nine hundred and twelve the Corporation may with the consent of the Board of Trade provide maintain and equip but shall not manufacture mechanically propelled vehicles adapted for use upon roads and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") and may use the same upon the routes comprising the following streets and roads:—

Route No. 1 Kimberworth Road Rotherham from the termination of the existing tramway Church Street New Kimberworth Road Wortley Road and Brook Hill to its junction with Hesley Lane:

Route No. 2 Rotherham and Barnby Moor main road from the termination of Tramway No. 1 by this Act authorised at or near Herringthorpe Lane Rotherham and the Bawtry and Tinsley main road to a point opposite Westfield House Maltby:

Route No. 3 Canklow Lane from the termination of the existing tramway Tinsley and Bawtry main road White Hill Lane Treeton Lane to its junction with Mill Lane:

And may subject to the provisions of this Act place erect and maintain in under and along the streets and roads forming such route cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles but no post or other apparatus shall be erected on the carriageway of any street or road except with the consent of the Board of Trade and of the road authority.

Trolley vehicles not to be deemed light locomotives or motor cars.

27. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the bye-laws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 and neither the regulations made under that Act nor the

enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

Duties on licences for trolley vehicles.

28. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

Approval of vehicles by Board of Trade.

29. Trolley vehicles shall be of such form construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade and no such vehicle including the weight of its load shall exceed a weight of five tons.

Period for completion of trolley vehicle apparatus.

30. If the overhead apparatus and equipment for the working of trolley vehicles on Routes Nos. 2 and 3 by this Act authorised be not placed and erected within two years from the first day of January one thousand nine hundred and twelve then on the expiration of that period the powers by this Act granted to the Corporation for placing and erecting the same or otherwise in relation thereto shall cease except as to so much thereof as the Board of Trade may approve.

Corporation not to carry animals and goods.

31. The Corporation shall not carry on the trolley vehicles any goods animals or other things other than passengers and passengers' luggage and small parcels and no trailer shall be used in connection with the trolley vehicles.

Tolls and fares.

32. The Corporation may charge tolls and fares for the use of trolley vehicles not exceeding the tolls and fares which the Corporation could have charged if such vehicles had been tramway cars and the route had been a tramway laid down by the Corporation.

Board of Trade may authorise new routes.

33.—(1) If at any time hereafter the Corporation desire to use trolley vehicles upon any road within the borough as defined by the Tramways Act 1870 (other than the streets or roads in this Part of this Act specified) they may make application to the Board of Trade and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any road or roads or parts thereof within the borough described in the application.

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(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(A) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the borough;

(B) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application:

And each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the borough in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the Schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Part of this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

The Act of Parliament confirming a Provisional Order under this Act shall be deemed a Public General Act.

(7) The making of a Provisional Order under this section shall be primâ facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(8) Any expenses incurred by the Board of Trade in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connection with any inquiry under this section shall be paid by the Corporation.

(9) Provided that any Provisional Order obtained by the Corporation under the Tramways Act 1870 authorising the construction of tramways in the borough may authorise the Corporation to use trolley vehicles upon all or any of the streets or roads along which such tramways are authorised to be constructed in lieu of and pending the construction thereof.

Application of certain provisions of Acts of 1900 and 1904 and this Act to trolley vehicles.

34. The provisions contained in the sections of the Act of 1900 and the Act of 1904 and of this Act respectively the numbers or marginal notes of which are set forth in this section shall so far as applicable apply with reference to the trolley vehicles and the apparatus and equipment for working the same and in construing those provisions in their application to this Part of this Act unless the context otherwise requires the expression "the tramways" or "the Corporation tramways" shall be deemed to mean the trolley vehicles and the apparatus and equipment for working the same.

The sections hereinbefore referred to are—

Act of 1900—

Section 7 (Inspection by Board of Trade);
Section 26 (As to fares on Sundays or holidays);
Section 27 (Cheap fares for labouring classes);
Section 30 (Amendment of Tramways Act 1870 as to bye-laws by local authority);
Section 31 (Motive power);
Section 34 (Special provisions as to use of electrical power);
Section 35 (For protection of Postmaster-General);
Section 37 (Bye-laws);
Section 38 (Power to work tramways);

Section 39 (Regulations);
Section 40 (Power to acquire patent rights); and
Section 70 (Application of revenue of tramway undertaking):

Act of 1904—

Section 31 (For protection of Postmaster-General); and
Section 33 (Attachment of brackets &c. to buildings):

This Act—

As to electrical works;
Shelters or waiting-rooms;
Use of tramway posts by Postmaster-General;
Apparatus used for mechanical power to be deemed part of tramways;
Penalty for malicious damage; and
Consents of local or road authority.

Trolley vehicles to be part of tramway undertaking for all purposes.

35. Trolley vehicles and the apparatus and equipment for working the same shall for all purposes be deemed to form part of the tramway undertaking of the Corporation.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

36. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working trolley vehicles and any person except by agreement with the Corporation using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Conveyance of mails.

37. The Corporation shall perform in respect of trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Accounts.

38.—(1) In the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with trolley vehicles shall (as far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking.

(2) The Corporation shall out of the receipts in connection with trolley vehicles provide and set aside such annual or other sum or sums as the Board of Trade may from time to time

approve and the sums so provided shall be used for the purpose of renewal and repair of the trolley vehicles and the overhead equipment and apparatus for working the same.

Lost property.

39. Any property found in any tramcar or trolley vehicle of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramways undertaking.

For protection of railway companies and committees.

40. For the protection of the Midland Railway Company the Great Central Railway Company the Sheffield District Railway Company the Great Central Hull and Barnsley and Midland Committee and the Great Central and Midland Joint Committee (each of whom is in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company be observed and have effect in relation to the exercise of the powers of Part IV. of this Act (that is to say):—

(1) In this section the word "apparatus" means and includes electric mains wires conductors posts tubes boxes apparatus and any similar appliances to be used for the purposes of the supply of motive power for any trolley vehicles and includes also any brackets wires and apparatus for the purposes of such apparatus:

(2) All works by this Part of this Act authorised where the same shall be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved

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thereof All such works shall be executed according to the plans sections and specifications so approved or determined by arbitration and under the superintendence (if the same be given) and to the reasonable satisfaction of the company The Corporation shall so maintain and use the works and apparatus as not to injuriously affect any such bridge approaches or other work and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the works and apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing:

(3) The Corporation shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the company or any traffic thereon:

(4) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the intended works or apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission:

(5) If the company shall hereafter in the exercise of their existing powers require to widen lengthen strengthen reconstruct alter or repair any such bridge under or upon which the works and apparatus are laid or the approaches thereto or to widen or alter any railway thereunder or thereover and if it shall be necessary for such purpose that such works and apparatus be temporarily taken up diverted or removed and if the company accordingly give to the Corporation twenty-

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one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable despatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal:

(6) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding sub-section or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the works or apparatus:

(7) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer:

(8) If having regard to the proposed position of any works of the Corporation by this Part of this Act authorised when considered in relation to the position of the works of the company at any point where any works or apparatus will be constructed over or under the

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railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the company by the Corporation:

(9) The Corporation shall not for the purposes of this Part of this Act make attachments to any part of the said bridges without the consent in writing of the engineer of the company such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connection with the maintenance and reconstruction or alteration of the said bridges:

(10) If any difference arises under this section between the Corporation and the company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

For further protection of West Riding County Council.

41. The following provisions for the further protection of the county council of the west riding of Yorkshire (in this section called "the county council") shall notwithstanding anything in this Act and unless otherwise agreed in writing apply and have effect with respect to the use of trolley vehicles on any main road under the jurisdiction and maintained at the cost of the county council (that is to say):—

(1)—(A) As and when required by the county council any such main road shall be widened by the Corporation so that the carriageway thereof when so widened shall be of not less width than twenty-seven feet Provided always that the cost of executing the said widenings shall be borne as to three fourths by the Corporation and as to one fourth by the county council Provided also that where at any place the acquisition of any dwelling-house or of any permanent building used for industrial or business purposes is necessary for the execution of any such widening or if the widening would involve the disturbance alteration or interference with any railway line or railway

or other bridge the Corporation shall not be required to widen the said carriageway to any greater extent than can be effected without such acquisition disturbance alteration or interference:

(B) A footpath of such width (not exceeding six feet) as the county council may require shall be provided by the Corporation in place of any existing footpath where altered in consequence of such widenings and the cost thereof shall be borne by the county council and the Corporation in the proportions aforesaid:

(C) The widenings of main roads as aforesaid and the acquisition of land necessary therefor may at the request of the Corporation and with the consent of the county council be carried out by the county council and the cost thereof shall be borne in the proportions aforesaid:

(D) If the Corporation execute such widenings and footpath they shall form with proper pitched foundations and macadamise and otherwise make up the added portions and make proper provision for the drainage and fencing thereof and otherwise complete such widenings and footpath as required by and to the reasonable satisfaction of the county council and in conformity with plans sections and specifications to be previously submitted to and approved by the county council Provided that if the county council do not within twenty-eight days after receipt by them of such plans sections and specifications signify their approval or disapproval thereof or give their directions in relation thereto they shall be deemed to have approved thereof The Corporation shall pay if demanded the expenses reasonably incurred by the county council in the superintendence of such works:

(E) If at any time the county council widen the county bridge known as Canklow Bridge or erect another bridge in substitution therefor the Corporation shall in the event of such bridge being used for trolley vehicles carrying passengers or goods contribute towards the cost thereof the sum of four hundred pounds and until either the said bridge has been widened or a new bridge erected no trolley vehicle

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shall be used on Canklow Bridge for the carriage of passengers or goods:

(2) The county council may require that the commencement or termination of the trolley vehicle routes on any main road shall be paved with granite or other sett paving for the full width of the carriageway and for such length (not exceeding thirty feet) as the surveyor of the county council may reasonably require and in such case the Corporation shall carry out such paving:

(3) If any post standard box or other mechanical power work interfere with the construction of any new road or footpath or the improvement of any road or footpath or the reconstruction or alteration of any county or main road bridge or in the opinion of the county council become an obstruction the Corporation shall alter the position thereof in such manner as the county council may reasonably direct but if any question arises as to the reasonableness of any such directions such question may be determined by arbitration as hereinafter provided:

(4)—(A) The Corporation shall so use the trolley vehicles over any county or main road bridge as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge by the user of the trolley vehicles the Corporation shall at their own expense restore such bridge to the satisfaction of the county council:

(B) If the county council find it necessary that the working of the trolley vehicles over any such bridge be wholly or in part stopped or delayed for the purpose of any repairs to or alteration of such bridge and if the county council accordingly give the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage or delay the working of the trolley vehicles shall be stopped or delayed as required by such notice but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and in such case the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid:

(c) The Corporation shall not without the consent in writing of the county council place erect or attach any post or other support for any wire or any feeder box on or to the structure of any bridge as aforesaid and shall on receiving three months' notice in writing remove any post support or box which shall with such consent have been so placed erected or attached:

(5) If the Corporation in the execution of any works in or affecting any main road shall cause any damage injury or disturbance to such main road and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions of the Tramways Act 1870 then it shall be lawful for the county council after reasonable notice to the Corporation of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence:

(6) The Corporation shall pay to the county council an annual sum equal to three-eighths of one penny per car mile run by the trolley vehicles over the said main roads towards the cost of the maintenance by the county council of such roads or the sum of one hundred and fifty pounds per annum whichever shall be the greater Provided always that if in the opinion of the county council the sum so payable is inadequate to recoup the county council the extra expense incurred by them in maintaining the said roads by reason of the user thereof by the trolley vehicles the Corporation shall pay to the county council such additional sum as may be agreed between the Corporation and the county council or failing agreement determined by arbitration as hereinafter provided All sums of money payable to the county council under the provisions of this section shall be deemed to be a debt due to the county council and recoverable from the Corporation accordingly:

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The Corporation shall keep statements for the purposes of this subsection showing in proper detail the mileage run by each trolley vehicle on the said main roads and shall furnish copies of such statements annually to the county council and the Corporation shall allow any person duly authorised by the county council in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Corporation relating to the running of all such trolley vehicles:

For the purposes of any arbitration under this subsection the county council shall produce to the Corporation all books of account relating to expenditure on maintenance of the said main roads:

(7) The width of tyre on the back or driving wheels of the trolley vehicles shall not be less than six inches and the diameter of such wheels shall not be less than two feet six inches The tyres of all wheels used on the said trolley vehicles shall be of rubber or some other substance to be agreed between the county council and the Corporation or failing agreement as may be settled by arbitration in manner hereinafter provided:

(8) A number shall be assigned to each trolley vehicle and a plate bearing such number shall be fixed in conspicuous positions outside the vehicle at the front and back thereof and easily distinguishable by day and night:

(9) The provisions of section 28 of the Town Police Clauses Act 1847 with respect to the side of the road at which a carriage or other vehicle is to be kept when meeting or passing any other carriage or vehicle shall apply to the driver of a trolley vehicle and for the purpose of this section the said provisions shall be read as though horses and other beasts of burden and cattle were included therein:

(10) Any difference at any time arising between the county council and the Corporation which is required by this section to be determined by arbitration shall be settled by an arbitrator to be agreed upon between the county

council and the Corporation or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Rotherham Rural District Council.

42.—(1) The provisions of the section of this Act whereof the marginal note is "For further protection of West Riding County Council" shall so far as applicable apply and have effect for the protection of the Rotherham Rural District Council in relation to roads and bridges vested in or repairable at the cost of that council as if that council had been named therein in lieu of the county council and as if such roads and bridges had been referred to therein in lieu of main roads and county or main road bridges and as if the sum of sixty-five pounds per annum had been mentioned in subsection (6) thereof in lieu of one hundred and fifty pounds per annum.

(2) Notwithstanding anything in the Tramways Act 1870 the said district council and no other authority or council shall with respect to the application of sections 46 and 47 of that Act to the use of trolley vehicles within the Rotherham Rural District be and be deemed to be the local authority.

Reckless driving.

43.—(1) If any person drives a trolley vehicle on a public highway recklessly or negligently or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case including the nature condition and use of the highway and to the amount of traffic which actually is at the time or which might reasonably be expected to be on the highway that person shall be guilty of an offence under this section.

(2) A person guilty of an offence under this section shall be liable on summary conviction in respect of each offence to a penalty not exceeding five pounds or in the case of a second or subsequent conviction to a penalty not exceeding ten pounds or in the discretion of the court to imprisonment for a period not exceeding three months.

Suspension of licence and disqualification.

44.—(1) Any court before whom a person is convicted of an offence in connection with the driving of a trolley vehicle—

(A) May if the person convicted holds any licence under this Act suspend that licence for such time as the court thinks fit and if the court think fit also declare the person convicted disqualified for obtaining a licence

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for such further time after the expiration of the licence as the court thinks fit; and

(B) May if the person convicted does not hold any licence under this Act declare him disqualified for obtaining a licence for such time as the court thinks fit; and

(C) If the person convicted holds any licence under this Act shall cause particulars of the conviction and of any order of the court made under this section to be endorsed upon any licence held by him and shall also cause a copy of those particulars to be sent to the authority by whom such licence has been granted.

(2) Any person so convicted if he holds any licence under this Act shall produce the licence within a reasonable time for the purposes of endorsement and if he fails to do so shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings.

(3) A licence so suspended by the court shall during the term of suspension be of no effect and a person whose licence is suspended or who is declared by the court to be disqualified for obtaining a licence shall during the period of suspension or disqualification be disqualified for obtaining a licence.

(4) Any person who is by virtue of an order of the court under this section disqualified for obtaining a licence may appeal against the order in the same manner as a person may appeal who is ordered to be imprisoned without the option of a fine and the court may if they think fit pending the appeal defer the operation of the order.

(5) If any person who under the provisions of this Act is disqualified for obtaining a licence applies for or obtains a licence while he is so disqualified or if any person whose licence has been endorsed applies for or obtains a licence without giving particulars of the endorsement that person shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings.

Provisions of section 48 of Tramways Act 1870 to apply.

45. The provisions of section 48 of the Tramways Act 1870 shall apply to trolley vehicles and to all drivers conductors and other persons having charge of or using the same and to the standings for the same as if the trolley vehicles were carriages to which that section applies.

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WATER.

Power to make service reservoir.

46. Subject to the provisions of this Act the Corporation may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following work shown on the deposited plans and sections (that is to say):—

A service reservoir to be situate upon certain lands in the parish and county borough of Rotherham lying to the south of and adjoining Wortley Road being the enclosures numbered 380 381 and 416 on the $\frac{1}{2500}$ Ordnance map of the said parish (second edition 1905) and a part of the enclosure numbered 379 on the said map situate at the southern side thereof.

In addition to the foregoing work the Corporation may upon the said lands make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned work but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

47. In the construction of the service reservoir authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that the Corporation shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition.

Time for completion of reservoir.

48. If the service reservoir by this Act authorised is not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted

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for the making and construction of the same or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Power to agree as to drainage of lands &c.

49. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and waterworks of the Corporation with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are authorised to divert collect and appropriate flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Penalty on persons not providing separate communication pipes for water.

50. The owner of any house supplied with water by the Corporation who when so required in pursuance of section 27 (Corporation not bound to supply several houses by one pipe) of the Act of 1904 fails to provide a separate pipe from the main pipe into such house shall be liable to a penalty not exceeding one pound for every day after the expiration of one month from being so required until such separate pipe is laid.

Repeal of maximum rate for supply of water.

51. From and after the passing of this Act so much of section 40 of the Rotherham and Kimberworth Local Board of Health Act 1863 as prescribes that the Corporation shall not be entitled to demand or receive in respect of water rates for any one dwelling-house or part of a dwelling-house any greater sum than ten pounds shall be and the same is hereby repealed.

PART VI.

SEWAGE.

Acquisition of lands for sewage purposes.

52. Subject to the provisions of this Act the Corporation may enter upon take and use for the purposes of sewage disposal works and purposes connected therewith the lands following (that is to say):—

Certain lands five acres three roods and six and a half perches or thereabouts in extent in the parish and county borough of Rotherham lying to the south of and adjoining the River Don and on either side of Lower Lock Ferry and forming part of the enclosures numbered 309 and 5 on the $\frac{1}{2500}$ Ordnance map of the said parish (second edition 1903):

And the Corporation may also enter upon take and use for the purposes of an approach road to the said works a portion of the said enclosure numbered 309 being a strip thereof adjoining the western boundary of the said enclosure and extending to Fitzwilliam Road:

Provided that the Corporation shall not be empowered to take or in any way interfere with the existing towing-path of the Sheffield and South Yorkshire Navigation Company forming part of the said lands or the rights of the navigation company of towing or hauling boats and other vessels on the River Don adjoining such lands or their right of road or access to or from the Eastwood Lower Lock Ferry also shown on the said Ordnance map.

Part VII.

General Provisions as to Lands and Works.

Power to acquire lands.

53. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act to which those plans respectively relate or for the purpose of providing space for the erection of buildings adjoining or near to any street widening authorised by this Act.

Period for compulsory purchase of lands.

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

Application of certain provisions of Acts of 1900 and 1904.

55. The following provisions of the Acts of 1900 and 1904 (that is to say):—

Act of 1900—

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

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

Section 55 (Purchase of additional lands by agreement);

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

Section 58 (Proceeds of sale of surplus lands); and

Section 59 (Agreements with landowners):

Act of 1904—

Section 49 (Power to appropriate lands);

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

Provided that notwithstanding anything contained in the said section 49 of the Act of 1904 any lands vested in the Corporation for the purposes of the Education Acts 1870 to 1910 shall only be appropriated and used for other purposes in accordance with the provisions of the Education (Administrative Provisions) Act 1909.

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

56. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or

other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat

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cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

As to private rights of way over lands taken compulsorily.

57. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Benefit of improvement to be taken into consideration in fixing compensation for lands required for street widenings.

58. In estimating the amount of purchase-money and compensation to be paid by the Corporation in respect of lands acquired for the purposes of or in connection with the street widenings by this Act authorised the benefits accruing to any other property of the person to whom the same shall be paid by reason of the construction of the street widenings shall be fairly estimated and shall be set off against the said purchase-money and compensation.

Compensation in case of recently altered buildings.

59. In settling any question of disputed purchase-money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November one thousand nine hundred and ten if in the opinion

of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration &c. in certain cases.

60. The tribunal to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be paid by the claimant:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Temporary stoppage of streets.

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

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PART VIII.

GAS.

Extension of Corporation limits for supply of gas.

62. The limits within which the Corporation may supply gas are hereby extended so as to include the parishes or townships of Catcliffe Treeton and Wickersley all in the rural district of Rotherham and for the purposes of such supply and subject to the provisions of this Act the Corporation shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same obligations as they now have and may exercise and are subject to under the provisions of the Acts relating to the gas undertaking and those provisions so far as they are respectively in force at the passing of this Act and the provisions of this Act relating to the gas undertaking shall extend and apply within the said limits of supply as extended by this section (in this Part of this Act referred to as "the limits of supply") and to the supply of gas therein.

Testing quality.

63.—(1) As from the first day of January one thousand nine hundred and twelve the quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing-place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Corporation or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) Prior to the said date the Corporation shall provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

(4) Section 35 (As to quality of gas) of the Rotherham and Kimberworth Local Board of Health Act 1870 section 10 (Mode of testing gas) of the Rotherham Corporation Act 1896 and section 15 (Alteration of obligation as to illuminating power of gas) of the Act of 1904 are as from the said date hereby repealed.

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

64. The Corporation may on the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out but not dedicated to public use where such premises are within the limits of supply lay down take up alter relay repair or renew in across or along or out of such street or road such mains wires pipes and apparatus as may be requisite or proper for the supply of gas to such premises as aforesaid and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as they are applicable extend and apply mutatis mutandis to the exercise of the powers of this section.

Power to lay down and utilise pipes for ancillary purposes.

65. The Corporation may lay down place repair alter remove and renew mains and pipes within the limits of supply for the purpose of procuring conducting or disposing of any tar or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as they are applicable extend and apply mutatis mutandis to the exercise of the powers of this section.

Supply of gas where consumer has separate gas installation.

66. Where any person has a supply of gas laid on by the Corporation to any premises for which he has at the same time a supply of gas from an installation other than that of the Corporation the Corporation shall be entitled to receive from him as a standing charge in addition to the price of the gas actually supplied to him a fixed sum to be determined by them not exceeding five pounds per annum Provided always that in determining such fixed sum the Corporation shall have regard to the probable maximum supply of gas which might at any time be required for such premises Provided also that the Corporation shall not be entitled to any such standing charge as aforesaid in respect of any premises for which the whole supply of gas afforded by them is taken through a meter having a nominal capacity of less than ten lights.

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Minimum charge for gas laid on to premises having supply of electricity.

67. Where any person has a supply of gas laid on by the Corporation to any premises for which he has at the same time a supply of electricity either from the Corporation or from an installation other than that of the Corporation the Corporation shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum Provided always that in fixing the amount of such minimum charge the Corporation shall have regard to the probably maximum supply of gas which might at any time be required for such premises Provided also that in respect of any premises for which the whole supply of gas afforded by the Corporation is taken through a meter having a nominal capacity of less than ten lights and the supply of electricity is taken from the Corporation no such minimum charge shall be made and Provided also that in respect of any premises for which the whole supply of gas afforded by the Corporation is taken through such a meter as aforesaid and the supply of electricity is obtained from an installation other than that of the Corporation the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

Corporation to pay interest on money deposited as security for gas meter &c.

68. If any person is required by the Corporation to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Corporation shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to require use of anti-fluctuators for gas engines.

69. Every consumer of gas supplied by the Corporation who uses a gas engine shall if required to do so by the Corporation use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping such anti-fluctuator in proper repair the Corporation may cease to supply gas to such consumer The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

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Corporation may contract with local authority &c. for supply of gas in bulk.

70. The Corporation may contract with the Maltby and Bramley Gas Company Limited and any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply by or to them respectively of gas in bulk upon such terms and conditions and for such periods (not exceeding in the case of a supply by the Corporation seven years from the making of the contract) as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the limits of supply.

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

71. Article II. (For protection of county council and rural district council) of the Rotherham Order 1910 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1910 shall apply and have effect mutatis mutandis to the main roads under the jurisdiction of the county council of the west riding of Yorkshire and to the roads under the jurisdiction of the Rotherham Rural District Council respectively in the parishes of Catcliffe Treeton and Wickersley and to the works by this Part of this Act authorised to be constructed or laid in such roads.

For protection of Great Central and Midland Railway Companies.

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

(1) The execution of any works in the exercise by the Corporation of the powers conferred upon them by this Part of this Act upon across or in any way affecting the railway of the company or of any other railway worked or maintainable by the company and other property of or any road repairable by the company (all or any part whereof as the case may be is in this section included in the expression "the property of the company") shall be done and completed with all despatch after the commencement thereof under the superintendence and to the reasonable satisfaction of the engineer of the company and only according to such plans and sections and in such manner as shall previously be reasonably approved by him in writing or in case of difference as may be determined by arbitration in the manner hereinafter

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provided Provided that if such engineer shall not approve or disapprove any plans and sections so submitted to him within fourteen days after the same are delivered to him or shall refuse or neglect to superintend the work the Corporation may proceed without the approval of the plans and sections and without the superintendence of the said engineer:

(2) All such works shall be done by and at the expense of the Corporation (except as in this section otherwise provided) who shall also at the like expense restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or level crossing of the railway of the company (or of any railway worked or maintainable by them) or the approaches thereto so far as the same may be disturbed or interfered with by or owing to any operations of the Corporation Provided always that should the company elect so to do where any mains pipes or other works require to be laid renewed or repaired under or across any level crossing of their railway or of any railway worked or maintainable by them they may themselves carry out such work at the costs charges and expenses of the Corporation but so nevertheless that any mains or pipes so laid by the company shall only be laid under the superintendence and to the reasonable satisfaction of the engineer of the Corporation:

(3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the property of the company and so as to cause no interruption to the passage or conduct of the railway traffic and if any injury or interruption as aforesaid shall arise from or in any way be owing to the act or default or the works or operations of the Corporation or to the leakage or failure of any such mains pipes or works in under or near to the property of the company the Corporation shall make compensation to the company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided Provided always that the company shall in no case

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be liable for any injury to or the leakage or failure of such mains pipes or works caused by or by reason of the railway traffic:

(4) The Corporation shall bear and on demand pay to the company all reasonable costs of the superintendence by them of the construction or repair of any of the works of the Corporation affecting the property of the company and in the case of any level crossing being broken up all reasonable costs of watching lighting signalling and protecting the property of the company with reference to and during such construction or repair but such superintendence by the company or their neglect to superintend shall not alter or affect any liability to which the Corporation may be subject for any accident which may be occasioned by the works or operations or by the act or default of the Corporation or of their contractors servants or workmen or any of them:

(5) If at any time it is found necessary in order to enable the company to carry out any alterations or extensions of their railways or works to alter the position of the said mains pipes or works the Corporation shall on receiving notice in writing from the company so to do at their own cost and to the reasonable satisfaction of the engineer of the company alter the position of and strengthen the said mains pipes or works so far as may be necessary to enable the company to carry out such alterations or extensions of their railway or works and the provisions of this section shall apply to the said mains pipes or works in their altered position:

(6) Any difference arising between the Corporation and the company under this section shall be determined by an engineer or other fit person to be appointed failing agreement by the President of the Institution of Civil Engineers at the request of either party.

Part IX.

Streets and Buildings.

Intersecting streets.

73. Section 56 of the Act of 1904 is hereby repealed and no street shall be laid out within the borough exceeding four hundred and fifty feet in length without having an intersecting

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street at intervals of not more than four hundred and fifty feet in any such street:

Provided that this section shall not prevent the use of land adjoining or abutting on either side of a street for a consecutive length exceeding four hundred and fifty feet for the site of a mill weaving shed factory works or any one building and the outbuildings yards and approaches belonging to such mill weaving shed factory works or building or for the site of a park pleasure ground or cemetery so long as there is a street at each end of the length of land so used.

Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings For the purposes of this section "intersecting street" means a side or cross street forming a junction with or crossing another street.

For preventing water flowing on footpath.

74. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of an order of the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

Further provisions as to new streets.

75. Section 60 of the Act of 1904 is hereby repealed and when a road or lane within the borough is about to become by reason of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street is about to be built on the Corporation may instead of requiring the owner of such land to widen such road or lane to a width prescribed by the byelaws in force within the borough require such owner to widen such road or lane so as to give a width not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the opposite side of such road or lane shall be built on the Corporation shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Corporation.

As to buildings of iron steel or reinforced concrete.

76. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the borough regulating the construction of buildings the Corporation shall have power to relax

or modify such provisions in the following cases and subject to the following provisions (that is to say):—

(1) Where a person is desirous of erecting an iron steel or reinforced concrete building or structure he shall make an application to the Corporation accompanied by complete plans sections and elevations of the proposed building with such details and other particulars as to the construction thereof as may be required by the Corporation:

(2) The Corporation if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars:

(3) The Corporation may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Corporation and as to the precautions to be taken in connection with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively:

Provided that nothing in this section or any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connection with their railway under any Act of Parliament.

Area of habitable rooms.

77.—(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and fifteen square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than seventy square feet.

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(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Part X.

Sanitary Provisions.

Soil pipes to be ventilated.

78.—(1) The soil pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or subject to the provisions of section 37 of the Public Health Acts Amendment Act 1907 (if and when applied to the borough) by such other method as the Corporation shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of one month after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Corporation to make communication between drains and sewers.

79. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Removal of animals suspected of tuberculosis.

80. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from any market of the Corporation all animals which after inspection by a duly registered veterinary surgeon shall be suspected by such surgeon to be affected with tubercular disease.

Removal and exclusion from market of animals not fit for food.

81. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from any market of the Corporation any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food.

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NOTIFICATION OF TUBERCULOSIS.

Provisions for notification of tuberculosis of the lung.

82.—(1)—(A) Every registered medical practitioner attending on or called in to visit any person within the borough shall forthwith on becoming aware that such person is suffering from tuberculosis of the lung send to the medical officer a certificate on a form to be supplied to him gratuitously by the Corporation stating the name age sex and place of residence and employment or occupation (so far as can be reasonably ascertained) of the person so suffering and whether the case occurs in his private practice or in his practice as medical officer of any hospital public body friendly or other society or institution.

(B) Any such medical practitioner who fails to give such certificate shall be liable on summary conviction to a fine not exceeding forty shillings.

(C) The Corporation shall pay to every such medical practitioner for each certificate duly sent by him in accordance with this section a fee of not exceeding two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any hospital public body friendly or other society or institution.

(D) A payment made to any medical practitioner in pursuance of this section shall not disqualify that practitioner from serving as a member of the Corporation or as a guardian of a union situate wholly or partly in the borough or in any municipal or parochial office.

(2)—(A) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any ship vessel boat tent shed or similar structure used for human habitation) would tend to prevent or check tuberculosis of the lung the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Corporation at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice If within twenty-four hours from the receipt of such notice the owner or occupier of such

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building has not informed the Corporation as aforesaid or if having so informed the Corporation he fails to have the building or the part thereof disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers of and at the cost of the Corporation under the superintendence of the medical officer.

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

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

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

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

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

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(5) No provisions contained in any general or local Act of Parliament relating to infectious disease shall apply to tuberculosis of the lung or proceedings relating thereto under this section.

(6) All expenses incurred by the Corporation in carrying into effect the provisions of this section shall be chargeable on the district fund and general district rate.

(7) The Corporation shall cause to be given public notice of the effect of the provisions of this section by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained and shall give formal notice thereof by registered post to every medical practitioner in the borough and any other registered medical practitioner known to be in practice in the borough and this section shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix.

(8) The provisions of this section shall cease to be in force within the borough at the expiration of nine years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

(9) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section as to the giving of public notices have been complied with.

Part XII.

Finance.

Power to borrow and repayment of borrowed moneys.

83.—(1) The Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest for the purposes set forth in the first column of the following table on the respective securities set forth in the second column thereof any sums not exceeding the respective sums set forth in the third column thereof and all moneys borrowed under the powers

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of this subsection shall be repaid within the respective periods set forth in the fourth column of the said table (that is to say) :—

Purpose.	Security.	Amount.	Period for Repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	District fund and general district rate and borough fund and borough rate.	The sum requisite.	5 years from the passing of this Act.
(2) For the purchase of lands for and for the construction of the street widenings by this Act authorised.	District fund and general district rate.	£85,000	50 years from the date or dates of borrowing.
(3) For construction of the tramways by this Act authorised.	Tramway revenue and borough fund and borough rate.	£20,000	30 years from the date or dates of borrowing.
(4) For equipment of the tramways by this Act authorised.	Tramway reveuue and borough fund and borough rate.	£6,200	15 years from the date or dates of borrowing.
(5) For general purposes of the tramway undertaking.	Tramway revenue and borough fund and borough rate.	£25,500	20 years from the date or dates of borrowing.
(6) For or in connection with the provision and running of omnibuses by this Act authorised.	Tramway revenue and borough fund and borough rate.	£10,000	5 years from the date or dates of borrowing.
(7) For electrical equipment and shed accommodation for trolley vehicles by this Act authorised.	Tramway revenue and borough fund and borough rate.	£37,750	20 years from the date or dates of borrowing.
(8) For trolley vehicles by this Act authorised.	Tramway revenue and borough fund and borough rate.	£10,600	10 years from the date or dates of borrowing.
(9) For the purchase of lands for and for the construction of further sewage works and storm-water sewers.	District fund and general district rate.	£3,900	50 years from the date or dates of borrowing.
(10) For general purposes of the gas undertaking.	Gas revenue and district fund and general district rate.	£25,000	30 years from the date or dates of borrowing.
(11) For permanent street paving works.	District fund and general district rate.	£34,000	20 years from the date or dates of borrowing.
(12) For enlargement of the dust destructor.	District fund and general disrtict rate.	£5,500	20 years from the date or dates of borrowing.

(2) The Corporation may also with the sanction of the Board of Trade borrow on the security of the tramway revenue and borough fund and borough rate such further moneys as the Corporation may require for any of the purposes of Part III. (Tramways) (other than the purposes of the section of this Act whereof the marginal note is "Power to provide and run motor omnibuses") and Part IV. (Trolley Vehicles) of this Act and may with the sanction of the Local Government Board borrow on the security of the district fund and general district rate or such other security as that Board may prescribe such further moneys as the Corporation may require for any other purposes of this Act and all moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as those Boards respectively may sanction Provided that before giving their consent to any application for further

borrowing powers for the purpose of the provision and running of omnibuses the Board may require the production of evidence to show that the omnibus undertaking is being conducted in all respects on a paying basis.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 175 (Power to use one form of mortgage for all purposes) of the Act of 1904.

(4) As regards any rates which may be laid under the powers of this Act to make good any loss which may be incurred in the running of trolley vehicles and motor omnibuses outside the borough the owners of any land used only as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed for such rates in respect of the same in the proportion of one-fourth part only of the net annual value thereof and the Corporation shall keep separate accounts of receipts and expenditure in connection with such trolley vehicles and motor omnibuses and such accounts shall at all reasonable times be open to the inspection of the railway company occupying any such land and their officers.

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

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

Provisions of Public Health Act as to mortgages to apply.

85. Sections 236 237 and 238 of the Public Health Act 1875 (except as to the form of mortgage and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

Application of certain provisions of Act of 1896.

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

Section 30 (Mode of repayment of moneys borrowed);
Section 32 (Protection of lender from inquiry);
Section 33 (Annual return to Local Government Board with respect to sinking fund);
Section 34 (Corporation not to regard trusts);
Section 35 (Power to borrow under Local Loans Act 1875); and
Section 37 (Application of moneys borrowed).

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Power to reborrow.

87.—(1) Section 31 (Power to reborrow) of the Rotherham Corporation Act 1896 is hereby repealed but without prejudice to anything which may have been done thereunder.

(2) The Corporation shall have power—

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

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

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

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

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

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

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

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

Appointment of receiver.

88. The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made

shall not be less than one thousand pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

Cancellation of certain borrowing powers.

89. Whereas by the Act of 1900 and the Act of 1904 the Corporation were empowered to borrow sums of money not exceeding the respective amounts therein specified and certain of the works for which portions of the said sums were authorised to be borrowed have not been and are not now intended to be executed by the Corporation And whereas it is expedient that the sums which the Corporation are authorised to borrow under those Acts should be reduced accordingly Therefore—

(1) The amount which the Corporation may borrow under section 65 of the Act of 1900 for the purchase of lands for and the construction of the new street and the street widenings by that Act authorised shall be sixty-four thousand pounds in lieu of one hundred and thirty thousand pounds:

(2) The amount which the Corporation may borrow under section 171 of the Act of 1904 for the purchase of lands for and the execution of the street widenings and other improvements by that Act authorised shall be twenty-two thousand pounds in lieu of fifty-eight thousand pounds:

(3) The amount which the Corporation may borrow under the said section of the Act of 1904 for works of permanent street paving and the construction of public conveniences and lavatories shall be twenty-three thousand six hundred pounds in lieu of thirty thousand pounds.

Audit of accounts.

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

Expenses of execution of Act.

91. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made may be defrayed out of the district fund and general district rate or the borough fund and borough rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

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PART XIII.

MISCELLANEOUS.

Power to erect public hall.

92.—(1) The Corporation may erect within the borough a public hall and other premises in connection therewith upon land owned by them and may use and let the same for such purposes as they think fit upon such terms and conditions as may be agreed upon and they may furnish fit up and equip the same and may appoint such persons for the care custody and management thereof and may demand and take or permit to be demanded and taken such reasonable sums for the admission of persons thereto or to any part thereof as they may think proper.

(2) The Corporation may make regulations for securing good and orderly conduct in the said hall or other premises as aforesaid.

Byelaws as to pleasure fairs.

93. The Corporation may make byelaws for prohibiting the holding of pleasure fairs within the borough except during two separate weeks in each year and for requiring the provision of sufficient closet accommodation and urinals during the holding of any such fair.

Byelaws as to sales by auction.

94. The Corporation may make byelaws for fixing the times and the places at which and the order in which auction sales shall be conducted in any market belonging to them for providing that auctioneers shall conduct such sales according to a rota to be from time to time prepared and publicly notified by the Corporation and for regulating the proceedings and conduct of such auctioners in the market.

Incorporation of further sections of Act of 1904.

95. The provisions contained in the sections of the Act of 1904 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to and in relation to the like matters as if they were re-enacted in this Act.

The sections herein-before referred to are—

Section 181 (Persons acting in execution of Act not to be personally liable);

Section 182 (Confirmation of byelaws);

Section 184 (Authentication and service of notices &c.);

Section 185 (Information &c. by whom to be laid);

Section 186 (Compensation how to be determined);
Section 187 (As to appeal);
Section 188 (Recovery of penalties &c.);
Section 189 (Penalties to be paid over to treasurer);
Section 190 (Damages and charges to be settled by court);
Section 193 (Consent of Corporation to be in writing);
Section 194 (Saving for indictments &c.); and
Section 196 (Powers of Act cumulative):

Provided that as regards the confirmation of byelaws and inquiries in relation thereto under the section of this Act the marginal note whereof is "Byelaws as to pleasure fairs" the Secretary of State shall be substituted for the Local Government Board.

Judges not disqualified.

96. Section 195 of the Act of 1904 is hereby repealed and a judge of any court or a justice shall not be disqualified from acting in the execution of this Act or the Act of 1904 by reason of his being liable to any rate.

Evidence of appointments authority &c.

97. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or of any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Recovery of demands in county courts.

98. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

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Inquiries by Local Government Board or Board of Trade.

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

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

Crown rights.

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

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN BY THE CORPORATION.

Work.	Nos. on deposited Plans.
Street Work No. 3 - - - - -	34 38.
Street Work No. 4 - - - - -	83.
Street Work No. 5 - - - - -	89.
Street Work No. 6 - - - - -	90.
Street Work No. 9 - - - - -	123 124 126.
Street Work No. 14 - - - - -	182 183.

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