



CHAPTER ccxxxiv.

An Act to enable the Corporation of the borough of Swindon to make new tramways and to make further provisions with reference to markets and for the health local government and improvement of the borough and for other purposes. [15th August 1904.] A.D. 1904.

WHEREAS the borough of Swindon in the county of Wilts (herein-after called "the borough") is subject to the Acts relating to municipal corporations and is under the local government of the mayor aldermen and burgesses of the borough (herein-after called "the Corporation") :

And whereas the Corporation are as successors of the Swindon Water Board the owners of the waterworks undertaking authorised by the Swindon Water Act 1894 and supply water within and beyond the borough and it is expedient that further powers should be conferred upon them in relation to such supply :

And whereas by the Swindon Corporation Tramways Order 1901 the Corporation were authorised to construct tramways and it is expedient that they be authorised to construct further tramways and that further powers be conferred upon them in respect to their tramway undertaking :

And whereas the period for the commencement and completion of those tramways was extended by the direction of the Board of Trade until the ninth day of August one thousand nine hundred and three and the ninth day of August one thousand nine hundred and four respectively :

And whereas by the Swindon New Town Electric Lighting Order 1895 the Corporation were authorised to supply electricity for public and private purposes and it is expedient that further

A.D. 1904. powers be conferred upon them in respect of their electric lighting undertaking :

And whereas it is expedient that better provisions should be made with reference to streets buildings sewers and drains within the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough should be enlarged as by this Act provided :

And whereas it is expedient that further provision should be made with reference to markets and fairs and slaughter-houses within the borough :

And whereas it is expedient that the Corporation should be empowered to borrow money as in this Act mentioned and that better provision should be made as in this Act mentioned in regard to the loans of the Corporation the securities upon which they are charged the discharge of borrowed money and other financial matters :

And whereas the Corporation are authorised by the Swindon Water Act 1894 to redeem the water annuities authorised by that Act and it is expedient that the Corporation should be authorised to borrow money for the purposes of such redemption as in this Act provided :

And whereas it is expedient that the other provisions in this Act should be made :

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the various works by this Act authorised and such estimates are as follows :—

For the construction of the tramways by this Act	
authorised and for tramway purposes	£5300

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

And whereas plans and sections showing the lines and levels of the tramways authorised by this Act and a book of reference containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required to be used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Wilts which plans sections and book of reference are in this Act

respectively referred to as the deposited plans sections and book of reference: A. D. 1904.

And whereas an absolute majority of the whole number of the Council at a meeting held on the seventeenth day of November one thousand nine hundred and three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Swindon Advertiser* a newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate and district fund and general district rate:

And whereas such resolution was published twice in the *Swindon Advertiser* a newspaper published and circulating in the borough and has received the approval of the Local Government Board:

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

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule 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.

1. This Act may be cited as the *Swindon Corporation Act* Short title. 1904.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Electricity.

Part IV.—Tramways.

Act divided
into Parts.

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- Part V.—Sanitary.
- Part VI.—Tuberculosis.
- Part VII.—Infectious Disease.
- Part VIII.—Markets and Slaughter-houses.
- Part IX.—Common Lodging-houses.
- Part X.—Police and Street Traffic.
- Part XI.—Recreation Grounds.
- Part XII.—Hackney Carriages.
- Part XIII.—Sky-signs and Advertising Vehicles.
- Part XIV.—Streets Buildings and Sewers.
- Part XV.—Lands.
- Part XVI.—Finance.
- Part XVII.—Miscellaneous.

Incorporation of general Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) the Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts) and for the purpose of incorporation with this Act section 44 of the Waterworks Clauses Act 1847 shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from such section the Waterworks Clauses Act 1863 and section 19 and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. In this Act unless the subject or context otherwise requires—

Terms to which meanings are assigned by enactments incorporated with this Act or by the Public Health Acts or which have therein special meanings have in this Act and for the purposes of this Act (except where otherwise expressly provided) the same respective meanings;

"The borough" means the borough of Swindon;

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

"The council" means the town council of the borough;

"The town clerk" means the town clerk of the borough;

- “ The treasurer ” means the treasurer of the borough ;
- “ The medical officer ” “ the surveyor ” and “ the inspector of nuisances ” respectively mean the medical officer of health the borough surveyor and any inspector of nuisances appointed by the council in pursuance of the powers of any public Act and “ medical officer ” includes any person duly authorised to act temporarily as medical officer of health ;
- “ The borough fund ” and “ the borough rate ” respectively mean the borough fund and the borough rate of the borough ;
- “ The district fund ” and “ the general district rate ” respectively mean the district fund and the general district rate of the borough ;
- “ The water undertaking ” means the water undertaking of the Corporation ;
- “ The Water Acts ” means the Swindon Water Act 1894 and the Swindon Order 1902 ;
- “ The water annuities ” means the annuities issued under the provisions of the Swindon Water Act 1894 ;
- “ The Order of 1895 ” means the Swindon New Town Electric Lighting Order 1895 ;
- “ The Order of 1901 ” means the Swindon Corporation Tramways Order 1901 ;
- “ Mechanical power ” includes steam electrical and every other motive power not being animal power ;
- “ The Corporation tramways ” means the tramways authorised by the Order of 1901 and by this Act and any tramways for the time being belonging to or worked by the Corporation ;
- “ Public vehicle ” means any vehicle to which the Town Police Clauses Acts 1847 and 1889 apply ;
- “ Dairy ” means any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale ;
- “ Dairyman ” means any cowkeeper purveyor of milk or occupier of a dairy ;
- “ The Market Charter ” means the Letters Patent bearing date the second day of July in the second year of the reign of His late Majesty King Charles the First granted to Thomas Goddard Esquire his heirs and assigns ;

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- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act or Acts amending the same;
- “The Public Health Acts” means the Public Health Act 1875 and any Act or Acts amending the same;
- “Infectious disease” means any infectious disease to which for the time being the Infectious Disease (Notification) Act 1889 applies within the borough;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- “Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates and contributions leviable by or on the order or precept of the Corporation;
- “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.

WATER.

Power to
make subsi-
diary works.

5. Whereas doubts have arisen as to the powers of the Corporation to enlarge and extend and improve their waterworks at Wroughton in the parish of Wroughton and Whitefield in the

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parish of Ogbourne Saint George and it is expedient to remove such doubts Be it therefore enacted that the Corporation may upon the lands in the parish of Wroughton and at Whitefield in the parish of Ogbourne Saint George acquired under the powers of the Water Acts and belonging to them at the passing of this Act make and maintain all such cuts channels catchwaters outlets outfalls aqueducts pipes standpipes valves conduits culverts drains sluices shafts wells bores adits water-towers reservoirs overflows byewashes washouts waste-water channels gauges weirs filter-beds tanks banks walls bridges embankments piers roads approaches buildings shops engines machinery telegraphs telephones and appliances as may be necessary or convenient in connexion with or subsidiary to their waterworks undertaking or the maintenance management and use thereof Provided that no telegraphic or telephonic apparatus made and maintained under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

6. The Corporation may by agreement with the council of any district in which any waterworks of the Corporation or any source of supply of such waterworks is situate make and maintain at the expense of both or either of the contracting parties or contribute to the cost of making and maintaining by such council such works within the said district for preventing pollution of the water supply of the Corporation as the Local Government Board may approve.

Power to agree for works for preventing pollution.

7. The Corporation shall not be bound to supply with water otherwise than by meter any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply to houses partly used for trade &c.

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

Corporation not bound to supply several houses by one pipe.]

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

Notice of discontinuance.

10. Section 41 of the Swindon Water Act 1894 is hereby repealed and the Corporation may supply water for other than

Supply of water for other than

A.D. 1904. domestic purposes. domestic purposes on such terms and conditions as the Corporation think fit and the moneys payable for the supply of water under this section shall be recoverable in the same manner as rates due to the Corporation for water. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Price for supply by meter.

11. Where any supply of water is given by meter the price to be charged shall not exceed two shillings and sixpence per one thousand gallons up to ten thousand gallons per half-year with a minimum charge of ten shillings per half-year and two shillings per one thousand gallons per half-year above the ten thousand gallons up to fifteen thousand gallons per half-year and after fifteen thousand gallons per half-year one shilling and sixpence for every additional one thousand gallons per half-year.

Section 14 of Waterworks Clauses Act 1863 to apply to fittings.

12. The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Corporation to let for hire any water fittings to any person supplied by them with water and the provisions of that section shall apply to such fittings.

Notice to Corporation of connecting or disconnecting meters.

13. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring meters &c.

14. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained :

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

15. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Power to Corporation to supply materials.

16. The Corporation may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits authorised by the Water Acts to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that

Supply of water by agreement.

A.D. 1904. district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits.

Reserve fund.

17. Notwithstanding anything in the Water Acts contained the Corporation may establish and maintain a reserve fund to be applied as in the Water Acts prescribed to such an amount as the Corporation shall think fit not exceeding the sum of ten thousand pounds.

PART III.

ELECTRICITY.

Supply of electrical energy outside borough.

18. If the local authority for any district adjacent to the area which the Corporation are for the time being authorised to supply with electrical energy are or shall be authorised by Provisional Order confirmed by Parliament to supply energy the Corporation and such local authority may enter into and carry into effect agreements for the supply of electrical energy in bulk by the Corporation to such authority but such agreements shall in all respects be subject to the approval of the Board of Trade:

Provided that any supply of electrical energy under this section and any works constructed for that purpose shall be subject to all provisions for the protection of the Postmaster-General's lines and his rights in respect thereof which are contained in the Order of 1895.

As to supply of electricity where consumer has separate supply.

19. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and other standing charges incurred by the Corporation to meet the possible maximum demand of such person and in case the Corporation and the person demanding such supply of electrical energy shall fail to agree as to the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Electrical Engineers.

Corporation may refuse to supply electrical energy in certain cases.

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

in respect of which such supply is demanded or in respect of other premises. A.D. 1904.

21.—(1) The Corporation may purchase provide supply sell let use and otherwise deal in fit up fix alter repair remove and refix (but shall not manufacture) electric lines fuses switches fittings meters lamps lamp-holders motors and other apparatus incidental to or connected with the use or used in the supply of electrical energy and may provide materials and do all work necessary or proper in that behalf and may take such remuneration rents or charges and make such terms and conditions with respect to such supply sale letting using fitting fixing altering repairing or removal or refixing of such apparatus or the provision of such materials or the doing of such work and for securing the safety and return to the Corporation of articles and fittings let and otherwise as may be agreed upon between the Corporation and the persons to or for whom the same are supplied sold let fitted fixed altered repaired removed refixed provided or done Provided that in the case of any premises of a rateable value of eleven pounds and under according to the poor rate valuation list for the time being in force and not being occupied on a yearly or longer tenancy the Corporation shall not supply to or fix on such premises electric light fittings or electric wiring (other than may be required to complete the service line between the Corporation's supply mains and the meter on such consumer's premises) on the hire or instalment system of repayment except in pursuance of an agreement for payment made with the owner of the premises or a joint and several agreement for payment with the owner and occupier of the premises Provided also that nothing in this section shall authorise the Corporation by their own servants or workmen to fix upon any consumer's premises electric light fittings or electric wiring other than may be required to complete the service line between the Corporation's supply mains and the meter on such consumer's premises.

Power to
supply elec-
trical fittings
&c.

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

(3) Any moneys received by the Corporation under this Part of this Act shall be applied in manner provided by section 52 of

A.D. 1904. the Order of 1895 except capital moneys which shall be applied in manner provided by section 53 of the said Order.

(4) No electric line fuse switch fitting meter lamp lamp-holder motor apparatus or thing let for hire by the Corporation shall be subject to distress or to the landlord's remedy for rent or to be taken in execution under any process of law or equity or any proceeding in bankruptcy against the persons or person in whose possession the same may be. Provided that such electric line fuse switch fitting meter lamp lamp-holder motor apparatus or thing is marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

Discount on electrical charges &c.

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

Altering date for filling up annual accounts for electric lighting.

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

Estimates of electricity undertaking to be prepared.

24.—(1) The Corporation shall so soon as the annual statement of accounts of the electricity undertaking has been filled up in the form prescribed by the Board of Trade under the Electric Lighting Act 1882 publish in a newspaper circulating in the borough a notification that such statement of accounts has been filled up and that copies of it can be obtained at the offices of the Corporation at a price not exceeding one shilling a copy and such publication shall be in addition to and not in substitution for any publication prescribed by the Board of Trade under the Electric Lighting Act 1882.

(2) The Corporation shall after the thirty-first day of March one thousand nine hundred and eight and on the expiration of each third succeeding year reconsider and if necessary revise and thereafter maintain the scales of prices charged for electrical energy under the Order of 1895 so that so far as is reasonably practicable no rate will be required for the purpose of defraying the future expenses of the said undertaking during the next three years. Provided nevertheless that (A) the prices to be charged shall not exceed the maximum prices which may be charged under the Order of 1895 (B) the scales of prices so re-considered and revised may be from time to time in like manner re-considered and revised by the Corporation.

(3) Nothing in this section contained shall prevent the Corporation from entering into contracts for periods which may extend beyond the periods at which any revision may take place under the provisions of this section on special terms under special circumstances not applicable to ordinary consumers but each such contract shall provide that the price to be charged for energy supplied under such contract shall either—

(A) Be subject to revision at the next triennial revision provided for in this section; or

(B) Vary in the same proportion as the price charged to ordinary consumers :

Provided that the Corporation shall not without their consent be required to accept any price lower than the minimum price mentioned in such contract.

(4) There shall not be made against the district rate or any other rate for energy used by the Corporation for street lighting or any other purpose a charge at a higher price than that charged to consumers using energy for similar purposes and for the like hours of supply.

PART IV.

TRAMWAYS.

25. The time limited for the completion of the tramways authorised by the Order of 1901 is hereby extended for the period of two years from the passing of this Act and on the expiration of that period the powers granted to the Corporation for the completion of those tramways shall cease.

Extension of time for completion of authorised tramways.

26. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain wholly in the borough

Power to make tramways,

A.D. 1904. the additional tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places triangles waiting-rooms stables carriage-houses engine-houses stations sheds buildings works and conveniences connected therewith (that is to say):—

Tramway No. 1 (3 furlongs 8·48 chains or thereabouts in length of which 7·80 chains or thereabouts will be double line and 3 furlongs 0·68 chain or thereabouts will be single line) commencing by a junction with Tramway No. 1 authorised by the Order of 1901 in Victoria Road opposite the junction of Rolleston Street with that road passing thence in a northerly direction along the east side of Regent Circus into and along Princes Street and Corporation Street and terminating in Manchester Road at the intersection of that road with Corporation Street by a junction with Tramway No. 1 authorised by the Order of 1901 :

Tramway No. 2 (4·25 chains or thereabouts in length) a double line commencing by a junction with Tramway No. 1 on the east side of Regent Circus at a point 1·60 chains or thereabouts north of the commencement of Tramway No. 1 passing thence along the north side of Regent Circus and terminating in Regent Street by a junction with Tramway No. 1 authorised by the Order of 1901 at a point 0·10 chain or thereabouts south-east of the junction of Temple Street with Regent Street :

Tramway No. 3 (0·50 chain or thereabouts in length) a single line commencing in Corporation Street at a point 0·50 chain or thereabouts south of the intersection of that street with and terminating in Manchester Road by a junction with Tramway No. 1 authorised by the Order of 1901 in that road :

Tramway No. 4 (1 furlong 2·60 chains or thereabouts in length) a single line commencing in Victoria Road at a point 2 chains or thereabouts south of the junction of Groundwell Road with Victoria Road proceeding thence in a northerly direction into and along Clarence Street into and terminating in Princes Street by a junction with Tramway No. 1 authorised by the Order of 1901 at a point opposite the junction of Cow Lane with Princes Street.

27. The sections of the Order of 1901 set forth in the First Schedule to this Act shall extend and apply to the tramways by this Act authorised and the expression "the promoters" or "promoters' lessees" in those sections shall for the purposes of this Act mean the Corporation.

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Application of
certain section
of Swindon
Corporation
Tramways
Order 1901.

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

For pro-
tection of
Postmaster-
General.

(B) In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect in lieu of the provisions contained in paragraph B of section 28 of the Order of 1901 which paragraph is hereby repealed:—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:

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

(3) Before any electric line is laid down or any act or work for working the tramways aforesaid by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs)

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the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration :

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case

that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:
- (12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

29. If the tramways are not completed within five years from the passing of this Act the powers by this Act granted to the Corporation for constructing the same shall cease except as to so much thereof as is then completed.

Period for
completion
of tramways.

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Attachment
of brackets
&c. to build-
ings.

30. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the Corporation tramways by mechanical power Provided that—

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

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

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

31. The provisions of sections 26 and 27 29 to 33 and 41 of the Tramways Act 1870 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 part of the Corporation tramways.

Tramway
waiting
rooms.

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

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

A.D. 1904.
Penalty for
malicious
damage.

PART V.

SANITARY.

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

Byelaws as
to water-
closets &c.

35. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Corporation may by notice in writing require the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain on the premises for the use of persons frequenting such inn public-house beer-house eating-house or other place of public entertainment a reasonably sufficient urinal or urinals Any person who fails within a reasonable time to comply with any requirement under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Urinals to be
attached to
refreshment
houses &c.

36. If any urinal or other sanitary convenience now or hereafter opening on any street shall be so placed or constructed as to be a nuisance or offensive to public decency the Corporation by notice in writing may require the owner to remove such urinal or convenience or otherwise to reconstruct the same in such a manner and with such materials as may be required to abate the nuisance and remove the offence against public decency 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 twenty shillings.

Corporation
may require
removal or
alteration of
urinals.

A.D. 1904.

Regulation
dustbins &c.

37. The Corporation may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron dustbins and such bins shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any bins or ashpits in use at the commencement of this Act so long as the same are of suitable size construction and in proper order and condition.

Provision as
to houses
without
water supply.

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

Public con-
veniences
and lava-
tories.

39. The powers of the Corporation under section 39 of the Public Health Act 1875 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large and to provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary conveniences (other than a urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and lavatories for such periods at such rents and subject to such terms and conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

Amendment
of section 19
of Public
Health Acts
Amendment
Act 1890.

40. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Inspection of
drains.

41.—(1) On complaint made on oath by the surveyor medical officer or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such surveyor medical officer or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or

cesspool or any water supply sink rainwater cistern trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for that purpose or for the purpose of ascertaining the course of any such work the surveyor medical officer or inspector of nuisances or their authorised assistants on production of their authority if so required at all reasonable times in the daytime after not less than twelve hours notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink rainwater cistern trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the surveyor medical officer or inspector of nuisances or their authorised assistants think fit doing as little damage as may be and if any person obstruct or attempts to obstruct or incites any person to obstruct the surveyor medical officer or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(2) If upon such inspection it shall be found that no nuisance exists or that the nuisance is not caused by or is not attributable to such drain sanitary convenience or cesspool water supply sink rainwater cistern trap syphon pipe or other work or apparatus the Corporation shall cause any of such works or apparatus which they may have taken up or disturbed to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Corporation and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(3) If upon such inspection any such drain sanitary convenience or cesspool water supply sink rainwater cistern trap syphon pipe or other work or apparatus is found to be in such a state as to cause a nuisance the Corporation shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to abate the nuisance and if such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings or the Corporation if they think fit in

A.D. 1904. lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

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

Owners &c.
to permit
application
of test to
drains.

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

If the drains be found defective the owner of the premises shall be bound subject to the terms of any lease or contract on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts Provided that nothing in this section shall authorize the use of a test by means of water under pressure.

Reconstruc-
tion of
drains.

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

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

44. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

A.D. 1904.
Improper
construction
or repair of
watercloset
or drain.

45. If any trade refuse or any building materials or other materials or rubbish of a like description shall be deposited in any dustbin or ashtub the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made and may be recovered summarily as a civil debt.

Charge for
emptying
dustbins of
trade refuse.

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

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

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

As to nuis-
ances.

(A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health;

(B) Any gutter drain shoot stack pipe or down spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or an adjoining building;

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(c) Any deposit of material in or on any building or land which shall cause damp in such building or an adjoining building so as to be dangerous or injurious to health ;

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

PART VI.

TUBERCULOSIS.

Penalty for selling milk of diseased cows.

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

Penalty for failing to isolate diseased cows.

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

Obligation to notify cases of tuberculosis.

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

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

Power to take samples of milk.

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

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

Power to inspect cows and to take samples of milk.

52.—(A) If milk from a dairy situate within the borough is being sold or suffered to be sold or used within the borough the medical officer or any person provided with and if required

exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

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

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

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

(E) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Corporation may make the said order and shall forthwith serve notice of the

A.D. 1904. — facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the borough on the council of the borough or district in which it is situate.

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

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

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

Appeal.

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

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

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

Compensation to dairy-men.

54. If an order is made without due cause or if the Corporation unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the

Corporation full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Corporation to withdraw the order.

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—

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

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

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

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

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

58. The Corporation shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act shall come into Notice of provisions of this Part of Act.

A.D. 1904. — operation at such time not being less than one month after the first publication of such advertisement as aforesaid as the Corporation may fix.

PART VII.

INFECTIOUS DISEASE.

Medical officer may require dairymen to furnish lists of sources of their supply of milk and of persons to whom milk has been supplied.

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

Dairymen to notify infectious disease existing among their servants &c.

60. Every dairyman supplying milk within the borough from premises whether within or beyond the borough shall notify to the medical officer all cases of infectious disease among persons engaged in or in connexion with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any dairyman who commits any breach of this enactment shall be liable to a penalty not exceeding forty shillings.

Prohibition on infected person carrying on business.

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

Compensation to dairymen.

62. If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons

residing within the borough the Corporation may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

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

Compensation to persons ceasing employment.

64.—(1) No person shall take out of any public or lending library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any public or lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice that it has been exposed to infection to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor.

Protection against infection of books in lending libraries.

(2) Any person who shall offend against this section shall be liable for every such offence to a penalty not exceeding forty shillings.

65. Whenever it shall be certified to the Corporation by the medical officer that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such persons to furnish to them a full and complete list of the names and addresses of the customers for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein and any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

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

Corporation may pay expenses of persons in hospital.

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Child suffering from infectious disease not to attend school.

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

If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Power to medical officer to examine school children.

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

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

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

Cleansing of infected house and removal of persons therefrom.

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

officer as testified by certificate by him within a time fixed in the notice. A.D. 1904.

(2) If either—

- (A) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Corporation as aforesaid; or
- (B) Having so informed the Corporation he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice; or
- (C) The occupier or owner as the case may be without such notice gives his consent;

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

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

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

(5) If the Corporation deem it necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of infectious disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the justice if satisfied of the necessity of such removal may grant a warrant authorising the Corporation to remove such residents and imposing such conditions as to time and otherwise as to him may seem fit Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian The Corporation shall and they are hereby empowered to provide free of charge temporary shelter with any necessary attendants for such persons while prevented from returning to such house or part thereof.

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(6) For the purposes of this section the word "house" includes any tent van or similar structure used for human habitation.

(7) The Corporation may for the purposes of this section—
Themselves build a place of reception;
Contract for the use of any place of reception.

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

Provisions as to retailers of milk.

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

For regulating manufacture and sale of ice cream.

71. Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity or any materials used in the manufacture thereof who within the borough—

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

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

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

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

Inspection of premises.

72.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice creams or other similar

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commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 of the Public Health Act 1875 in the cases therein mentioned.

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

73. Every dealer in ice creams or other similar commodity vending his wares from any cart barrow or other vehicle or stand must have his name and address legibly painted or inscribed on such cart barrow or stand and if he fails to comply with this enactment he shall be liable to a penalty not exceeding forty shillings.

As to dealers in ice cream.

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

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

PART VIII.

MARKETS AND SLAUGHTER-HOUSES.

75. The several tolls rents and stallages payable in respect of the occupation or use of any stall shed standing station or place in any market market-house or market-place belonging to the Corporation shall be paid not only by the original taker or occupier thereof for part of a day if he do not occupy it the whole day but also by any subsequent taker or occupier of the same for any subsequent part of the same day.

Market tolls for stalls &c. payable by successive occupiers.

76. The Corporation may let to any person any stall standing shed site place or other convenience in the markets market-houses or market-places belonging to the Corporation for any time not exceeding three years at such rent and on such terms pecuniary and otherwise and conditions as the Corporation may deem expedient.

Power to let stalls &c.

77. If any tenant shall not after any toll rent or charge has become due and payable to the Corporation in respect of any stand stall shed pen or place in any market market-house or market-place belonging to the Corporation and after demand has

Power to take possession of stalls &c. for non-payment of rent &c.

A.D. 1904. subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stand stall shed pen or place and relet the same without prejudice to any other remedy for the recovery of such rent or toll.

As to slaughter-houses.

78.—(1) After any two justices of the peace acting for or within the borough shall on the application of the Corporation have certified under their hand that the Corporation have provided adequate slaughter-houses and after the expiration of two months from the date of publication by the Corporation in two local newspapers circulating in the borough of notice to that effect no person shall slaughter any cattle horse sheep or pig within the borough in any other slaughter-house :

Provided that as regards premises occupied by persons holding licences to slaughter cattle horses sheep or pigs such prohibition shall not take effect until the end of the period for which the licence has been granted unless the Corporation shall have made compensation to the licensee in respect of the unexpired portion of such period. If any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house within the borough who shall be injuriously affected by the exercise of the prohibition in this section contained.

Prohibition of blowing or inflating carcasses.

79. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal or bird intended for the food of man or to expose or deposit for sale within the borough a carcase so blown or inflated or any part thereof and any person who shall offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Power to acquire fair rights.

80. The Corporation may purchase or acquire by agreement and the owners and lessees thereof or either or any of them may sell or dispose of to the Corporation all or any of the fair rights within the borough and on any such rights being purchased or acquired the rights and privileges granted by the market charter so far as relates to the rights and privileges purchased or acquired shall vest in the Corporation.

Saving for F. P. Goddard.

81. Nothing in this Part of this Act shall prejudice defeat diminish or affect the rights privileges powers profits perquisites or remedies of Fitzroy Pleydell Goddard of the Lawn Swindon his heirs or assigns under the market charter.

PART IX.

A.D. 1904.

COMMON LODGING-HOUSES.

82. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such time as some other person who is appointed by him for that purpose and whose name is registered at the town clerk's office shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Regulations
as to common
lodging-
house
keepers.

83.—(1) Every common lodging-house shall be provided with sufficient and suitable sanitary conveniences having regard to the number of lodgers who may be received therein and also with proper sanitary conveniences for persons of each sex.

Sanitary con-
veniences to
be provided
for inmates
of common
lodging-
houses.

(2) Where it appears to the Corporation on the report of their inspector of nuisances that the provisions of this section are not complied with in the case of any common lodging-house the Corporation may if they think fit by notice require the keeper thereof to make such alterations and additions therein as may be required to provide such sufficient suitable and proper sanitary conveniences as aforesaid.

(3) Any person who shall neglect or refuse to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

Registration
of common
lodging-
houses and
keepers.

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

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

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

Notice to
common
lodging-
house
keepers.

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

PART X.

POLICE AND STREET TRAFFIC.

Byelaws as
to crying
newspapers.

86.—(1) The power to make byelaws conferred upon the Corporation by section 23 of the Municipal Corporations Act 1882 shall enable the Corporation to make byelaws for prohibiting any person or persons during Sundays in any street within the borough from crying or calling out for sale any newspaper journal or serial or from advertising by any cry or calling out any newspaper journal or serial or from ringing any bell or using any horn whistle or noisy instrument or creating any noise whatsoever for the purpose of selling any newspaper journal or serial or attracting or attempting to attract the attention of any person or persons by means of any noise whatsoever whether vocal or otherwise for the purposes aforesaid or any of them.

(2) The provisions of the Municipal Corporations Act 1882 with respect to byelaws made under section 23 of that Act shall extend and apply to byelaws made under this section.

Betting.

87. Any person who shall frequent and use any street or open space in the borough either on behalf of himself or of any other person for the purpose of bookmaking betting or wagering or agreeing to bet or wager or paying or receiving or settling any bet or wager or receiving or paying any money as or in respect of

any bet or wager shall be liable to a penalty not exceeding for the first offence five pounds for the second offence ten pounds and for the third and every subsequent offence fifty pounds. A.D. 1904.

88.—(1) Any place of public resort or recreation belonging to or under the control of the Corporation; and Extending definition of public place and street for certain purposes.

(2) Any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same be deemed to be an open and public place and shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

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

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

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

Every person who wilfully and indecently exposes his person;

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

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

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

89. The Corporation may direct and prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the borough Provided that the streets which it shall be lawful for the Corporation so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market and railway station or other place as aforesaid and the Corporation shall be bound to allow at all times a reasonably short and efficient route or routes for the passage As to leading and driving cattle.

A.D. 1904. of such animals Provided also that any such directions shall only operate between the hours of eight in the morning and nine in the evening and shall not prevent the owner of any animals driving the same to his own premises and nothing in this enactment contained shall authorise the Corporation to interfere with the driving of any animals to any slaughter-house so long as the slaughtering of such animals therein is lawful and any person acting in contravention of this enactment shall be liable to a penalty not exceeding forty shillings.

90. Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty of not more than forty shillings and may be arrested without warrant by any constable who witnesses the offence.

Captain of fire brigade to have control of operations.

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

(2) The officer in charge of the police at any fire within the borough shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

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

92. Any police constable acting under the orders of his superior officer and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any buildings or land adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as they may deem necessary for extinguishing fire in any

such building or for protecting the same or rescuing any person or property therein from fire. A.D. 1904.

PART XI.

RECREATION GROUNDS.

93. The Corporation may from time to time with the consent of the Great Western Railway Company as owners or reputed owners or jointly with them make byelaws for the regulation of the lands situate within the borough known as the Park and used as a pleasure-ground as if the Park were a pleasure-ground vested in the Corporation under the Public Health Acts and may by such byelaws provide for the removal from such Park or pleasure-ground of any person infringing such byelaws by any officer of the Corporation or any constable. Byelaws for the Park.

94.—(1) The Corporation may (A) with the consent of the Wilts and Berks Canal Company appropriate and use Coate Reservoir and the surrounding grounds for any specified period not exceeding ten years at any one time for purposes of recreation and the same shall for the purposes of section 44 of the Public Health Acts Amendment Act 1890 be deemed to be a pleasure ground vested in the Corporation and the Corporation may charge such sums as the Corporation may consider reasonable for admission to such reservoir and grounds and for the use of boats and the right of fishing and skating on the said reservoir and (B) from time to time make byelaws for the regulation of the said reservoir and grounds for the purposes aforesaid as if the said reservoir and surrounding grounds were a pleasure ground vested in the Corporation under the Public Health Acts: As to use of Coate Reservoir for purposes of recreation.

Provided always that the Corporation shall not do or permit any act or thing which shall prevent obstruct diminish or interfere with the flow and passage of water to the Coate Reservoir or the feeders thereof or from the Coate Reservoir and the feeders thereof into the Wilts and Berks Canal or with the maintenance or repair of such reservoir or the feeders thereof.

(2) Nothing in this section shall prejudice or diminish the rights as against the said Canal Company of owners of land abutting upon the said canal.

95. The Corporation may in any public park garden or recreation ground belonging to them or under their control and management erect maintain furnish and equip and may remove refreshment and reading rooms pavilions and other buildings and Corporation may erect buildings &c

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conveniences which may be required or convenient for the purposes of such park garden or recreation ground and the public resorting thereto and may charge for admission to such reading rooms pavilions and other buildings or conveniences or any of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Corporation shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Corporation
may let
pavilions &c.

96. The Corporation may on such terms as they think fit from time to time let for any period not exceeding three years any pavilions or other buildings in recreation grounds belonging to them or under their control for meetings or entertainments or for the sale of refreshments.

Power to
provide
apparatus for
games.

97. The Corporation may provide swings and other apparatus for games and recreation in the Park and in any public park garden and recreation ground belonging to them or under their control and management and may charge for the use thereof and they may make regulations with respect to the use and the payment for the use of such swings or other apparatus.

Public
bands.

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

Seats or
chairs may
be provided.

99. The Corporation may place or authorise any person or persons to place seats or chairs in any street park recreation ground or pleasure ground including the Coate Reservoir or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge reasonable sums

for the use of the chairs and may make byelaws for regulating the use of seats and chairs and for preventing injury or damage thereto.

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100. The Corporation may set apart any portion of any park garden or pleasure ground for the time being belonging to or held by them for cricket bowls football tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of meetings of public or local interest and may make an agreement with any club or association by which such portion may be secured to the club or association but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Corporation may make byelaws for regulating the use of the portions of the park garden or pleasure ground so set apart.

Power to set apart and close pleasure grounds for games.

101. The moneys (if any) received by the Corporation under this Part of this Act shall be carried to the credit of the district fund and all expenses of the Corporation under this Part of this Act shall be paid out of that fund.

Application of moneys received from admission to public recreation grounds &c.

102. The Corporation may appoint officers for securing the observance of this Part of this Act and of the regulations and byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant and the uniform worn by officers or constables appointed under this section shall be distinct from the uniform worn by constables of the county police force for the time being assigned for duty within the borough.

Power to Corporation to appoint officers.

PART XII.

HACKNEY CARRIAGES.

103. Any person appointed by the Corporation in writing may examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed. If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

Powers of inspectors of hackney carriages.

104. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation with respect to public

As to public vehicles taken at

A.D. 1904.
railway
stations.

vehicles shall be as fully applicable in all respects to public vehicles within the borough conveying passengers to or from a railway station within the borough as if such railway station were a public stand for public vehicles and also to such vehicles and the drivers thereof within a distance of three miles from the borough if the hiring takes place within the borough. Provided that it shall not be obligatory on the drivers of vehicles to contract to carry persons for hire beyond the borough. Provided also that if the hiring takes place within the borough any offence against any such by-law whether such offence shall have been committed within the borough or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the borough :

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

Occasional
licences may
be granted.

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

Licences for
vehicles and
drivers may
be signed.

106. Any licence for a public vehicle or for the driver or conductor thereof may be signed by the mayor or town clerk and need not be under the seal of the Corporation.

PART XIII.

SKY-SIGNS AND ADVERTISING VEHICLES.

Sky-signs.

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

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

- (i) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the surveyor ;

- (ii) If any change be made in the sky-sign or any part thereof;
- (iii) If the sky-sign or any part thereof fall either through accident decay or any other cause;
- (iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky-sign is placed or attached if such addition or alteration involves the disturbance of the sky-sign or any part thereof; or
- (v) If the house building or structure over on or to which the sky-sign is placed or attached become unoccupied or be demolished or destroyed:

Provided also that if any sky-sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky-sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

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

For the purposes of this section -

“ Sky-sign ” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky-sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression “ sky-sign ” shall also include any balloon parachute or any other similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house

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building structure or erection of any kind or on or over any street or public way but shall not include—

(1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement;

(2) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;

(3) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place.

Provision as to hoardings and other structures used for advertising purposes.

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

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

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

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall

be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1904.

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

(6) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk provided he give twenty-four hours written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable summarily as a civil debt.

109. It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit. Any person aggrieved under this section by the refusal of the Corporation to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk provided he give twenty-four hours notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as they think fit and to award costs such costs to be recovered summarily as a civil debt.

Restriction
on advertis-
ing vehicles.

PART XIV.

STREETS BUILDINGS AND SEWERS.

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

As to plans
deposited
with Corpo-
ration.

111.—(1) The approval by the Corporation of any plan or section of any street or building and the notice of intention to lay out or construct such street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within the following periods (that is to say):—

Deposit of
plan to be
void after
certain in-
tervals.

As to plans or sections approved after the passing of this Act within two years from the date of such approval:

A.D. 1904.

As to plans or sections approved before the passing of this Act within two years from the passing of this Act :

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

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

Intersecting streets.

112. No new street intended to have a continuous line of buildings shall be laid out for more than two hundred yards in length without an intersecting street.

No buildings allowed until street defined.

113. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

As to urgent repairs to private streets.

114.—(1) In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs danger exists to passengers or vehicles in such street the Corporation may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs in and upon such street as shall be specified in such notice.

(2) If within such reasonable time as the Corporation may in such notice have specified repairs are not executed the Corporation may execute the repairs and may recover the cost of so doing from the owners in default or if there is more than one in proportion to the frontage summarily as a civil debt If the Corporation are unable to discover the name or abode of any owner the Corporation may execute such repairs without having served upon him any notice.

Power to require separate sewers.

115. Where under the provisions of the Public Health Acts or this Act the Corporation have power to require any street to

be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively and the Corporation may if such separate sewers have been provided from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only and where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such house or premises the Corporation shall if they so desire at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and pending any such alteration the said penalty shall not apply.

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

Materials in streets sewered and paved.

117.—(1) Where any street or road in the borough repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town

Corporation may define future line of streets.

A.D. 1904. — clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner of lands interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

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

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

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

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

Prevention
of formation
of cul-de-
sacs.

118.—(1) The Corporation may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless

the person laying out the street can show that it is impossible for him to comply therewith. A.D. 1904.

(2) Any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

119. The Corporation may by order made vary or alter the intended position direction gradient or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto. The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section. Any person who shall lay out a street and not adhere to or observe any such order made by the Corporation shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings. Power to vary position or direction of new streets.

120. The Corporation may by order determine and declare the point or limits at or within which any street is to be taken as beginning or ending. Corporation may declare where streets begin and end.

121. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street. Continuation of existing street to be deemed new street.

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

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Provided that this section shall not be deemed to apply to the temporary crossing of footways during building operations if means satisfactory to the Corporation be taken to protect such footways from injury and for the convenience of foot passengers.

Deposit of building materials or excavations not to be placed in streets without consent.

123. It shall not be lawful for any person without the consent of the Corporation in writing first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Corporation and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily as a civil debt.

Recovery of damages caused to footways by excavations.

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

Power to alter names of streets.

125. The Corporation with the consent of two-thirds in number and value of the ratepayers in such street may alter the name of such street or any part of such street The Corporation may also cause the name of any street or of any part of a street to be painted or affixed or marked on a conspicuous part of any building or other erection.

Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such name shall be liable to a penalty not exceeding forty shillings.

Height of buildings.

126. No new building shall without the approval of the Corporation be erected on the side of any street which shall exceed in height the distance from the front of such building to

the opposite side of such street nor shall the height of any building at any time erected on the side of any such street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance Provided that the approval of the Corporation shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the eaves of the roof or in the case of a flat roof to the top of the parapet facing the street In the case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves Provided that where any new building shall front two or more streets the height of such new building shall be determined according to the width of the widest of such streets.

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

Height of chimneys.

(1) Every chimney or pipe hereafter erected for carrying off smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery sizing-house dye-house corn-mill foundry or building used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably approve having regard to the use of such chimney or pipe the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height:

(2) Any person who shall erect a chimney or pipe otherwise than in accordance with this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

128. From and after the passing of this Act—

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

What to be deemed new buildings.

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—

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

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

The making of any addition to any existing building by raising any part of the roof or making any projection therefrom but so far as regards such addition only ; and

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

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

As to temporary and movable buildings.

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

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

(3) The Corporation may attach to their approval any conditions which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval of the Corporation or before the expiration of one month without such approval or is in any respect not in conformity with any condition attached by

the Corporation to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Corporation or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Corporation may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

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—

(5) The following buildings and works shall be exempt from the operation of this section :—

- (A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the borough in respect to new buildings and any tent not remaining for more than seven days ;
- (B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Corporation may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion ; and
- (C) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of right of light ;
- (D) Buildings (other than a dwelling-house) erected or set up upon the premises of any railway company and used for the purposes of or in connexion with the traffic of any railway company.

130. When a temporary or other building referred to in the last preceding section is taken down or removed by the Corporation under the powers of this Part of this Act the Corporation may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards payment of the costs and

Power to sell materials of temporary buildings.

A.D. 1904. — expenses incurred by them in relation to such building and shall pay the balance if any to the owner of such building.

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

131. If it appear to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation summarily as a civil debt. Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer :

Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation.

As to new sewers.

132. Every person who shall intend to lay down any new sewer within the borough shall deposit with the Corporation plans and sections in duplicate showing the position direction and level of such proposed new sewer. The Corporation may vary or alter the position direction or level of such proposed new sewer for the purpose of causing the same to fit in with the general sewerage scheme of the borough and the Corporation may superintend the construction of such proposed new sewer and may prescribe the materials with which the same shall be made and the means for the ventilation thereof.

Yards to be paved.

133. If any yard or open space in connexion with any dwelling-house erected before the passing of this Act shall not be so formed and flagged asphalted or paved as to allow of the surface water being carried off to the drains the Corporation may give to the owner of such house notice in writing requiring him within fourteen days after such notice shall have been so given to proceed to form and to flag asphalt or pave such yard or open space for at least one hundred and fifty square feet where practicable immediately adjoining such house so as to allow of

the surface water being carried off to the drains and within twenty-eight days after such notice shall have been so given to complete such several works to the satisfaction of the Corporation and if such owner shall make default in complying with any of such requirements within the respective times aforesaid the Corporation may execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Corporation by such owner and may be recovered summarily as a civil debt.

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

Trees or shrubs overhanging streets and footpaths.

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

Prevention and removal of projections over streets.

136. 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 The provisions of this section shall not apply to any street belonging to any railway company or giving access to any railway station.

Temporary stoppage of streets.

137. The provisions of this Part of this Act with respect to the height and the mode of construction of buildings shall not apply to any police station hereafter to be erected by the council of the administrative county of Wilts or the standing joint committee.

Exemption of county police stations.

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PART XV.

LANDS.

Reservation
of water
rights &c. on
sale.

138. The Corporation may sell lease or otherwise dispose of any lands acquired for or in connexion with their water undertaking and not required for the purposes thereof and on any such sale leasing or other disposition may reserve to themselves any rights easements or privileges in over or affecting such lands and may make the sale lease or disposition subject to such reservations accordingly and may also make any such sale lease or disposition subject to such other reservations special conditions restrictions and provisions with respect to use or protection of water exercise of noxious or other trades or occupations or discharge or deposit of manure sewage or other impure matter and otherwise as they think fit Section 35 of the Swindon Water Act 1894 is hereby repealed.

Power to
appropriate
lands.

139. The Corporation may with the approval of the Local Government Board and subject to such conditions as that Board may prescribe appropriate and use for any of the purposes of this Act or any previous Act or order relating to the borough or for any of the purposes of the Public Health and Municipal Corporations Acts other than the waterworks undertaking of the Corporation any lands or property for the time vested in them which are not wanted for the purpose for which such lands and property were originally acquired but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands Provided that this section shall not apply to the pleasure grounds known as the county ground and the town gardens including the childrens' playground.

Correction
of errors &c.
in deposited
plans and
book of
reference.

140. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices (not being members of the council) for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Wilts

and a duplicate shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

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A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract shall be given when required under his hand to any person interested) shall be conclusive evidence of such correction.

PART XVI.

FINANCE.

141. Notwithstanding anything to the contrary in any Act or order contained the Corporation may appoint such number of overseers not exceeding six for the parish of Swindon as they think fit.

Appoint-
ment of
overseers by
Corporation.

142 The Corporation may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of Swindon in the discharge of their duties and the salaries and expenses of such officers shall be paid out of the poor rate and other local rates and funds in such proportions as the Corporation shall determine.

Collection of
local rates.

143. The Corporation may from time to time independently of any other borrowing power borrow at interest on the following securities such sums of money as may be necessary for any of the following purposes (that is to say) :—

Borrowing.

- (A) For paying the costs charges and expenses of this Act as herein-after defined on the security of the borough fund and borough rate the district fund and the general district rate ;

With the consent of the Local Government Board—

- (B) For waterworks purposes on the security of the revenues of the water undertaking and the district fund and the general district rate ;
- (C) For the purchase of fair rights on the security of the district fund and the general district rate ;

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(D) For the purchase of the annuities to the officers of the former urban district councils of Old Swindon Swindon New Town and the Swindon Water Board on the security of the district fund and the general district rate ;

And with the consent of the Board of Trade—

(E) For tramway purposes including the electrical equipment of the tramway undertaking on the security of the borough fund and borough rate ;

And with the consent of the Local Government Board such further sums of money as may be necessary for any of the other purposes of this Act.

The Corporation may repay the moneys borrowed under this section and pay the interest thereon as regards the purpose (A) as to one-half thereof out of the borough fund and borough rate and as to the remaining half thereof out of the district fund and general district rate as regards the purposes (B) out of the revenue of the water undertaking and the district fund and general district rate as regards the purposes (C) and (D) out of the district fund and general district rate as regards the purposes (E) out of tramway revenue and the borough fund and borough rate and as to moneys borrowed with the approval of the Local Government Board out of such funds and revenues of the Corporation as that Board may prescribe.

Provided that the provisions of this section shall not limit the power conferred upon the Corporation by this Act to charge the whole of their revenues as the security for moneys so borrowed.

Mode of raising money.

144. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act whereof the marginal note is "Sinking fund" shall apply in lieu of the provisions of section 15 of the Local Loans Act 1875.

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

145. In calculating the amount the Corporation are entitled to borrow under the Public Health Act 1875 the amount already borrowed by the Corporation in respect of their electricity undertaking and their water undertaking as well as the amounts which may hereafter be borrowed by them in respect of those undertakings respectively shall not be taken into account.

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

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

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

Periods for
repayment
of moneys
borrowed.

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is “Borrowing” within five years from the date of the passing of this Act :

As to moneys borrowed with the approval of the Local Government Board or Board of Trade within such periods not exceeding sixty years as those respective Boards may think fit to sanction.

(2) The Corporation shall also pay off the moneys already borrowed on the security of their Rodbourne Sewage Farm pursuant to the provisions of section 235 of the Public Health Act 1875 amounting to seven thousand three hundred pounds within a period of thirty years from the passing of this Act.

148. Subsections 9 and 12 of section 24 (For protection of corporation of Swindon) of the Great Western Railway Act 1901 shall be read and have effect as if the sum of two thousand five hundred pounds were mentioned therein instead of the sum of two thousand pounds.

Extending
Corporation's
borrowing
powers under
Great Western
Railway Act
1901.

149. The Corporation may subject to the provisions of this Act borrow in addition to the other sums which they are authorised to borrow by this Act such sums as they may require to borrow for the redemption or purchase of such of the water annuities as the Corporation may agree with the annuitants to redeem or purchase. The Corporation may repay the moneys borrowed under this section and pay the interest thereon out of the revenue of the water undertaking and the district fund and general district rate.

Borrowing
for repay-
ment of
water annui-
ties.

150. Sections 63 and 64 of the Swindon Water Act 1894 shall be modified and altered in manner following (that is to say) :—

Altering
provisions of
Swindon
Water Act
1894 as to
sinking fund.

(1) The Corporation in order to provide for the extinction of the water annuities and to repay any moneys to be borrowed for the redemption and purchase of such annuities shall out of the revenue of the waterworks undertaking and out of the general district rate or

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either of them annually pay into the sinking fund such a sum or sums as will (together with the sum or sums which shall at the commencement of this Act be standing to the credit of the sinking fund established under section 64 of the said Act of 1894 to extinguish water annuities) with accumulations in the way of compound interest as mentioned in section 64 of the said Act be sufficient after payment of all expenses to extinguish the water annuities and to repay the moneys so borrowed within the period of fifty years from the thirtieth day of June one thousand nine hundred and four :

- (2) Any sum or sums which is are or should be standing to the credit of the sinking fund established under section 64 of the said Act of 1894 to extinguish water annuities shall be forthwith carried to the credit of the sinking fund to be established under this section :
- (3) The Corporation shall invest the sinking fund mentioned in this section and the income thereof upon any statutory security as defined by this Act.

Power to use sinking fund instead of borrowing.

151.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose any money for the time being forming part of a sinking fund and set aside for the repayment of a loan :—

- (A) Secured by a charge on the same rate fund or revenue as would be specifically chargeable (otherwise than under the provisions of the section of this Act whereof the marginal note is "Security for principal moneys") as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security ; and
- (B) Not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

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

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

(B) Credit such account or accounts in the sinking fund as the Corporation may determine with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund ;

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from the sinking fund and thereupon the statutory borrowing powers shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security.

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

152.--(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

Security for principal moneys.

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

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with stock issued by the Corporation and with all other securities granted by the Corporation at any time after the date of the first creation of such stock.

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

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all

A.D. 1904. — such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

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

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

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

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

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

153. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them.

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Mode of pay-
ment off of
money bor-
rowed.

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

Sinking
fund.

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investment of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities (except as herein-after provided) the Corporation being at liberty from time to time to vary and transpose such investments.

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

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

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

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

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

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

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

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

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accu-

mulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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

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

Protection of lender from inquiry.

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

Corporation not to regard trusts.

157. 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 five hundred pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

Appointment of receiver.

158. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other

Power to re-borrow.

A.D. 1904. property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Application of money borrowed.

159. Money borrowed by the Corporation under this Act shall be applied only for the purposes of this Act to which capital is properly applicable and for which it is authorised to be borrowed.

Scheme for fixing equated periods for repayment of loans.

160. The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans then contracted or about to be contracted by them under statutory borrowing powers (including the loans authorised by this Act) shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme except with the consent of such mortgagee.

The Corporation may with the sanction of the Local Government Board borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto.

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

Annual return to Local Government

161.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve

months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder or in regard to the electric lighting undertaking of the Corporation under the Public Health Acts or otherwise and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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Board with
respect to
sinking fund.

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

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Expenses of execution of Act.

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

PART XVII.

MISCELLANEOUS.

Apportionment of expenses in case of joint owners.

163. Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from the owner shall except where otherwise provided be paid by the owners of such buildings in such proportions as shall be determined by the surveyor.

Power to grant gratuities in certain cases.

164.— (1) The Corporation may if they think fit grant gratuities (not exceeding in the whole one year's pay to any one recipient) to any of their officers or servants who may be disabled or injured in their service or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

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

165. The Corporation may on the application of the owner or occupier of any premises within the Corporation's water or electricity limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water or electricity and may lay down take up alter relay or renew in across or along such street such pipes wires and apparatus as may be requisite or proper for the furnishing of such supply.

Inquiries by Local Government Board.

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

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries 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. A.D. 1904.

167. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 and section 23 of the Municipal Corporations Act 1882 are applied by this Act. Confirmation of byelaws.

168. Where any notice or demand under this Act or any Act or byelaw in force in the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered or principal office or place of business. Authentication and service of notices &c.

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

170. The minutes of the proceedings of the council and of any committee appointed by the council shall be deemed to be fairly entered in a book as required by paragraph 12 of the Second Schedule to the Municipal Corporations Act 1882 or by any other Minutes of proceedings of council may be in print.

A.D. 1904. enactment if a printed copy of such minutes signed in manner authorised by that Act or other enactment be inserted in a book kept for that purpose.

Application of section 262 of Public Health Act 1875 to notices orders &c.

171. Section 262 of the Public Health Act 1875 shall apply to any order determination conviction or thing made or done in pursuance of this Act.

Powers of Act cumulative.

172. All powers rights and remedies given to the Corporation by this Act shall (except those given by Part II. of this Act) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by the Public Health Acts or any of them and the Municipal Corporations Acts and the Corporation may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence.

Informations &c. by whom to be laid.

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

Compensation how to be determined.

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

As to appeal.

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

Recovery of penalties &c.

176. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such

as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. A.D. 1904.

177. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Corporation be paid to the treasurer and be by him carried to the credit of the borough fund or district fund as the Corporation may determine. Penalties to be paid over to treasurer.

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

179. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent. Compensation may be in land &c.

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

181. No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member officer or clerk of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer clerk or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation. Persons acting in execution of Act not to be personally liable.

182. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequences to which he would have been Saving for indictments &c.

A.D. 1904. liable if such matter had not been made punishable by this Act
Provided that no person shall be punished more than once for
the same offence.

Judges not
disqualified.

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

Separate
accounts to
be kept and
audited.

184. The Corporation shall keep separate accounts in respect
of their water electricity and tramway undertakings and such
accounts respectively shall be kept separate from all their other
accounts distinguishing therein capital from revenue.

Audit of
accounts.

185.—(1) From and after the thirty-first day of March one
thousand nine hundred and six sections 25 26 and 27 of the
Municipal Corporations Act 1882 and section 246 of the Public
Health Act 1875 shall not apply to the accounts of the Corpora-
tion or of the treasurer or of the officers of the Corporation but
the accounts of the Corporation and of the treasurer and the
officers of the Corporation under any public or private Act of
Parliament shall be audited by the district auditors appointed by
the Local Government Board in like manner as accounts of an
urban district council and their officers under sections 247 and
250 of the Public Health Act 1875 and those sections and all
enactments amending them or applying to audit by district
auditors including the enactments imposing penalties and pro-
viding for the recovery of sums shall apply in like manner as if
so far as they relate to an audit of the accounts of an urban
district council and the officers of such council they were herein
re-enacted with the necessary modifications and accordingly all
burgesses of the borough and all ratepayers and owners of pro-
perty in the borough shall have the like rights and there shall
be the same appeal as in the case of such audit.

(2) Until the preceding provisions of this section take effect
the accounts of the receipts and expenditure of the Corporation
under this Act shall be audited examined and published in like
manner and with the same consequences as the other accounts
of the Corporation are audited examined and published under the
Municipal Corporations Act 1882.

(3) Provided that this section shall not apply to the audit of
the accounts of the Corporation or of the borough treasurer or of
the officers of the Corporation for the financial years ending the
thirty-first day of March one thousand nine hundred and five and
one thousand nine hundred and six respectively and those accounts

shall be audited in like manner as if this section had not been enacted. A.D. 1904.

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

187. 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. Costs of Act.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

SECTIONS OF THE ORDER OF 1901 referred to in the section of this Act of which the marginal note is "Application of certain sections of Swindon Corporation Tramways Order 1901."

Marginal Note.	Number.
Gauge and width of carriages - - - - -	11
Provisions as to construction of tramways - - - - -	12
Rails of tramways - - - - -	13
Penalty for not maintaining rails and roads in good condition - - - - -	14
Tramways to be kept on level of surface of road - - - - -	15
Alteration of tramways - - - - -	16
Cross-over roads to be constructed in certain cases - - - - -	17
Additional cross-over roads &c. may be made where necessary - - - - -	18
Temporary tramways may be made when necessary - - - - -	19
Application of road materials excavated in construction of works - - - - -	20
Tramways not to be opened until certified by Board of Trade - - - - -	21
Provisions as to motive power - - - - -	22
Mechanical power works - - - - -	23
Byelaws - - - - -	25
Amendment of the Tramways Act 1870 as to byelaws by local authority - - - - -	26
Special provisions as to use of electrical power - - - - -	27
Traffic upon tramways - - - - -	29
As to carriages adapted to carry passengers on the roof - - - - -	30

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	<u>Marginal Note.</u>	<u>Number.</u>
Promoters' lessees not bound to carry animals goods &c.	-	31
Interchange of traffic	-	32
Passengers' fares	-	33
As to fares on Sundays and holidays	-	34
Passengers' luggage	-	35
Cheap fares for labouring classes	-	36
Rates and charges for animals goods &c.	-	37
Payment of rates	-	38
Periodical revision of rates and charges	-	39
Power to Corporation to work tramways	-	40
Regulations	-	41
Orders &c. of the Board of Trade	-	43
Recovery of penalties	-	44
Audit of accounts	-	45
Protection of local authority	-	46
Power to hold patents	-	47
Form and delivery of notices	-	48
Provisions as to arbitration	-	49

SECOND SCHEDULE.

*Referred to in the section of this Act of which the marginal note is
"Security for principal moneys."*

FORM OF MORTGAGE.

BOROUGH OF SWINDON.

By virtue of the Swindon Corporation Act 1904 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Swindon in the county of Wilts (herein-after referred to as "the Corporation") in consideration of the sum of _____ pounds paid to the treasurer of the borough by _____ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum of _____ pounds doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid to [him] [or them] with interest for the same [subject as herein-after provided] after the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half yearly [to

A.D. 1904.

the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the day of day of and the in each year]:

And it is hereby agreed that the said principal sum of pounds shall be repaid at the town hall in the said borough [(subject as herein-after provided) on the day of one thousand nine hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the mayor and town clerk of the said borough for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions hereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their common seal to be hereunto affixed this day of one thousand nine hundred and

Passed under the common seal of the Corporation in the presence of

Mayor.
Town Clerk.

This mortgage is duly registered in the register of mortgages kept by me pursuant to the provisions in that behalf.

Dated this day of one thousand nine hundred and

Town Clerk.

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this day of one thousand nine hundred and

Witness

Mayor.
Town Clerk.

A.D. 1904.

FORM OF TRANSFER OF MORTGAGE.

BOROUGH OF SWINDON.

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

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

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