CHAPTER cxv.

An Act for extending the boundaries of the borough of Kingston-upon-Hull for consolidating and amending various provisions of the Local Acts in force within the borough and for other purposes. [12th July 1882.] A.D. 1882.

WHEREAS the borough of Kingston-upon-Hull is a municipal borough under the government for municipal sanitary and other purposes of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the borough is a county of itself and has a sheriff a separate court of quarter sessions and an ancient court of record with a recorder and a clerk of the peace and a coroner and a separate police force:

And whereas the local board district of Newington the local board district of Cottingham and the township of Sutton and Stoneferry are situate on the western and northern sides of the borough and the township and parish of Marfleet is situate on the eastern side of the borough the said townships and parish of Sutton and Stoneferry and Marfleet being in the district of the Sculcoates Rural Sanitary Authority:

And whereas it is expedient that the boundaries of the borough be extended so as to comprise the said district of Newington and a part of the Newland Ward of the said district of Cottingham the said township and parish of Marfleet and parts of the said township of Sutton and Stoneferry and that the Newington Local Board be dissolved and its property and liabilities transferred to the Corporation and that provision be made for enabling the Corporation on the one hand and the Cottingham Local Board and the Sculcoates Rural Sanitary Authority on the other hand respectively to make and carry into effect agreements with reference to the inclusion in the borough of the said parts of their respective districts:

A.D. 1882.

And whereas it is expedient that the powers and jurisdiction of the Corporation as the burial board for the existing borough be made applicable to the extended borough to the exclusion of the powers and jurisdiction of any other burial board:

And whereas it is expedient to abolish the existing division of the borough into wards to make provision for the division into wards of the extended borough and to make such provision for the election of aldermen and councillors for the extended borough as is in this Act contained:

And whereas it is expedient that the existing school board for the school district of Newington be dissolved and that the powers and duties of the Cottingham School Board and of the Sutton and Stoneferry School Board be extinguished so far as relates to the portions of their respective districts by this Act included in the borough and that the school board for the existing borough be constituted the school board for the extended borough:

And whereas some portions of the Local and Personal Acts in force within the borough have from time to time been repealed or altered and new provisions have been made by divers provisional orders confirmed by Parliament and it would be of local and public advantage if the provisions in force of the said Acts and orders or some of them were consolidated with amendments in one Act and made applicable to the extended borough:

43 & 44 Vict. c. cxxv. And whereas it is expedient that the provisions of the Hull (Corporation) Electric Lighting Act 1880 be made applicable throughout the extended borough:

And whereas the Corporation have been lately called on by the Lunacy Commissioners to provide large sums for the erection of a new borough lunatic asylum and they are willing if authorised by Parliament to undertake the duties of the visiting justices under and subject to the provisions of the Lunatic Asylums Act 1853 and amending Acts:

16 & 17 Vict. c. 97. &c.

And whereas it is expedient to authorise the making of the new road and streets improvement in this Act mentioned:

6 & 7 Vict. c. lxxiii. 35 & 36 Vict. c. cc. And whereas under an Act passed in the year 1843 (in this Act called the Water Act of 1843) and the Kingston-upon-Hull Water Act 1872 (in this Act called the Water Act of 1872) the Corporation supply the borough with water and it is expedient to confer on the Corporation further power to execute works and otherwise in relation to their water undertaking and to borrow money for the above purposes or some of them:

A.D. 1882.

And whereas it is expedient to empower the Corporation to borrow for the purpose of discharging the liabilities transferred to them by this Act and to create and issue Corporation stock under the Hull Corporation Loans Act 1881 for the purpose of raising or securing any moneys authorised to be borrowed under this Act and any moneys authorised to be borrowed by the Corporation under the Hull Barnsley and West Riding Junction Railway and Dock Act 1880:

44 & 45 Vict. c. xciv.

43 & 44 Vict. c. cxcix.

And whereas the Corporation have caused to be prepared estimates in relation to the following purposes in respect of which the Corporation are by this Act authorised to borrow moneys and such estimates are as under (namely):—

For waterworks - - - -	£20,000
For new road and streets improvement -	£18,000

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

38 & 39 Vict. c. 55.

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

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twelfth day of December one thousand eight hundred and eighty-one after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Eastern Morning News" a local newspaper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should at the option of the said council be charged on the borough fund borough rate district fund general district rate or other public funds or rates under the control and management of the council in such proportions as the council may determine or out of moneys to be borrowed by the Corporation on the security thereof:

A.D. 1882.

And whereas such resolution was published twice in the said "Eastern Morning News" 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 on the twenty-sixth day of January 1882 in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament:

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

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

PART I.

PRELIMINARY.

Short title of Act.

1. This Act may be cited as the Hull Extension and Improvement Act 1882.

Commencement of Act.

2. For the purposes of proceedings preliminary to the municipal elections of 1882 this Act shall take effect on its passing but except for those purposes and except as herein-after otherwise expressly provided this Act shall commence and take effect from and immediately after the thirty-first day of March 1883 (which last-mentioned time is in this Act referred to as the commencement of this Act).

Division of Act into parts.

3. This Act is divided into parts as follows:—

Part I.—Preliminary.
Part II.—Extension of Borough.
Part III.—Lands.
Part IV.—Lighting.
Part V.—Lunatic Asylum.
Part VI.—Rating and Borrowing Provisions.
Part VII.—New Road and Streets Improvement.
Part VIII.—Water.
Part IX.—Procedure and Miscellaneous.

Incorporation of 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. and 32 & 33 Vict. c. 18.

4. The Lands Clauses Consolidation Acts 1845 1860 and 1869 (in this Act referred to as the Lands Clauses Acts) so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act.

A.D. 1882.

Interpretation of terms.

5. In this Act unless the context otherwise requires—

"The existing borough" means the borough and county of the town of Kingston-upon-Hull as existing immediately before the passing of this Act:

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

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

"The Corporation" means the mayor aldermen and burgesses of the existing borough or of the extended borough (as the case may require):

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

"The town clerk" and "the borough engineer" mean respectively the town clerk and the borough engineer of the borough:

"The Municipal Corporation Acts" means the Municipal Corporation Act 1835 and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England: 5 & 6 W. 4. c. 76.

"The Improvement Act" means the Kingston-upon-Hull Improvement Act 1854: 17 & 18 Vict. c. ci.

"The Public Health Act 1875" includes any Act for the time being in force amending the same:

"The Burial Acts" means the Burial Acts 1852 to 1871 and all Acts for the time being in force amending or extending the same: 15 & 16 Vict. c. 85, &c.

"The Treasury" means the Lords Commissioners of Her Majesty's Treasury:

"The Education Department" means the Lords of the Committee of Her Majesty's Privy Council on Education:

"The dock company" means the dock company at Kingston-upon-Hull:

The expressions "parish" "lands" "premises" "owner" and "street" have in this Act the meanings respectively assigned to them by the Public Health Act 1875:

"Person" includes a corporation:

A.D. 1882.

Words and expressions to which meanings are assigned by the Acts incorporated herewith have in this Act the same respective meanings provided that the expression "superior court" or "court of competent jurisdiction" or any other like term shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute.

Repeal of Acts.

6. (1.) The Improvement Act and the several other Acts and orders which are enumerated in the First Schedule to this Act are hereby repealed as from the commencement of this Act to the extent and with the exceptions set forth in the second column of that schedule specified;

(2.) Notwithstanding this repeal—

(*a*) All acts and things before the commencement of this Act done or commenced under the powers of any of the said Acts or orders and which were at the commencement of this Act valid or in progress and all awards deeds instruments securities contracts agreements obligations rights and remedies at the commencement of this Act existing under the same shall subject to the provisions of this Act be and continue as valid and for all purposes and for and against all parties and may be continued and completed as if this Act had not been passed.

(*b*) All actions prosecutions arbitrations or other proceedings by with or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to any of the said Acts and orders may be continued commenced or prosecuted by or against the Corporation as if this Act had not been passed.

(*c*) All rates rents tolls and other sums at the passing of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed.

(*d*) All books and documents which under any of the said Acts or orders or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed.

Act to be executed by council.

7. This Act shall be carried into execution by the Corporation acting by the Council in and for the extended borough and according to the Municipal Corporation Acts and the Acts for the time being affecting the Corporation as a municipal body and as a sanitary authority respectively and with all the rights powers privileges

exemptions and authorities conferred by those Acts respectively on the Corporation and on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for or comprised in the Municipal Corporation Acts and the Public Health Act 1875 respectively and as nearly as may be in all respects as if the powers duties exemptions and property vested in imposed on or enjoyed by the Corporation by or under this Act were vested in imposed on or enjoyed by them by or under the Municipal Corporation Acts and the Public Health Act 1875 respectively.

Committees of council.

8. (1) The Corporation may from time to time appoint committees of their members and may delegate to each such committee such of the powers and duties of the Corporation whether as a municipal body or as an urban sanitary authority or otherwise as the council think fit and the acts and proceedings of every such committee within the limits of their delegation shall be deemed the acts and proceedings of the council and the quorum of any committee in this section provided for shall be such as the council direct and the council may from time to time make such regulations as they think fit with respect to the confirmation of the proceedings of a committee and otherwise for the guidance of a committee and the council may from time to time remove any member of a committee and fill any casual vacancy in a committee arising by death resignation removal or otherwise.

(2) A committee may appoint a sub-committee of its members to execute and discharge any of the powers and duties of the committee but the acts of such sub-committee shall unless the council on the appointment of the committee otherwise direct be submitted for approval to the committee by which such sub-committee was appointed Provided that in no case shall a committee be authorised to borrow any money or to make any rate.

PART II.

Extension of Borough.

(i.) *Extension of Boundaries and of Powers of Corporation &c.*

Extension of boundaries of borough.

9. The boundaries of the existing borough are hereby extended so as to comprise and the borough shall accordingly comprise in addition to the existing borough the district of the Newington Local Board and the said township and parish of Marfleet so much of the district of the Cottingham Local Board and of the township of Sutton and Stoneferry in the parish of Sutton (all in the east

A.D. 1882.

riding of the county of York) as is described in the Second Schedule to this Act.

Authority of Corporation extended.

10. Subject to the provisions of this Act the powers rights privileges authorities and duties of the Corporation acting by the Council as a municipal body and of the Corporation acting by the Council as the sanitary authority for the district of the existing borough and of the Corporation acting in the execution of the Public and Local Acts and provisional orders in force within the existing borough or otherwise and of all officers and servants of the Corporation save as herein-after provided shall extend to and throughout the extended borough.

Exception as to area within limits of supply of Newington Water Company Limited. 38 & 39 Vict. c. clxix.

11. The powers rights privileges authorities and duties of the Corporation under the Water Act 1843 and the Water Act 1872 and any Acts incorporated with the said Acts or either of them shall not except as herein-after mentioned extend to the area comprised within the limits of supply of the Newington Water Company Limited as defined by section four of the Newington Water Order 1875 confirmed by the Gas and Water Orders Confirmation Act 1875 and nothing in this Act contained shall be construed to authorise the Corporation to construct or maintain waterworks or supply or use water within the said area nor shall anything in this Act contained be construed to take away abridge limit alter or affect the rights or powers of the Newington Water Company Limited under the said Provisional Order and the Acts incorporated therewith all of which rights and powers shall continue in the same full force and effect as if this Act had not passed Provided always that nothing in this section contained shall prevent or interfere with the Corporation laying any water main or pipe in or through the said limits of supply for the purpose of conveying water for the supply of any place not within the said limits of supply of the said Newington Water Company.

Jurisdiction of the sheriff recorder and other officers extended.

12. The jurisdiction powers authorities rights privileges and duties of the sheriff recorder clerk of the peace and coroner of the existing borough and of the Ancient Court of Record of the existing borough and its officers and of the justices of the peace appointed for the existing borough whether acting in general or quarter sessions or in petty sessions or out of sessions or otherwise and of the police constables and other peace officers of the existing borough shall extend throughout the extended borough Provided always that nothing in this Act contained shall in any way diminish take away alter or affect the jurisdiction rights power or authority of any coroner acting under lawful authority for the wapentake

liberty or hundred of Holderness but such jurisdiction rights power and authority shall continue to be held used and enjoyed as fully and freely in all respects as if this Act had not been passed.

Extinction of liability to county and other rates and collection of arrears.

13. Lands and other property in the added part of the borough shall not be liable to be rated or be rated to any county or hundred rate police highway or sanitary rate made after the commencement of this Act in or for the east riding of the county of York or any part thereof or by or in accordance with the precept of any rural sanitary authority but orders or precepts of county justices or other authorities respecting rates and matters connected therewith made before the commencement of this Act shall be executed in and with respect to the added part of the borough and arrears of rates existing at the commencement of this Act may be collected and recovered therein as if this Act had not been passed and every person committing an offence in the added part of the borough before the commencement of this Act shall be tried adjudicated on and dealt with as if this Act had not been passed.

Added part of borough to be part of county of town of Hull.

14. Subject to the provisions of this Act the added part of the borough shall to and for all intents and purposes be part of the borough and county of the town of Kingston-upon-Hull and all the rights privileges benefits and advantages held used or enjoyed by the burgesses and inhabitants of the existing borough shall be and the same are hereby extended to the burgesses and inhabitants of the extended borough.

Limits of parliamentary borough not affected.

15. Nothing in this Act shall extend limit alter or affect the parliamentary boundaries of the borough of Kingston-upon-Hull.

Vesting property of Corporation.

16. All estates and property of every description vested in the Corporation at the commencement of this Act for the benefit of the existing borough shall vest in the Corporation for the benefit of the extended borough and the Corporation shall hold enjoy and exercise for the benefit of the extended borough all the powers rights and privileges which at the commencement of this Act are vested in the Corporation for the benefit of the existing borough but subject to all debts liabilities and engagements affecting the same.

Officers of Corporation continued.

17. Subject to any re-arrangement of offices and duties in consequence of the passing of this Act the town clerk and all other officers and servants of the Corporation shall continue to be the town clerk officers and servants of the Corporation upon such and the same terms as they now hold their respective offices except such officers and servants as may under this Act be or become entitled to compensation for ceasing to hold their offices provided that in case any officer or servant of the Corporation shall under

A.D. 1882.

this Act be or become entitled to compensation for the partial loss of his emoluments then the salary of every such officer or servant shall be liable to such reduction as the Corporation may see fit.

Deposit of borough map.

18. A map of the borough as altered and extended by this Act signed in duplicate by the Chairman of Committees of the House of Lords shall within two weeks after the passing of this Act be deposited in the Office of the Clerk of the Parliaments and with the town clerk of the borough at his office.

Copies of deposited borough map to be *evidence*.

19. Copies of the said map deposited with the town clerk or any extract therefrom certified by him or by the borough engineer to be true shall be received by all courts of justice and elsewhere as primâ facie evidence of the contents of such map and such map shall at all reasonable times be open to inspection on payment of one shilling and any person shall be entitled to a copy of or extract from such map certified by the town clerk or borough engineer on payment of the costs of every such copy or extract All sums received under this section shall be carried to the credit of the borough fund.

Byelaws &c. to apply to extended borough.

20. All byelaws orders and regulations made by the Corporation and at the commencement of this Act in force within the existing borough shall extend and apply to the extended borough (subject to any future repeal or amendment of the same) and byelaws orders and regulations made by any local board county justices rural sanitary authority or highway authority shall on the commencement of this Act cease to be in force or to have any effect within the added part of the borough Provided that any person may be tried and punished for any offence against the same committed before the commencement of this Act as if this Act had not been passed. Provided also that no such byelaws orders and regulations made or to be made by the Corporation and relating to water supply shall extend to or be applicable within the area comprised as aforesaid within the limits of supply of the Newington Water Company Limited.

(ii.)—*Election of Councillors and Aldermen.*

Division of borough into wards.

21. On and from the thirtieth day of October 1882 the extended borough shall be divided into wards not being less than seven or more than fourteen and the number names or distinguishing numbers and boundaries of such wards shall be fixed and determined by order of the Local Government Board made on the report of a commissioner to be for that purpose appointed by the said Board within three weeks after the passing of this Act.

A.D. 1882.

Newington district to be named "Newington Ward."

22. The Newington District as at present defined shall not be divided but shall with any portion of the existing borough of Hull added to it be one of the wards of the extended borough and shall be called "Newington Ward."

Provisions for existing councillors continuing to represent their former constituents.

23. The commissioner shall include in his report a scheme for allocating all the existing councillors among the new wards described in his report so as to provide (as far as practicable) for each councillor continuing to represent as large a number as possible of his former constituents and such councillors shall be allocated by the order of the Local Government Board accordingly.

Commissioner to report before first of August.

24. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch and so as to make his report to the Local Government Board before the first day of August one thousand eight hundred and eighty-two or such later day as may on his application be fixed by the said Board. Such report shall be subject to revision by the said Board who shall make such order therein as they think fit.

Order of Local Government Board to be published.

25. The said order shall be published within ten days of the making thereof or on such later day as may be fixed by the said Board in the "London Gazette" and in a local newspaper circulating in the borough and on and from the thirtieth day of October one thousand eight hundred and eighty-two the names or numbers and boundaries of the wards as set forth in such order shall be the names or numbers and boundaries thereof for all purposes as if they had been specially set forth in this Act and every councillor shall hold his office in the ward to which he may be allocated by such order for the same time as he would have held office if this Act had not been passed.

Constitution and number of the Council.

26. After the division of the borough into wards the council for the borough shall continue to consist (including the mayor) of fourteen aldermen and forty-two councillors and each ward shall return at least three councillors.

As to burgess roll, &c.

27. For the purposes of the burgess list burgess roll and other lists to be made after the passing of this Act under the Municipal Corporation Acts and in relation to the functions and offices of the mayor town clerk and other officers under those Acts the added part of the borough shall be deemed to have always been part of the borough.

General saving for elections of councillors, &c.

28. Subject to the provisions of this Act respecting the division of the borough into wards the allocation of councillors among the new wards and other relative matters the retirement and elections of

A.D. 1882.

mayor aldermen and councillors shall take effect and be held in like manner as if this Act had not been passed.

Powers of commissioner and costs of inquiry.

29. Any commissioner appointed under this Act shall have the same power with regard to the examination of witnesses and production of documents as an inspector of the Local Government Board under the Public Health Act 1875 and the costs of any inquiry held by any such commissioner (including the remuneration of such commissioner to be fixed by the said Board) shall be paid by the Corporation.

(iii.) *Provisions respecting Local Boards School Boards and Burial Board.*

Dissolution of Newington Local Board.

30. From and after the commencement of this Act the local board for the district of Newington shall be dissolved but notwithstanding such dissolution the accounts of the local board up to the commencement of this Act shall be audited in like manner as they would have been audited if this Act had not been passed subject to any special directions that may be given in the matter by the Local Government Board.

Cesser of powers and transfer to Corporation of property of Newington Local Board.

31. From and after the commencement of this Act all powers jurisdiction and duties which immediately before the commencement of this Act were exerciseable by or attached to the Newington Local Board shall wholly cease and all property real and personal of every description (including things in action) which at the commencement of this Act belongs to or is vested in the Newington Local Board shall be transferred to and vested in the Corporation and may be held recovered and enjoyed accordingly.

Saving for deeds securities &c.

32. Subject to the provisions of this Act all deeds contracts documents securities orders notices and proceedings made or entered into with in favour of or by for or on behalf of the Newington Local Board or any person on their behalf and in force at the commencement of this Act shall be and remain as valid and effectual in favour of against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the said local board had been party or privy thereto.

Actions &c. not to abate.

33. Any action cause of action prosecution or other proceeding whatsoever commenced or existing either by or against the Newington Local Board before the commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act but on the contrary may be maintained commenced prosecuted or continued

by in favour of or against the Corporation in like manner to all intents and purposes as if the Corporation instead of the said local board were parties to such action prosecution or proceeding.

Rates and debts payable to and by Newington Board to be recoverable by and from Corporation.

34. All rates tolls dues rents and moneys which immediately before the commencement of this Act are due and payable or accruing due and payable to the Newington Local Board shall from and after the commencement of this Act be payable to and may be collected and recovered by the Corporation and all moneys which immediately before the commencement of this Act are due and payable or accruing due and payable by the said local board or which at any time thereafter would but for the passing of this Act have become due and payable under any Act of Parliament or order of the Local Government Board shall from and after the commencement of this Act be paid by and be recoverable from the Corporation.

Books to be evidence.

35. All books and other documents directed or authorised to be kept by the Newington Local Board by any Act of Parliament and which at the passing of this Act would be receivable in evidence shall notwithstanding the dissolution of that board be admitted as evidence in Her Majesty's High Court of Justice and all other courts accordingly.

Cesser of jurisdiction of Cottingham Board and Sculcoates Rural Sanitary Authority over parts of their districts.

36. (1) The Cottingham Local Board and the Sculcoates Rural Sanitary Authority shall respectively cease from and after the commencement of this Act to have or exercise any powers rights or jurisdiction in or in relation to the parts of their respective districts which are by this Act added to the borough But nothing in this Act shall be construed to prevent the Cottingham Local Board from suing for and recovering any rates or sums of money due to them at or immediately before the commencement of this Act and the said board may accordingly sue for and recover all such rates and sums in the same manner as if this Act had not been passed.

(2) All buildings sewers lamps lamp-posts pipes mains and other property of the said local board and rural sanitary authority situate in the said parts shall from and after the commencement of this Act be transferred to and vest in the Corporation for all the estate and interest therein of the said local board and rural sanitary authority respectively Provided that the Corporation shall not be at liberty to remove the water pipes in the Saint John's Wood district of the Cottingham Local Board so as to interfere with the supply of water by the Newington Waterworks Company to the remainder of the Newland Ward.

(3) The Corporation shall pay to the said local board and rural sanitary authority respectively for the property by this section

A.D. 1882.

transferred to the Corporation such sum as may be agreed on or as in default of agreement may be determined by the Local Government Board.

Power of Cottingham Board and Sculcoates Rural Sanitary Authority to enter into agreement with Corporation.

37. Notwithstanding any of the foregoing provisions of this Act it shall be lawful for the Corporation on the one hand and for the Cottingham Local Board and the Sculcoates Rural Sanitary Authority or either of them on the other hand at any time after the passing of this Act with the approval of the Local Government Board to make and carry into effect agreements with respect to the transfer of any property liabilities or powers from the said local board and rural sanitary authority respectively to the Corporation and for settling and adjusting any doubt or difference arising in relation thereto and generally with respect to the execution of the provisions of this Act relating to any such agreement and any such agreement may provide for the reference of any matter to the decision of the Local Government Board and the provisions of any such agreement shall be deemed to be within the powers of the Corporation and of the said local board and rural sanitary authority respectively and shall be carried into effect accordingly.

Provision as to outfall sewers.

38. The agreement dated the eighteenth day of July 1874 and made between the local board for the district of Newington in the east riding of the county of York of the first part the local board for the district of Cottingham in the same riding of the second part the mayor aldermen and burgesses of the borough of Kingston-upon-Hull acting and being by the town council thereof the local board of health and urban sanitary authority within and for the said borough of the third part and the Local Government Board of the fourth part shall be modified as follows:—

(1.) The Corporation shall provide within a reasonable time after the commencement of this Act and thereafter maintain pumping engines and other appliances for raising and disposing of the sewage at the outfall mentioned in the said agreement and the Cottingham Local Board shall contribute towards the cost from time to time incurred in the providing maintenance and working of such pumping engines or other appliances and of all buildings required therefor;

(2.) The cost of the said pumping engines appliances and buildings and the proportion thereof to be contributed by the Cottingham Local Board in respect of that portion of their district not added to the borough shall be the subject of agreement between the Corporation and the Cottingham Local Board or in case of a difference shall be settled by the Local Government Board the amount of the contribution by the Cottingham Local Board being determined by the proportion

which the rateable value of the remaining portion of their district bears to the rateable value of the rest of the district the sewage of which is dealt with by the said pumping engines appliances and buildings and for the purpose of determining such values the rateable value of lands and property of the nature specified in subsection 1 (*b*) of section 211 of the Public Health Act 1875 in the district of Cottingham shall be taken at one-fourth part only of the full value thereof.

(3.) Instead of contributing one third of the cost of the maintenance of the outfall sewer constructed under the said agreement the Cottingham Local Board shall from and after the commencement of this Act be liable to contribute only the same proportion of such cost as they have to contribute to the cost of the construction and maintenance of the said pumping engines appliances and buildings.

As to use and maintenance of outfall and other sewers.

39. The existing sewers or drains of the Cottingham Local Board in that part of the Cottingham Road included within the borough and in the Clough Road shall from and after the passing of this Act be maintained and kept in a proper and sufficient state of repair by and at the expense of the Corporation and notwithstanding anything in this Act the Cottingham Local Board shall at all times after the commencement of this Act have full and free right and liberty to cause the drainage of their district or any part thereof to be discharged into and to use the said sewers or drains but the Corporation shall not be compelled to enlarge or incur extra expenditure on the said sewers or drains by reason of this provision.

Liability of Corporation to debts of Cottingham Local Board.

40. The Corporation shall as from the commencement of this Act undertake and become liable for the following loans of the Cottingham Local Board and shall indemnify the Cottingham Local Board in respect thereof namely The balance unpaid at the commencement of this Act of the sum of eight thousand two hundred pounds borrowed in 1875 from the Public Works Loan Commissioners for the purpose of providing street improvements in Saint John's Wood Newland and of the sum of one thousand five hundred pounds borrowed in 1871 from the Public Works Loan Commissioners for the purpose of water supply Also such proportion of the part of the balance remaining unpaid at the commencement of this Act charged in the accounts of the Cottingham Local Board against the Newland Ward of the sum of seventeen thousand pounds borrowed in 1876 from the Public Works Loan Commissioners for works of main drainage in the Cottingham Local Board District and such proportion of the part of the balance then remaining unpaid charged to the Newland Ward as aforesaid of the

A.D. 1882.

sum of four thousand four hundred pounds borrowed from the said Public Works Loan Commissioners in 1875 for the purpose of works of outfall drainage as shall be agreed between the Corporation and the said Cottingham Local Board or in case of dispute shall be settled by the Local Government Board who in adjusting such dispute shall settle the same on the basis that the said balances shall be paid in such proportions as the rateable value of the portion of Newland Ward taken by the Corporation bears to the remainder of the ward land and property of the nature specified in subsection 1 (*b*) of section 211 of the Public Health Act 1875 in the district of Cottingham being taken at one fourth of its rateable value Provided that the Cottingham Local Board shall pay all instalments on the said loans payable up to the commencement of this Act Provided also that nothing herein contained shall affect the liability of the Cottingham Local Board to the Public Works Loan Commissioners or the securities given by the local board for such loans.

Saving certain rights of the Cottingham Local Board.

41. Nothing in this Act contained shall lessen prejudice or affect the right of the Cottingham Local Board to the free and unobstructed use of the public landing-place on the River Hull at Stoneferry as heretofore enjoyed by them or lessen prejudice or affect their rights and interests in the ferry over the said river at Stoneferry.

Saving for Cottingham Board Sculcoates Rural Sanitary Authority and Sutton School Board.

42. Subject to the provisions of this Act and of any agreement made in pursuance thereof the powers rights jurisdictions property and liabilities of the Cottingham Local Board the Sculcoates Rural Sanitary Authority and the Sutton School Board are not impaired altered or affected by the passing of this Act.

Borough to be a school district.
33 & 34 Vict. c. 75.

43. (1) For the purposes of the Elementary Education Act 1870 and the Acts amending the same the extended borough shall be a school district and the school board for the existing borough shall be the school board for that district to the exclusion of any other school authority.

(2) The members of the school board for the existing borough who are in office at the commencement of this Act shall constitute the school board for the school district of the extended borough and shall be deemed to have been elected therefor and shall hold office subject to the provisions of the said Acts and of this Act and of any order for holding a new election or otherwise which may be made by the Education Department.

As to bye-laws of school board.

44. From and after the commencement of this Act all byelaws and regulations made by the school board of the existing borough and then in force shall apply to and be in force within the ex-

tended borough (subject to any future repeal or amendment of the same) and all byelaws and regulations made by any other school authority shall cease to be of any force or effect in the added part of the borough.

Dissolution of school board of Newington.

45. From and after the commencement of this Act the school board for the school district of Newington shall be dissolved and the buildings fittings books and other property of such board shall be transferred to and vest in the school board for the extended borough and all the debts liabilities contracts and engagements of the said school board existing at the commencement of this Act shall be transferred to and be discharged satisfied and performed by the school board for the extended borough.

Transfer of jurisdiction of Cottingham and of Sutton and Stoneferry School Boards over parts of their districts added to the borough, &c.

46. From and after the commencement of this Act all powers and jurisdiction of the school boards for the school districts of Cottingham and of Sutton and Stoneferry shall cease as respects so much of their respective districts as is by this Act added to the existing borough and all buildings with their fittings belonging to any of those school boards and situate within the parts added as aforesaid shall be transferred to and vest in the school board for the extended borough for all the estate and interest of the said boards respectively and so much of the debt of the school board for the school district of Cottingham as is at the commencement of this Act owing in respect of the erection of the Londesborough Street Board School and is also charged upon the school fund and local rate of the said school district of Cottingham and so much of the debt of the school board for the school district of Sutton and Stoneferry as is at the commencement of this Act owing in respect of the erection of the Stoneferry Infants Board School and is also charged upon the school fund and local rate of the said school district of Sutton and Stoneferry shall be discharged and satisfied by the school board for the extended borough.

Any doubt or difference arising under this section shall on the application of either of the school boards interested stand referred to and be determined by the Education Department.

Order for election of new school board.

47. As soon as practicable after the commencement of this Act the Education Department shall issue an order for the election of fifteen persons to serve as members of the school board of the extended borough in the place of the persons who at the time of making such order shall be members of the said school board under the provisions of this Act.

Power to sell property transferred to Corporation.

48. The Corporation may from time to time if they see fit sell or lease and dispose of any buildings or other property transferred

A.D. 1882.

to them by or under this part of this Act and they shall apply the proceeds of any sale towards paying off any debt of the local board or other body to which the property belonged unless the amount realised is less than one hundred pounds in which case the proceeds of the sale shall be carried to the borough fund.

Compensation to officers for loss of emoluments.

49. (1) The Corporation shall pay compensation to any clerk or officer to or of any county justices local board or school board who by reason of the dissolution of such board or of any other provision of this Act loses his office or is deprived of the whole or part of the emoluments of his office within two years after the commencement of this Act and does not receive remuneration to an equal amount in respect of some office or employment under the Corporation or school board for the extended borough and also to any officer of the Corporation who may cease to hold his office or who may lose any part of the emoluments of his office in consequence of the passing of this Act;

(2) Such compensation may be by way of annuity or otherwise and the amount thereof shall be determined subject to the following conditions:

(3) That such officer or other person shall have been in the actual employment of such body or person for a continuous period of not less than two years previous to the first day of November one thousand eight hundred and eighty-two;

(4) That the amount of such compensation shall be such as would be payable on retirement to such officer or other person under
22 Vict. c. 26. section two of the Superannuation Act, 1859, in the event of his having served in an established capacity in the permanent civil service of the State for the same time as in the service of such body or person and as if ten years were added to the number of years he may have actually served;

(5) That in estimating such compensation the amount of the salary and fees upon which the same shall be calculated shall be taken on the average of the salary and fees actually received during the two years next preceding such first day of November one thousand eight hundred and eighty-two by such officer or other person as and for his own use after deducting therefrom any payments or allowances usually made by him;

(6) That no such compensation shall exceed two thirds of the salary and fees upon which the same shall be estimated;

(7) Every such compensation shall be payable by two equal half-yearly payments the first of such payments to be made at the expiration of six months from the date when such officer or other

person shall by reason of the passing of this Act cease to receive such salary or fees.

(8) Provided always that the Corporation may at any time agree with any officer or other person entitled to any annuity under this enactment for the commutation of such annuity and may pay the same out of the same fund and rate or rates as such annuity is payable or any moneys borrowed on the security thereof.

(9) Provided always that in case the Corporation shall within six months after the commencement of this Act tender to any such officer or person any office or employment of equal or greater value entailing the same or similar duties to the office or employment in respect of which he derived the salary and fees in respect of the loss of which compensation is by this Act payable to him and such officer or person accepts such office or employment or declines within one month after such tender to accept such office or employment or neglects to execute the duties thereof satisfactorily (being in a competent state of health) he shall forfeit his right to any compensation under this Act.

Not to erect buildings on excavated land until properly filled up.

50. Where any land in the Newington District as at present defined has been or shall hereafter be excavated for obtaining brick-earth or for any other purpose no dwelling-house shall be erected on any part of such excavated land until the excavation has been refilled with proper material to within two feet of the original level and the surface covered with a layer of concrete of four inches in thickness at the least.

Exemptions under section 211 of Public Health Act to apply to property in added part of borough.

51. If the Corporation at any time make assess and levy any general district rate or any highway or other rate under the Improvement Act or any other Act enabling them in that behalf the owners and occupiers of such property in the added part of the borough as is mentioned in subsection (*b*) of section 211 of the Public Health Act 1875 shall be entitled to such exemption in respect of that property as is by that subsection granted in the case of the general district rate leviable under that Act.

Corporation to be burial board.

52. The Corporation shall be the burial board for the extended borough and shall have and may exercise within the extended borough to the exclusion of any other burial board or authority all the powers rights and privileges and be subject to all the liabilities of a burial board beyond the Metropolis under the Burial Acts as defined by this Act.

Protection of owners of property adjoining highways.

53. Nothing in this Act contained shall be deemed or construed to impose any liability on the owners or occupiers of premises adjoining the turnpike or high roads from Kingston-upon-Hull to Beverley

A.D. 1882.

from the River Hull to Newland and from thence to Cottingham within the borough to flag or form any causeway footway or sideway abutting on any of the said turnpike or high roads respectively.

PART III.

Lands.

Power to appropriate lands for purposes of Act.

54. Subject to the provisions of this Act the Corporation may from time to time appropriate and use for any of the purposes of this Act any lands for the time being vested in them as part of their corporate estates or in their capacity of a sanitary authority and which are not required for the purposes for which the same were acquired or are at present generally applied.

Corporation may acquire easements only.

55. Instead of purchasing the lands required for purposes of this Act the Corporation may if they think fit by agreement purchase only such easements as they may require for those purposes and any easement so acquired shall be land within the meaning of the Lands Clauses Acts.

Persons empowered by Lands Clauses Acts to sell lands may grant easements.

56. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release land may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts 1860 and 1869 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to sell lands.

57. The Corporation may with the consent of the Treasury after due notice in accordance with the Municipal Corporation Acts sell any lands belonging to them and not required for the purpose for which the same were acquired The Corporation may also if they think fit with such consent as aforesaid sell land for building purposes and also houses and buildings subject to an annual rent or perpetual charge to be fixed by the Corporation.

Corporation may lease lands not required for purposes of Act.

58. The Corporation from time to time if and when they think fit may lay out for building purposes all or any part of any lands acquired by them under any former Act or under this Act and not required for the purposes of this Act and may from time to time demise or grant on building or other leases with or without fine for any term not exceeding ninety-nine years all or any part of such lands to such persons and subject to such reservations

covenants terms and conditions as the Corporation think fit and the Corporation may make any such lease by public auction or tender or by private contract and with or without any special conditions and stipulations and may accept a surrender of any lease and either before or after a lease is granted may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands and may execute and do all deeds and things necessary to effect the several purposes aforesaid.

Application of purchase money of land.

59. Any purchase money received on any sale of land and any money received as a fine on the granting of any lease by the Corporation shall be distinguished as capital in the accounts of the Corporation and shall be applied exclusively for purposes for which money borrowed by the Corporation is for the time being applicable or in discharge of borrowed moneys and any money so discharged shall not be re-borrowed.

PART IV.

Lighting.

Extension of electric lighting powers.

60. The Corporation may exercise all the powers of the Hull (Corporation) Electric Lighting Act 1880 subject to the provisions limitations and restrictions therein contained throughout the extended borough.

Provision for the protection of the Postmasier General.

61. With respect to any work for the purpose of the production or supply of light heat or motive power by means of electricity done in pursuance of this Act the following provisions shall have effect :—

(I) It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster General is or may be injuriously affected and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster General the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster General specifying the course and 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 work.

A.D. 1882.

(II) Any difference which arises between the Postmaster General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a railway company.

31 & 32 Vict. c. 119.

(III) 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.

(IV) 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 cognizance of the case that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof stating the reason for executing the same without previous notice.

(V) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such work or by any use made of such work.

(VI) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

41 & 42 Vict. c. 76.

PART V.

Lunatic Asylum.

Power of Corporation to undertake duties of visiting justices.

62. (1) The council of the borough may at any time within six months after the first day of September one thousand eight hundred and eighty-three give notice by writing under their common seal to one of Her Majesty's Principal Secretaries of State of the intention

of the council to take on themselves the duties powers and authorities imposed or conferred on or given to the justices of the borough by the Lunatic Asylums Act 1853 and the Acts amending the same and from and after the giving of such notice the council shall be subject to and have and exercise all the duties powers and authorities of the said justices and of any committee of visitors appointed by them under the said Acts and all liabilities and contracts incurred or entered into by the said justices or committee shall thereupon become transferred to and obligatory on such council to the same extent as they would have been binding or obligatory on such justices or committee and all matters and things which by the said Acts are required to be done at any meeting of such justices shall be done at any meeting of the council and all notices which by the said Acts are required to be given to or by the clerk of the peace shall thenceforth be given to or by the town clerk.

(2) If the Corporation elect within the time above mentioned to undertake the duties of the justices as above provided the new asylum at or near Willerby shall thereupon vest in and become the property of the Corporation.

(3) When the new asylum at Willerby shall be completed and occupied the old asylum within the borough and the lands adjacent thereto shall vest in and become the property of the Corporation and shall be sold by them in one or more lots or otherwise disposed of and the net proceeds of such sale or disposal shall be carried to the borough fund.

Committee appointed by council to have same powers as committee of visitors.

63. The council may from time to time confer on any committee appointed by them such of the powers and authorities which by the Lunatic Asylums Act 1853 and the Acts amending the same are conferred on any committee of visitors appointed thereunder as the council may see fit.

PART VI.

Rating and Borrowing Provisions.

Expenses of executing Act.

64. All expenses incurred by the Corporation in carrying into execution the provisions of this Act except such of those expenses as are payable out of borrowed moneys or out of the borough fund and borough rate under any general Act of Parliament or this Act and except so far as any such expenses may be defrayed out of revenue derived from the water undertaking of the Corporation or from any other property of the Corporation or be recovered from

A.D. 1882.

the owners or occupiers of premises or other persons shall be paid out of the district fund and general district rate leviable under the Public Health Act 1875.

Making and assessment of rates and power to rate owner in certain cases.

65. (1) The Corporation may make any rate which they are for the time being authorised to make either prospectively in order to raise money to pay charges and expenses to be incurred after the making of the rate or retrospectively in order to raise money to pay charges and expenses incurred at any time within six months before the making of the rate or partly prospectively and partly retrospectively;

(2) The Corporation may include in one rate book the assessments of all or any of the rates and water rents which they are authorised to levy;

(3) In the case of all rates leviable by the Corporation the owner instead of the occupier may at the option of the Corporation be rated in cases where he might be rated under section two hundred and eleven subsection one of the Public Health Act 1875.

Exception of an area so far as regards rates in connexion with water.

66. The lands houses tenements and hereditaments within the area comprised within the limits of supply as aforesaid of the Newington Water Company Limited and all persons in respect of the same shall not be liable or chargeable or rateable in respect of any stocks indebtedness or expenses of the Corporation created and incurred or hereafter to be created and incurred in connexion with or arising out of the Water Act of 1843 the Water Act of 1872 or the supply of water by the Corporation or the provisions of this Act in so far as the same relate to water supply and all profits which may be derived by the Corporation on waterworks account shall belong to and be applied exclusively for the benefit of the ratepayers within the extended borough other than the area aforesaid or in relief of rates leviable therein and the Local Government Board may on the application of either the Corporation or any ratepayer within the said area make any apportionment of such stocks indebtedness or expenses or profits as may be necessary or expedient for giving effect to this section.

As to rating of railway and dock properties in the added part of the borough.

67. As regards all rates which after the commencement of this Act are made and levied by the Corporation the North-eastern Railway Company shall in respect of their railways in the added part of the borough be assessed thereto in the proportion of one-fourth part only of the net annual value thereof and as regards all rates which after the commencement of this Act are made and levied by the Corporation the dock company shall in respect of their docks in the added part of the borough be assessed thereto in the proportion of one-fourth part only of the net annual value thereof.

Recovery of rates.

68. All borough general district burial cemetery library and other rates which the Corporation are entitled to levy and raise under this Act or any other Act shall be recoverable and the payment thereof may be enforced in like manner as if they were poor rates and with the like right of appeal.

Present assessment of added area not to be altered until the extended borough is re-assessed.

69. No lands or other property within the added part of the borough shall be reassessed and the existing assessment in the added part of the borough shall remain in force until a general re-assessment of the whole borough as extended shall be made.

Power to borrow and create Corporation stock for purposes of Act.

70. (1) The Corporation may from time to time borrow for the purposes of the new road and streets improvement authorised by this Act any sums not exceeding eighteen thousand pounds and for waterworks purposes any sums not exceeding twenty thousand pounds but moneys borrowed under this enactment shall be applied only to purposes to which capital is properly applicable;

(2) For the purpose of raising or securing all or any of the moneys authorised to be borrowed for the above purposes or for defraying the costs charges and expenses of obtaining this Act the Corporation may from time to time create and issue Hull Corporation Stock under the Hull Corporation Loans Act 1881;

(3) For the purposes of section thirty-five of the said Corporation Loans Act the period prescribed for paying off moneys borrowed by the Corporation for purposes of this Act shall be sixty years from the time or respective times when the same are first respectively borrowed;

(4) The contributions to the sums directed by the said Corporation Loans Act to be carried to the Corporation Loans Fund in respect of interest on and of redemption of stock shall be payable in the case of stock created and issued under this section for the purposes of the water undertaking of the Corporation out of the revenue of the water undertaking for the time being of the Corporation and in the case of stock created and issued under this section for any other purpose of this Act out of the district fund and general district rate.

Power to create Corporation stock for discharge of debts transferred to Corporation.

71. The Corporation may from time to time borrow such moneys as they from time to time require for effecting the discharge of any outstanding loans or portion of any outstanding loan which by or under the provisions of this Act are transferred to the Corporation from the Newington Local Board or the Cottingham Local Board or the Sculcoates Rural Sanitary Authority and may raise or secure any such moneys by the creation and issue of Hull Corporation

A.D. 1882.

Stock under the Hull Corporation Loans Act 1881 subject to the provisions following (that is to say):

(i) The contributions to the sums directed by the said Corporation Loans Act to be carried to the Corporation Loans Fund in respect of interest on and of redemption of stock shall in the case of stock created and issued under this section be payable out of the district fund and general district rate;

(ii) For the purposes of section thirty-five of the said Corporation Loans Act the amount of contributions in respect of redemption of such stock shall be such as to provide for its redemption within a period of thirty years from the time or respective times when the moneys represented by such stock were first respectively borrowed;

(iii) In the case of any loan contracted by either of the said local boards for works of private improvement of any premises the Corporation shall recoup to the district fund and general district rate the amount of contributions paid in respect of that loan to the Corporation Loans Fund as aforesaid and shall for that purpose from time to time make and levy on the owners or occupiers of such premises such rate or rates as but for the passing of this Act would have been in respect of that loan leviable by the said local boards or either of them.

Power to raise by issue of Corporation stock; sums authorised to be borrowed under 43 & 44 Vict. c. cxcix.

72. (1) The Corporation are hereby authorised from time to time to borrow and raise by the creation and issue of Hull Corporation Stock under the Hull Corporation Loans Act 1881 all or any of the sums not exceeding one hundred thousand pounds which they are under the Hull Barnsley and West Riding Junction Railway and Dock Act 1880 empowered to subscribe and contribute towards the undertaking of the Hull Barnsley and West Riding Junction Railway and Dock Company;

(2) For the purposes of section thirty-five of the said Corporation Loans Act the period prescribed for paying off any moneys borrowed and raised by the creation and issue of Corporation stock under this section shall be one hundred years from the time or respective times when the same were respectively borrowed;

(3) The contributions to the sums directed by the said Corporation Loans Act to be carried to the Corporation Loans Fund in respect of interest on and of redemption of stock shall in the case of stock created and issued under this section be payable out of the district fund and general district rate.

PART VII.

New Road and Streets Improvement.

Power to make new road from Trinity Street to Lunatic Asylum Grounds to widen and improve Carr Lane &c.

73. The Corporation are hereby authorised in the lines and on the lands in that behalf delineated and described in the deposited plans and book of reference and according to the levels shown on the deposited sections to execute the following works (that is to say) :—

1. A new road or approach from Trinity Street to the borough lunatic asylum grounds commencing on the south side of Trinity Street opposite to Derringham Street and terminating at the northern side of such grounds all in the parish of Holy Trinity within the borough ;.
2. A widening and improvement of Carr Lane on the south side thereof from No. 4 Ocean Place in the occupation of William Hickling to No. 26 Ocean Place in the occupation of Thomas Hunter and William Thompson all in the parish of Holy Trinity aforesaid.

And for those purposes may enter upon take and use such of the lands delineated on the said deposited plans and described in the deposited book of reference to such plans as shall be necessary for such purposes and for the purpose of the completion of a new road leading from Church Street to Fountain Road in the parish of Sculcoates and for the completion of King Street improvement in the parish of Holy Trinity may enter upon take and use the lands delineated on the deposited plans and described in the deposited book of reference to such plans that is to say :—

A piece or parcel of land and building used now or lately used as an oil refinery situate on the northern side of Egginton Lane and bounded on the west by land belonging or reputed to belong to the charity trustees and on the north and east by land belonging or reputed to belong to Messieurs Grotrian and Hearfield ;

Two dwelling-houses with offices cellars and other premises belonging to Thomas Keyworth and in the occupation of the said Thomas Keyworth or of Thomas Keyworth and Company and situate at the street-crossing between King Street and Trinity House Lane and Postern Gate and North Church Side.

Limits of deviation.

74. In executing the said works the Corporation may deviate vertically to any extent not exceeding five feet from the levels defined on the deposited sections and may deviate laterally to any extent within the limits of deviation defined on the deposited plans.

A.D. 1882.

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

75. And whereas in the execution of the said improvement of Carr Lane it may happen that portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings described in the Third Schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Byelaws and provisions as to erection of buildings not to apply to railway buildings.

76. The provisions of any Act or Acts or of any byelaws from time to time in force in the borough shall not except as regards any building used or occupied exclusively as a dwelling-house apply to any building erected or about to be erected or altered and used or intended to be used by the North-eastern Railway Company for the purposes of their business as a railway company Provided that no building shall be erected by the railway company beyond the frontage line of buildings in any street except gatekeepers lodges and signal boxes or signal cabins for the protection of the railway traffic and the public safety.

PART VIII.

Water.

Power to make new adit and other works.

77. Subject to the provisions of this Act the Corporation may make and maintain in the lines and on the lands in that behalf delineated in the deposited plan and book of reference and according to the levels shown on the deposited sections the following work (namely) :—

An adit commencing at the north-western corner of the pumping station of the Corporation waterworks at Springhead and terminating in the western corner of a field situate on the north-eastern side of Kirkella Road belonging to or reputed to belong

to the vicar and churchwardens of Kirkella and in the occupation of Robert Addison.

Together with all necessary wells borings culverts tunnels and other works and conveniences as may be necessary or convenient for maintaining cleansing using inspecting and managing the same.

Limits of supply.

78. The limits within which the Corporation are authorised to supply water shall be the extended borough and the estates of Sir James Walker Baronet and Sir Charles Legard Baronet with the exception of the area comprised as aforesaid within the limits of supply of the Newington Water Company Limited. And the provisions of section 6 of the Hull (Corporation) Electric Lighting Act 1880 (works affecting North-eastern Railway to be executed under inspection of that company's engineer) shall within those limits extend and be applicable with respect to such supply of water as if the same were here repeated in reference thereto.

Main pipes drains and other works affecting dock company to be executed under direction of company's engineer.

79. All wires mains pipes culverts drains sewers or other works whatsoever which the Corporation may lay down place make or execute in under over along or across or which may affect any dock quay landing-place road work or property of the dock company shall be laid down placed made and executed with the consent of the dock company and subsequently maintained under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that company and (if deemed necessary by him) in accordance with plans previously approved by him.

Power to take lands.

80. The Corporation may enter or take and use all or any of the lands in that behalf delineated and described in the deposited plans and book of reference which may be required for the purpose of this part of this Act but the powers conferred by this section shall not be exercised after the expiration of three years from the commencement of this Act.

Limits of devintion.

81. In executing the said work the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans and may deviate vertically to any extent not exceeding ten feet from the levels defined on the deposited section.

Period for completion of work.

82. If the said work is not completed within five years after the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing the same shall cease except as to so much thereof as is then completed.

Payment of water rates.

83. The rates or rents payable to the Corporation for the supply of water to any premises shall either be payable in manner provided

A.D. 1882.

by the Water Act of 1843 or at the option of the Corporation shall be payable and recoverable by the Corporation at the same times and in like manner as any other rates leviable by the Corporation.

Supply of water to Sir Charles Legard's estate.

84. The Corporation shall when required by Sir Charles Legard Baronet or other the owner or owners for the time being of the estate at Anlaby and Wolfreton now belonging or reputed to belong to him and occupied by Martha Lee supply at all times thereafter the said estate with water from the Springhead Works of the said Corporation free of cost by means of the following works to be made and maintained by the Corporation at their own expense that is to say—

A tap and trough with a stand pipe and ball tap to be put down in the field numbered 3 on the deposited plan and in a field called the Old Garth adjoining the Town Street of Anlaby and the west side of Chapel Lane and also at the homestead belonging to the said estate in the village of Anlaby occupied by the said Martha Lee together with all such connexions mains and pipes as may be requisite for such supply of water as aforesaid.

Supply of houses and buildings hereafter built on the estate of Sir Charles Legard.

85. In addition to the water to be supplied by the Corporation under the last preceding section the said Sir Charles Legard or other the owner or owners for the time being of the said estate or any part thereof shall and may have connexions mains and pipes from the said Springhead Works or from any mains or pipes of the Corporation for the purpose of conveying water and shall have a supply of water from such works mains or pipes for all houses or buildings hereafter to be built upon the said estate upon the same terms and subject to the same regulations from time to time relating to connexions service pipes or fittings or to the waste of water as would be applicable thereto as if such houses or buildings were situate within the borough.

As to supply of water to Anlaby &c.

86. The Corporation shall within twelve months after the passing of this Act apply for and use their best endeavour to obtain the necessary powers to include the townships of Anlaby Willerby and Kirkella in the limits for the supply of water by the Corporation and to supply water therein upon the same terms and conditions as for the time being regulate the supply of water in the borough.

Saving rights of Sir James Walker Baronet as to supply of water.

87. Nothing in this Act shall take away abridge or prejudicially affect the rights of Sir James Walker Baronet his heirs or assigns to have connexions mains and pipes from the Springhead Works and to have a supply of water from such works and other rights and privileges which he now has and enjoys under the Water Act 1872

and the Act therein recited but all such rights and privileges and the agreement therein referred to shall remain and be in as full force and effect as if this Act had not been passed.

PART IX.

Procedure and Miscellaneous.

(i.) *General Provisions as to Procedure.*

Prosecution and recovery of offences and penalties.

88. All offences penalties forfeitures damages costs and expenses by this Act or any Act incorporated herewith or any byelaw thereunder authorised or directed to be prosecuted or recovered summarily or before any justices or justice or the prosecution or recovery of which is not otherwise expressly provided for may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts and all penalties recovered summarily by the Corporation within the borough under this Act or any Act incorporated herewith or any byelaw thereunder shall be paid to the Corporation and carried to the borough fund.

Appeal to quarter sessions.

89. Any person who deems himself aggrieved by any rate made under the provisions of this Act or by any order conviction judgment or determination of or by any matter or thing done by any court of summary jurisdiction or by the Corporation under the powers of this Act may appeal to the borough court of quarter sessions.

Restriction on informations.

90. No information shall be laid for the recovery of any penalty under this Act except by the party aggrieved or by the authority of the Corporation.

Proceedings not to be quashed for want of form.

91. No order verdict rate assessment judgment conviction or other proceeding touching or concerning any offence against this Act or against any rule order or byelaw made by authority thereof shall be quashed or vacated for want of form only.

Proceedings against several persons for the same offence.

92. In the case of any joint act or default by several persons contravening the provisions of this or of any other Act or of any byelaw in force within the borough the Corporation may if they think fit include all or any of those persons in one information or complaint and a justice may if he thinks fit include all or any of them in one summons and any conviction judgment or order made in such a case may include all or any one or more of the persons included in the summons and the costs may be distributed as to the court appears fair.

A.D. 1882.

Judges not disqualified.

93. 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 Corporation or liable to any rate or other charge under this Act or being interested in any contract under this Act for a supply of water or means of lighting.

Proofs of debts in bankruptcy.

94. If any person against whom the Corporation have any claim or demand become bankrupt or enter into any arrangement for the liquidation of his affairs or composition with creditors it shall be lawful for the town clerk in all proceedings against or in the matter of the estate of such bankrupt or insolvent to represent the Corporation and act in their behalf in proving the debt and in all other respects as if such claim or demand had been the claim or demand of the town clerk and not of the Corporation.

For securing transient offenders.

95. Any constable or other officer of the Corporation and such person or persons as he may call to his assistance may without any warrant or other authority than this Act seize or detain any person being unknown to such constable or other officer who shall be found committing any offence against this Act and take him as soon as conveniently may be before the nearest justice of the peace for the borough.

Apportionment where lands are leased.

96. Whenever any expenses are payable to the Corporation by the owner of any buildings or lands in respect thereof and such buildings or lands are in lease such expenses may be apportioned between the lessees and the reversioners of such lands in such proportions as the Corporation may deem equitable provided that nothing in this section shall alter the liabilities respecting the payment of expenses as between owner and lessee under any special contract relative thereto.

Corporation may order prosecutions and expenses thereof.

97. The Corporation from time to time may direct any prosecution for any public nuisance whatsoever created permitted or suffered in the borough and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against any of the provisions of this Act or of any Act incorporated herewith or of any byelaw in force in the borough and may defray the expenses of such prosecution or other proceedings as part of their general expenditure in the execution of this Act.

(ii.) *Notices.*

Form and service of notices by Corporation.

98. (1) Any instrument (including a notice order resolution requisition declaration requisition consent approval disapproval demand or other document) made given delivered or served by the

Corporation under this or any other Act or any byelaw may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the town clerk or of the surveyor or other proper officer (according to the subject of the particular instrument) being affixed thereto in print or writing or by a stamp on behalf of the Corporation;

(2) Subject to any express provision of this or of any other Act it shall be sufficient where any such instrument is required to be given to or served on the owner or occupier of any premises to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any adjoining or neighbouring premises collectively and when so addressed may be served on more owners or occupiers than one so that separate copies be served on the respective owners and occupiers of the premises concerned;

(3) Any such instrument may be served on any such owner occupier or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or in case of an occupier to any inmate of the premises in respect of which it is given or served or if the premises are unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

(4) Service by a registered letter under this section shall be deemed to be effected on the day on which such letter would be delivered in the ordinary course of post.

(iii.) *Byelaws, &c.*

Provisions as to byelaws of the Corporation.

99. All byelaws authorised by this Act or by any other Act and at any time in force within the borough may be altered or repealed from time to time by the Corporation.

Sections one hundred and eighty-two to one hundred and eighty-six (both inclusive) of the Public Health Act 1875 (except so much of section one hundred and eighty-five as applies exclusively to byelaws made by a rural authority) shall apply to the alteration and repeal of any existing byelaws and to the making alteration and repeal of the byelaws made by the Corporation under this Act or any Act incorporated with this Act (except byelaws required by

A.D. 1882.

this Act to be confirmed by the Board of Trade) as if they were byelaws made by a local authority under that Act.

Byelaws as to corn and other meters and weighers.

100. The Corporation may from time to time make alter and repeal byelaws for all or any of the following purposes—

For licensing corn and other meters and weighers (that is to say persons measuring and weighing or supervising the measuring and weighing of cargoes of vessels on their discharge); and

For charging any fee not exceeding five shillings for any such license for twelve months and in the like proportion for any shorter period; and

For imposing penalties on persons acting as corn or other meters and weighers without being licensed.

All moneys received from corn and other meters under this section shall be paid over at such time and times in every year as the Corporation direct to the borough treasurer and be carried to the credit of the district fund;

Such byelaws shall not extend or apply to or in relation to any person appointed or employed as a meter or weigher by or in or upon the property of the dock company or by or in, or upon the property of the undertakers of the navigation of the rivers Aire and Calder.

The making alteration and repeal of such byelaws shall be subject to confirmation by the Board of Trade.

Power to revoke licenses.

101. Any license granted by the Corporation either before or after the passing of this Act may be revoked by the Corporation on the conviction summarily or otherwise for any offence of the grantee of the license.

(iv.) *Private Improvement Expenses.*

What to be deemed private improvement expenses.

102. The expression "private improvement expenses" means and includes all private improvement expenses expressly declared to be such by or under the Public Health Act 1875 or this Act or any byelaw made in pursuance of either of those Acts (whether incurred before or after the passing of this Act) also all other expenses at any time incurred by the Corporation for the repayment whereof the owner of the building or lands in respect whereof such expenses may have been or may be incurred is liable under any enactment or byelaw or under any agreement with or by reason of any application of such owner.

Apportionment of private improvement expenses.

103. (1) Where any private improvement expenses are recoverable by the Corporation from owners or occupiers of premises under the Public Health Act 1875 or this Act in respect of works

executed by the Corporation in any street the Corporation may apportion such expenses among such owners or occupiers as the Corporation having regard to all the circumstances of the case and not merely to frontage may deem most just;

(2) The North-eastern Railway Company shall not be liable in respect of any of their premises fronting adjoining or abutting on any street within the extended borough to sewer level pave metal flag channel or make good such street or to pay any part of the expenses of the execution of such works in cases where such premises shall be used by such company solely as a part of their actual line of railway and shall have no communication with such street Provided nevertheless that nothing in this section shall affect the liability of the said company to contribute towards the expenses of the repair of any such street where such expenses are chargeable on and payable out of the general district rates.

(3) A person aggrieved by a decision of the Corporation under this section may appeal within twenty-one days after notice in writing of such decision to the police magistrate who may summon all parties interested to appear before him and may make an order confirming or varying the apportionment in whole or in part and with or without costs to any party as may appear to him just.

Recovery of expenses.

104. All private improvement expenses and all other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner or occupier of any building or lands or from any other person shall if not paid on demand be recoverable by the Corporation with interest thereon from the expiration of one month after such demand at the rate to be determined by the Corporation not exceeding five pounds per centum per annum in addition to any other mode of recovery which the Corporation may possess either as a debt from such owner or occupier or other person (as the case may be) in any court of competent jurisdiction or by distress and sale of the goods and chattels of such owner or occupier or other person (as the case may be) and any justice may issue his warrant accordingly.

Limit of time for recovery of expenses by Corporation extended.

105. Summary or other proceedings for the recovery of any amount or instalment of any private improvement expenses or other expenses recoverable by the Corporation may be commenced at any time within twelve months from the date of service of a demand for payment of the same.

Power to allow time for repayment of expenses.

106. When any private improvement expenses are recoverable from the owners or occupiers of buildings or lands the Corporation may by resolution allow to the owners or occupiers or any of them

A.D. 1882.

time for repayment thereof or of any part thereof and may order the same or any part thereof to be paid either in one sum or by such instalments as the Corporation think fit with interest for the principal money from time to time remaining unpaid after such rate as the Corporation determine but all sums so remaining due notwithstanding that the Corporation agree so to allow time shall from time to time at the expiration of the several times allowed be recoverable from the respective owners and occupiers for the time being both present and future in succession one after another as the same would have been recoverable from the original owner or occupier if no such time had been allowed and with respect to any such instalment the time limited by this Act or otherwise for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due but the Corporation shall not in any case allow under this section a term exceeding twenty years for the payment of any expenses or of any part thereof.

Expenses to be a charge on premises.

107. All private improvement expenses and other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands with such interest thereon as by this Act or any such byelaw is provided for shall be a charge on such building or lands in priority to any incumbrance or charge on or affecting the same and created subsequently to the time when the works are commenced.

Recovery by mortgagees in possession of moneys paid by them.

108. Where any premises are in the possession of any mortgagee or other person having in his own right any charge or incumbrance thereon such mortgagee or other person shall have and exercise the same powers and remedies for the recovery of any moneys paid by him in accordance with the provisions of this Act in respect of such premises for forming constructing sewering levelling paving flagging and channelling or otherwise completing any street or footway as he has and may exercise for the recovery of the principal money secured by such mortgage or the interest thereof.

Saving for special contracts as to expenses of works.

109. Nothing in this Act shall alter the liabilities as between owner and occupier respecting the payment of any private improvement expenses or other expenses made payable or recoverable by this Act or any byelaw thereunder of any owner or occupier under any special contract relative thereto made before or after the commencement of the Act.

Persons having partial interests may raise expenses by mortgage.

110. All owners of buildings or lands being tenants for life only and all committees of the estates of lunatics and all trustees seized possessed of or entitled to any estate or interest in any buildings or lands for or on behalf of any person or charity may charge such

buildings or lands with such sum as may be necessary to defray the whole or any part of any private improvement expenses which the owners of such buildings or lands for the time being are liable to pay and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum but so that the principal money due on any such mortgage shall be repaid within twenty years.

Corporation may charge supervision in addition to costs.

111. Whenever under this Act or the Public Health Act 1875 the Corporation either on the application or in consequence of the default of the owners or occupiers of any premises execute any work the cost of which is payable by such owners or occupiers they may if they see fit in addition to the actual cost of such works charge and recover in respect of plans sections measuring supervision and all other matters an amount not exceeding five per centum of the amount of the actual cost of such works.

(v.) *Saving Clauses.*

Continuing exemption of dock company from rates.

112. The dock company may from time to time claim and shall be entitled to any exemption from liability to rates and assessments which if this Act were not passed they might claim and be entitled to under the provisions of the enactments by this Act repealed or any of them.

As to streets, &c. repaired, &c. under the Hull Dock Acts.

113. All streets quays and other places in the borough now lighted repaired maintained cleansed or drained by and at the expense of the dock company under and by virtue of the Hull Docks Acts or any of them or otherwise shall continue to be lighted repaired maintained cleansed and drained by such company as heretofore Provided that the Corporation may by agreement with the said company undertake such lighting cleansing repairing and maintenance on such terms as to payment to the Corporation of a gross or annual sum or otherwise as the Corporation and the said company may agree and any such agreement shall be valid and bind the parties.

Saving rights of dock company.

114. This Act shall not by implication or otherwise take away alter abridge or prejudicially affect any estate rights and titles to property power or privilege of the dock company which they now have or might have had or have availed themselves of or have been entitled to in case this Act had not been passed.

Saving rights of Trinity House.

115. This Act shall not by implication or otherwise prejudice alter or impair any estate right title interest property power or privilege of the Guild or Brotherhood of Masters and Pilots Seamen

A.D. 1882.

of the Trinity House in Kingston-upon-Hull which they might have had availed themselves of or been entitled to in case this Act had not been passed.

Plans of works to be delivered to Humber Conservancy Commissioners.

116. If at any time the Corporation shall construct any work within the limits of the borough as defined by this Act on any part of the shore or bed of the River Humber where and so far up the same as the tide flows and reflows they shall not less than two months before commencing any such work deliver to the Humber Conservancy Commissioners plans defining the nature and extent of the works so proposed to be carried out and the Corporation shall not in the exercise of any of the powers conferred on them by this Act or any part thereof prejudicially affect the navigation or the channel or roadstead of the River Humber.

Saving rights of Humber Conservancy Commissioners. 15 & 16 Vict. c. cxxx. &c.

117. Except as in this Act otherwise expressly provided nothing contained in this Act or in any of the schedules thereto shall prejudice or alter any of the provisions of the Humber Conservancy Acts 1852 to 1876 or any of those Acts.

Saving rights of Beverley and Barmston Drainage Commissioners. 38 G. 3. c. lxiii. 43 & 44 Vict. c. cxxviii.

118. Nothing in this Act contained shall extend or be construed to extend to take away lessen prejudice or alter any of the property powers rights privileges or jurisdiction of the Beverley and Barmston Drainage Commissioners under the Beverley and Barmston Drainage Acts 1798 and 1880 but all such powers rights and jurisdiction shall remain and be as good valid and effectual as if this Act had not been passed.

Saving rights of the trustees of the Beverley and Skidby drainage. 25 G. 3. c. 92. 48 G. 3. c. xl.

119. Nothing in this Act contained shall extend or be construed to extend to take away lessen prejudice or alter any of the powers rights or jurisdiction of the trustees of the Beverley and Skidby drainage acting under an Act passed in the twenty-fifth year of His late Majesty King George the Third intituled "An Act for draining "preserving and improving certain low grounds and carrs in the "several parishes of Saint John in Beverley and of Skidby in the "east riding of the county of York" and another Act passed in the forty-eighth year of His said Majesty intituled "An Act to alter "and amend an Act passed in the twenty-fifth year of His present "Majesty for draining preserving and improving certain low "grounds and carrs in the several parishes of Saint John of Bever-"ley and of Skidby in the east riding of the county of York" but all such powers rights and jurisdiction shall remain and be as good valid and effectual as if this Act had not been passed.

Saving rights of the trustees of Cottingham drainage.

120. Nothing in this Act contained shall extend or be construed to extend to take away lessen prejudice or alter any of the powers rights or jurisdiction of the trustees of the Cottingham drainage

acting under an Act of Parliament made and passed in the sixth year of the reign of His late Majesty King George III. entitled "An "Act for dividing inclosing and draining certain lands grounds and "common pastures in the parish of Cottingham in the east riding "of the county of York" and of a certain other Act of Parliament made and passed in the 31st year of the said reign entitled "An "Act for dividing and inclosing certain open fields lands and "grounds in the parish of Cottingham in the east riding of the "county of York and for amending an Act passed in the sixth "year of the reign of His present Majesty for dividing inclosing "and draining certain land ground and common pasture in the "said parish" but all such powers rights and jurisdiction thereunder shall remain and be as good valid and effectual as if this Act had not been passed. A.D. 1882. 6 G. 3. c. lxxviii. 31 G. 3. c. 20.

Saving rights of the trustees of the Holderness drainage. 2 & 3 W. 4. c. l.

121. Nothing in this Act contained shall extend or be construed to extend to take away lessen prejudice or alter any of the powers rights or jurisdiction of the trustees acting under an Act passed in the second year of the reign of His late Majesty King William the Fourth intituled "An Act to alter and enlarge the powers of two "Acts passed in the fourth and sixth years of the reign of His "Majesty King George the Third for draining and improving "certain low grounds and carrs in Holderness in the east riding "of the county of York" and the two said several Acts recited in that Act but all such powers rights and jurisdiction shall remain and be as good valid and effectual as if this Act had not been passed.

Saving rights of Newington Water Company.

122. Nothing in this Act contained shall take away abridge alter or affect the rights or powers of the Newington Water Company Limited all of which rights and powers shall continue in the same full force and effect as if this Act had not passed.

Saving for Sir Frederick Augustus Talbot Clifford Constable, Bart.

123. Nothing in this Act contained shall in any way diminish take away alter prejudice or affect any right title estate or interest jurisdiction power franchise or royalty which Sir Frederick Augustus Talbot Clifford Constable Baronet or his successors in title or any person or persons claiming through or under Sir Thomas Aston Clifford Constable deceased may have or be entitled to at the time of the passing of this Act but all such rights title estate interest jurisdiction powers franchises and royalties shall continue to be held used and enjoyed by the said Sir Frederick Augustus Talbot Clifford Constable and his successors in title and by all persons claiming under the will of the said Sir Thomas Aston Clifford Constable deceased as fully and freely as if this Act had not been passed.

A.D. 1882.

Saving for lis pendens.

124. No litigation as to foreshore or other property pending at the passing of this Act and no title to any such foreshore or other property shall be altered or affected by any of the provisions of this Act.

Powers of Act cumulative.

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

Costs of Act.

126. All the preliminary and other costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall at the option of the Corporation be paid by the Corporation out of the district fund and general district rate and the Corporation are hereby authorised to borrow such moneys as they may require for that purpose and to raise the same by the creation and issue of Hull Corporation Stock under the Hull Corporation Loans Act 1881 and to exercise the powers of this section at any time after the passing of this Act.

SCHEDULES.

THE FIRST SCHEDULE.

Acts and Orders repealed.

Title or Short Title.	Extent of Repeal.
"An Act for enlarging and improving the market place of the town of Kingston-upon-Hull and for making a commodious street from thence to the River Humber with a dock and wharf or landing-place for the ferry and market boats belonging and resorting to the said town."—(41 Geo. 3. c. 65.)	The whole Act.
The Kingston-upon-Hull Improvement Act 1854.—(17 & 18 Vict. c. 101.)	The whole Act except the proviso to section 8 and Schedule (C) which save from repeal certain provisions of 23 Geo. 3. c. 55, and sections 22, 31, 33, 69, 74, 75, 79, 80, 83, 84, 87, 88, 90, 92 to 94, 97 to 102, 104 to 107, 109, 111, 114, 115, 120, 121, 122, 123, 126, 135, 151, 154 to 158, 161, 165 to 168, 176 all numbers inclusive.
The Local Government Supplemental Act 1863.—(26 & 27 Vict. c. 32.)	So much as confirms the provisional order altering the Kingston-upon-Hull Improvement Act 1854, and the whole of the said order, except articles 5 to 17 inclusive.
The Local Government Supplemental Act 1865 (No. 5).—(28 & 29 Vict. c. 108.)	So much as confirms the provisional order altering the Kingston-upon-Hull Improvement Act 1854, and the whole of the said order.
The Local Government Supplemental Act 1871 (No. 2).—(34 & 35 Vict. c. 59.)	So much as confirms the provisional order for the repeal and alteration of Local Acts in force within the district of the Kingston-upon-Hull Local Board of Health and section 2 of the said Act, and the whole of the said order, except articles 5, 6, 7 and 11.

A.D. 1882.

Title or Short Title.	Extent of Repeal.
The Local Government Supplemental Act 1871 (No. 4).—(34 & 35 Vict. c. 187.)	So much as confirms the provisional order putting in force the Lands Clauses Consolidation Act 1845 within the borough of Kingston-upon-Hull, and the whole of the said order.
The Local Government Supplemental Act 1872 (35 & 36 Vict. c. 45.)	The whole Act and the whole of the order scheduled thereto, except articles 6, 9 to 12 and 15 inclusive.
The Local Government Board's Provisional Orders Confirmation (Belper Union &c.) Act 1877.—(40 & 41 Vict. c. 132.)	So much as confirms the provisional order for altering the Kingston-upon-Hull Improvement Act 1854 and section 4 of the said Act, and the whole of the said order, except article 3.
The Local Government Board's Provisional Orders Confirmation (Kingston-upon-Hull &c.) Act 1880.—(43 & 44 Vict. c. 84.)	So much as confirms the provisional order for partially repealing altering and amending a confirming Act, and the whole of the said order, except articles 2 to 8 and 19 inclusive.

THE SECOND SCHEDULE.

Description of the Boundaries of the Borough as extended.

A boundary line commencing on the bed or shore of the River Humber at the south-western point of the present boundary of the town and county of Kingston-upon-Hull as shown on the 6-inch Ordnance map and proceeding thence in a westerly direction along the line shown on the said map or plan as the boundary of the wapentake and county to a point on such line opposite the south-western extremity of the district of the Newington Local Board thence in a northerly direction to the south-western extremity of the local board district of Newington and thence in a northerly direction along the existing boundary of the said local board district of Newington to the point where the said boundary adjoins the present boundary of the borough thence in an easterly direction along the boundary between the present borough and the Cottingham Ward of the Cottingham Local Board to the point where the same is intersected by the Bridlington Branch of the North-eastern Railway and the boundary between the Cottingham and Newland Wards of the Cottingham Local Board and thence in a northerly direction and continuing along the boundary between the Cottingham and Newland Wards of the Cottingham Local Board to the road leading

from Newland to Cottingham and thence across such road to the northern side thereof and thence in an easterly direction along the northern side of such road to and across the road leading from Hull to Beverley called the Beverley Road and thence along the north side of the road leading to Stoneferry called the Clough Road to the eastern boundary of the said Newland Ward in the centre of the River Hull and thence in a northerly direction along such boundary to a point opposite to where the drain which flows from near the Beverley and Hull road opposite Endike Lane enters the River Hull between certain lands belonging respectively to William Henry Harrison Broadley Esq. M.P. and Colonel Benjamin Blaydes Haworth Booth and from thence in a straight line in an easterly direction to the north-east corner of the Leads Bridge carrying the Stoneferry Road over the Holderness drain thence in a straight line in a south-easterly direction to a point on the present boundary line of the borough at the south-western corner of a field in the parish of Sutton belonging to John Edward Lee and others on the northern side of such boundary and opposite to a field in the parish of Drypool on the southern side of such boundary being part of a farm called Summergangs belonging to the Corporation thence in an easterly direction along the present boundary of the borough to the north-eastern corner of the present borough at Bilton drain thence northward along the boundary between the parishes of Sutton and Marfleet to the point where the same joins the boundary between the parish of Marfleet and the parish of Bilton thence along the said boundary between the parishes of Marfleet and Bilton to a point on the Old Fleet drain where such boundary joins the boundary line between the parishes of Marfleet and Preston thence in a southerly direction along the said boundary between the parishes of Marfleet and Preston to the point where the Old Fleet drain discharges into the Humber and thence in a south-westerly direction to a point on the boundary line shown on the Ordnance map as the boundary line of the wapentake and county one mile and six hundred and thirty yards east of the point where the same meets a line shown on such map as the eastern boundary of the town and county of Kingston-upon-Hull thence westward along such boundary line to the said eastern boundary of the town and county of Kingston-upon-Hull thence along the line shown on such map as the southern boundary of the town and county of Kingston-upon-Hull to a point where the same meets a line shown on such map as the western boundary of the town and county of Kingston-upon-Hull being the point firstly described as the commencement of the extended boundary.

A.D. 1882.

THE THIRD SCHEDULE.

Premises of which Part only may be taken.

Carr Lane Widening and Improvement.—Parish of Holy Trinity.

No. on Plan.	Description of Property.
1	An area or piece of ground and projecting window in front of and forming part of a dwelling-house situate in Ocean Place Carr Lane
2	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
3	An area or piece of ground in front of yard situate in Ocean Place Carr Lane
4	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
5	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
6	An area or piece of ground in front of dwelling-house and school house situate in Ocean Place Carr Lane
7	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
8	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
9	An area or piece of ground in front of Cooper's Yard situate in Ocean Place Carr Lane
10	An area or piece of ground in front of dwelling-house and yard situate in Ocean Place Carr Lane
11	An area or piece of ground in front of office buildings and yard situate in Ocean Place Carr Lane
12	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
13	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
14	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
15	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
16	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
17	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
18	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane

No. on Plan.	Description of Property.
19	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
20	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
21	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
22	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
23	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
24	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
25	An area or piece of ground in front of dwelling-house and shop situate in Ocean Place Carr Lane
26	An area or piece of ground in front of yard and office buildings situate in Ocean Place Carr Lane

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