CHAPTER cxx.

An Act to extend the powers of the Corporation of the Borough of Jarrow, in the County of Durham, with respect to the Local Government and Improvement of the Borough; and for other purposes. [4th July 1878.]

A.D. 1878.

WHEREAS the borough of Jarrow, in the county of Durham (in this Act referred to as "the borough"), is a municipal borough created by charter, and subject to the Acts relating to municipal corporations, and is under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as "the Corporation"):

And whereas the Corporation by the council of the borough are the sanitary authority for the district of the borough under the Public Health Act, 1875, with all the powers and authorities of an urban sanitary authority:

38 & 39 Vict. c. 55.

And whereas it is expedient that the powers herein-after contained should be granted to the Corporation for the better governing and improving of the borough, and generally for the execution of the powers and discharge of the duties of the Corporation in their municipal and sanitary capacities:

And whereas it is expedient that provision should be made for enabling the Corporation to sell the existing Town Hall, and to erect a new Town Hall, borough court, municipal, police, and other buildings, with all necessary conveniences:

And whereas doubts have arisen with respect to the validity of the election of aldermen for the borough made on the ninth day of November one thousand eight hundred and seventy-seven, and it is expedient that those doubts be removed, and that provision should be made for the retiring and re-election of aldermen in accordance with the provisions of the Municipal Corporations Acts:

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

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And whereas a majority of the whole number of the members of the council (the whole number being twenty-four) at a meeting held on the twelfth day of December one thousand eight hundred and seventy-seven, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Jarrow Express (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 expenses in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the Jarrow Guardian (a local newspaper published or circulating in the borough), and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board, and the approval of one of Her Majesty's Secretaries of State in respect of matters within his jurisdiction:

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 members of the council at a further special meeting held in pursuance of a similar notice on the thirtieth day of January one thousand eight hundred and seventy-eight, being not less than fourteen days after the deposit of the Bill in Parliament:

38 & 39 Vict. c. 55. And whereas the owners and ratepayers of the borough, by resolution in manner provided in the Third Schedule to the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

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

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Jarrow Improvement Act, 1878.

Interpretation of terms.

2. In this Act—

"The council" means the council of the Corporation:

"Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to provide for the regulation of "Municipal Corporations in England and Wales," and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England and Wales:

38 & 39 Vict. c. 55. "Public Health Acts" means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same:

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

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

"The surveyor" means the surveyor of the borough, and includes any person for the time being duly authorised to act as such surveyor:

"The inspector of nuisances" means the inspector of nuisances of the borough, and includes any person for the time being duly authorised to act as such inspector:

"Infectious disease" means small-pox, cholera, and fever:

"Owner" has the meaning defined in the Public Health Act, 1875:

"Street" has the meaning defined in the Public Health Act, 1875, and includes any part of a street:

"Superior courts," or "court of competent jurisdiction," or any other like expression, 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.

Act to be executed by council.

3. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporations Acts and Public Health Acts, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation, or on the council and committees of the council, and the officers, agents, and servants of the Corporation with respect to matters provided for by or comprised in the Municipal Corporations Acts and Public Health Acts respectively, and (subject to the provisions of this Act) 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 Corporations Acts and Public Health Acts respectively.

Part II.—Street Improvements: Regulations as to Streets, &c.

Further powers for Corporation to compel paving, &c. of streets. 38 & 39 Vict. c. 55.

4. The powers conferred by section one hundred and fifty of the Public Health Act, 1875, may be exercised by the Corporation so far as regards the levelling, paving, flagging, channelling, and making good the footway of any street which was at the passing of this Act a highway repairable by the inhabitants at large, and which has not, or so far as it has not, before the exercise of such powers, been at any time levelled, paved, flagged, channelled, and made good by the owners, and to the satisfaction of the Corporation, as fully as if such street were not repairable by the inhabitants at large, but so far only as regards the part or parts of such footway adjoining to

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or abutting upon which houses shall have been erected, and so far only as regards the first cost of such levelling, paving, flagging, channelling, and making good.

Power for Corporation to apportion expenses among owners. 38 & 39 Vict. c. 55.

5. The Corporation may from time to time, in such manner as, having regard to the circumstances of the case, they think just and reasonable, apportion any expenses recoverable under section one hundred and fifty of the Public Health Act, 1875, between the respective owners of the premises fronting, adjoining, or abutting on the street or part of a street with respect to which the expenses are payable, and in case of difference as to the justice or reasonableness of the apportionment all provisions as to arbitration contained in that section shall apply.

Power for Corporation to allow time for payment of expenses.

6. Where any expenses are to be repaid by the owners of premises under any of the provisions of the Public Health Acts, the Corporation may allow time for the repayment of the same, not exceeding thirty years, and may receive the same by such instalments as under the circumstances they think fit, with interest after such rate, not exceeding five per centum per annum, as they determine, on the amount from time to time unpaid, and in the event of failure in the payment of any instalment the total amount remaining due shall forthwith be recoverable.

Expenses to be a charge on premises. 38 & 39 Vict. c. 55.

7. In all cases where any expenses have been incurred by the Corporation under section one hundred and fifty of the Public Health Act, 1875, all such expenses, with interest thereon, shall be a charge on the buildings or lands to which the same relate in priority to any incumbrance or charge on or affecting the same, and created subsequently to the day on which the Corporation shall commence the works on account whereof those expenses shall be payable, and the Corporation shall have the like rights and remedies in respect of such charge as if they were mortgagees with power of sale of such buildings or lands for the amount of such charge, and the mortgagor had made default. All the powers conferred by the Public Health Acts or this Act for the recovery of expenses from owners shall extend to any person who is the owner for the time being of the premises in respect of which the expenses have been incurred.

Corporation may take possession where owner fails to pay his proportion of expenses.

8. Where the owner of any premises which under the Public Health Acts or this Act are charged with the payment of any expenses fails for one month after the same become recoverable from him to pay the same, with the interest, if any, due thereon, or where any such owner is bankrupt, the Corporation from time to time, after the expiration of one month after notice served on the owner at his last known place of residence, or on his trustees in

bankruptcy or in liquidation, or his executors, administrators, or next of kin, or if after diligent inquiry such owner be unknown to or cannot be found by the Corporation, then affixed to a conspicuous part of the premises in respect of which the expenses have been incurred, may proceed as follows; (that is to say,)

(*a.*) The Corporation may enter into receipt of and demand and receive the rents and profits of the premises from the occupiers and persons liable to pay the same, and in case of nonpayment may use such lawful remedies, by way of distress or otherwise, for obtaining payment of the same, or any part thereof, as in ordinary cases may be used by landlords for recovery of rent in arrear, and as if the Corporation were the owners of the premises; and the receipt of the accountant or any officer of the Corporation appointed in that behalf shall and shall alone be an effectual discharge for the same.

(*b.*) Where the premises at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits (if any) thereof, or at any time afterwards while the claim of the Corporation is unsatisfied, are unoccupied or unproductive, the Corporation from time to time may enter into possession of the premises, and may occupy, enclose, and use the same or any part thereof, and may let from year to year, or for any shorter period, the premises or any part thereof, and recover the rents and profits as if the Corporation possessed the same interest as the owner in default, but no further.

Application by Corporation of rents of premises taken possession of.

9. All rents and profits received by the Corporation in respect of any such premises shall be applied as follows; (that is to say,)

First. In payment thereout of all ground-rent, taxes, rates, repairs, and other outgoings properly payable by the owner in respect of the premises, and all expenses incurred by the Corporation with respect to the premises by reason of the failure of the owner to pay any expenses so charged on the premises, or any interest thereon:

Second. In payment to the Corporation of the expenses so charged on the premises, and the interest thereon:

Third. The surplus, if any, shall be paid to the owner or his representatives or other persons entitled to the same.

Time for summary recovery of expenses extended.

10. Summary proceedings for the recovery of any amount or instalment of expenses payable to the Corporation may be commenced at any time within one year from the date of the service of notice of demand.

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Power to Corporation to stop up highways not wanted.

11. The Corporation may from time to time, by order, stop up in whole or in part any highway in the borough which in their judgment is unnecessary, subject always to the rights of ownership of any person in the soil thereof, and to the assent of the owner of the soil; and where any highway is so stopped up all public rights of way in and over the highway are by this Act absolutely extinguished: Provided that before the making of any such order one month's previous notice be given by the Corporation of their intention to make the same, by notice to be affixed on or near to the outer door of the Town Hall, and inserted in a newspaper circulating in the borough: Provided also, that any person aggrieved by any such order may appeal to the quarter sessions for the county of Durham held next after the expiration of one month after the making of the order, giving ten days notice of appeal to the Corporation, and the quarter sessions shall hear the appeal, and confirm, or annul, or alter the order, and may give costs to either party.

Streets to be laid out before buildings allowed.

12. No person shall begin to build in any new street until a block plan has been deposited with the town clerk of the borough, and until the whole length and level thereof shall have been defined by sufficient posts at each corner of the street and sufficient level-datum. Any person offending against this enactment shall be liable to a penalty not exceeding forty shillings for every day during which the offence is continued, after written notice in this behalf from the Corporation.

Power to vary direction, level, &c. of new streets.

13. The Corporation may vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto, or for the purpose of making the same communicate therewith at a more convenient level. Every new street shall be formed at such level as the Corporation shall in each case determine. The Corporation shall make compensation to any person interested for any loss or damage he may suffer by the exercise of the powers in this section contained.

Crossings for horses or vehicles over footways. 38 & 39 Vict. c. 55.

14. After the exercise by the Corporation of the powers conferred by section one hundred and fifty of the Public Health Act, 1875, every person desirous of forming a new communication for horses or vehicles across any footway so as to afford access from the roadway of a street to any premises shall first submit to the Corporation a plan of the proposed communication, showing where it will cut the footway, and what provision (if any) is made for kerbing and for a paved crossing, and the dimensions and gradients of the necessary works; and such person, after having obtained the sanction of the Corporation, shall carry the works into effect at

his own expense, under the supervision and to the satisfaction of the surveyor, and not otherwise; and if any person drive, or permit or cause to be driven, any horse or vehicle across any footway, unless and until the same has had such communication as aforesaid made and approved by the Corporation, he shall be liable to a penalty not exceeding forty shillings; and when such works are carried into effect to the satisfaction of the surveyor they shall thereafter be adopted and maintained by the Corporation.

Summary power for repair of streets in dangerous condition.

15. In addition to all powers vested in the Corporation, the Corporation may, where a street, not being a highway repairable by the inhabitants at large, or any part thereof, is in a dangerous condition, by notice in writing under the hand of the mayor and the town clerk for the time being, require the person or persons by whose act or default such dangerous condition arises, or if such person or persons cannot be found, then the owners of all buildings and lands fronting or opening to such street, to repair and make safe the same within a reasonable time and in manner to be prescribed by such notice. If such persons or owners neglect to comply with such notice within the time therein appointed, the Corporation may execute the repairs and charge such persons or owners as if the expenses were expenses recoverable from them under the Public Health Acts.

Lines, &c. of hoards.

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

As to dangerous projections in streets. 10 & 11 Vict. c. 34.

17. Sections sixty-nine and seventy of the Towns Improvement Clauses Act, 1847, shall, with respect to the borough, extend and apply to any crane or apparatus for hoisting or lowering goods, or any other like projection from or at any building (whether erected before or after the passing of this Act), which in the opinion of the Corporation is dangerous, or is an obstruction to the safe and convenient passage along any street within the borough.

Openings streets, &c.

18. No person shall, without the previous consent of the Corporation, do any of the following acts within the borough; that is to say,

(*a.*) Form or construct any hatchway, grating, or other opening in any street;

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(*b.*) Form or make any entrance or opening from any street into any cellar, vault, or room underground;

(*c.*) Take up, break into, stop up, or obstruct any private drain or sewer communicating with any drain or sewer of the Corporation at its junction with such last-mentioned drain or sewer, or within the distance of one foot therefrom.

Any person acting in contravention of this section shall be liable to a penalty not exceeding forty shillings for every such offence.

Part III.—Buildings and Open Spaces.

As to height and elevation of buildings.

19. All buildings from time to time erected or altered in any street within the borough shall be erected or altered in such line to the street as the Corporation appoint or approve, and such line shall not be altered or brought forward as regards either existing or new buildings without the consent of the Corporation. The Corporation shall make compensation to any person interested for any loss or damage he may suffer by reason of the setting back or bringing forward of such building, wall, or fence.

Additions to buildings to be deemed new buildings.

20. Any addition made after the passing of this Act to any building erected in the borough, whether before or after the Local Government Acts came into force in the district which now constitutes the borough, shall be deemed to be a new building.

Fencing of land unbuilt on.

21. If the Corporation are of opinion that danger to the public is likely to ensue by reason of land abutting on, or opening to, or not sufficiently fenced from any street, whether public or private, not being fenced, the owner of any such land shall, when required by the Corporation, and to their satisfaction, sufficiently make safe or fence off the land from the street, and shall afterwards keep such land safe or fenced to the satisfaction of the Corporation; and if he fails to fence or make safe as aforesaid, within fourteen days after notice for that purpose given to him by the Corporation or the surveyor, the Corporation may fence or make safe, as the case may be, and charge him with the expenses of so doing, and recover the same as expenses recoverable from owners under the Public Health Acts, provided such danger arises from the act or default of the owner, and not from the direction or position of the street.

As to space not to be built upon.

22. Whenever any open space is hereafter left in the case of any new building, and wherever any open space has been left in the case of any building erected prior to the thirty-first day of October one thousand eight hundred and seventy-eight, such space shall in each case never afterwards, without the consent of the Corporation, be diminished to a clear superficial area less than that required by the byelaws of the Corporation with respect to open spaces for

the time in force: Provided always, that in any case where any buildings are used solely for trade purposes, and not for human habitation, the Corporation may assent to a diminution of the said superficial area.

Height of rooms.

23. Every room to be hereafter erected and used as a dwelling or sleeping room (except rooms entirely in the roof) shall be in every part nine feet in height at the least from the floor to the ceiling, and every room so used as aforesaid in the roof shall average over half the area thereof eight feet in height from the floor to the ceiling.

Means of ingress and egress in public buildings.

24. Every building used or intended to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, shall be provided with ample and convenient means of ingress and egress respectively, to be approved by the Corporation.

Period for commencement of buildings, &c.

25. The sanction of the Corporation to any plans for the erection of a new building, or for alterations of or additions to any new building, shall be null and void if the work so sanctioned is not commenced within one year after such sanction, or if commenced is not proceeded with in such manner as the Corporation deem satisfactory; provided that in either case the Corporation shall previously have given three months notice in writing to the person or persons by whom such plans were deposited.

Projection of buildings in streets.

26. No pilaster, plinth, cornice, or other part of any new building, or of any new front or addition to any existing building, shall project or encroach over any street unless allowed by the Corporation, or beyond the distance (if any) prescribed by the Corporation.

Prevention of lock-up shops and other places of business being improperly used for purposes of habitation.

27. Whereas plans of buildings are frequently submitted to and approved by the Corporation, wherein such buildings are described as lock-up shops, workshops, sheds, or places of business, and after the buildings are erected the same are used for the purposes of habitation, and such user of the buildings is frequently not discovered for a considerable time, whereby the justices of the peace for the borough lose jurisdiction over such cases: Therefore the use of any building or part thereof for the purposes of habitation, where such building has been described in any such plan which has been or is hereafter submitted to and approved by the Corporation, or any committee thereof, as a lock-up shop, workshop, shed, or place of business, or any other place not intended for human habitation, shall be deemed and taken to be an offence against the byelaws of the borough, with respect to buildings, committed on the day when such user is detected, and every person so using such

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building, or permitting the same to be used, shall for every such offence be liable to a penalty not exceeding forty shillings, and a like penalty for every day during which such offence continues. It shall be lawful for the mayor for the time being of the borough, or his deputy, by warrant under his hand, to authorise the surveyor, inspector of nuisances, or any other officer of the Corporation at any time to enter upon and examine any such premises suspected of being misused as aforesaid. Every person who obstructs such surveyor, inspector, or officer making such inspection shall be liable to a penalty not exceeding forty shillings.

Owners to maintain unoccupied houses.

28. The owners of unoccupied premises in any street or public place shall at all times maintain the same so that they shall not be or become a nuisance to the occupiers of adjoining property, or to persons using such street or public place.

Penalty.

29. Any person offending against any of the preceding provisions contained in this part of this Act shall, except as otherwise provided, forfeit and pay for every such offence a penalty not exceeding forty shillings, and in case of a continuing offence a further penalty not exceeding twenty shillings for each day during which such offence shall continue.

For protection of North-eastern Railway Company.

30. The powers conferred by the fourth, fifth, and fifteenth sections of this Act shall not be exercised so as to impose on the North-eastern Railway Company any obligation or liability to the payment of expenses to which they would not have been subject or liable if this Act had not been passed, and none of the provisions of this Act with respect to new streets and to buildings and open spaces shall apply to that company, or to any existing or intended building belonging or which may belong to or be occupied by them, and used or intended to be used for the purposes of their business.

Part IV.—Maintenance of Order.

Provisions for regulating places for dancing or music.

31. No house, room, garden, or place within the borough shall be kept or used for public dancing or music without a license first had and obtained from the justices of the peace for the borough in petty sessions assembled (which license such justices are hereby authorised and empowered at their discretion to grant) on their general annual licensing day, or on any transfer day, and under the hands and seals of a majority of the justices then assembled; and any house, room, garden, or place kept and used for any such purposes as aforesaid without such license first had and obtained shall be deemed a disorderly house, and the person occupying or rated as the occupier of the same shall, on conviction before any two justices, be liable to a penalty not exceeding five pounds for

every day on which he so offends: Provided always, that in order to give public notice what places are licensed pursuant to this Act there shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place kept or used for any of the said purposes, and so licensed as aforesaid, an inscription in large capital letters, of such dimensions as shall be prescribed in such license, in the words following: "Licensed for "dancing or music (as the case may be) pursuant to Act of Parlia- "ment;" and no such house, room, garden, or place kept or used for any of the said purposes, although licensed as aforesaid, shall be opened for any of the said purposes except between the hours stated in the license, and the affixing and keeping up of such inscription as aforesaid, and the said limitation in point of time, shall be inserted in and made conditions of every such license; and in case of any breach of any of the conditions of any such license, such license shall be liable to be forfeited and revoked by the justices of the peace for the borough in petty sessions assembled on any general annual licensing day, or on any transfer day or adjournment thereof, or to be suspended and temporarily revoked until the next general annual licensing day by two justices in any case in which it may be proved to the satisfaction of such justices that more than one breach of such conditions has occurred since the granting of such license: Provided also, that it shall be lawful for any person aggrieved by any order of any such justices to appeal therefrom to the quarter sessions for the county of Durham (which court shall have power to hear and determine the same), whose order therein shall be final.

Byelaws with reference thereto.

32. The Corporation may from time to time, in the manner prescribed by the Public Health Acts, make, repeal, amend, or alter such byelaws as they may think fit—

For the good government and management of any house, room, garden, or place licensed under this Act for public dancing or music; and

For the prevention of disorderly conduct therein;

and may impose penalties for the breach or non-observance thereof, not exceeding five pounds for each offence; provided always, that such byelaws shall be confirmed in the manner required by the Public Health Acts.

Byelaws for regulating traffic in streets.

33. The Corporation may from time to time, in the manner prescribed by the Public Health Acts for making byelaws, make, alter, and repeal all such byelaws as they from time to time think expedient for the regulation of the traffic in and along all or any of the public streets within the borough, and may impose penalties for

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the breach or non-observance thereof, not exceeding forty shillings for each offence: Provided always, that such byelaws shall be confirmed in the manner required by the Public Health Acts, and shall apply only to public streets and not to any private ground, or within the curtilage or boundary of any railway station or station approaches connected therewith.

Part V.—Provisions as to Infectious Diseases, and other Sanitary Provisions.

Further powers with respect to prevention of infection from disease.

34. The following provisions for prevention of infection from disease, in addition to those contained in the Public Health Acts, shall take effect:

(*a.*) The Corporation may from time to time provide temporary shelter or house accommodation for the members of a family in which infectious disease has appeared:

(*b.*) The Corporation may themselves provide or contract with any person or persons to provide female nurses for attendance upon persons suffering from infectious disease within the borough:

(*c.*) The Corporation from time to time may order public or private day schools, or other places of public resort, situated in neighbourhoods threatened with or affected by any dangerous epidemic or infectious disease to be temporarily closed or suspended:

(*d.*) The Corporation may order any shop, dairy, or other place for the sale or storage of provisions, clothing, or other articles liable to retain infection to be temporarily closed, whenever from the appearance of infectious disease in such shop, dairy, or other place, or in rooms in connexion therewith, such action appears to the Corporation to be necessary, and may take all such means as seem to them desirable for preventing the entrance of the public into such place, or of the issue from it of food, clothing, or other articles:

(*e.*) In case of the existence of any dangerous infectious disease in any house within the borough, the Corporation may issue an order declaring such house, or any rooms therein, or part thereof, an infected place, and forthwith, until such order has been determined by another certifying it free from infection, the following regulations shall, in respect of such house or part of a house, be observed:

1. No person occupying or living in any such house or part of a house shall continue at any in-door occupation which necessitates the handling of any

clothing, food, or article likely to retain infection, which is intended for sale or for the use of persons belonging to another family:

2. No bedding, clothing, or other articles liable to retain infection shall be removed from such house or part of a house without previous disinfection, or without proper precautions (to the satisfaction of the Corporation) for the purpose of being disinfected:

Provided always, that when the room or rooms occupied by the persons suffering from such disease can be effectually separated, and are so separated from the other parts of the same house or building, the rooms so occupied only shall be deemed to be affected by such order and regulations.

The Corporation shall make compensation to any person who has sustained loss by reason of the exercise of any of the foregoing powers, but such compensation shall be in regard only of direct material and pecuniary loss, and not in respect of any consequential loss or damage.

Notice to be given of persons suffering from infectious disease.

35. In order to secure that due notice be given to the Corporation of any inmate of any house who is suffering from infectious disease, the following provisions shall have effect; (that is to say,)

(*a.*) If any inmate be suffering from any such disease as aforesaid, the occupier or person having the management or control of such house shall, so soon as he becomes aware of the existence in any such inmate of any such disease, forthwith give notice thereof to the Corporation:

(*b.*) If such inmate be not a member of the family of such occupier or person, then such inmate, or the person having charge of such inmate, shall, on becoming aware of the existence of such disease, forthwith give notice thereof to the Corporation:

(*c.*) If such inmate so suffering as aforesaid is attended by a medical practitioner, such practitioner shall, on becoming aware that such inmate is suffering from any such disease as aforesaid, forthwith fill up, sign, and send to the Corporation at the Town Hall a certificate or declaration stating, according to the forms prescribed and supplied to him by the Corporation, the name of such inmate, the situation of such house, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering:

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(*d.*) The Corporation shall pay to every medical practitioner a fee of one shilling for every certificate or declaration given by him under this section. Only one such fee shall be payable in the case of one and the same illness in the same house or family:

(*e.*) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms for the certificate or declaration by such medical practitioner of the particulars herein mentioned in relation to such cases, according to the form set forth in the schedule to this Act.

In this section "house" includes any part of a house, and any building for the time being used for human habitation.

Penalty.

36. Any person wilfully or without reasonable excuse offending against any provision of this part of this Act, or any order or regulation made under the provisions of this part of this Act, shall be liable on summary conviction to a penalty not exceeding five pounds, and in case of a continuing offence to a farther penalty not exceeding forty shillings for every day on which such offence continues.

Extending provisions of s. 84. of 38 & 39 Vict. c. 55.

37. Section eighty-four of the Public Health Act, 1875, shall, with respect to the borough, be read and have effect as if the following paragraph were inserted therein:

Any keeper of a common lodging-house who fails to give the notice required by this section shall be liable to a penalty not exceeding five pounds, and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which the offence continues.

Part VI.—Markets, Fairs, and Slaughter-houses.

Power to erect public markets and slaughter-houses.

38. The Corporation may, with consent of the Local Government Board, erect on land to be acquired by them by agreement, and from time to time maintain, alter, enlarge, and improve, public markets and slaughter-houses, with conveniences, fittings, and things connected therewith, and the provisions with respect to markets and slaughter-houses of the Markets and Fairs Clauses Act, 1847, and the Public Health Acts, shall apply to the said markets and slaughter-houses provided by the Corporation under this Act, as if they had been provided according to the provisions of the said Acts, and the Corporation shall be the undertakers.

10 & 11 Vict. c. 14.

Application of tolls of market, &c.

39. All receipts of the Corporation from tolls and charges in respect of markets, fairs, and slaughter-houses shall be carried to and shall form part of the borough fund.

40. The Corporation may at any time, after they have under the powers of this Act provided public slaughter-houses, revoke, cancel, or call in any license granted by them, whether before or after the passing of this Act, to carry on private slaughter-houses.

Corporation may revoke licenses for private slaughter-houses.

Part VII.—Ferry.

41. The Corporation may, with consent of the Local Government Board, establish, work, maintain, regulate, and manage a ferry, or means of transit by steam power, or otherwise, of passengers, horses, goods, carts, carriages, and other vehicles from the borough to the opposite bank of the River Tyne, and may acquire lands by agreement for such purposes, and may demand such tolls and rates for the use thereof as are from time to time approved by the Local Government Board.

Power to establish ferry.

42. The cost of establishing, working, regulating, and managing such ferry shall be paid out of and the receipts arising therefrom shall be paid into the borough fund.

As to cost of ferry.

Part VIII.—Town Hall and Municipal Buildings.

43. The Corporation may, with consent of one of Her Majesty's Principal Secretaries of State, sell and dispose of the existing Town Hall and municipal buildings of the borough for such price and on such terms and conditions as they think fit, and the proceeds of the sale shall be applied to the credit of a separate fund, to be called the Town Hall Erection Fund, and be applied in and towards the erection of a new Town Hall, public offices, and appurtenances.

Power to sell existing municipal buildings.

44. The Corporation may, with the consent of one of Her Majesty's Principal Secretaries of State, erect, provide, fit up, and furnish, on lands to be acquired by them by agreement for that purpose, a Town Hall, borough court, and such municipal, police, and other offices and buildings for public or municipal purposes as they think fit, and may from time to time repair, alter, enlarge, and improve the same; and the Corporation may at any time, at their discretion, allow the use of such buildings respectively on such terms and conditions as they think fit; and the purchase money paid by the Corporation for the site of the said premises, and all the expense from time to time incurred by them in erecting and providing such buildings respectively, and in repairing, altering, enlarging, or improving the same, and the principal and interest of any moneys borrowed for these purposes, shall be paid out of the borough fund and borough rate: Provided always, that if the land used for the said premises is purchased with moneys belonging to any account other than the borough fund or borough rate, the Corporation shall,

Power to erect Town Hall, borough court, and municipal buildings.

A.D. 1878.

as between such account and the borough fund or borough rate, carry to the credit of such account, and to the debit of the borough fund and borough rate, the amount expended by the Corporation in the purchase of such site, or such other sum as the Corporation may determine to be proper.

Part IX.—Financial Arrangements.

Power to borrow.

45. The Corporation may from time to time, with consent of the Local Government Board, borrow and re-borrow at interest, in the manner provided by the Public Health Acts, any sums necessary for carrying into effect the purposes of this Act, not exceeding in the whole the sum of fifty thousand pounds, including any moneys they now owe.

Sinking fund for moneys borrowed.

46. After the passing of this Act the following provision shall regulate the setting apart by the Corporation of a sinking fund with respect to moneys borrowed by them after the passing of this Act for the purposes of this Act; (that is to say,) the Corporation shall either pay off the moneys so borrowed by equal annual instalments of principal, or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate by way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will with accumulations in the way of compound interest be sufficient, after paying all expenses, to pay off the money so borrowed within the period sanctioned by the Local Government Board, not exceeding sixty years: Provided always, that the Corporation may at any time apply the whole or any portion of the sinking fund so set apart in or towards the repayment of the moneys to be borrowed as aforesaid; provided that in such case they pay into the sinking fund in each year afterwards, and accumulate as herein-before prescribed until the whole of the borrowed moneys to which the sinking fund is applicable are discharged, a sum equal to the interest produced by the sinking fund or part thereof when so applied.

Power to re-borrow.

47. If the Corporation pay off any money otherwise than by means of a sinking fund, they may re-borrow the same for any period not exceeding the unexpired term for which the money was originally authorised to be borrowed, and so on from time to time.

Certain moneys borrowed to be made good out of borough rate.

48. In case any sums are borrowed by the Corporation under the provisions of this Act for the purposes of Parts VI., VII., and VIII. of this Act, the sums from time to time paid out of the proceeds of the general district rate for interest, sinking fund, or instalments on the sums so borrowed shall from time to time be repaid to the

account of the general district fund out of the borough fund or borough rate. A.D. 1878.

Power to issue debenture stock, &c. under 38 & 39 Vict. c. 83.

49. Any money by this Act authorised to be borrowed may be borrowed by the creation and issue of debenture stock or annuity certificates according to the provisions of the Local Loans Act, 1875. Sections thirteen to sixteen, both inclusive, of the Local Loans Act shall not apply for the purposes of this Act.

Annual return to Local Government Board with respect to sinking fund.

50. The town clerk of the borough shall, within twenty-one days after the expiration of every year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the said town clerk shall be liable to a penalty of not exceeding twenty pounds. If it appears to the Local Government Board by such return, or otherwise, that the Corporation have failed to set apart for the sinking fund the sum required by this Act, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which the default is made be set apart and invested as part of the sinking fund, and their order shall be enforceable by a writ of Mandamus, to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

Existing mortgages to have priority.

51. All mortgages granted by the Corporation before and subsisting at the passing of this Act shall, as regards rates or property comprised therein, have priority over any mortgages or securities to be granted under the provisions of this Act.

As to rating of railways.

52. As regards any rates which may be assessed and levied under the authority or for any of the purposes of this Act, or to raise or pay any moneys which by or by virtue of this Act may be charged on the borough fund or borough rate of the borough, the occupier of any land used as a public railway shall be assessed to the same in respect of such land in the proportion of one-fourth part only of the net annual value thereof; and as regards any rates assessed and levied or which may be increased under the authority of this

A.D. 1878.

Act, or for any of the purposes of this Act, or to raise or pay any moneys as aforesaid, and towards which such occupier shall have been assessed at more than one fourth of the net annual value of such land, the Corporation shall from time to time, so often as the same shall happen, repay or allow to such occupier a drawback on the assessment of such occupier to any such rate equal to three fourths of the sum paid by such occupier in respect of such rate or of the increase of such rate, as the case may be, and the amount of such drawback may be recovered by action at law, or may be deducted out of the next or any other rate to which such occupier may be liable.

Part X.—Miscellaneous.

38 & 39 Vict. c. 36. applied.

53. The Artizans and Labourers Dwellings Improvement Act, 1875, shall apply to the urban sanitary district of the borough, notwithstanding that such district does not contain a population of twenty-five thousand and upwards.

As to alteration of privies.

54. The Corporation may from time to time, by their order, require any privy or ashpit of any house within the borough to be altered according to such other system of privy or ashpit accommodation as they may approve, and as is in accordance with the bye-laws of the Corporation for the time being. The situation of such altered privy and the mode and materials of its construction shall be defined in the order; and if at the expiration of the time specified in such order the work be not completed, or be done contrary to any of the requirements of the order, the Corporation may themselves do the work, and may borrow money for this purpose as for permanent works under the Public Health Acts. The Corporation shall, unless by special agreement with the owners, charge the entire cost of the alteration, or any part thereof, to the general district rate.

Penalty for burning bricks or tiles.

55. If any person at any time after the passing of this Act, without the consent of the Corporation, burn or cause to be burned bricks or tiles in any place within the borough nearer than one hundred yards to a then existing dwelling-house situate in or near any street (such place not having before and up to the passing of this Act been used for the like purpose), he shall for every such offence forfeit a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which the offence is continued after the expiration of fourteen days from service on him by the Corporation of notice to discontinue the same.

Power for police to enter and

56. Any constable of the police force, or member of the fire brigade of the borough, and any officer or other person appointed

by the Corporation, may enter and, if necessary, break into any building in the borough being or reasonably supposed to be on fire, or any building or land adjoining or near thereto, without the consent of any owner or occupier thereof respectively, and may do all such things as are reasonably necessary for extinguishing fire in any building, or for protecting the same, or rescuing any person or property therein from fire.

break open premises in case of fire.

57. Any two or more persons assembled together in any part of a street for the purpose of betting, and causing an obstruction thereby, shall, in the case of each of such persons, be liable to a penalty not exceeding forty shillings, and any constable may take into custody, without warrant, any person who may commit such offence in view of such constable.

For suppression of betting in streets.

58. The Corporation may from time to time grant to any fit person a license to carry on the business of a dealer in marine stores or in old metals (within the meaning of the Acts relating to dealers of those classes respectively), and may charge a fee not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period.

Power to license dealers in marine stores.

59. With respect to such dealers and their licenses the Corporation may from time to time make byelaws for all or any of the following purposes; (namely,)

Power to make byelaws as to dealers in marine stores.

(*a.*) For regulating the applications for such licenses and the form and contents and signature thereof, and the registration thereof, and of matters relative thereto:

(*b.*) For regulating the duration of every such license, and providing for the suspension or revocation thereof by the Corporation:

(*c.*) For requiring every person so licensed to keep exhibited outside his place of business his name and occupation, and any other particulars:

(*d.*) For requiring every person so licensed to enter in a book the description and the price of every article purchased or acquired by him in the course of his licensed business, and the name, address, and occupation of the person from whom the same is purchased or otherwise acquired, and any other particulars, and for securing free access to every such book to the Corporation, their officers and servants, and persons authorised by the Corporation to inspect the same.

60. Any such license may be suspended or revoked by any justice before whom the person licensed is convicted of any offence making it in the opinion of any such justice expedient that such license should be suspended or revoked.

License may be suspended or revoked.

A.D. 1878.

Penalty on persons carrying on business without license.

61. If any person after the expiration of one month after notice of this section has been given to him on behalf of the Corporation carries on while unlicensed the business of such dealer as aforesaid, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such offence continues.

Several rates, sums, and names in one warrant.

62. Any number of rates or sums claimed from any one person may be included in any information, summons, warrant of distress, or notice obtained or given by the Corporation for any of the purposes of this Act, and may be stated either in the body of the instrument, or in a schedule thereto, but the separate amount of each rate shall be stated.

Commission charged by Corporation in respect of works done, and recovery of expenses. 38 & 39 Vict. c. 55.

63. The Corporation may charge to owners for the purposes of section one hundred and fifty of the Public Health Act, 1875, under which works are executed by the Corporation, and may be charged to or recovered from owners of premises, a commission not exceeding the rate of five per centum on the amount of the expenses incurred by the Corporation in executing works, in respect of loss of interest and loss or damage to materials, and that commission may be recovered as part of such expenses.

Saving rights of Mrs. Isabella Drewett. 38 & 39 Vict. c. 55.

64. The compulsory powers of section one hundred and fifty of the Public Health Act, 1875, as extended by section four of this Act, shall not be exercised in respect of houses fronting, adjoining, or abutting on any highway, and built prior to the adoption of the Local Government Act by the Board of Health of Jarrow, and now belonging or reputed to belong to Isabella Drewett, without her consent, until the expiration of fifteen years from the passing of this Act, nor shall such powers be exercised in respect of any vacant land or land unbuilt on, and now belonging or reputed to belong to the said Isabella Drewett: Provided always, that if any new houses are built on any of the said lands, or any existing houses are rebuilt, such powers may forthwith be exercised.

Confirming election of aldermen of 9th Nov. 1877, &c.

65. The offices of the three aldermen of the borough who were elected in the year one thousand eight hundred and seventy-five, and who continued in office after the ninth day of November one thousand eight hundred and seventy-seven, shall become vacant, and shall be filled up on the ninth day of November one thousand eight hundred and eighty; and the election of three aldermen of the borough made on the ninth day of November one thousand eight hundred and seventy-seven is hereby ratified and confirmed, and the three aldermen then elected shall continue in office till the ninth day of November one thousand eight hundred and eighty-three, when they shall retire from office, and three aldermen shall

be elected in their places, and elections to the offices to be vacated as in this section mentioned, and all future vacations and elections of aldermen, shall take place subject and according to the provisions of the Municipal Corporations Acts.

Settlement of compensation. 38 & 39 Vict. c. 55.

66. Where any person sustains any damage by reason of the exercise of any of the powers of this Act in respect of which compensation is awarded, the amount thereof shall be settled in manner provided by the Public Health Act, 1875.

Expenses of Act.

67. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Corporation out of the borough fund and borough rate.

SCHEDULE referred to in the foregoing Act.

Certificate of Disease, &c. under Section 35 of the Jarrow Improvement Act, 1878.

To the Corporation of the Borough of Jarrow.

Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of such section.

Dated the day of 18 .

(Signed)

Name of person suffering from the disease

Situation of the building wherein such person is

Name of occupier or other person having the charge, management, or control of the building or room - - - -

Nature of the disease

Note.—This certificate must (under penalty of five pounds in case of neglect) be sent to the Corporation at the Town Hall, and may be delivered to the official clerk or servant in attendance at the Sanitary Office of the Corporation.

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