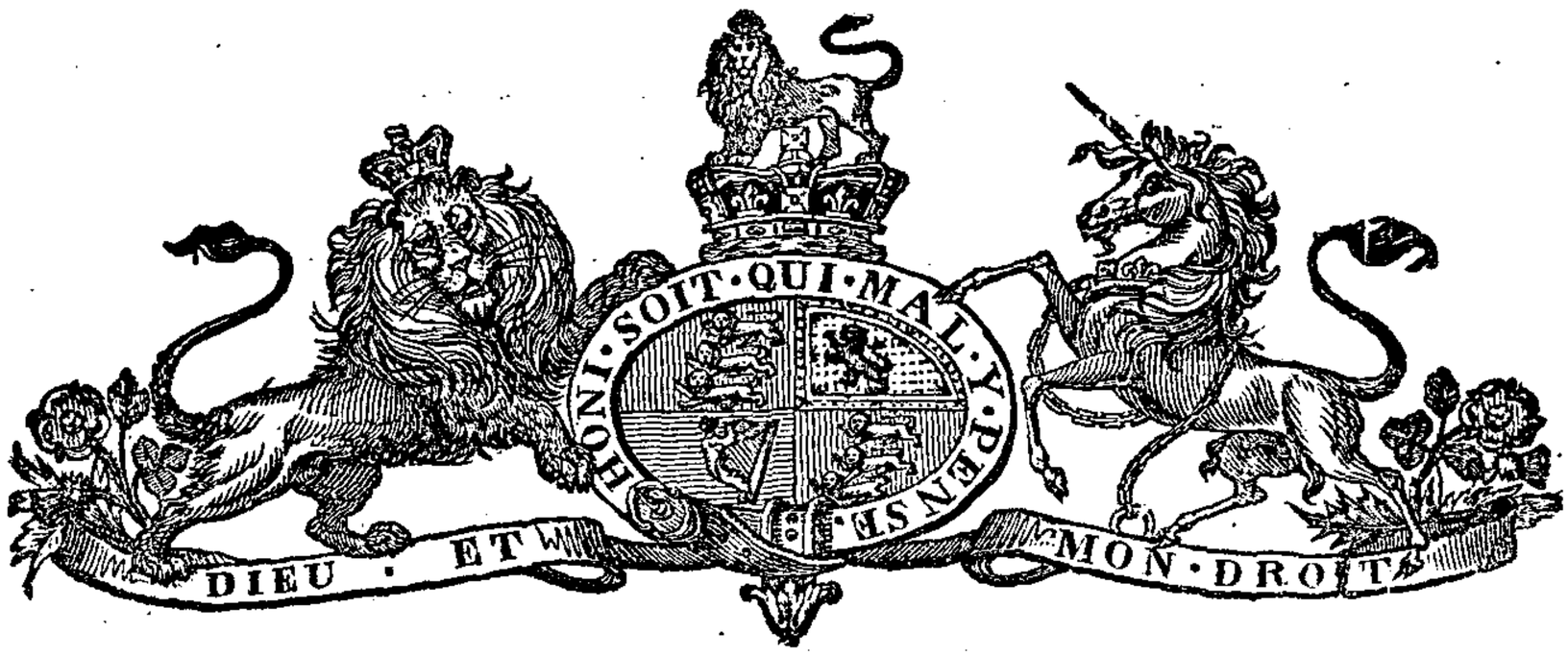


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out of those Limits certain Lands in the said Section described: And whereas by the Improvement Act the Commissioners were authorized to agree with the Owners of the *Middlesbrough* Estate, who then were and still are the Owners of the existing Gasworks in *Middlesbrough*, for a Supply of Gas for lighting the Streets of the said Town, and in the event of such Owners refusing such Supply, to construct Gasworks and to manufacture and supply Gas; and by the said Act Powers were conferred on the Owners of the said Gasworks to break up the Streets and to supply Gas within the said Town: And whereas, under Powers for that Purpose contained in the Improvement Act, the Commissioners provided a Market Place in the said Town for the Sale of Cattle, Animals, and Provisions, and other marketable Commodities, and the Commissioners were authorized to take Tolls for the Use of such Market Place and the Stalls and Conveniences connected therewith: And whereas, by a Charter dated at *Westminster* the Twenty-first Day of *January* in the Sixteenth Year of the Reign of Her present Majesty, the Inhabitants of the District comprised within the Boundary and Limits of the said Town, as defined in the Eighty-eighth Section of the Improvement Act, and their Successors were incorporated by the Name of "the Mayor, Aldermen, and Burgesses of the Borough of *Middlesbrough*," with Power to have a Common Seal, to use and assume armorial Bearings, and to purchase and hold Lands, and other Powers; and the said Corporation (herein-after called the "Corporation") were subjected to all the Provisions of the Act for the Regulation of Municipal Corporations in *England* and *Wales*, in the same Manner as if the said Borough of *Middlesbrough* had been included in the Second Section of the Schedule (B.) to the said Act: And whereas, under the Powers of the said Act for the Regulation of Municipal Corporations, a separate Commission of the Peace was subsequently granted to the said Borough: And whereas, under a Provision for that Purpose contained in the Improvement Act, all the Powers thereby conferred on the Commissioners became, upon the Incorporation of the said Borough, vested in the Corporation: And whereas, by a Provisional Order of the General Board of Health dated the Eighteenth Day of *July* One thousand eight hundred and fifty-five, and confirmed by "The Public Health Supplemental Act, 1855," the Powers of "The Public Health Act, 1848," relating to Corporate Districts, except Section 95, were applied to the District of the said Borough as defined by the said Charter of Incorporation, and the Corporation was made the Local Board of Health (herein-after called "the Local Board") of the said District: And whereas, by the said Provisional Order and the Act of Parliament confirming it, certain Parts of the said Improvement Act were repealed, and the remaining Provisions thereof, and all Property vested in the Commissioners or Corporation by virtue of that Act, were vested in the Local Board, and were extended and made applicable to the whole of the said District: And whereas since the passing

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of the Improvement Act the Town of *Middlesbrough* has greatly extended, and the Trade and Population of the said Borough is rapidly increasing: And whereas the Borough is not at present divided into Wards, but the rapidly increasing Population thereof renders it expedient that Provision should be made for effecting such Division at a future Period, and for increasing the Number of the Council: And whereas it would be attended with great Benefit to the Inhabitants of the said District if the Local Board were authorized to manufacture and supply Gas, and the Owners of the existing Gasworks in the said District are willing to sell, and the Local Board are willing to purchase, such Works, and it is expedient that the Local Board should be enabled to purchase the same, and that proper Powers should be granted to them for supplying the said District with Gas: And whereas the present Market Place in the said Borough is insufficient for the increased Population and Trade thereof, and it is expedient that the same should be enlarged and the Limits of the Market defined, and that the Corporation should be enabled to appoint Inspectors of Weights and Measures within the Borough: And whereas there is much Communication between the said Borough and the North Bank of the River *Tees*, and *Joseph Pease* Esquire and others, the Owners of the *Middlesbrough* Estate (herein-after called "the *Middlesbrough* Owners,") for the Accommodation of the Public, have made a Landing Place, called "the Ferry Boat Landing," on the South Side of the said River, and Boats have been established for the Conveyance of Passengers and Goods between such Landing Place and a Landing Place opposite thereto on the North Side of the said River: And whereas it would be of great Advantage to the Inhabitants of the said Borough if increased Accommodation were provided at the said Landing Place on the South Side of the said River, and the Corporation are willing to purchase the said Landing Place, and to establish and maintain a public Wharf thereat, and sufficient Boats for the Conveyance of Passengers, Carriages, and Minerals, and also to improve the said Landing Place, and it is expedient that Powers should be granted to them for such Purposes, and for regulating the said Landing Place, public Wharf, and Passage over the River, and for taking Tolls thereat: And whereas the Queen's most Excellent Majesty is or claims to be seised in right of Her Crown of the Bed and Shores of the River *Tees* below High-water Mark, except only such Part or Parts of the same as may have been heretofore granted by or on behalf of the Crown to any Subject or Subjects: And whereas it would greatly improve the Communication between *Middlesbrough* and *Cargo Fleet* if the public Footpath called "The *Sailors Trod Footpath*" were diverted, and another Path made in lieu thereof from the South Side of *Middlesbrough* to *Cargo Fleet*, and the Local Board are willing to make such Diversion: And whereas it is expedient that the Local Board should be enabled to regulate the Markets and all public and private Streets, Roads, Lanes,

and

and other Places, and all Buildings within the District: And whereas, in order to carry into effect the several Powers to be vested in the Corporation and Local Board respectively, it is necessary that they should be enabled to raise further Monies than can be raised under their existing Powers, and that the Powers of "The Improvement Act," "The Public Health Act, 1848," and "Public Health Supplemental Act, 1855," now in force within the Borough and District, should be altered and amended, and that further and additional Powers should be granted to the Corporation and to the Local Board: And whereas the several Objects aforesaid cannot be effected without the Authority of Parliament: 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,)

Short Title of Acts.

I. That in citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression, "The *Middlesbrough* Improvement Act, 1856," and in citing for any Purpose whatsoever the said recited Act 4th and 5th *Victoria*, Chapter 68, it shall be sufficient to use the Expression "The *Middlesbrough* Improvement Act, 1841."

Interpretation of Terms.

II. That in this Act and in any Act incorporated herewith the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Borough" shall mean the Municipal Borough of *Middlesbrough* in the North Riding of the County of *York* as it exists, and according to the Limits thereof at the Time of the passing of this Act:

The Word "District" shall mean the District of *Middlesbrough*, subject to "The Public Health Act, 1848," at the Time of the passing of this Act:

The Word "Corporation" shall mean the Body Corporate, called the Mayor, Aldermen, and Burgesses of the Borough of *Middlesbrough*:

The Word "Council" shall mean the Council of the Borough:

The Words "the Town Clerk" shall mean the Town Clerk of the Borough:

The Expression "Municipal Corporation Act" shall mean the Act of the 5th and 6th Years of the Reign of King *William* the Fourth, Cap. 76; and the Expression "Municipal Corporation Acts" shall mean the said last-mentioned Act, and also the several Acts for altering, amending, or extending the same, or having reference to the Boroughs mentioned in the Schedule to the said Municipal Corporation Act, and shall include "The Municipal Corporation Act, 1853."

III. That

All Acts for regulating Municipal Corporations extended.

III. That all the Powers and Provisions of the Municipal Corporation Acts shall be and the same are hereby extended to the Borough and the Inhabitants thereof.

Power to divide the Borough into Three Wards and increase the Number of the Council when Burgess Roll exceeds 1,300 in Number.

IV. And whereas the Borough is not at present divided into Wards, but the rapidly increasing Population thereof renders it expedient that Provision should be made for effecting such Division at a future Period, and for increasing the Number of the Council: Be it therefore enacted, That when the Burgesses entered on the Burgess Roll of the Borough shall exceed One thousand three hundred in Number it shall be lawful for the Council, with the Consent and Approbation of One of Her Majesty's Principal Secretaries of State, to declare that, after a Time to be specified in a Resolution to be passed by the Council for that Purpose, the Council shall consist of a Mayor, Six Aldermen, and Eighteen Councillors, and that the Borough shall be divided into Three Wards, and with the like Consent to appoint a Barrister to divide the Borough into Three Wards, and to set out, within the Period of One Calendar Month after the Date of his or their Appointment, the Extent, Limit, and Boundary Lines of such Wards, and what Portions of the Borough shall be included therein respectively, but so, nevertheless, that no Ward shall at the Time of such Division contain less than Three hundred Burgesses, and the Barrister setting out such Wards shall apportion among such Wards the Eighteen Councillors of the Borough; and in assigning the Number of Councillors to each Ward the said Barrister shall, as far as in his Judgment he may deem it to be practicable, have regard as well to the Number of Persons rated to the Relief of the Poor in such Ward as to the aggregate Amount of the Sums at which all the said Persons shall be so rated; provided always, that the Number of Councillors assigned to each Ward shall be a Number divisible by Three, and a Copy of the Particulars of such Division into Wards, and of the Number of Councillors so assigned to each Ward, shall be signed by the Barrister who made the same, and forthwith transmitted to One of Her Majesty's Principal Secretaries of State, and, subject to the Approval of Her Majesty by the Advice of Her Privy Council, shall be published in the "*London Gazette*," and another Copy of such Particulars shall be delivered to the Town Clerk of the Borough, to be by him safely kept among the public Documents of the Borough; and the Borough shall, after such Publication, be deemed to be divided into Wards accordingly; and the Number of Councillors so assigned to each Ward of the Borough shall, after such Publication as aforesaid, be the Number of Councillors to be elected in such Ward, and shall so continue until the same shall be altered by the Authority of Parliament.

Burgesses to vote in the Ward in which their Property is situate.

V. That every Burgess of the Borough shall be entitled to vote in the Election of the Councillors and Assessors to be chosen within that Ward in which the Property of such Burgess for which he appears to be rated on the Burgess Roll for the Time being of the Borough shall appear to be situated, and not otherwise; and if any Burgess shall be rated in respect of distinct Premises in Two or more Wards, then he shall be entitled to be enrolled and to vote in such One of the said Wards as he shall select, but not in more than One.

Barrister appointed to divide the Borough into Wards to have the same Powers as Barrister appointed under Municipal Corporation Acts.

VI. That the Barrister appointed to divide the Borough into Wards, and to assign the Number of Councillors to each Ward, shall have the same Powers and Authorities in all respects as are by the Municipal Corporation Act given to Barristers appointed under that Act to divide into Wards the Boroughs mentioned in either of the Schedules to that Act; and all the Powers and Provisions of the Municipal Corporation Acts now in force with respect to Burgess Lists and the Burgess Roll of Boroughs divided into Wards, and to Ward Lists, and to the Manner of Proceeding where any Person is elected a Councillor in more than One Ward, and with respect to any other Matter relating to Ward Elections, and to the Councillors and Assessors of Boroughs divided into Wards, for which express Provision is not made by this Act, shall extend and apply to the Borough when so divided into Wards under the Authority of this Act.

After Division into Wards, Councillors to be elected by the Burgesses of the Wards.

VII. That on the First Day of *November* next after such Division of the Borough into Wards the Burgesses of each Ward, and none others, shall separately elect from the Persons qualified to be Councillors the whole Number of Councillors assigned to such Ward, and on the First Day of *November* in every subsequent Year shall separately elect, from the Persons qualified to be Councillors, One Third Part of the whole Number of Councillors assigned to such Wards.

One Third of the Councillors to go out of Office annually.

VIII. That on the First Day of *November* next but One after such Division of the Borough into Wards, and on the First Day of *November* in every succeeding Year, One Third Part of the Councillors in each Ward of the Borough shall go out of Office, and on the said First Day of *November* next but One after the said Division those who shall go out of Office shall be the Councillors who were elected by the smallest Number of Votes, and in the next Year those who shall go out of Office shall be the Councillors who were elected by the next smallest Number of Votes, the Majority of the whole Council always determining, when the Votes for any such Persons shall have been equal, who shall be the Persons so to go out of Office, and thereafter those who shall so go out of Office shall always be the Councillors who have been for the longest Time in Office without Re-election: Provided always,

always, that any Councillor so going out of Office shall be capable of being forthwith re-elected, if then qualified as provided by the Municipal Corporation Acts.

Constitution of Council after the Division into Wards.

IX. That after the Division of the Borough into Wards, and the Declaration of the First Election of Councillors for the Borough after such Division, the Council of the Borough shall thenceforth consist of the Mayor, Six Aldermen, and Eighteen Councillors, who shall be respectively elected and go out of Office at such Times and Places, and in such and the like Manner, as the Mayor, Aldermen, and Councillors for the Boroughs named in the Schedules to the Municipal Corporation Act (except where otherwise provided by this Act); and the Mayor, Aldermen, and Councillors, and the Auditors and Assessors, of the Borough, and the several Wards thereof, shall respectively have the same Qualifications, and have, exercise, and enjoy all the Powers, Immunities, and Privileges, and be subject to the same Duties, Penalties, Liabilities, and Disqualifications, as the Mayor, Aldermen, and Councillors, and Auditors and Assessors, of the several Boroughs enumerated in the Municipal Corporations Act, so far as the same are applicable.

Certain Members of Council at Time of Division into Wards to go out of Office after First Election by Wards.

X. That immediately after the Declaration of the First Election of Councillors after the Division of the Borough into Wards under the Provisions of this Act, all the Councillors of the Borough (other than and except those who shall have been elected at such First Election), and also all the Aldermen and the Assessors of the Borough, shall go out of Office, and their whole Powers and Duties shall cease: Provided nevertheless, that any of the Persons going out of Office shall be eligible to be elected and appointed under the Provisions of this Act.

Election of First Aldermen after Division into Wards.

XI. That on the Sixth Day of *November* next after such Division of the Borough into Wards the Councillors shall elect from among themselves, or from the Persons qualified to be Councillors, Six Aldermen, and immediately after such Election the Councillors shall appoint which of the said Six Aldermen shall be the Aldermen who, according to the Municipal Corporation Act, shall first go out of Office, and thereafter those who shall go out of Office shall always be those who have been Aldermen for the longest Time without Re-election.

Election of First Mayor after Division into Wards.

XII. That on the Ninth Day of *November* next after such Division of the Borough into Wards the Council shall elect, out of the Aldermen or Councillors of the Borough, a fit Person to be the Mayor of the Borough.

After Division into Wards, the Councillors

XIII. That on the First Day of *March* next after such Division of the Borough into Wards, and on the First Day of *March* in every succeeding

and Assessors for such Wards to be elected by the Burgesses of such Wards.

succeeding Year, the Burgesses of every Ward shall separately elect from the Persons qualified to be Councillors Two Assessors for such Ward; and all Ward Elections in every Year after the first shall be held before the Aldermen whom the Councillors chosen in such Ward shall yearly appoint in that Behalf, and before the Two Assessors of such Ward; and the Votings and other Proceedings in all other respects at such Ward Elections shall be conducted in the Manner directed by the Municipal Corporation Acts with reference to Ward Elections under those Acts; and every Person so elected a Councillor or Assessor in any Ward shall hold his Office for the same Time that he would have held it if he had been elected by the Burgesses of the whole Borough, and if the Number elected in such Ward had been the whole Number for the Borough.

Appointment of Returning Officer at First Elections after Division into Wards.

XIV. That the Mayor of the Borough for the Time being, or such Person as he shall appoint in that Behalf, shall act as Returning Officer at the First Election of Councillors, Aldermen, Mayor, Auditors, and Assessors of the Borough, and the several Wards thereof after the Division of the Borough into Wards, and at any subsequent Election which may take place, or which it may be necessary to hold before a valid Election could be held in the Borough, after such Division of the Borough into Wards, under and according to the Provisions of this Act and of the Municipal Corporation Acts, with the same Powers as by the last-mentioned Acts are given to the Mayor and Assessors, and to an Alderman and Assessors at Elections of Councillors for the Boroughs named in the Schedules to that Act annexed.

Auditors and Assessors at Time of Division to continue for a Time.

XV. That the Auditors of the Borough at the Time of the Division thereof into Wards shall continue to be Auditors for the Borough until the First Day of *March* then next, on which Day new Auditors shall be appointed for the Borough, pursuant to the Provisions of the Municipal Corporation Acts.

Liabilities of Corporation continued.

XVI. That the Corporation, after the Division of the Borough into Wards, shall be subject to all the Liabilities to which it was subject before such Division.

So much of Charter, &c. now in force as inconsistent with this Act repealed.

XVII. That so much of the Royal Charter and Letters Patent now in force relating to the Borough or to the Inhabitants thereof, or to the Corporation, or any of them, as are inconsistent with or contrary to the Provisions of this Act, shall be and the same are hereby repealed and annulled, but in all other respects the said Royal Charter and Letters Patent shall be and the same are hereby confirmed.

XVIII. That

Who shall carry Act into execution.

XVIII. That the Corporation acting by the Council shall carry this Act into execution, except where the Powers thereof are expressly given to or directed to be executed by the Local Board.

Power to Council to appoint Committees.

XIX. That the Council may appoint out of their own Body, from Time to Time, such and so many Committees, consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act which, in the Discretion of the Council, would be better regulated and managed by means of such Committees: Provided always, that the Acts of every such Committee shall, in case the Council shall so order, but not otherwise, be submitted to the Council for their Approval, but that no Expenditure or Payment or Contract to expend or pay any Sum of Money made by such Committee shall be lawful or valid when such Sum shall exceed the Sum of One hundred Pounds, unless such Committee shall have been authorized by the Council to make such Expenditure, Payment, or Contract, or unless, if not so authorized, such Expenditure, Payment, or Contract shall, after the same has been made, be approved of by the Council.

Regulating the Proceedings of Council.

XX. That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of such Committee unless the Quorum of Members (if any) fixed by the Council, and if no Quorum be fixed, Three Members be present; and at the First Meeting of every such Committee after the passing of this Act One of its Members shall be appointed Chairman of the Committee, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote in addition to his Vote as Chairman of the Committee.

The Local Board to execute certain Powers under Act.

XXI. That the several Powers and Authorities by this Act granted to the Local Board shall be executed by the Local Board acting pursuant to the Powers and Provisions of "The Public Health Act, 1848," and any or every Act amending or extending the Provisions of that Act, or relating to the Subject Matter thereof, and all other Statutes and Laws from Time to Time in force affecting the Local Board.

Local Board may appoint a Gas Committee and other Committees.

XXII. That for the more conveniently carrying into execution the several Powers of this Act conferred on the Local Board, it shall be lawful for the Local Board, and they are hereby empowered, to appoint out of their own Body, from Time to Time, a Committee, to be called "the Gas Committee," and also such other Committees, consisting

consisting in every Case of such Number of Persons as the Local Board shall think fit, to manage, transact, and carry into effect all or any of the Matters and Purposes which the Local Board are hereby directed or authorized expressly or by reference to do, execute, or to perform, and to fix the Quorum of such Committees, which Committees shall have such Discretion and so many of the Powers and Authorities by this Act given to or reposed in the Local Board as the Local Board shall think proper to delegate to such Committees.

Quorum of Committees.

XXIII. That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members (if any) fixed by the Local Board, and if no Quorum be fixed, unless Three Members be present; and a all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote in addition to his Vote as a Member of the Committee.

Minute Books of Committees to be open to Inspection.

XXIV. That all the Minute and other Books of the Gas Committee, and of every other Committee appointed by the Local Board for any of the Purposes of this Act, and all Documents, Writings, and Papers in the Custody of or belonging to such Committee or Committees, shall at all Times be open to the Inspection of any of the Members of the Local Board.

Local Board to appoint Officers.

XXV. That the Local Board may from Time to Time appoint such Officers as they shall think fit for the Purposes of this Act, with such Salaries and Allowances as they shall think reasonable, and may from Time to Time remove such Officers, and appoint others in the Room of such as shall be so removed, or as may die, resign, or discontinue their Offices; and all the Provisions contained in "The Public Health Act, 1848," with respect to the Payment of Officers by the Local Board, and the Regulation of the Conduct of such Officers, and the Penalties or other Punishments to be imposed on such Officers, and the Means of recovering such Penalties or of inflicting such Punishments, shall extend to this Act, and be applicable in respect of the Officers to be appointed by virtue thereof.

8 & 9 Vict. c. 18. incorporated.

XXVI. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, as well with eference to the Powers conferred on the Corporation as with reference to the Powers conferred on the Local Board; but nothing in the said Act or this Act contained shall enable the Corporation to purchase

or

or take compulsorily any Lands or Houses, except for the Purposes of the public Wharf and Landing Place and Approaches by this Act authorized, or shall enable the Local Board to purchase or take compulsorily any Lands or Houses, except for the Purpose of enlarging the Market Place and improving the Markets as authorized by this Act.

Same Meaning to Words, &c. in incorporated Acts and this Act.

XXVII. That the several Words and Expressions to which, by the Acts wholly or partially incorporated with this Act, Meanings are assigned shall in this Act, with reference to such Acts respectively, have the same respective Meanings; and in the same Acts the Expression "the Special Act" shall mean this Act, the Expressions "the Undertaking," "the Gasworks," shall include Undertakings or Works by this Act vested in the Local Board, as well as Undertakings or Works by this Act authorized to be constructed, and the Expression "the Undertakers," or "the Company," shall mean the Corporation or the Local Board, as the Case may require, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Local Board authorized to purchase the Gasworks.

XXVIII. That it shall be lawful for the Local Board to purchase, and for the *Middlesbrough* Owners to sell to the Local Board, for such Consideration and to be paid or secured in such Manner as may be agreed upon between the *Middlesbrough* Owners and the Local Board, all the Lands, Retort Houses, Gasometers, Plant, Works, Mains, Pipes, and Effects of the Gasworks belonging to the *Middlesbrough* Owners (herein-after called the Gasworks), and now used by them for the Supply of the District with Gas; and it shall be lawful for the *Middlesbrough* Owners, or any Two of them, to convey and transfer the Gasworks so agreed to be sold or conveyed to the Local Board unto the Local Board, or as they shall direct, and the Receipt of any Two of the said Owners for the Money or Securities agreed to be paid or given for the Purchase or Transfer of such Works and Premises shall be a good and sufficient Discharge for the Monies or Securities therein expressed to be received, and the Local Board shall not be bound to see to the Application of the Monies then paid or of any Monies to be subsequently paid upon or in respect of any such Securities.

Debts due at the Time of Purchase and Conveyance to belong to Owners notwithstanding this Act.

XXIX. That, as between the *Middlesbrough* Owners on the one Hand and the Local Board on the other Hand, all Debts, Rents, and Monies which at the Time of the Gasworks being conveyed to or becoming vested in the Local Board shall be due or owing to such Owners by any Contractor or Gas Consumer or other Person, and also a proportionate Part of all current Rents, Rates, or Charges, from the last half-yearly or other Day of Payment up to the Time

of

of such Property becoming vested in the Local Board, and all Monies due and owing to the said Owners for any Supply of Gas up to that Time, shall belong to such Owners, and be accordingly paid to them in the same or the like Manner as if such Sale or Purchase had not been made; and that if any of such Debts, Rents, Rates, Charges, or Monies shall be transferred to the Local Board, or from any other Cause be received by the Local Board, they shall forthwith, on Receipt thereof, pay over the same to the said Owners; and that all Debts, Rents, Rates, Charges, and Sums of Money which at the Time of the Gasworks becoming vested in the Local Board shall be due or owing from the said Owners shall be paid by them, and that they shall, on receiving their Purchase Money for their said Gasworks, either produce to the Local Board valid and sufficient Receipts and Discharges for all such Debts or Sums of Money as ought to be paid by the said Owners as aforesaid, or otherwise the said Owners shall give unto or enter into with the Local Board a sufficient Security or Undertaking for the due Payment and Discharge of all such Debts or Sums, and for the Indemnity of the Local Board from and against the same.

Application of Purchase Money for Gasworks.

XXX. That the *Middlesbrough* Owners shall stand possessed of the Sum of Money which shall be paid by the Local Board for the Purchase of the Gasworks upon Trust to pay and discharge thereout all the Debts, Damages, and Liabilities of the said Owners, or which shall then have been incurred and remain unpaid in respect of such Works, and to divide and distribute the Residue of the said Sum between the several Persons who shall be Partners or Holders of Shares in the Gasworks, their respective Executors, Administrators, or Assigns, rateably and in proportion to the Number of their respective Shares or other Estate or Interest therein.

Upon Payment of Purchase Money and Conveyance of Works, &c., same to vest in Local Board.

XXXI. That immediately on Payment by the Local Board of such Purchase Money or Securities as aforesaid to Two of the *Middlesbrough* Owners, and on the Execution by Two of the said Owners of a Conveyance (duly stamped), and in the Form as near as may be in the Schedule (A.) to this Act annexed, in which Conveyance the Consideration for the same shall be fully and truly stated and set forth, of all their Gasworks to the Local Board, all the Gasworks and Property comprised in such Conveyance shall by virtue of this Act become absolutely vested in the Local Board for all such or the like Estate or Interest as the *Middlesbrough* Owners or any Trustees for them were seised or possessed of or entitled to therein at the Date of such Conveyance.

Local Board to be liable to the Acts of the Owners of Gasworks.

XXXII. That when and so soon as the said Gasworks shall have become vested in the Local Board, the Local Board shall, with reference to every Act done or left undone, and with respect to every Liability of what Nature or Kind soever incurred by the *Middlesbrough* Owners

Owners in relation to the Works so vested in the Local Board prior to such vesting, or which would have been incurred by them if such Works had not become vested in the Local Board, be considered as identical with the said Owners, and the Local Board shall be liable for all such Acts and Omissions and be subject to all such Liabilities in the same Manner and to the same Extent as the said Owners were or would have been liable in respect thereof if this Act had not been passed.

in respect of the Works vested under this Act.

XXXIII. That immediately upon the Gasworks becoming vested in the Local Board, all the Powers of the *Middlesbrough* Owners to supply Gas within the District shall cease, and all the Clauses and Provisions of "The Gasworks Clauses Act, 1847," with respect to the following Matters, (that is to say,)

With respect to the Construction of the Act and any Acts incorporated therewith;

With respect to the breaking up of Streets for the Purpose of laying Pipes;

With respect to the Supply of Gas and the Recovery of the Rent to be paid for the same;

With respect to the Waste or Misuse of the Gas, or Injury to the Pipes and other Works;

With respect to the Provisions for guarding against fouling Water or other Nuisance from the Gas; and

With respect to Access to the Special Act;

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act, and such Clauses shall apply to the Gasworks and Works connected therewith for the Time being belonging to or vested in the Local Board, and to the said Local Board, and shall be construed as if the Expression "the Local Board of Health of the District of *Middlesbrough*" had been inserted therein instead of the Word "Undertakers."

On Gasworks becoming vested in Local Board Provisions of 10 & 11 Vict. c. 15. to be incorporated.

XXXIV. Provided always, That it shall not be necessary for the Local Board before they may proceed to open or break up any Street, Bridge, Sewer, Drain, or Tunnel under the Control of the Local Board to give any Notice of their Intention so to do.

Streets, &c. under the Control of the Local Board may be broken up without Notice.

XXXV. That the Limits of this Act for the Supply of Gas shall comprise and include the District.

Limits of Act for supplying Gas.

XXXVI. That when and so soon as the Gasworks shall have become vested in the Local Board it shall be lawful for the Local Board to manufacture Gas and to light the Streets and Places within the Limits of this Act for the Supply of Gas, and also to supply with Gas the Inhabitants of the District within such Limits upon such

Power after the Purchase of the Gasworks to light the District.

Terms as shall be agreed upon between the Local Board and the Persons supplied with Gas, and to sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas in such Manner as the Local Board may think proper.

Power to construct Works.

XXXVII. That, subject to the Provisions of this Act, it shall be lawful for the Local Board from Time to Time to maintain, extend, and improve the existing Gasworks upon the Pieces of Land now forming the Site of such Gasworks and on the immediately adjoining Lands, which said Pieces of Land intended to form the Site of the said Gasworks when so enlarged are bounded on the East by a Line in continuation of the Eastern Boundary of the said existing Gasworks, on the South by a Line One hundred and five Feet to the North of a Street called *Lower East Street*, on the West by a Line One hundred and twenty-five Feet to the East of *Durham Street*, and on the North by a public Street called *Lower Commercial Street*; the Limits of which said Gasworks, as proposed to be enlarged, are defined on a Map or Plan of the Borough signed by *Charles William Packe* Esq., M.P., and deposited in the Private Bill Office of the House of Commons, a Copy of which said Plan, also signed by the said *Charles William Packe*, is deposited with the Town Clerk of the Borough; and from Time to Time, within the said Limits, to construct and maintain such additional Gasworks and Apparatus, and such Buildings for the Manufacture, purifying, and storing of Gas, and to do all such other Acts as they shall think necessary for supplying the District with Gas, and for carrying on the Gas Business of the Local Board.

Power to lay down Pipes for Gas.

XXXVIII. That it shall be lawful for the Local Board, subject to the Provisions of "The Gasworks Clauses Act, 1847," to lay down and maintain Pipes, Drains, Tunnels, and Conduits in, along, and across any Turnpike Roads, Highways, Streets, Canals, Railways, and public Passages within the District for the Conveyance or Supply of Gas, and also, subject to the Provisions of this Act, to open and break up all such Streets, Highways, Roads, and Passages within the District as it may be necessary to open or break up for effecting the Purposes of this Act in relation to the Supply and Distribution of Gas.

Power to lay Pipes for lighting Buildings.

XXXIX. That it shall be lawful for the Local Board to lay any Pipe or Branch or other Apparatus from any Main or Branch Pipes into or through or against any Building for the Purpose of lighting the same, with the Consent of the Owner or Occupier thereof, and, with the like Consent, to set up any Apparatus necessary for securing to any Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

XL. That

Recovery of Charges for Gas.

XL. That in case any Person who shall have been supplied with Gas by the Local Board, or who shall be liable to Payment in respect of a Supply of Gas under or by virtue of the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Seven Days after Demand thereof by their Agent or Collector, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside, or where such Gas shall have been supplied, to issue his Summons to such Person requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of such Person, or in default of Appearance after Proof of the Service of the Summons, either personally or at the last known Place of Abode or Business of such Person, no sufficient Cause shall be shown to the contrary, it shall be lawful for any Justice to issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person for Recovery of the Amount which may be proved before such Justice to be due from such Person, together with the Expense of removing the Pipes and such Costs as to such Justice shall seem just and reasonable.

Power to enlarge Market Place.

XLI. And whereas a Plan showing the Lands and Houses required to be taken for the Purpose of enlarging the Market Place in the Borough, with a Book of Reference to such Plan containing the Names of the Owners, Lessees, and Occupiers of the Lands and Houses so required to be taken, have been deposited with the Clerk of the Peace for the North Riding of the County of *York:* Be it enacted, That, subject to the Provisions in this and the Acts incorporated herewith contained, it shall be lawful for the Local Board to enlarge the said Market Place to the Extent and in the Places and on the Lands and Sites of the Houses shown on that Plan, and described in that Book of Reference, and to enter upon, purchase, take, and use such of the said Lands and Houses as shall be necessary for such Purposes, and for making a more convenient Market Place for the Sale of Provisions and all marketable Commodities, and also for the Sale of Cattle and Animals, with all necessary Buildings and Works connected therewith; and it shall also be lawful for the Local Board to alter, enlarge, and improve the existing Market House and Town Hall, and the Shops and Buildings under the same, as they shall from Time to Time think expedient.

10 & 11 Vict. c. 14. incorporated.

XLII. That "The Markets and Fairs Clauses Act, 1847," shall be incorporated with and form Part of this Act; and in the Construction of that Act the Expression "the Market or Fair" shall mean the Market and the Works connected therewith by this Act authorized to be enlarged and regulated; and the Expression "the Special Act" shall mean this Act and the Improvement Act.

XLIII. That

Defining Limits of Market.

XLIII. That the Limits of the Market Place for holding the several Markets to be held within the District, and within which this Act and the "Markets and Fairs Clauses Act," incorporated herewith, shall be put in force, shall be as follows; (that is to say,) the whole of the existing Market Place (in the Improvement Act called the Square), and the Market House and Town Hall, and the Shops and Buildings under the same, and the Site thereof, and the whole of the Carriageways and Footways of the several Streets leading into and out of the said Market Place, and now commonly called *North Street*, *South Street*, *East Street*, and *West Street* respectively, and the Site of such of the Houses, Buildings, and Lands shown on the deposited Plans of the said Market as intended to be taken for the Purpose of enlarging the same, as shall be actually purchased by the Local Board, and be appropriated or used for the Purposes of the Market, or connected therewith.

Powers for compulsory Purchases limited.

XLIV. That the Powers of the Local Board for the compulsory Purchase of Lands, Houses, and Hereditaments for the Purposes of the said Market shall not be exercised after the Expiration of Five Years after the passing of this Act.

Power to purchase other Lands by Agreement.

XLV. That it shall be lawful for the Local Board to purchase, by Agreement with the Owners and Occupiers thereof, any other Lands or Buildings within the District, not exceeding One Acre, and to use all or any of the Lands and Buildings so purchased for the Formation of Slaughter Houses, with all necessary and proper Conveniences and Approaches thereto respectively.

Period for Completion of Market Place.

XLVI. That the Market Place shall be completed within Ten Years after the passing of this Act; and on the Expiration of such Period the Powers by this Act and the said Acts incorporated herewith given to the Local Board for constructing the Market Place shall cease to be exercised as to so much of the Market Place as shall not then be completed.

Penalty on effecting Sales elsewhere than in Markets.

XLVII. That every Person (except a licensed Hawker or an Auctioneer selling by Auction in any Places other than the public Streets) who shall sell or expose for Sale, except in his own Dwelling House, Shop, Building, Yard, Field, or Premises, any Provisions or marketable Commodities, or any Cattle, Horses, Sheep, Lambs, Pigs, or other Live Stock, in respect of which Tolls are authorized to be taken by this Act, in any Place within the Borough other than the Market Place, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

XLVIII. Pro-

Sales of Cattle in the Streets during the Fairs not prohibited.

XLVIII. Provided always, That nothing in this Act or in the "Markets and Fairs Clauses Act," incorporated herewith, contained shall extend to prevent any Person from selling or exposing to Sale in any Streets or Places within the District, on the Days on which the Fairs are held within the District, any Live Cattle or other Live Beast or Stock.

Present Tolls to be taken in Market Place under this Act.

XLIX. That it shall be lawful for the Local Board to demand and take within the existing Market, and within the Limits of the Market as extended and defined by this Act, the several Tolls, Rates, and Duties for the Use of Sheds, Stalls, Bulks, Blocks, Trestles, Standing Places, and Stations, and for Weighing Machines, and for weighing and measuring, and for the standing of Carts and Waggons, and upon the Sale or Exhibition or offering for Sale of Provisions and marketable Commodities, and of Cattle and Animals which are specified and set forth in the Schedule (F.) annexed to the Improvement Act, and which are by that Act respectively authorized to be demanded and taken in the existing Market Place.

Power to lease Markets and Fair Tolls.

L. That it shall be lawful for the Local Board to lease all or any of the Rents, Stallages, Sums of Money, and other Market and Fair Tolls, and Slaughter House Tolls, payable to them in respect of any of the Markets, Fairs, or Slaughter Houses held within the District, or of any Stalls, Standings, or other Conveniences in such Market Places or used at such Fairs, or on any other Days than the regular Market Days, for any Term not exceeding Three Years, and upon such Terms, Covenants, and Conditions as the Local Board shall think proper; and every Lessee shall have the same Powers, Rights, and Remedies for recovering and enforcing Payment of the Rents, Stallages, Sums of Money, and Tolls granted by such Lease as are by this and the said "Markets and Fairs Clauses Act," incorporated with this Act, vested in the Local Board for that Purpose.

Power to lease Standings in the Market.

LI. That it shall be lawful for the Local Board or their Lessee to let any Stalls, Standing Places, or other Conveniences in the said Market Place, to any Person or Persons, for any Term not exceeding Three Years, at such yearly or other Rents, and to be used only on such Days in the Week and during such Hours, as the Local Board may think fit.

Power to divert the Sailors Trod Footpath.

LII. That it shall be lawful for the Local Board to divert permanently so much of the Footpath leading from *Newport* to *Cargo Fleet*, called the *Sailors Trod Footpath*, as lies between the Highway leading from *Linthorpe* to *Middlesbrough*, and the private Road from *Ormesby* to *Cleveland Port*, called *Cargo Fleet* or *Cleveland Port Lane*, and to make another Line of Footpath in lieu of the Path so diverted from

the South Side of the Town of *Middlesbrough*, near the Point where the said Footpath crosses the said Highway from *Linthorpe* to *Middlesbrough* to near the Weighhouse at *Cargo Fleet* belonging to the *Middlesbrough and Redcar* Railway Company, and for the Purpose of such new Footpath to purchase by Agreement and not by Compulsion from the Owners, Lessees, and Occupiers of the Lands on the Line of such new Path so much of such Lands or such Right of Way over the same as may be necessary for such new Footpath; and upon the Formation of such new Footpath the old Line of Footpath shall be stopped up, and all Rights of Way over the same shall cease.

Regulations as to Streets and Buildings.

LIII. That in order to secure in the laying out of Streets and in the Construction of Buildings a Sufficiency of Space to secure a free Circulation of Air and the proper Ventilation of such Streets and Buildings, all future Streets and Buildings to be made within the Borough shall, subject to the Directions of the Local Board in each Case, be laid out and made in accordance with the following Regulations; (that is to say,)

1. That all Streets and Places into which inhabited Houses front must be open at both Ends the full Height of the Houses, and that all private Streets must be as wide from Wall to Wall as the Houses in the said Street are high, or not less than Thirty Feet, and they must be properly paved or macadamized in the Centre, provided with Channels properly paved, and have a paved or flagged Footpath on each Side at least Six Feet wide inclusive of Curbstone, where Houses are built with a sufficient Descent to the said Channel to keep the Water from the Houses:
2. Where Houses front into a public Street they shall be provided with proper Pipes or Gutters to receive the Water from the Roofs, with Spouts and Downcomers from the Spouts emptying by a tight covered Pipe either into Tanks provided or into the Street Channel clear of the Footpath:
3. Windows fronting into public Streets must not be less in Area than Eighteen Superficial Feet:
4. Windows for sleeping Rooms must not be less in Area than Fifteen Superficial Feet, and for proper Ventilation must open from the Top:
5. To insure efficient Ventilation back Yards must at all Times contain an Area unbuilt upon or over equal, in Two or Three roomed Houses to at least Two Thirds the Area of the Ground Floor of the said House, and in Four or Five roomed Houses of average Size to at least One Half the Area of the Ground Floor, and in the Case of larger Houses the Area unbuilt upon shall be increased in the same Proportion:

6. Buildings

6. Buildings not used as Dwelling Houses shall, before they are converted into Dwelling Houses, be provided with back Yards containing an Area unbuilt upon in conformity with the preceding Regulation:

7. All Ashpits must be covered and closed in, but ventilated at the Top, and placed as far from any Part of an inhabited House as possible:

8. All Yards must be properly paved, flagged, or asphalted, with a good Descent towards the Cesspool or Sink, or to a Channel emptying thereinto:

Power to Local Board to make Byelaws for enforcing such Regulations.

And the Local Board may make Byelaws for enforcing such Regulations, and may affix Penalties not exceeding Forty Shillings for the Breach of any such Byelaws, and may affix continuing Penalties not exceeding Forty Shillings a Day during the Continuance of any Breach of such Byelaws, and they may further provide for the Observance of the same by making therein such Provisions as they think necessary as to the giving of Notices, as to Inspection by the Local Board, as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws, and as to the Recovery by the Local Board in a summary Manner of any Expenses incurred by them in enforcing such Byelaws, subject to the following Qualifications:

Firstly. That no such Byelaws shall affect any Building erected before the passing of this Act unless such Building is pulled down to or below the Ground Floor, or is converted into a Dwelling House, not having been originally constructed for that Purpose; and

Secondly. That no Person shall be deprived by any Byelaws of such Right of Appeal as is given by the Public Health Act in respect of Byelaws.

Local Board may make Byelaws as to public Park.

LIV. That the Local Board may from Time to Time make such Byelaws as to them shall seem meet for regulating the Use of any public Park within the District, and the Approaches to the same, and the Buildings therein, and may from Time to Time, as they shall think proper, repeal or alter any such Byelaws, and may impose such Penalties as they shall think proper, not exceeding in any Case the Sum of Forty Shillings, for the Breach of any such Byelaws: Provided always, that such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby shall be sought to be recovered to order the whole or Part only of such Penalty to be paid.

Byelaws to be confirmed in manner required by 11 & 12 Vict. c. 63.

LV. That no Byelaw which shall be made by the Local Board under the Authority of this Act (except such as relate solely to the Officers or Servants of the Local Board and the Management of their own

own Business) shall be valid or binding unless the same be made and published, and submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, in the Manner prescribed by "The Public Health Act" with reference to Byelaws made by the Local Board under the Powers of that Act.

Power to Corporation to purchase Land for Wharf and Landing Place, and to improve Approaches, &c.

LVI. And whereas a Plan and Section showing the Lands to be purchased for the Purpose of forming a public Wharf and Landing Place on the South Side of the River *Tees*, and of improving the Approaches to the same, and also the Works proposed to be executed on such Lands, with a Book of Reference thereto, has been deposited with the Clerk of the Peace for the North Riding of the County of *York*: Be it enacted, That it shall be lawful for the Corporation to construct, improve, and maintain on the South Side of the River *Tees* a public Wharf and Landing Place, with all necessary Buildings connected therewith, at the Place delineated on the said Plan as the Site of the proposed Wharf, Landing Place, and Approaches, and to the Extent and in the Lines delineated on the said Plan, and according to the Levels shown on the said Section, and to enter upon, take, and use such of the Lands delineated on the said Plan as may be necessary for those Purposes: Provided always, that nothing in this Act contained shall authorize the Corporation to acquire any Land or construct any Works on the North Side of the River *Tees*.

Wharf, &c. to be constructed according to Plans approved by Admiralty.

LVII. That the Wharf, Quays, Jetties, and other Works shall be constructed only on such Plans and in such Manner within the Limits of Deviation as the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of the Lord High Admiral, shall previously approve of, every such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

Admiralty may order a local Survey at Expense of Corporation.

LVIII. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Corporation in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Corporation shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Corporation, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Corporation.

If Works affecting tidal Waters fall into

LIX. That if any Work to be constructed by the Corporation in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water

Water or River or Access thereto shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and restore the Site thereof to its former Condition at the Cost and Charge of the Corporation, and the Amount thereof shall be a Debt due from the Corporation to the Crown, and be recoverable accordingly, with Costs of Suit.

Decay, Admiralty may remove them at Expense of Corporation.

LX. That nothing in this Act contained shall diminish, prejudice, take away, alter, or affect any Right, Power, Authority, Privilege, or Jurisdiction of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral, of the United Kingdom of *Great Britain* and *Ireland*.

Saving Powers, &c. of the Admiralty.

LXI. That it shall be lawful for the Corporation to enter into such Arrangements with the *West Hartlepool* Harbour and Railway Company, or other the Owner or Owners thereof, in respect of any Landing Place in the Possession of such Company on the North Side of the River *Tees*, and for facilitating the Communication across the River *Tees* between the North and South Sides thereof, as shall be mutually agreed upon between the Corporation and the *West Hartlepool* Harbour and Railway Company; but nothing in this Act contained shall authorize the *West Hartlepool* Harbour and Railway Company to construct any Landing Place on the North Side of the said River without the previous Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, of the United Kingdom of *Great Britain* and *Ireland*, such Consent to be signified in Writing under the Hand of the Secretary of the Admiralty; neither shall anything in this Act contained be held to confirm or recognize or to prejudice or affect the Claim or Title of such Company to any Landing Place on the North Side of the said River.

Power to make Arrangements with the West Hartlepool Harbour and Railway Company for the Use of any Landing Place on the North Side of the River Tees.

LXII. That it shall be lawful for the Corporation to provide or to contribute towards providing and maintaining such Number of Boats or other Vessels for the Passage or Conveyance of Passengers, Animals, Carriages, Minerals, and other Things, and of such Size and Description, and to employ such Number of Men or Persons to work and manage the said Boats or Vessels as may be necessary for providing convenient Communication between the South and North Sides of the River *Tees*, as the Corporation shall from Time to Time think proper and expedient; but nothing in this Act contained shall be construed as erecting or creating any exclusive Right of Ferry or Passage.

Power to establish Boats at Passage.

Corporation may construct Sheds, &c. on Wharf.

LXIII. That the Corporation may construct on or near the said Wharf and Landing Place such Sheds and other Buildings as they may from Time to Time deem necessary for the Accommodation of Goods shipped or landed at the said Wharf, and for the Accommodation of Persons using the said Passage, and may erect or provide at such Wharf and Landing Place such Cranes, Weighing and other Machines, as they think necessary for loading, unloading, measuring, and weighing Goods.

Power to take Passage Tolls as in Schedule (B.)

LXIV. That it shall be lawful for the Corporation to demand and take for the Use of the Boats or Vessels at the said Passage over the River *Tees* any Tolls or Sums which the Corporation may from Time to Time think fit, not exceeding the Sums mentioned in the Schedule (B.) to this Act annexed.

Corporation may take Tolls for Use of Wharf, Sheds, Cranes, &c. at Wharf.

LXV. That it shall be lawful for the Corporation to demand and take for the Use of the Wharf on the South Side of the said River, and of any Sheds and Buildings, Cranes, Weighing Machines, or other Conveniences provided by them at the said Wharf and Landing Place, such Tolls, Rates, or Charges as the Corporation shall think reasonable, and from Time to Time direct to be demanded and taken for the Use thereof, and such Tolls, Rates, and Charges are in this Act referred to as Wharf Tolls.

Tolls to be charged equally.

LXVI. That the Tolls for the Use of the said Wharf and Passage Boats or Vessels shall be at all Times charged equally to all Persons using the same.

Passage to be free on Payment of Tolls.

LXVII. That so long as the Boats or Vessels at the said Passage shall be worked, all Persons shall, upon Payment of the Tolls from Time Time demandable, be entitled to use the said Passage, subject nevertheless to the Regulations to be from Time to Time made by the Corporation by virtue of the Powers in that Behalf herein conferred upon them.

Taking and Recovery of Tolls.

LXVIII. That such Wharf and Passage Tolls shall be paid to such Persons, and at such Places upon or near the said Wharf or Passage, and in such Manner, and under such Regulations, as the Corporation shall appoint.

Penalty on Passengers practising Frauds.

LXIX. That if any Person shall knowingly and wilfully refuse or neglect to pay the Toll due from him for using the said Wharf or Passage, such Person shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Passage Tolls not to be demanded from Officers of Customs, &c.

LXX. Provided always, That no Toll or Sum of Money shall be levied on or paid by any Officer or Man of or belonging to the Army, Navy, or Marines who shall be on Full Pay, or by any Officer or Officers of Customs or Inland Revenue, or any Person or Persons acting

acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, for crossing the said River by the said Passage.

Penalties on Toll Collectors for Offences herein named.

LXXI. That every Collector of Wharf or Passage Tolls who shall commit any of the following Offences shall forfeit a Sum not exceeding Ten Pounds for each such Offence; (that is to say,)

If he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Toll demanded of him, or if he give as his Name a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the Corporation made in pursuance thereof:

If upon the legal Toll being paid or tendered he do unnecessarily detain or wilfully hinder any Person from using the Wharf or passing by the Passage:

If he make use of any scurrilous or abusive Language to any Passenger or to any Person lawfully using the Wharf or Passage.

Power to lease Passage Tolls.

LXXII. That it shall be lawful for the Corporation from Time to Time, by Lease to take effect in possession, to let the Wharf and Passage Tolls, or any of them, to any Person for any Term not exceeding Three Years from the Commencement of any such Lease; and every Lessee of such Tolls shall, during the Continuance and subject to the Provisions and Restrictions of any such Lease, be entitled to take such Tolls, and have the same Powers for recovering and enforcing Payment thereof as are by this Act granted to or vested in the Corporation.

Power to compound for Wharf and Passage Tolls.

LXXIII. That it shall be lawful for the Corporation to compound and agree with any Persons using the said Wharf or Passage for the Payment of any Sum, either monthly, quarterly, or yearly, in lieu of the Tolls by this Act payable for the Use of the said Wharf or Passage: Provided always, that if the Corporation shall make any such Composition with any Person, they shall be compellable to make the same Composition with every other Person desiring to compound for the Payment of such Tolls for the like Period.

Corporation to make Byelaws to regulate the Use of the Wharf and Passage.

LXXIV. That it shall be lawful for the Corporation from Time to Time, subject to the Provisions and Restrictions in this Act and the Municipal Corporation Acts contained, to make Byelaws for the following Purposes; (that is to say,)

For regulating the Use of the Wharf on the South Side of the said River, and the Buildings thereon:

For regulating the embarking and discharging of Passengers, Animals, Carriages, Minerals, and other Things on board the Boats using the said Passage:

And generally for maintaining Order and Decorum at the said Wharf and on board the Boats using the said Passage, and for regulating the using or working of the said Boats.

Power to alter Byelaws and impose Penalties.

LXXV. That it shall be lawful for the Corporation from Time to Time to repeal or alter such Byelaws and to make others, provided that such Byelaws be not repugnant to the Laws of *England* or the Provisions of this Act, and such Byelaws shall be reduced into Writing, and shall be sealed with the Corporate Seal of the Borough, and if such Byelaws affect other Persons than the Officers or Servants of the Corporation they shall be confirmed and published as provided by the Municipal Corporation Acts with respect to the original Byelaws, and a Copy thereof shall be sent to the *Tees* Conservancy Commissioners, and also to the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, at the same Time that a Copy is sent to One of Her Majesty's Principal Secretaries of State under the Municipal Corporation Act; and if such Byelaws shall, in the Opinion of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, in any way affect the Navigation of the River *Tees*, then such Byelaws shall not come into operation until the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Opinion and Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and any Person offending against any such Byelaws shall forfeit for every such Offence a Sum to be stated in such Byelaws as the Penalty for any such Offence, not exceeding Forty Shillings; and if the Infraction or Nonobservance of any such Byelaw be attended with Danger or Annoyance to the Public, or Hindrance to the Corporation in the lawful Use of the Wharf or Passage, it shall be lawful for the Corporation summarily to interfere to obviate or remove such Danger, Annoyance, or Hindrance, and that without Prejudice to any Penalty incurred by the Infraction of such Byelaw.

LXXVI. That if any Byelaw made by the Corporation shall, in the Opinion of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, be found to prejudicially interfere with the free Navigation of the River *Tees*, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to require the Corporation to alter such Byelaw in such Manner as he or they shall think fit, having regard to the proper working of the Passage as well as to the Preservation of the Navigation of the said River; and if such

Byelaw

Byelaw shall not be altered within One Month after the Receipt of such Requisition, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, by Notice in the *London Gazette*, to repeal such Byelaw, and after the Publication of such Notice such Byelaw shall cease.

Damage to be made good.

LXXVII. That if any Person shall cause or commit any Damage to the Property of the Corporation, such Person shall make good such Damage as well as be liable to pay such Penalty as may have thereby been incurred by him.

Powers to improve the Corporation Hall, &c.

LXXVIII. That, subject to the Provisions of this Act in that Behalf, the Corporation may from Time to Time, if and when they think fit, maintain, improve, extend, enlarge, and repair the Corporation Hall and Buildings connected therewith belonging to the Corporation, and may allow the Use thereof for such Purposes and on such Terms and Conditions as the Corporation may from Time to Time think fit.

Power to appoint an Inspector of Weights and Measures.

LXXIX. That it shall be lawful for the Corporation from Time to Time to appoint an Inspector of Weights and Measures within the Borough, and every such Inspector so appointed shall, within the Borough, during his Appointment, have the same Powers and discharge the same Duties as any Inspector of Weights and Measures appointed under the Public Act 5 and 6 *William* Fourth, Chapter 63, by the County Justices or Grand Juries for their respective Counties have and may exercise in their respective Counties, and such Inspector shall account for the Fees recovered by him to such Persons as shall be authorized by the Corporation for that Purpose; and it shall be lawful for the Corporation to pay to such Inspector of Weights and Measures such Salary or Remuneration as they shall think reasonable, and to remove him from his Office and to appoint another in his Place when and as often as they shall think proper, and to provide and maintain Imperial Standard Weights and Measures for the Use of such Inspector.

Wharf and Passage Tolls to be paid to the Borough Fund.

LXXX. That all Tolls, Rates, and Charges to be received by the Corporation for the Use of the public Wharf on the South Side of the said River, and any Buildings, Cranes, or Conveniences thereon, and for the Use of the Passage and the Landing Places thereat, and all other Revenue arising and accruing to the Corporation under this Act, shall be paid to the Treasurer of the Borough to the Account of the Borough Fund of the Borough.

Power to agree for a Division of the Wharf

LXXXI. Provided always, That it shall be lawful for the Corporation, out of the said Wharf and Passage Tolls, to pay to the *West Hartlepool*

and Passage Tolls.

Hartlepool Harbour and Railway Company any Portion of such Tolls which may be mutually agreed upon between the said Corporation and Company in respect of the Use of any Wharf or Landing Place of the said Company on the North Side of the said River, or of any Contribution by the said Company to the Expense of establishing and maintaining the Means of Communication between the North and South Sides of the said River.

Power to Corporation to borrow Money on Credit of the Wharf and Passage Tolls and Borough Fund.

LXXXII. That it shall be lawful for the Corporation, for the Purpose of executing the Works or exercising the Powers vested in them by this Act, from Time to Time to borrow at Interest any Sum of Money which, together with any Sum of Money previously borrowed by the Corporation for the Purposes of this Act, shall not exceed in the whole the Sum of Ten thousand Pounds, on the Credit of the Wharf and Passage Tolls and Borough Fund of the Borough, and in the event of all or any such Monies being repaid by the Corporation, except by means of the Sinking Fund, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security of the Wharf and Passage Tolls and Borough Fund for the Purposes of this Act more than the Sum of Ten thousand Pounds in the whole at any One Time; and for securing the Payment of the Monies so to be borrowed, with Interest, the Corporation may assign over the Wharf and Passage Tolls and Borough Fund of the Borough, or any Part thereof respectively, to the Persons who shall advance or lend such Money, or to any Trustees for them, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Mortgages to be without Preference.

LXXXIII. That all Persons to whom such Mortgages shall be made under the Authority of this Act, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be equally one with another Creditors on the Wharf and Passage Tolls and Borough Fund of the Borough comprised in such Mortgages, without any Preference in respect of the Priority of advancing such Monies or the Dates of any such Mortgages respectively, and the Principal Monies and Interest secured by any Mortgages of the Borough Fund shall be a Charge on that Fund as a Debt of the Corporation, and shall be provided for and paid by the Corporation along with and in the same Manner in all respects as all other Debts and Expenses incurred by Municipal Corporations are by Law directed to be provided for, and levied, raised, and paid.

Provisions of 10 & 11 Vict. c. 16. as to Mortgages incorporated.

LXXXIV. That the Sections of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, except the Section numbered 84, and except so far as varied by this Act, shall be incorporated with and form Part of this Act,

Act, and shall be applicable to the Corporation and to their Mortgages under the Provisions of this Act.

Corporation to set aside a Sum annually as a Sinking Fund.

LXXXV. That the Corporation shall, out of the Wharf and Passage Tolls and Borough Fund, from Time to Time, from and after the First Day of *January* One thousand eight hundred and sixty-one, set apart yearly such a Sum as will, with the Interest to accrue thereon, be sufficient within the Period of Thirty Years from that Day to pay off the whole of the Sums for the Time being so borrowed by the Corporation on the Credit of the Wharf and Passage Tolls and Borough Fund; and such annual Sum shall be a Charge on the Borough Fund, and shall be provided for as a Debt of the Corporation, and shall be either invested at Interest, or applied in paying off a Portion of such Principal Money owing on Mortgage, as the Corporation shall think expedient.

Separate Accounts of Wharf and Passage Tolls to be kept.

LXXXVI. That the Corporation shall cause separate and distinct Accounts to be kept of all Tolls arising from the said Wharf and Passage, and of the Manner in which such Tolls have been applied and disposed of; and such Accounts shall be kept in separate Books, and shall not be intermixed with the other Accounts of the Corporation.

Wharf and Passage Tolls to be reduced when Sums expended in respect thereof have been paid off.

LXXXVII. That all Sums of Money which may be advanced out of the Borough Fund or borrowed on the Credit thereof, and of the said Wharf and Passage Tolls, for the Purpose of constructing the said Wharf and Landing Place on the South Side of the said River and the Approaches thereto, and of erecting the Buildings, Cranes, and other Conveniences on such Wharf or Landing Place, and of providing or contributing to the Expense of providing the Boats or Vessels to be used at such Passage, and of replacing the same, and the Boilers and Machinery thereof, and all Interest for or in respect of such Sums of Money, shall, after providing for the Maintenance, Repair, and Management of the said Wharf, Landing Place, Approaches, and Conveniences, and Boats or Vessels used at the said Passage, be repaid to the Borough Fund out of such Wharf and Passage Tolls; and when the whole of such Principal Sums and Interest shall have been repaid to the Borough Fund out of the said Wharf and Passage Tolls, then the Corporation shall from Time to Time make such rateable Reduction in the Amounts of such Wharf and Passage Tolls respectively as the Council shall think necessary, but so that such Tolls when so reduced shall be sufficient and not more than sufficient to pay and discharge the whole of the Costs and Expenses to be incurred by the Corporation in providing for the proper and sufficient Maintenance of the said Wharf and Landing Place and Approaches thereto, and the Buildings, Cranes,

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and other Conveniences thereon, and for the Repair and replacing and Maintenance of the Boats or Vessels used at the said Passage, and the Boilers and Machinery thereof, and for the Management of the said Wharf, Landing Place, and Passage, and all other Expenses incidental to such Maintenance, Repair, and Management.

Rates may be prospective or retrospective.

LXXXVIII. That the special and general District or other Rates which the Local Board are authorized to make and levy under the Public Health Act or the Improvement Act or this Act may be made and levied prospectively, in order to raise Money for the Payment of future Charges and Expenses, including the Interest of Money borrowed on any such Rates, and the Sinking Fund to pay off the same; or retrospectively, in order to raise Money for the Payment of Charges and Expenses which may have been incurred at any Time before the making of such Rate, provided the Amount of such last-mentioned Expenses shall have been ascertained and admitted as a Claim against the Local Board at any Time not exceeding Six Months before the making of the Rate out of which the same or any Portion thereof is to be defrayed.

Improvement Rates for Expenses of executing Act by Local Board.

LXXXIX. That the Local Board may, from Time to Time, when and as often as Occasion requires, and according to the Powers, Provisions, and Limitations of "The Public Health Act," make and levy a general District Rate, to be called "The Improvement Rate," for defraying the Charges and Expenses of executing the several Works by this Act authorized to be executed by the Local Board, and of otherwise carrying the Powers of this Act into execution: Provided always, that the Local Board shall not for these Purposes levy in any One Year a greater Rate than One Shilling and Sixpence in the Pound upon the annual Rental of the District according to the Assessment of the Property within the District to the Relief of the Poor.

Improvement Rates may be collected with general District Rates.

XC. That for the Purpose of diminishing the Expense of assessing, making, levying, and collecting the Improvement Rates under this Act, and the Borough Rate under the Municipal Corporation Acts, it shall be lawful for the Local Board to include the same in any general District Rate under "The Public Health Act," and to make, levy, collect, and recover such Improvement Rates and Borough Rates respectively as Part of any such general District Rates.

Limiting the Amount of Rates.

XCI. Provided always, That the Rates leviable by the Local Board within the District under the Improvement Act or the Public Health Act or this Act, and whether for the Purposes of the Improvement Act or of the Public Health Act or of this Act, shall not together exceed

exceed in any One Year the Sum of Four Shillings in the Pound upon the net annual Value of Property assessable thereto within the District: Provided also, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodland, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof, anything in the Public Health Supplemental Act, 1855, to the contrary notwithstanding.

Amount of Rate to include Expenses of recovering it.

XCII. That the Amount of any Rate made by the Local Board under the Public Health Act may, if they think fit, be such Amount as in their Judgment will be sufficient to raise or discharge not only the Sum in respect of which the Rate is made, but also such a Sum as will meet the Expenses, or what is in their Judgment a due Proportion of the Expenses, incurred and to be incurred in and about making and recovering the Rate.

Rates, Gas Rents, Market Tolls, &c. to be carried to District Revenue Fund.

XCIII. That all the Sums of Money received by the Local Board from Rates levied under the Improvement Act, and from the General District Rates levied under the Public Health Act, and from the Improvement Rates levied under this Act, and all Rents and Sums received by the Local Board for or in respect of Gas supplied by them, or otherwise arising from the Gas Business of the Local Board, and all Tolls, Stallages, and other Sums arising from the Markets and Fairs held in the District, or the Use of the Market Place, Market House, or Buildings under the same, and all other Revenue accruing to the Local Board, shall be carried to the Account of a Fund to be called "The District Revenue Fund."

Amount to be borrowed by Local Board for Purposes of Act.

XCIV. That the Local Board may from Time to Time, under the Authority of this Act, borrow at Interest on Mortgage of the District Revenue Fund all such Sums as they may from Time to Time think requisite for all or any of the Purposes of this Act, not exceeding in the whole the Sum of Forty-six thousand Pounds.

Certain Sections of 10 & 11 Vict. c. 16., as to Mortgages, incorporated.

XCV. That the Sections of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, except the Section numbered Eighty-four, shall be incorporated with and form Part of this Act, and shall be applicable to the Local Board and to their Mortgages under the Provisions of this Act.

Other Powers of Local Board not to be affected.

XCVI. Provided always, That this Act shall not restrict any of the Powers of the Local Board to borrow Money otherwise than under the Authority of this Act.

Limiting Sum to be borrowed otherwise than under this Act.

XCVII. Provided also, That the Sum to be borrowed by the Local Board otherwise than under the Authority of this Act shall not, together with the Sums for the Time being actually borrowed and owing by the Local Board under the Powers of this Act for the Purposes of Markets, Fairs, and other Works (except Gasworks), exceed in the whole the assessable Value for One Year of the Premises within the District assessable under "The Public Health Act, 1848," to the General District Rates by the said Act authorized.

Power to reborrow.

XCVIII. That the Local Board may from Time to Time reborrow any Amount from Time to Time repaid by them respectively, unless it be repaid by means of a Sinking Fund under this Act, in which Case, and to the Extent of the Amount paid off by means of the Sinking Fund, their Powers of borrowing and reborrowing shall cease.

Arrears may be enforced by Appointment of Receiver.

XCIX. That the Mortgagees of the Local Board under this Act may enforce the Payment of the Arrears of Principal and Interest due to them by the Appointment of a Receiver, and the Amount in arrear to authorize a Requisition for a Receiver shall be Five thousand Pounds.

Monies of Local Board under Act to be paid to their Treasurer.

C. That all Monies from Time to Time borrowed by the Local Board under this Act, and all Monies from Time to Time received by or for the Use of the Local Board under this Act or in carrying it into execution, shall from Time to Time forthwith after the Receipt thereof be paid to the Treasurer of the Local Board, and be carried by him to the Credit of the proper Account.

Expenditure by Local Board under Act.

CI. That all Costs, Charges, and Expenses of and incident to the executing by the Local Board of this Act, and all Moneys from Time to Time borrowed by the Local Board under this Act, and the Interest thereon, and all other the Expenses and Liabilities of the Local Board under and with respect to this Act and the Purposes and Execution thereof, are by this Act charged on and shall be paid out of the Revenue arising under this Act and the Improvement Rate by this Act authorized.

Accounts of Local Board.

CII. That the Local Board shall keep distinct and proper Accounts of their Receipts, Credits, Payments, and Liabilities under and for the Purposes of this Act, under such Names as they think proper, and may from Time to Time apportion between any Two or more of

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the Accounts, as they think reasonable, any Item not attributable exclusively to One Account.

Monies borrowed to be carried to District Capital Fund.

CIII. And whereas, under the Powers of the Improvement Act, a Sum of Five thousand Pounds has been borrowed, and such Sum is now a Charge on the Rates leviable under that Act and the Public Health Act, 1848: Be it enacted, That the said Sum of Five thousand Pounds, and all Principal Sums borrowed by the Local Board under the Powers of the Public Health Act, 1848, or this Act, shall be carried to the Account of a Fund to be called "The District Capital Fund."

Application of District Revenue Fund.

CIV. That the Local Board shall apply all Sums and other Revenue from Time to Time received by them, and carried to the Account of the District Revenue Fund, as follows:

First. In Payment of the Salaries of the Officers of the Local Board and the other Expenses of the Management of the Business of the Local Board:

Secondly. In Payment of the Interest on all the Monies from Time to Time owing by the Local Board on the Credit of the Rates under the Improvement Act, and on the Credit of the District Revenue Fund, and on the Credit of the General District Rates under the Public Health Act, 1848:

Thirdly. In setting apart from Time to Time, from and after the First Day of *January* One thousand eight hundred and sixty-one, such Sums as with the Interest to accrue thereon will, in the Period of Thirty Years from that Date, be sufficient to pay off all the Principal Moneys so owing, which Sums so set aside may be either invested at Interest, or applied from Time to Time in paying off Part of such Principal Moneys, as the Local Board may think expedient:

Fourthly. In paying the Expenses of and incidental to carrying into execution the Powers of the Improvement Act and the Public Health Act, 1848, chargeable to the General District Rate, and the Expenses of carrying into execution the Powers of this Act in relation to Gasworks and Markets, and the Maintenance of Highways, Footpaths, and other Works, and other Powers of this Act conferred on the Local Board, and for the public Benefit of the Inhabitants, and the Improvement of the District.

Application of District Capital Fund.

CV. That the Sums to be from Time to Time borrowed by the Local Board under the Authority of this Act, and carried to the Account of the District Capital Fund, shall be applied as follows:

First. In paying the Costs, Charges, and Expenses of and incidental to the applying for and obtaining and passing the Act:

Secondly.

Secondly. In purchasing and enlarging the Gasworks Undertaking of the Local Board, and purchasing Lands and Houses for and enlarging the Market Place and Market House and Town Hall, and the Buildings under the same, and in carrying into execution the other Works and Powers of this Act which in the Opinion of the Local Board are properly chargeable to Capital Account:

Thirdly. In paying any Expenses to which the Moneys for the Time being belonging to the District Revenue Account are fourthly made applicable.

As to Recovery of Sums not exceeding 50*l.*

CVI. That whenever any Person neglects to pay any Rate or Sum due under this Act or otherwise to the Local Board, and the Rate or Sum so due does not exceed Fifty Pounds, the Local Board may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction, and the Remedies of the Local Board under this Enactment shall be in addition to their other Remedies for the Recovery of such Rate or Sum.

As to Recovery of Monies by Local Board.

CVII. That all Rates made by the Local Board under the Authority of this Act may be made, levied, and recovered, and all Sums due to the Local Board on any Account whatsoever under this Act or otherwise howsoever, and all Costs, Damages, Penalties, and Expenses imposed by this Act, or by any Byelaw to be made by the Local Board in pursuance of this Act, such Costs, Damages, Penalties, and Expenses having reference to Matters affecting the Local Board, or with respect to which Jurisdiction is by this Act conferred on the Local Board, may be levied and recovered respectively in the same Manner in all respects as any other Rates or Monies payable to the Local Board under "The Public Health Act, 1848," may be made, levied, or recovered respectively.

As to Recovery of Penalties and of Monies by Corporation.

CVIII. That all Sums due to the Corporation under this Act on any Account whatsoever, and all Costs, Damages, Penalties, and Expenses other than as aforesaid imposed by this Act, or by any Byelaw to be made by the Corporation in pursuance of this Act, may be levied and recovered respectively in the same Manner in all respects as Penalties may be levied and recovered under the CXXIXth Section of the Municipal Corporation Act.

Application of Penalties.

CIX. That every Penalty imposed by this Act, or any Byelaw made thereunder, shall be paid to the Treasurer of the Borough, and shall be carried by him to the Credit of the Borough Fund of the Borough.

Authentication of Notices.

CX. That any Summons, Demand, or Notice, or other such Document under this Act or the Public Health Act, may be in Writing

Writing or Print, or partly in Writing and partly in Print, and if the same require Authentication by the Local Board the Signature thereof by the Clerk or Chairman of the Local Board shall be a sufficient Authentication, and if the same require Authentication by the Council the Signature thereof by the Town Clerk shall be sufficient Authentication.

Contracts not to disqualify Councillors or Members of Local Board.

CXI. That no Person shall be disqualified for being, continuing, or acting as a Member of the Local Board by reason of his being concerned in any Contract entered into by the Local Board for the Sale of any Land for the Purposes of the Public Health Act, 1848, or this Act, or of his being interested in any Newspaper in which Advertisements are inserted for the Local Board; but no such Person shall discuss, act, or vote as a Member of the Local Board on any Question touching any Contract in which he or his Partner is directly or indirectly concerned; and every Person so offending shall thereupon be disqualified as being a Contractor with the Local Board.

Future Projections of Houses, &c. to be removed on Notice.

CXII. That the Local Board may give Notice to the Occupier of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Door, or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection erected or placed after the passing of this Act against or in front of any House or Building within the District, and such Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Local Board, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty of Twenty Shillings for every Day during which such Obstruction shall be continued, and the Local Board in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall be paid by the Occupier so making default, and shall be recoverable as Damages: Provided always, that, except in the Case in which such Obstruction or Projection was made or put up by the Occupier, such Occupier shall be entitled to deduct the Expense of removing the same from the Rent payable by him to the Owner of the House or Building.

Coverings for Cellar Doors to be made by Occupier.

CXIII. That when any Opening is made in any Pavement or Footpath within the District as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Occupier of such Vault or Cellar of Iron or such other Materials and in such Manner as the Local Board shall direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault or Cellar, and if such Occupier do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering

contrary to the Directions of the Local Board, or if he do not keep the same when properly made in good Repair, he shall for every such Offence 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 shall be continued.

Penalty for Neglect.

Local Board may in certain Cases provide Water-closets in lieu of Privies.

CXIV. And whereas many of the Privies in use within the District are so situate or constructed that they are an Annoyance to the Occupiers of the adjoining or neighbouring Houses, and it is expedient that the same should be remedied: And whereas Doubts are entertained as to the Powers of the Local Board under the Public Health Act in other Cases to require Waterclosets to be made in lieu of Privies: Be it therefore enacted, That if at any Time, upon the Report of the Surveyor, Sanitory Inspector, or Inspector of Nuisances, or Officer of Health, it appear to the Local Board that the Privy belonging to or used by the Occupiers of any House, whether built before or after the passing of this Act, is an Annoyance to the Occupiers of the adjoining or neighbouring Houses, or in the Opinion of such Officer of Health is injurious to the Health of the Persons residing in the immediate Neighbourhood thereof, or that any new Houses in the course of Construction or to be hereafter built ought to be supplied with Waterclosets instead of Privies, it shall be lawful for the Local Board to give Notice in Writing to the Occupier or Owner of such existing or new House requiring him forthwith, or within such reasonable Time as shall be specified therein, to alter the existing or make a new or other sufficient Watercloset for every such House; and if such Notice be not complied with, the Local Board may, if they shall think fit, cause to be constructed a sufficient Watercloset in every such House, and do such other Works in relation thereto as the Case may require; and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the Local Board, shall be declared to be private Improvement Expenses, and be recoverable as such in manner provided by the Public Health Act for the Recovery of such Expenses.

Certain Penalties of 11 & 12 Vict. c. 63. not to apply to the Stockton, Middlesbrough, and Yarm Water Company.

CXV. That the Penalty contained in the 68th Section of "The Public Health Act, 1848," for displacing, taking up, or injuring the Pavement, Stones, Materials, Fences, or Posts of Streets without the Consent of the Local Board shall not apply to the *Stockton, Middlesbrough, and Yarm* Water Company, their Officers or Servants, acting under the Authority and in pursuance of "The *Stockton, Middlesbrough, and Yarm* Waterworks Act, 1851."

Borough Justices may exercise same Powers

CXVI. That all Powers, Authorities, and Discretions by the Improvement Act vested in any Two Justices of the Peace for the North Riding of the County of *York*, in reference to any Matter or Thing

Thing authorized or required by that Act, may be exercised by any Two Justices of the Peace for the Borough. as County Justices.

CXVII. That every Person drunk in any Street within the Borough, and guilty of any riotous or indecent Behaviour therein, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station-house within the Borough, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Justice before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days. Penalty on Persons drunk or riotous.

CXVIII. That all the Clauses and Provisions of "The Town Police Clauses Act, 1847," with respect to Hackney Carriages and with respect to public Bathing shall be incorporated with this Act. Certain Provisions of 10 & 11 Vict. c. 89. incorporated.

CXIX. That the several Clauses of "The Towns Improvement Clauses Act, 1847," numbered as follows in the Queen's Printers Copies of that Act, that is to say, Clauses or Sections CIV., CV., CVI., CIX., CX., CXI., CXII., CXXXII., CXXXIII., CXXXVI., CXXXVII., CXXXVIII., CXXXIX., CXL., CXLI., and CXLIII., shall be incorporated with this Act. Certain Provisions of 10 & 11 Vict. c. 34. incorporated.

CXX. That all Persons whatsoever making use in the Buildings within the District of Fires casting up large Quantities of Smoke or Flame shall alter all the Chimnies which are now made, and shall construct all Chimnies which shall at any Time or Times hereafter be made in or in connexion with any such Buildings of such respective Heights as the Local Board shall order and direct, for the Purpose of preventing as much as may be the same from being a Nuisance; and every Person who shall neglect or refuse to alter or construct his Chimnies according to such Order or Direction for the Space of Three Months after Notice in Writing for that Purpose, signed by the Clerk to the Local Board or any Officer appointed by the Local Board, shall have been given to him, or left at his Dwelling House, or at the Building in which such Chimney is placed, or to which the same belongs, shall forfeit and pay any Sum not exceeding Ten Shillings for every Day during which, after the Expiration of such Three Months, he shall use any such Chimney which shall not have been altered or constructed according to such Order and Direction. Regulating Height of Chimnies.

CXXI. That from and after the First Day of *May* One thousand eight hundred and fifty-seven, every Furnace employed or to be employed in the District in the working of Engines by Steam, and every Furnace employed or to be employed in any Mill, Factory, Printing-house, Dyehouse, Iron Foundry, Glasshouse, Distillery, Brew-house, Sugar Refinery, Bakery, Gasworks, Waterworks, or other Buildings Furnaces within the District to consume their own Smoke.

Buildings used for the Purpose of Trade or Manufacture within the District (although a Steam Engine be not used or employed therein), shall in all Cases be constructed or altered so as to consume or burn the Smoke arising from such Furnace; and if any Person shall, after the said First Day of *May*, within the District, use any such Furnace which shall not be constructed so as to consume or burn its own Smoke, or shall so negligently use any such Furnace as that the Smoke arising therefrom shall not be effectually consumed or burnt, or shall carry on any Trade or Business which shall occasion any noxious or offensive Effluvia, or otherwise annoy the Neighbourhood or Inhabitants, without using the best practicable Means for preventing or counteracting such Annoyance, every Person so offending, being the Owner or Occupier of the Premises, or being a Foreman or other Person employed by such Owner or Occupier, shall, upon a summary Conviction for such Offence before any Justice or Justices, forfeit and pay a Sum not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for every subsequent Conviction the Sum of Twenty Pounds.

Justices may remit Penalties if Smoke consumed as far as practicable.

CXXII. Provided always, That the Words "consume or burn the Smoke" shall not be held in all Cases to mean "consume or burn all the Smoke;" and that the Justice or Justices before whom any Person shall be summoned may remit the Penalties enacted by this Act, if he or they shall be of opinion that such Person has so constructed or altered his Furnace as to consume or burn, as far as possible, all the Smoke arising from such Furnace, and has carefully attended to the same, and consumed or burned, as far as possible, the Smoke arising from such Furnace.

Provisions as to the Consumption of Smoke not to extend to Operations, &c., herein named;

CXXIII. Provided also, That the Enactments last herein-before contained with respect to the Prevention or Consumption of Smoke shall not extend to any of the Operations, Processes, Manufactures, or Works herein-after mentioned; (that is to say,)

The coking of Coal:

The calcining of Ironstone or Limestone:

The making or burning of Bricks, Quarries, Tiles, or Pipes:

The raising of any Mines or Minerals:

The smelting of Iron Ores:

The refining, puddling, shingling, and rolling of Iron or other Metals, and the melting and casting of Iron into Castings:

but to be subject to Provisions of any General Act,

Provided also, that if in any General Act which may be hereafter passed with respect to the Prevention or Consumption of Smoke any of the above-mentioned Operations, Processes, Manufactures, or Works shall not be altogether or partially exempted from the Operation

tion of the same Act, then the Exemption granted by this Act in respect of any such Operation, Process, Manufacture, or Work not so exempted by such General Act shall cease. which may hereafter pass.

Liability to Rates not to disqualify Justices.

CXXIV. That a Person shall not be incapable of acting as a Justice in the Execution in any respect of this Act or the Public Health Act, 1848, by reason of his being an Alderman or Councillor of the Borough, or interested in any Contract under this Act for a Supply of Gas, or being liable under this Act to the Payment of any Toll, Rate, or other Money.

Saving Rights of the Crown.

CXXV. That nothing contained in this Act or in any of the Acts herein referred to shall extend to authorize the said Corporation or Local Board to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exercise-able by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of T. Hustler, Esquire.

CXXVI. Provided always, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, prejudice, or affect any Manorial or other Rights, Powers, or Privileges of or belonging to and heretofore exercised by *Thomas Hustler* Esquire, as Lord of the Manor of *Acklam* in the said North Riding, but that the same shall and may continue to be held, enjoyed, and exercised by him, his Heirs and Assigns, Lords of the said Manor for the Time being, in such and the same Manner as they have hitherto been, anything herein-before contained to the contrary notwithstanding.

Saving Rights of the Surveyors of Linthorpe under Section 102 of the Improvement Act.

CXXVII. And whereas under or by virtue of the 102nd Section of the Improvement Act the Local Board are now liable to pay to the Surveyors of the Highways of the Township of *Linthorpe*, by way of Compensation for Highway Rates taken away by that Act, an annual Sum to be ascertained as in the said Section directed: Be it enacted, That nothing in this Act shall be deemed to repeal that Section, or to exonerate the Local Board from their Liability to make and continue such annual Payment to the said Surveyors in the same Manner and to the same Extent as the Local Board would have been liable in case this Act had not been passed.

Saving Rights of Local Board.

CXXVIII. That, except as is by this Act expressly provided, this Act or anything herein contained shall not take away, lessen, or prejudice any of the Rights, Powers, or Privileges of the Local Board.

Saving Rights of the Tees Conservancy Commissioners.

CXXIX. That, except as expressly provided by this Act, nothing herein contained shall take away, lessen, prejudice, or in any Manner alter or interfere with any of the Rights and Privileges of "The *Tees* Conservancy Commissioners."

Expenses of Act.

CXXX. That all the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Local Board out of any Monies which they may receive under the Provisions of this Act.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Conveyance of Gasworks.

THIS Indenture, made the Day of witnesseth, That in consideration of the Sum of Pounds paid or secured to *A.* & *B.* of Two of the Owners of the Middlesbrough Estate (commonly called the Middlesbrough Owners), by the Local Board of the District of Middlesbrough, under the Powers of "The Middlesbrough Improvement Act, 1856," the said *A.* & *B.* under the Powers of the said Act, and of other Powers vested in them for that Purpose, do hereby grant, bargain, sell, and convey all the Lands, Houses, Buildings, Retorts, Gasometers, and other Works now used by the Owners of the Middlesbrough Gasworks for the Manufacture, purifying, and storing of Gas, and all the Mains, Pipes, Meters, and Lamps Apparatus, and other Gas Property of the said Middlesbrough Owners already laid down and used for the Distribution of Gas in Middlesbrough, and other Purposes connected therewith, unto the said Local Board of Health, to hold the same unto the said Local Board of Health absolutely for the Purposes of the said Act and the Benefit of the said District: In witness whereof the said *A.* & *B.* have hereunto affixed their Hands and Seals, and the said Local Board their Corporate Seal, the Day and Year first above written.

SCHE-

SCHEDULE (B.)

Tolls to be taken for the Use of Passage Boats.

	d.
For carrying each Person, a Sum not exceeding - - - -	2
For every Horse, Mule, Ass, or other Beast of Draught or Burden, a Sum not exceeding - - - - - - - - -	4
For every Ox, Cow, Bull, or other Neat Cattle, a Sum not exceeding - - - - - - - - - -	3
For every Calf or Swine, a Sum not exceeding - - - -	2
For every Sheep, Lamb, or other small Animal, a Sum not exceeding - - - - - - - - - -	1
For a Carriage or Waggon with Four Wheels, One Ton in Weight and upwards, laden or unladen, a Sum not exceeding per Ton	6
For a Phaeton or Carriage, with Four Wheels, weighing less than One Ton, a Sum not exceeding - - - - - -	6
For a Carriage with Two Wheels, a Sum not exceeding - -	4
For all Coal, Coke, Ironstone, or Limestone, which shall be carried or conveyed over the said Passage, not exceeding per Ton - - - - - - - - - - -	4
For all other Articles and Things which shall be carried or conveyed over the said Passage, not exceeding per Ton - -	6

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