CHAPTER cxxv.

An Act to authorise the construction of a New Road, Bridges, Approaches, and Works in or near the City of Norwich; to provide for the better care and management of closed Burial Grounds in the City; to extend the powers of the Corporation in relation to the Health and Local Government of the City; and for other purposes. A.D. 1879.

[21st July 1879.]

WHEREAS the city of Norwich is, subject and according to the provisions of the Acts relating to municipal corporations and to public health, under the local management and government of the mayor, aldermen, and citizens of the city (in this Act called the Corporation):

And whereas it is expedient that the Corporation be empowered to make a new road, bridges, and approaches:

And whereas the city includes (amongst others) the parishes herein-after mentioned; that is to say, St. George of Tombland, St. Martin at Palace, St. Michael at Plea, St. Peter at Hungate, St. Simon and Jude, St. Peter per Mountergate, St. Andrew, St. Gregory, St. John of Maddermarket, St. Lawrence, St. Margaret, St. Swithin, St. Benedict, St. Giles, St. Peter of Mancroft, All Saints, St. John of Timberhill, St. Stephen, St. John of Sepulchre, St. Michael at Thorn, St. Etheldred, St. Julian, St. Peter of Southgate, St. Clement, St. Paul, St. James, St. Edmund, St. Saviour, St. Augustine, St. Martin at Oak, St. George of Colegate, St. Mary at Coslany, and St. Michael at Coslany, and to the parish churches of all such parishes are attached burial grounds which by several Orders in Council made under the authority of the Burial Act, 1853, have been closed for burials: 16 & 17 Vict. c. 134.

And whereas it is expedient that the Corporation should be empowered, with the consents and subject to the conditions and restrictions in this Act mentioned, to acquire the property in, or rights or easements over, the said closed burial grounds, or some of

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them, and to lay out, embellish, and maintain the same, or some of them, as places accessible to the public, and to carry into effect the other purposes of this Act:

And whereas it is expedient that the powers of the Corporation and the provisions of the Acts relating to the city be in divers respects extended and amended:

And whereas it is expedient that the Corporation be authorised to raise further money by borrowing, and that the Great Eastern Railway Company be authorised to contribute to the expense of such of the works by this Act authorised as will improve the access to their station or otherwise benefit them:

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

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

And whereas estimates have been prepared by the Corporation for the purchase of land for or in connexion with the new road, bridges, and approaches and works by this Act authorised, and such estimates amount to the sum of nineteen thousand seven hundred and twenty-four pounds, and the land and works included in such estimate are permanent works within the meaning of section 234 of the Public Health Act, 1875:

38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the Council, at a meeting held on the seventeenth day of December one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Norwich Mercury, a local newspaper published or circulating in the city, such notice being in addition to the ordinary notices required for summoning that meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund:

And whereas that resolution was published twice in the Norwich Mercury, a newspaper circulating in the city, and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of

the Council at a further special meeting held in pursuance of a similar notice on the twenty-first day of January one thousand eight hundred and seventy-nine, being not less than fourteen days after the deposit of the Bill for this Act in the offices of the Houses of Parliament:

And whereas the owners and ratepayers of the city, by resolution in the manner prescribed by the Public Health Act, 1875 (Schedule III.), have consented to the promotion of the Bill for this Act:

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

Preliminary.

Short title.

1. This Act may be cited as the Norwich Improvement Act, 1879.

Incorporation of general Acts.

2. The following enactments (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and shall be part of this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts): — 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, except sections 84 and 85 (moneys borrowed on security of rates to be paid off in a limited period, and mode of paying off of mortgages). — 10 & 11 Vict. c. 16.

Interpretation of terms.

3. In this Act—

"The mayor," "the Council," "the treasurer," "the engineer," "the borough fund," "the borough rate," "the district fund," and "the general district rate" mean respectively the mayor, the Council, the treasurer, and the engineer for the time being of the city, and the borough fund and borough rate, the district fund and general district rate, of the city;

"The Municipal Corporations Acts" means the Act 5 & 6 William IV., chapter 76, "to provide for the regulation of "municipal corporations in England and Wales," and Acts for the time being in force amending the same or otherwise relating to municipal corporations in England;

"The city of Norwich" and "the city" mean the city and county of the city of Norwich, together with all such extra-

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parochial or other places as are contained within the outer boundary of the city and county of the city of Norwich;

"The Secretary of State" means Her Majesty's Principal Secretary of State for the Home Department for the time being; "the Burial Acts" means the Burial Acts, 1852, to 1871; "closed burial ground" means any burial ground or part of a burial ground attached to or adjoining the churches of the several parishes named in the preamble to this Act, and which has been closed by Order in Council under the Burial Acts;

15 & 16 Vict. c. 85.
17 & 18 Vict. c. 87.
18 & 19 Vict. cc. 79, 128.
20 & 21 Vict. cc. 35, 81.
22 Vict. c. 1.
23 & 24 Vict. c. 64.
25 & 26 Vict. c. 100.
27 & 28 Vict. c. 97.
32 & 33 Vict. c. 26.
34 & 35 Vict. c. 33.

"The Public Health Acts" means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same;

"Owner" and "street" have the same respective meanings as are assigned to those words by the Public Health Act, 1875; and in this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there is something in the subject or context repugnant to such construction;

and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Act to be executed by Council.

4. This Act shall be carried into execution by the Corporation acting by the Council, and according to the Municipal Corporations Acts, and the Public Health Acts, and the other Acts (if any) for the time being affecting the Corporation as a municipal body and an urban sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation, and on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporations Acts and the Public Health Acts respectively, and, subject to the provisions of this Act, as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporations Acts and the Public Health Acts respectively.

NEW ROAD, BRIDGES, AND APPROACHES. A.D. 1879.

Power to construct new road, bridge, and approaches.

5. Subject to the provisions of this Act, the Corporation may make and maintain the new road, bridge, and approaches hereinafter mentioned and shown on the deposited plans, together with all necessary bridges, approaches, works, and conveniences connected therewith or incident thereto, in the lines and situations shown on the deposited plans and upon the levels shown on the deposited sections, and for those purposes may enter upon, purchase, take, and use such of the said lands delineated on the deposited plans and described in the deposited book of reference as shall be necessary for such works, and also for the purpose of securing sites for the erection of suitable buildings to the front of such new road and approaches, and may stop up all highways, roads, and ways within the limits of deviation defined in the deposited plans which are shown thereon as intended to be stopped up, and may appropriate for the purposes of this Act the sites of the highway, roads, and ways so stopped up, so far as the same are bounded on both sides by lands of the Corporation.

The new road, bridge, and approaches herein-before referred to and authorised by this Act are—

(1.) A new road, commencing in Heigham Causeway opposite to Russell Street, crossing the River Wensum, and terminating in St. Martin-at-Oak Street opposite to Baker's Road:

(2.) A new bridge and approaches over the River Wensum, in lieu of the existing bridge known as the Foundry Bridge, adjoining the Thorpe Station of the Great Eastern Railway Company, and which new bridge and approaches will commence about 200 yards on the west side of the centre of the present bridge, and terminate about 200 yards on the east side of the centre of that bridge.

Construction of new Foundry Bridge.

6. The bridge by this Act authorised to be made and maintained over the River Wensum, in lieu of the existing bridge known as the Foundry Bridge, shall be constructed of iron girders and be of one span, so as to afford a clear and uninterrupted navigable waterway for vessels of the full width of the river, and the headway or distance between the surface of the river at ordinary high water and the under part of the bridge shall not in any place be less than eleven feet three inches.

Correction of errors, omission, &c.

7. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Corporation may apply

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to two justices for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, and if it appears to the justices that the omission, mis-statement, or erroneous description arose from mistake, they shall so certify, stating the particulars thereof, and their certificate shall be deposited (as regards both the county and the parish or extra-parochial place) as if it had originally formed part of the deposited plans or book of reference (as the case may be), and shall be kept therewith, and shall be deemed to be part thereof, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, purchase, take, and use the lands to which the certificate relates accordingly.

Notice to be given of taking houses of labouring classes.

8. The Corporation shall, not less than eight weeks before they take in the city fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Corporation shall not take any such houses until they have obtained the certificate of a justice not being a member of the Corporation that it has been proved to his satisfaction that they have so made known their intention.

Corporation to procure accommodation for persons of the labouring classes to be displaced.

9. Before taking in the city fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, the Corporation shall (unless the Corporation and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice not being a member of the Corporation; and the Corporation may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may hold and demise or sell the same, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

Power to deviate.

10. In executing the works by this Act authorised the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards,

and from the lines shown on the deposited plans to any extent within the limits of deviation marked thereon, and beyond those limits with the consent of the owners, lessees, and occupiers of the lands through which a deviation is made, but not otherwise.

Power to make subsidiary works.

11. Subject to the provisions of this Act, and within the limits of deviation marked on the deposited plans, the Corporation, in connexion with the new road, bridge, and approaches by this Act authorised, or any of them, and for the purposes thereof, may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the new road, bridge, and approaches, or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the new road, bridge, and approaches, or any of them.

Powers to alter and divert sewers, &c.

12. The Corporation from time to time may alter and divert, either temporarily or permanently, all sewers, drains, mains, and pipes within the city which they find it necessary or convenient for any of the purposes of this Act so to interfere with, making to all persons who sustain any damage thereby compensation in that behalf, such compensation in case of dispute to be ascertained in manner prescribed by the Lands Clauses Acts with respect to the settlement of questions of disputed compensation for lands.

Alterations consequent on changing levels of street to be made at expense of Corporation.

13. Where by reason of the execution of any of the works by this Act authorised the level of any street is raised or otherwise changed, or any alteration of any step, door, or entrance into any house or building, or of any pavement, sewer, drain, or culvert adjoining or belonging to any premises in the street, is rendered necessary, the alteration shall be made by and at the expense of the Corporation out of the moneys borrowed under this Act.

Damage to buildings to be compensated for by Corporation.

14. Where by reason of the alteration of the level of any street by this Act authorised any house, building, or premises be damaged or otherwise injuriously affected, the Corporation shall, out of the moneys borrowed under this Act for new streets, make good the damage done, and pay to the owner and occupier of the house, building, or premises such compensation as shall be agreed on between the owner and occupier and the Corporation, or, failing their agreement, such compensation as shall be ascertained in manner prescribed by the Lands Clauses Acts with respect to the settlement of questions of disputed compensation for lands.

Alterations of gas and water pipes, &c.

15. In executing any works by this Act authorised the Corporation may raise, sink, or otherwise alter the position of any watercourse, water pipe, or gas pipe belonging to or connected with any

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building adjoining or near to the site of any such work, and also any main or other pipe laid down or used for carrying a supply of water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making full compensation for damage caused by any such alteration.

Provisions for the protection of the City of Norwich Waterworks Company.

16. Whereas divers mains, pipes, services, and other works belonging to and now in use by the City of Norwich Waterworks Company (in this section called "the water company") for the purpose of their water supply will or may in the execution of the works by this Act authorised be intersected or otherwise interfered with: Therefore the following provisions shall have effect:

A.—All works, matters, or things which the Corporation may be empowered or required to do or execute with reference to the mains, pipes, services, or other works of the water company shall be done and executed by and at the expense of the Corporation, but to the reasonable satisfaction and under the sole direction of and in such manner as shall be reasonably required by the engineer for the time being of the water company. Such works, matters, or things shall not be commenced till after fourteen days notice thereof in writing shall have been given by the Corporation to the water company, and if the water company, by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by the Corporation of any such work, matter, or thing, require that the water company shall, by their own engineer or workmen, do or execute such work, matter, or thing, the water company may on the expiration of the first-mentioned notice do or execute the same, and the corporation shall on the completion thereof pay to the water company the reasonable expenses incurred by them in the execution thereof:

B.—The Corporation shall bear the reasonable expenses of and incident to the superintendence and watching by the water company or their engineer or officers of all or any of the works by this Act authorised during the progress and until the completion of the same, and by which any main, pipe, service, or work of the water company shall be interfered with:

C.—If any interruption whatsoever in the supply of water by the water company shall be in any way occasioned by the Corporation, or by the acts of any of their contractors, agents,

workmen, or servants, or any person in the employ of them or any or either of them, the Corporation shall forfeit and pay to the water company, for the use and benefit of the water company, the sum of five pounds by way of liquidated damages for every hour during which such interruption shall continue after notice thereof to the Corporation, such sum to be recovered by the water company in any court of competent jurisdiction:

D.—The expense of all repairs or renewals of any main, pipe, or service of the water company, or any works in connexion therewith, which may at any time hereafter be rendered necessary by the acts or defaults of the Corporation, their contractors, agents, workmen, or servants, or any person in the employ of them or any or either of them, shall be borne and paid by the Corporation, and may be recovered against them by the water company in any court of competent jurisdiction:

E.—If and when the Corporation under the powers of this Act acquire and appropriate any lands, houses, and buildings which are served with water by the mains, pipes, services, or works of the water company laid down and maintained by them in any road, street, highway, or place, or stop up any such road, street, highway, or place, so that the same mains, pipes, services, and works, or any of them, or any part thereof respectively, become useless for supplying water, the Corporation shall at their own expense take up such mains, pipes, services, and works, or such part thereof respectively as shall so become useless, and shall deliver the same to the water company in as good a condition as such mains, pipes, services, and works were in immediately before they were taken up or interfered with:

F.—If any difference shall arise between the Corporation or their engineer and the water company or their engineer touching the amount of any costs, expenses, or charges under the provisions of this Act or any Act incorporated therewith to be paid by the Corporation to the water company, or touching any work, matter, or thing with reference to the mains, pipes, services, or other works of the water company under such provisions to be done or executed by the Corporation or the water company, or the mode of doing or executing the same, such difference shall be settled by arbitration in accordance with the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration:

8 & 9 Vict. c. 16.

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G.—Except as in this Act specially provided, nothing in this Act shall prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities of the water company.

Period for compulsory purchase of lands.

17. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of four years from the passing of this Act.

Time for completion of works.

18. If the new road, bridge, and approaches are not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted for execution thereof, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to take additional lands by agreement.

19. The Corporation may from time to time for or in connexion with the new road, bridge, and approaches authorised by this Act purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and may hold the same, not exceeding in the whole at one time one acre.

Power to take easements, &c. by agreement.

20. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the Lands Clauses Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, rights, and privileges as aforesaid.

Corporation may sell or lease lands not required for purposes of Act.

21. Subject to the provisions of this Act, the Corporation from time to time, if and when they think fit, may sell or exchange all or any part of any lands acquired by them under the authority and not required for the purposes of this Act, or they may lay out the same for building purposes, and sell or exchange the same, or otherwise at their option they may demise or grant upon lease for any yearly rent, with or without fine, for such estate, term, or interest not exceeding a term of ninety-nine years, and to such persons, and with, subject to, on, and under such reservations, covenants, terms, and conditions, as the Corporation think fit, (and, in case of sale, in consideration of a gross sum or of an annual rent, or of both, or of any payment in any other form,) all or any part of such lands, and the Corporation may make any such sale or lease by public auction, public tender, or private contract, and with or without special conditions and stipulations as to evidence or commencement of title, or otherwise, and may

fix reserved biddings and prices, buy in at auctions, and alter or rescind, on terms or gratuitously, any contract or agreement for sale or lease, and the consideration or rent fixed thereby, and accept surrender of any lease, and, either before or after such conveyance or lease is granted, may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning such lands) of any such lands, and execute and do all deeds and things necessary to effect the several purposes aforesaid.

Sales to be made within limited time.

22. The Corporation shall, before or at any time within ten years after the completion of the new road, bridge, and approaches for the purposes whereof any lands are acquired, or within twenty years after the passing of this Act, whichever shall first happen, sell or dispose of and convey such parts of those lands as are not wanted by them for the purposes of this Act, but nothing in this section shall compel the Corporation to sell or dispose of rents reserved in conveyances or leases as aforesaid; provided that the reversions of such leases shall be sold and disposed of within the period aforesaid.

Application of purchase money of land.

23. Any purchase money received on any sale of land, any premium received on the granting of any lease, and any money received for equality of exchange by the Corporation under this Act, shall be distinguished as capital in the accounts of the Corporation, and shall be applied exclusively for purposes for which money borrowed by them is applicable, or in discharge of money so borrowed, and any money so discharged shall not be re-borrowed.

Closed Burial Grounds.

Power to incumbents, &c. to grant to the Corporation rights over closed burial grounds.

24. Subject to the provisions and for any of the purposes of this Act, the persons herein-after mentioned may, with the consent of the Secretary of State, grant to the Corporation, and the Corporation may accept, from time to time, either the absolute property or any lesser estate, right, or easement in or over the whole or any part of any closed burial ground.

Persons by whom grants may be made.

25. A grant for the purpose of this Act may be made to the Corporation by the actual incumbent of the benefice of the parish to which the closed burial ground belongs (whether such incumbent be rector, vicar, or perpetual curate), with the previous consent in writing of the bishop of the diocese, which shall be recited in the grant or testified by his signature thereto.

Consideration for grants.

26. A grant under this Act may be made with or without any valuable consideration. Any such consideration shall be made

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either by way of periodical payment or by payment of a gross sum, and shall be secured and paid in such manner as the Corporation, with the approval of the Secretary of State, may determine, but so that the benefit of any such payment shall be secured to the incumbent or incumbents for the time being by way of annual income as nearly as may be as if it had arisen from the sale of lands belonging to the benefice, or the consideration, if a gross sum, may, with the consent of the incumbent, be applied for such purposes in connexion with his church or parish as the bishop of the diocese and the Secretary of State may approve.

Form of grant.

27. A grant for the purposes of this Act may be in the form contained in the First Schedule to this Act, or to the like effect, and every grant so made shall be effectual for the purposes therein expressed, but every such grant shall bear the proper ad valorem or other stamp duty to which it may be liable under the Acts in force relating to stamp duties.

Powers of Corporation under grants.

28. When under the provisions of this Act the Corporation have become possessed of any burial ground, or part of a burial ground, or of any estate, right, or easement in or over the same, it shall be lawful for them, subject to any conditions or restrictions contained in the grant, and so far only as the grant shall extend, from time to time to do all or any of the following things with respect to such burial ground or part thereof; (that is to say,)

(1.) To lay out, level, repair, pave, turf, plant, embellish, light, improve, and maintain the same:

(2.) To fence the same or any part thereof, or to throw open the same or any part thereof to the public:

(3.) To lay out and maintain walks or footways through or over the same:

(4.) Generally, to maintain the same, and any graves, tombs, or monuments therein, in decent order and in a proper sanitary condition:

(5.) Where it is expedient for the purpose of widening or improving any street, to lay out, level, pave, fence, and maintain such part of the same as may be necessary as part of such street, but this power shall not be exercised without the consent of the Secretary of State:

(6.) To regulate and control the use of the same by the public.

To the extent to which the Corporation are under any such grant entitled to maintain and keep in order any burial ground, and any graves, tombs, or monuments therein, it shall be their duty so to do, and no other person, body, or corporation shall to that extent be under any liability in respect thereof.

Preservation of freehold of site of church in incumbent.

29. When a church stands in a closed burial ground the freehold of the site of the church, with all rights of way to and from the same, shall be preserved to the incumbent or persons entitled to use the same, and in case of additions being afterwards made to the church, or in case it shall be expedient to rebuild the church on a different site within such burial ground, the Corporation shall re-convey to the incumbent the freehold of the site required for such purpose, or any lesser interest of the Corporation therein.

Keys of enclosure to be kept thereat or near thereto.

30. The Corporation, in the case of any closed burial ground which they do not throw open to the public, shall cause the keys of such burial ground to be kept on some part thereof or at some convenient place near thereto, and notice of the place of deposit shall be affixed to, upon, or near to the principal entrance to such burial ground, and every person who immediately before the passing of this Act had, or whose personal representatives hereafter shall have, any right, privilege, or easement in respect of any vault, grave, tomb, tombstone, or monument therein, shall have access thereto at all reasonable times.

Power to remove tombstones in certain cases.

31. In order that the Corporation may the better fence, level, lay out, turf, plant, embellish, and otherwise improve the burial grounds, they may (with the consents of the incumbent of the benefice of the parish to which the respective closed burial grounds belong and of the heirs or personal representatives of any person whose remains are interred therein) remove any tombstone or monument, and they may without such consent remove any such tombstone or monument if the inscription thereon shall have become illegible, or if upon diligent inquiry the Corporation shall be unable to find such heirs or personal representatives; provided that any such stone or monument so removed shall be placed in some other part of the burial ground, and that a register be kept of the situation from and to which such stone or monument has been removed, and of all such marks and signs as may aid in the future identification of the same.

Power to make bye-laws.

32. Subject to the conditions of any grant, the Corporation may from time to time make byelaws for all or any of the following purposes with respect to burial grounds over which they exercise rights under this Act; (that is to say,)

For the prevention of the posting of bills or placards and the writing, stamping, cutting, printing, drawing, or marking in any manner of any word or character, or of any representation of any object, on any building, erection, monument, tombstone, wall, gate, door, railing, fence, tree, lamp-post, walk, pavement, or seat, or elsewhere in the said enclosure:

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For the preservation of order and good conduct among persons frequenting the said enclosure:

For regulating the days and times of admission thereto:

For the prevention or restraint of acts or things tending to the injury or disfigurement of the said enclosure or the fences thereof, or anything in or on the same or belonging thereto, or which may interfere with the use thereof by the public:

For preventing or regulating the admission of dogs:

For the removal of any person infringing any such byelaw.

Power to Corporation to bring actions in respect of injury to burial ground.

33. The Corporation may from time to time in their own name prosecute or defend any legal proceedings for recovering or defending the possession for the purposes of this Act of or for obtaining the payment of damages, or any Mandamus or injunction in respect of or against any actual or contemplated injury or damage to the burial grounds or any part or parts thereof, or the fences, walks, graves, tombstones, and property in or about the same.

Damage to public enclosure, &c. to be paid for.

34. The Corporation may, notwithstanding the infliction of a penalty, and in addition thereto, recover, either by action or summarily, from any person who does or causes to be done any injury to the burial grounds, or the walls, rails, or fences thereof, or anything contained therein or thereon, the amount of the damage sustained by the Corporation by reason of such injury.

Expenses to be defrayed out of district fund and general district rate.

35. The expenses incurred by the Corporation in the execution of this Act in relation to closed burial grounds shall be charged on and defrayed out of the district fund and general district rate, as if the purposes of this Act (so far as the same relates to closed burial grounds) were sanitary purposes within the meaning of the Public Health Act, 1875.

Saving rights of heirs, &c. of persons interred in burial grounds.

36. Nothing in this Act shall prejudice or interfere with the rights, privileges, or easements which any person immediately before the passing of this Act had, or which his heirs or personal representatives may hereafter have, in respect of any vault, grave, tomb, tombstone, or monument, or the maintenance thereof or the access thereto respectively, in any of the burial grounds to which this Act applies.

Saving of liabilities.

37. Nothing in this Act shall exempt any person or corporation from any liability or obligation not otherwise expressly provided for by or under the provisions of this Act.

Saving of other powers of Corporation.

38. Nothing in this Act shall deprive the Corporation or the Council as the sanitary authority, or as the burial board or otherwise, of any powers or authorities under any other general or local Act.

Houses not to be occupied until street is formed, &c.

39. When in the case of any street or part of a street not being a highway repairable by the inhabitants at large the Corporation shall have given public notice, by putting up the same in such street or part of a street, that such street or part of a street is not sewered, levelled, metalled, and channelled according to plans and sections approved of by the Corporation, every person who shall occupy or allow to be occupied as a dwelling-house any new building in such street or part of a street at the expiration of fourteen days after the giving of such notice, except with the consent of the Corporation, shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for each day that the occupation continues without such consent; provided that nothing herein contained shall be deemed to affect the owner, lessee, or occupier of any house which shall have been erected or occupied prior to the giving of such public notice as aforesaid. When any such street or part of a street has been sewered, levelled, paved, flagged, or otherwise metalled, channelled, and made good to the satisfaction of the Corporation as aforesaid, such street or part of a street shall thereupon become a public highway repairable by the inhabitants at large.

Houses not to be inhabited until certificate of completion given by Corporation.

40. Every owner of a new building shall before the same shall be inhabited give to the Corporation or the engineer a notice in writing that the said building and its appurtenances, and the paving of the yard, and the drainage and the ventilation thereof, are completed, and that the drains thereof are sufficiently trapped according to the provisions of the several Acts of Parliament and the byelaws for the time being in force in the city, and a demand that the same may be inspected within fourteen days from the service of such notice; and no owner of a new building shall occupy or allow the same to be occupied if he shall have received from the engineer, within fourteen days after the service of such notice, a notice in writing that such new building is not complete or sufficiently ventilated and fit for habitation, or that the drainage thereof is not completed, and the drains not sufficiently trapped (the notice to state in what particulars the building or the drainage is defective); and any owner who shall occupy or allow such new buildings to be occupied after such last-mentioned notice has been given shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such building shall be inhabited, until the engineer shall have certified that the defects specified in his notice have been remedied.

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Penalty for nuisance in unoccupied houses.

41. If after the passing of this Act any unoccupied house or building in any street or public place in the city is or becomes a nuisance or cause of injury or danger to the occupier of any adjoining building, or persons using such street or public place, the engineer may, by notice in writing under his hand, require the owner of such unoccupied house or building, or his agent, within twenty-one days from the receipt of such notice, to abate or remove such nuisance or cause of injury or danger, and in case of his failure so to do such owner or his agent shall be liable to a penalty of forty shillings for every day in which such nuisance or cause of injury or danger shall continue.

Right of appeal in certain cases.

42. Any person deeming himself aggrieved by any notice given by the Corporation or the engineer, as the case may be, under sections 39, 40, and 41 of this Act, or by the withholding of the consent of the Corporation, under section 39, or by the withholding of the certificate of the engineer, under section 40, or by any order or conviction of a court of summary jurisdiction in respect of any matter mentioned in any of those sections, may appeal to the next court of quarter sessions in the same manner and subject to the same provisions as in the case of an appeal from the decision of a court of summary jurisdiction under section 269 of the Public Health Act, 1875, and for the purposes of such appeal any decision of the engineer shall be deemed to be the decision of the Corporation.

Notice to be given of persons suffering from certain diseases.

43. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation in the city who is suffering from small-pox, cholera, typhus, typhoid, scarlet fever, diphtheria, or relapsing fever, or any other infectious disease which the Corporation may from time to time, with the sanction of the Local Government Board, by resolution of the Council, specify, the following provisions shall have effect; (that is to say,)

(1.) If any such inmate be suffering from any such disease as aforesaid, and no medical practitioner is attending on or has been called in to visit such inmate, the occupier or person having the management or control of such building, or, if such occupier or person is prevented by reason of such disease, the person in charge of such inmate, shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the Corporation at the Guildhall of the existence in such inmate of such disease;

(2.) If such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, then such inmate (unless prevented by reason of such disease or of youth) shall, on becoming aware of the existence in such inmate or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person;

(3.) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the city forms for the certificate by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the Second Schedule to this Act;

(4.) Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any such disease as aforesaid, forthwith fill up, sign, and deliver to the occupier or person having the management or control of the building, or, in case such person is suffering from such disease, to the person in charge of such inmate, a certificate stating, according to the forms prescribed and supplied to him by the Corporation, the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering;

(5.) The person to whom such certificate shall be given by the medical practitioner shall forthwith deliver the same or cause the same to be delivered at the Guildhall to a clerk or servant of the Corporation in attendance there;

(6.) The Corporation shall pay to every medical practitioner who shall in pursuance of this section duly give any such certificate as aforesaid a fee of two shillings and sixpence in respect of the same; provided that more than three fees shall not become payable under this section within an interval of thirty days to the same medical practitioner for certificates given by him in respect of the same disease occurring in the same building;

and any person who shall offend against this enactment (unless ignorant thereof, the burden of the proof of which shall be on him) shall for every such offence be liable to a penalty not exceeding five pounds.

Power for recorder and justices

44. Whereas doubts have arisen whether the general or quarter sessions for the city can be legally holden at the Shire Hall in Norwich

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of the city to sit in the Shire Hall.

and offices connected therewith, and it is expedient to remove such doubts: Therefore it shall be lawful for the recorder and justices of the peace for the city, with the consent of the justices of the peace for the county of Norfolk in general or quarter sessions assembled, or of other the local authority for the time being having control of the said Shire Hall, and not otherwise, at such time or times and on such terms as they shall mutually agree upon, to sit and hold the general or quarter sessions for the city at the Shire Hall, Norwich, and all judgments, decisions, and acts of the said recorder and justices given, made, or done at such sessions in the said hall shall be legal and valid to all intents and purposes.

Power to make byelaws in respect to use of bicycles.

45. The Corporation may from time to time make byelaws for regulating the use in streets and public places within the city of bicycles, velocipedes, and other wheeled conveyances of a like nature.

Byelaws.

Byelaws to be made according to provisions of 38 & 39 Vict. c. 55.

46. All byelaws under this Act shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 187 (both inclusive) of the Public Health Act, 1875.

Financial Provisions.

Power to borrow on mortgage.

47. The Corporation may from time to time, under the authority of this Act, in addition to any moneys they are authorised to borrow under the Municipal Corporations Acts and the Public Health Acts, borrow at interest on mortgage of the borough fund and borough rate all such sums as they may from time to time think requisite for the purposes of the new road, bridge, approaches, and works by this Act authorised, not exceeding in the whole (except with the consent of the Local Government Board) the sum of twenty thousand pounds.

Power to borrow under provisions of 38 & 39 Vict. c. 83.

48. The Corporation may from time to time, in manner prescribed by the Local Loans Act, 1875, and subject to the provisions thereof, borrow at interest on the securities described in the last preceding section the money therein authorised to be borrowed, and they may raise such money by the issue of debentures, debenture stock, or annuity certificates.

Certain regulations of 38 & 39 Vict. c. 55. as to borrowing not to apply.

49. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section two hundred and thirty-four of the Public Health Act, 1875, and in calculating the amount which the Corporation may borrow under

that Act any sums which they may borrow under this Act shall not be reckoned.

Receiver for mortgagees under 10 & 11 Vict. c. 16.

50. The mortgagees of the Corporation in respect of mortgages issued in accordance with the provisions of the Commissioners Clauses Act, 1847, may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds.

Protection to lenders from inquiry as to application of money.

51. Any person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss, misapplication, or non-application of such money or any part thereof.

Payment off of money borrowed.

52. The Corporation shall pay off all money borrowed by them under the powers of this Act, and the interest thereon, within sixty years after the same is borrowed by any one or more of the methods (including a sinking fund) mentioned in the Local Loans Act, 1875, with respect to the discharge of loans borrowed in the manner provided by that Act.

Power to re-borrow.

53. The Corporation may from time to time re-borrow any amount borrowed by them under this Act and paid off otherwise than in compliance with the provisions of the last preceding section, but all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were by this Act required to be repaid.

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

54. The treasurer shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund has been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, the treasurer shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board

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by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

Application of money borrowed.

55. Money borrowed by the Corporation under this Act shall (except as in this Act otherwise expressly provided with respect to the costs of this Act) be applied for the purposes for which it was borrowed, and generally for objects to which capital money is properly applicable, and for no other purposes.

Priority of existing mortgages.

56. All mortgages granted by the Corporation in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing of this Act, shall during the continuance of such mortgages, and subject to the provisions of the Acts under which the same were granted, have priority of charge on the security therein comprised over all mortgages granted under this Act.

Power to Great Eastern Railway Company to contribute to Work No. 2.

57. The Great Eastern Railway Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, from time to time contribute any sum which they think fit towards the new bridge and approaches numbered (2) in section 5 of this Act, and the said company may apply in payment of their contribution any moneys which they are authorised to raise; and all moneys so contributed shall be applied by the Corporation for the purposes for which they are contributed, and the amount by this Act authorised to be borrowed without the consent of the Local Government Board shall be reduced by the amount of such contribution.

Expenses of Act.

58. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Corporation in the first instance out of the borough fund, and ultimately out of money borrowed under this Act.

THE FIRST SCHEDULE.

Form of Grant.

In pursuance of the Norwich Improvement Act, 1879, I (*or* we), the incumbent [*describe grantor or grantors according to the facts*], with the consent of the bishop of the diocese, hereby [*or* in writing under his hand, dated the day of] testified, hereby grant (*or* demise) to the Corporation of Norwich the burial ground attached to or adjoining the parish church of (*or* a perpetual easement therein, *or* a right to use and deal with the same for all the purposes of the above-mentioned Act for the term of 99 years from , *or otherwise according to the intention of the parties, mentioning any conditions or exceptions, and the consideration, if any*).

Dated the day of 18 .

Signed (*Bishop's Signature*).
Signed (*Grantor's Signature*).
Sealed (*Corporate Seal*).

THE SECOND SCHEDULE.

Certificate of Disease.

The Norwich Improvement Act, 1879.

To the Corporation of the City of Norwich.

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

Dated the day of 18 .

(Signed)

Name of person suffering from the disease
Situation of the building wherein such person is - - - - - -
Name of occupier or other person having the management of or control of the building
Nature of the disease - - -

Note.—This certificate must (under penalty of five pounds in case of neglect) be forthwith sent or taken to the Corporation at the Guildhall, and delivered to a clerk or servant of the Corporation in attendance there, by the person to whom the certificate is given by the medical practitioner.

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