ANNO DECIMO SEXTO & DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## *Cap.* lxxxiii.

### An Act for the better Improvement and Regulation of the Borough of *South Shields* in the County of *Durham*, the Establishment of a Cemetery therein, and for other Purposes.

[8th *July* 1853.]

WHEREAS a Local Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for paving, lighting, watching, cleansing, regulating and improving the Town of* South Shields *in the County Palatine of* Durham:" And whereas Her present Majesty by the Advice of Her Privy Council, by certain Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, bearing Date the Third Day of *September* One thousand eight hundred and fifty, granted that the Inhabitant Householders of the District comprised within the Boundary of the Parliamentary Borough of *South Shields* (which includes the whole of the Townships of *South Shields* and *Westoe* in the Parish of *Jarrow*), and their Successors, should be for ever thereafter One Body Politic and Corporate in deed, fact, and name, and that the said Body Corporate should be called "The Mayor, Aldermen, and Burgesses of the Borough of *South*

10 G. 4. c. xl.

Municipal Charter, dated 3d Sept. 1850.

*Shields*," and should have perpetual Succession and a Common Seal; and Her Majesty did thereby extend to the Inhabitants of the said Borough, comprised within the District therein and herein-before described, all the Powers and Provisions of the Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and of all and every other Act and Acts of Parliament made and passed for altering, amending, or enlarging the same Act and the Powers and Provisions thereof, or in anywise relating thereto: And whereas the Commissioners for putting in execution the said Local Act, in pursuance of the Provisions of the said Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, did, at a Meeting of the Commissioners specially called for that Purpose on the Thirty-first Day of *December* One thousand eight hundred and fifty, resolve to transfer to the Corporation the Powers vested in the Commissioners by the said Local Act; and the Commissioners, by Writing under their Hands and Seals bearing Date the said Thirty-first Day of *December* One thousand eight hundred and fifty, did transfer such Powers accordingly unto the Corporation: And whereas the Dean and Chapter of *Durham* are or claim to be the Owners of the Building or Tenement in the Borough called the Town Hall, and of the Right of holding Markets and Fairs in the Borough, and of taking Tolls for such Markets and Fairs: And whereas it would be attended with great public Advantage if the Sewerage, Drainage, cleansing, lighting, paving, and otherwise improving the said Borough, and the holding of Markets and Fairs therein, were placed under the Control and Management of One governing Body; and it is expedient that all Estates, Properties, and Effects held under the said Local Act, and also the said Town Hall, should be transferred to and vested in the Corporation; that the said Local Act should be repealed, and that other Powers should be granted to the Corporation for the Purposes aforesaid, and for the general good Government of the Borough: And whereas such several Purposes cannot be effected without the Aid and 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,)

5 & 6 W. 4. c. 76.

Commencement of Act.

I. That this Act shall commence and take effect on and from the Tenth Day of *November* One thousand eight hundred and fifty-three.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *South Shields* Improvement Act, 1853."

III. That

Council to carry the Act into execution.

III. That the Corporation, by the Council, shall be and they are hereby empowered to carry this Act into execution.

Limits of Act.

IV. That this Act shall extend to and comprise the whole of the Borough, except that Portion of the same which lies to the Westward of the Hedge upon the East Side of *Bolden Lane*, and to the Westward of a straight Line drawn from the Northern Extremity of the said Hedge to the Mouth of the River *Don* at Low Water: Provided nevertheless, that in case the Town of *South Shields* shall become connected with the Village of *East Jarrow*, which is situate within the Portion of the Borough herein-before excepted from the Operation of this Act, by a continuous Line of Buildings from the West Side of *Bolden Lane* to *Jarrow Lodge* in the said Village, or in the event of a public Dock being constructed in *Jarrow Slake* in the Borough, it shall be lawful for the Corporation, after the Expiration of Three Years from the Completion of such continuous Line of Buildings, or of such public Dock, such Completion to be certified in Writing by Two Justices, to extend the Limits of this Act to the whole of the Borough, in manner herein-after mentioned: Provided always, that a Line of Buildings from the West Side of *Bolden Lane* to *East Jarrow* shall be deemed continuous, notwithstanding any Openings for Branch Streets or public Roads.

Power of Council to extend Limits.

Mode of Proceeding to extend Limits.

V. That after the Expiration of Three Years from such Completion, the Council may at any Meeting, of which special Notice shall have been given, resolve that the Limits of this Act shall be extended to the whole of the Borough; but such Resolution shall have no Effect until the same shall have been confirmed at a subsequent Meeting held not sooner than Four Weeks after the preceding Meeting, and which subsequent Meeting shall have been advertized once at least in each of the Weeks intervening between the Two Meetings, in some Newspaper circulating within the Limits of this Act, and of which special Notice in Writing has been given to each Member of the Council; and from and after such Confirmation the Limits of this Act shall extend to and comprise the whole of the Borough, and this Act shall be read and construed as if the Limits of the Act had been hereby made co-extensive with the Borough.

Interpretation of Terms.

VI. That, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, the several Words and Expressions to which by the several Acts wholly or partially incorporated with this Act Meanings are assigned, shall have in this Act the same respective Meanings, and the following Words shall have in this Act the severa Meanings hereby assigned to them respectively; (that is to say,)

The Word "Borough" shall mean the said Borough of *South Shields*:

The

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

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

The Word "Committee" shall mean any Committee to be appointed by the Council:

The Words "Town Clerk" shall mean the Town Clerk for the Time being of the Borough:

The Word "Treasurer" shall mean the Treasurer for the Time being of the Borough:

The Words "the Local Act" shall mean the said recited Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth:

The Words "the Commissioners" shall mean the Commissioners for putting the Local Act into execution.

Local Act, 10 G. 4. c. xl. repealed.

VII. That the Local Act, and all the Powers and Authorities, Matters and Things therein contained, shall be and the same are hereby repealed from and after the Tenth Day of *November* One thousand eight hundred and fifty-three, but without prejudice to any Acts or Proceedings previously had, transacted, or commenced under the said Act, and to any Demands or Liabilities by reason or in consequence thereof, and which shall be existing on or immediately before the said Tenth Day of *November* One thousand eight hundred and fifty-three.

Property of Commissioners vested in Corporation.

VIII. That from and after the said Tenth Day of *November* One thousand eight hundred and fifty-three, all the Public Buildings, Messuages, Lands, Tenements, and Hereditaments, of whatsoever Tenure or Description, whether corporeal or incorporeal, which shall immediately before that Day belong to or be vested in the Commissioners, or in any Person or Persons in trust for the said Commissioners, and all Rights and Privileges whatsoever, and also all the Monies, Securities for Money, Deeds, Books, Writings, Maps, Plans, and Personal Estate whatsoever, and the Benefit of all Covenants and all Claims which shall then belong to or be vested in the Commissioners, or in any Person or Persons in trust for them, shall be and the same are hereby vested in the Corporation, for the like Estates, Rights, and Interests, and shall be capable of being enforced by them in like Manner, as the same would have remained or been so vested in, or would have belonged to or might have been enforced by the Commissioners, or by any Person or Persons in trust for them, if this Act had not been passed; and all Persons who shall then owe, or be subject to any Liability, whether immediate or future, to pay any Money to the Commissioners, shall pay the same, with all Interest, if any, due or to become due thereon, to the Treasurer.

IX. That

Debts of Commissioners or Corporation to be paid by Corporation.

IX. That from and after the said Tenth Day of *November* One thousand eight hundred and fifty-three, all Bonds, Debts, Mortgages, Annuities, Monies, and Securities for Money, which before that Day were given, contracted, or payable by the Commissioners or the Corporation, under the Powers and Provisions of the said Local Act, shall, together with all Interest due or to accrue due thereon, be paid by the Corporation out of the Rates hereby authorized to be levied, and shall have the same Priority, as nearly as Circumstances will permit, and shall be recoverable from them in like Manner (*mutatis mutandis*), as the same could have been recovered from the Commissioners or the Corporation previous to the passing of this Act.

Persons who have acted under Local Act to account for Monies and deliver up Books under Penalty.

X. That all Persons acting or who have acted under the said Local Act, who shall on the said Tenth Day of *November* One thousand eight hundred and fifty-three, have in their Custody, Power, or Possession, any Money collected by virtue of the same Act, or any Books, Papers, or Writings relating to the Execution of the same Act, shall pay and deliver up the same to the Corporation or to such Persons as the Council shall appoint to receive the same; and in case of Neglect or Refusal, the Person so neglecting or refusing shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, and shall also be liable to such Actions as the Corporation may commence for the Recovery of the Money, Books, Papers, or Writings so refused or neglected to be paid or delivered up as aforesaid.

Subsisting Contracts of Commissioners or Corporation may be enforced against the Corporation.

XI. That from and after the said Tenth Day of *November* One thousand eight hundred and fifty-three, all Contracts, Bonds, Assurances, Engagements, Acts, and Proceedings entered into, made, done, or transacted by virtue and authority of the said Local Act previous to or on the said Tenth Day of *November* One thousand eight hundred and fifty-three, and all Forfeitures, Penalties, and other Obligations theretofore imposed on or incurred by the Commissioners or the Corporation under and by virtue of the same Local Act, shall be binding on and enforced by and against and incumbent on the Corporation, and all Persons interested therein, as fully as they would have been binding or enforcable by and against and incumbent on the Commissioners or the said Corporation, or any other Person, if the same Act had not been repealed; and the several Rates and Assessments made previous to the said Tenth Day of *November* One thousand eight hundred and fifty-three may be levied and recovered by the Corporation in the same Way and with the same Powers as they might have been levied and recovered by the Commissioners or the Corporation in case the Local Act had not been repealed; and such Rates and Assessments, when so levied and recovered, shall be paid to the Treasurer.

Books of Commissioners or Corporation to be Evidence.

XII. That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever of the Commissioners or the Corporation under the Local Act, and made Evidence thereby, or which might have been received as Evidence previous to the said Tenth Day of *November* One thousand eight hundred and fifty-three, shall at all Times hereafter be admitted in Evidence in like Manner as if this Act had not been passed.

Actions brought by or against Commissioners or Corporation not to abate.

XIII. That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced by or against the Commissioners or the Corporation acting in execution of the Local Act, shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the Corporation, in the same Manner in all respects as the same would have continued and taken effect in relation to the Commissioners or the Corporation if this Act had not been passed; and that all Persons who before or on the said Tenth Day of *November* One thousand eight hundred and fifty-three shall have committed any Offence, or incurred any Penalty or Forfeiture under the Provisions of the said recited Local Act, may be sued and prosecuted for such Offences, or for the Recovery of such Penalties and Forfeitures, in such and the like Manner as they might have been sued and prosecuted if this Act had not been passed, the Corporation being in reference to the Matters aforesaid in all respects substituted and continued in place of the Commissioners from and after the said Tenth Day of *November* One thousand eight hundred and fifty-three.

Officers under repealed Local Act to hold Situations until removed.

XIV. That all Officers and Servants appointed by virtue and in pursuance of the Local Act, shall hold and enjoy their several and respective Offices and Employments, together with their several and respective Salaries, Gratuities, and Allowances thereto annexed, until they shall be removed therefrom respectively by the Corporation; and every such Officer and Servant shall continue in Office, have the same Powers, and be subject to the same Pains and Penalties, and Powers of Removal, and to the like Rules and Regulations, as if he had been appointed by virtue of this Act.

Power to Council to appoint Committees.

XV. 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

mittee shall be lawful or valid when such Sum shall exceed the Sum of Fifty 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: Provided also, that any Committee of the Council which may be appointed with respect to the Prevention of Nuisances or of contagious and epidemic Diseases may receive Notices under "The Nuisances Removal and Diseases Prevention Act, 1848," in the Form contained in the Schedule (A.) to that Act annexed, or to the like Effect, and may proceed upon such Notices pursuant to the Provisions of that or of any other Act or Acts for the Amendment thereof, although no such Notice shall have been received by the Corporation, or by any of the other Bodies by that Act authorized to receive such Notices, and without further Authority from the Corporation than is conferred by the Fact of the Appointment of such Committee.

Regulating the Proceedings of Committees.

XVI. 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 be fixed by the Council, and, if no Quorum be fixed, unless Three Members, be present; and at the First Meeting of every such Committee, 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.

As to Town Clerk and Treasurer.

XVII. That the Town Clerk and Treasurer for the Time being of the Borough shall be the Clerk and Treasurer for the Purposes of this Act.

Certain Provisions of 11 & 12 Vict. c. 63. incorporated with this Act.

XVIII. That "The Public Health Act, 1848," except the following Parts thereof; *viz.*

The Part thereof, which in the Copies thereof printed by the Printers to the Queen's most Excellent Majesty precedes the Section thereof numbered 2, directing the Places in which the Act may be applied;

The several Sections thereof, numbered respectively 4 to 7, both inclusive, appointing the General Board of Health;

The Sections 8 and 9, in regard to a preliminary Inquiry;

The Sections 10 and 11, in regard to the Application of the Act;

The several Sections 12 to 34, both inclusive, for the Constitution of Local Boards of Health;

The Section 35, for providing Offices for Business;
The Section 36, for regulating the Appointment of Committees;
The Section 50, authorizing Churchwardens and Overseers in Parishes of less than Two thousand Inhabitants, to provide Sewers, Wells, and Pumps;
The Section 105, fixing the Quota of Rates to be paid by the Universities;
The Section 121, authorizing Superintending Inspectors to summon Witnesses;
The Section 138, directing how the Local Board of the Non-corporate Districts may sue and be sued;
The Sections 141 and 142, with regard to Orders in Council;
The Section 151, providing Exemption from certain Duties;
The Section 152, with regard to the Amendment of the Act;
And the last Proviso to Section 88 thereof, which provides, that if within any District or Part of a District any Kind of Property should before the passing of that Act have been exempted from rating by any Local Act, in respect of all or any of the Purposes for which General or Special District Rates may be made under that Act, the same Kind of Property should, in respect of the same Purposes, and to the same Extent within the Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment in any General or Special District Rates under that Act;

shall be incorporated with and form Part of this Act.

Corporation to be, by Council, the Local Board of Health.

XIX. That the Corporation shall, by the Council, be within and for the Limits of this Act the Local Board of Health under "The Public Health Act, 1848," and that as fully and effectually to all Intents and Purposes whatsoever as if the Parts incorporated with this Act of "The Public Health Act, 1848," had, by a Provisional Order of the General Board of Health, been duly applied to such Limits, and all proper Proceedings preliminary and consequent thereon had been duly taken in accordance with that Act, and it had been duly enacted by an Act of Parliament, passed after the making of such Provisional Order, and taking effect at the Time of the Commencement of this Act, that the whole of such Provisional Order should be confirmed and be absolute.

Provisions of 11 & 12 Vict. c. 63. extended to this Act.

XX. That the several Provisions incorporated with this Act of "The Public Health Act, 1848," shall be read and construed as if the same had been repeated in this Act, and the Words "this Act" used in the Provisions herewith incorporated of "The Public Health Act, 1848," shall include this present Act; and the Provisions hereby incorporated of "The Public Health Act, 1848," shall be construed as if the Expression "Corporation" had been inserted therein

therein instead of the Words "Local Board" or "Local Board of Health."

Power to Corporation to purchase Lands, &c. for improving Streets.

XXI. That it shall be lawful for the Corporation to purchase by Agreement any Lands, Tenements, or Hereditaments which the Council may deem necessary to purchase for the Purpose of altering, widening, or improving any Road or Street within the Limits of this Act.

Highway Rates not to be levied in the Borough.

XXII. That the Corporation shall not have Power to levy Highway Rates within the Limits of this Act, but that the Expenses of repairing the Roads and Highways in such Limits, and the other Expenses usually defrayed out of Highway Rates, shall be paid out of the General District Rates to be levied within such Limits.

Trustees and Mortgagees of South Shields and White Mere Roads alone to take Tolls in the Borough.

XXIII. That the Trustees and Mortgagees of any Turnpike Road within the Borough shall not collect Toll on any Road in the Borough, or lay out any Money thereon, except the Trustees and Mortgagees of the Turnpike Road leading from *South Shields* to *White Mere Pool* and other Places, who may and they are hereby authorized to demand and receive Tolls at the existing Gates within the Borough until the present Mortgage Debt upon the Tolls of the said Road shall be reduced to the Sum of One thousand Pounds: Provided nevertheless, that it shall not be lawful for the said Trustees or Mortgagees in any Case to demand or receive Tolls on any Road within the Borough after the Expiration of Twenty Years from the passing of this Act; provided also, that the said Trustees shall maintain and keep in repair such Part of the said Road situate in the Borough as has been hitherto repaired by them, during the Period within which they shall so demand and receive Tolls as aforesaid.

Corporation indictable for Non-repair of Highways.

XXIV. That the Corporation shall be deemed guilty of a Misdemeanor for refusing or neglecting sufficiently to repair any public Highway in the Limits of this Act, and shall be liable to be indicted for such Misdemeanor, in the same Manner as the Inhabitants of any Part of such Limits, or of any Parish, Township, or other District within such Limits, were liable before the Commencement of this Act.

Parts of 10 & 11 Vict. c. 34. incorporated with this Act.

XXV. That the several Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters; (that is to say,)

With respect to naming the Streets and numbering the Houses;

And with respect to improving the Line of the Streets and removing Obstructions;

And with respect to ruinous or dangerous Buildings;

And with respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;

And with respect to cleansing the Streets (except the Sections numbered respectively 87, 88, 89, 90, 91, and 92);

And with respect to supplying Buildings with fresh Air (except the Sections numbered respectively 113, 114, and 115);

And with respect to Clocks;

And with respect to ensuring the Execution of Works by this or the Special Act required to be done by the Owners or Occupiers of Houses or Lands (except the Section numbered 152);

shall, so far as the same are not expressly varied or excepted by or are inconsistent with this Act, be incorporated with and form Part of this Act, and shall be construed as if the Word "Corporation" had been inserted therein instead of the Word "Commissioners."

Fireplugs to be provided and maintained.

XXVI. That the Corporation shall cause Fireplugs, and all necessary Works, Machinery, and Assistance for securing an efficient Supply of Water in Cases of Fire, to be provided and maintained, and for this Purpose they may enter into any Agreement with any Water Company or other Party, and they shall paint or mark on the Buildings and Walls within the Streets, Words or Marks near to such Fireplugs to denote the Situation thereof, and do such other Things for the Purposes aforesaid, as they may from Time to Time deem expedient.

Provisions of 10 & 11 Vict. c. 34. as to the Prevention of Smoke incorporated with this Act.

XXVII. That the Clause of "The Towns Improvement Clauses Act, 1847," with respect to the Prevention of Smoke, shall be and the same is hereby incorporated with this Act: Provided always, that the Words "consume the Smoke," in the said last-mentioned Act, shall not be held in all Cases to mean "consume all the Smoke," and that the Justice or Justices before whom any Person shall be summoned may remit the Penalties enacted by the said Act, if he or they shall be of opinion that such Person has so constructed or altered his Fireplace or Furnace as to consume, as far as possible, all the Smoke arising from such Fireplace or Furnace, and has carefully attended to the same and consumed as far as possible the Smoke arising from such Fireplace or Furnace.

Owners of vacant Lands adjoining Streets to fence same.

XXVIII. That the Owner of any vacant or unbuilt-on Land adjoining to any Street or Road within the Limits of this Act shall, to the Satisfaction of the Corporation, sufficiently fence off from the adjoining Street or Road such Land with a good and substantial Fence of the Height of Five Feet at the least, and always afterwards keep such Fencing in good Repair to the Satisfaction of the Corporation; and if any such Owner of any such Land shall not sufficiently fence the same as aforesaid, or not keep the Fencing in good Repair to the Satisfaction

Satisfaction of the Corporation, within Fourteen Days next after Notice in Writing for that Purpose from the Corporation or their Surveyor shall have been given to such Owner, or left for him at his usual or last known Place of Abode in *England*, or in case such Owner shall be unknown or be out of *England*, after such Notice shall have been put upon or affixed to the Premises in respect of which the same shall be given, then and in any such Case it shall be lawful for the Corporation to fence such Land, or such Part thereof as shall not have been so done pursuant to such Notice, and to charge such Owner with the Costs and Expenses thereof or incidental thereto; and all Costs, Charges, and Expenses which the Corporation shall thereby sustain, incur, or pay, and shall so charge upon such Owner, shall, on Demand, be forthwith paid and refunded to the Corporation by such Owner, and shall be recoverable by Distress and Sale of the Goods and Chattels of such Owner, and any Justice may issue his Warrant accordingly, or the same may be recovered by Action in any Court of competent Jurisdiction.

Provisions of 10 & 11 Vict. c. 89. incorporated with this Act.

XXIX. That "The Towns Police Clauses Act, 1847," (except the Sections following; that is to say,

Sections Six, Seven, and Eight, with respect to the Appointment, and the Power, Duties, and Privileges of Constables;

All the Sections with respect to the Rates to be made for carrying the Purposes of that and the Special Act into execution;

And with respect to Byelaws;

And with respect to the Tender of Amends;

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matters referred to Justices,)

shall be incorporated with and form Part of this Act, and shall be construed as if the Word "Corporation" had been inserted therein, instead of the Word "Commissioners."

As to Constables.

XXX. That the Provisions of "The Towns Police Clauses Act, 1847," which are incorporated with this Act, shall extend and apply to all Constables appointed by the Corporation otherwise than under the Authority of this Act, as fully and effectually to all Intents and Purposes, as if they were appointed under the Authority of this Act.

Power to Corporation to purchase the Town Hall, Markets, and Fairs.

XXXI. That it shall be lawful for the Corporation to purchase compulsorily or by Agreement the Building called the Town Hall, with its Appurtenances, standing and being in the Centre of the Market Place in the said Borough, and also all such Markets and Fairs, and all such Stallages, Standages, Rents, Tolls, Dues, Profits, Rights, Emoluments, Easements, Hereditaments, Privileges, and Advantages incident thereto, as the said Dean and Chapter are entitled

entitled to have, hold, take, exercise, use, and enjoy respectively, in the Borough, under or by virtue of an Act of Parliament made and passed in the Eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for vesting in the Dean and Chapter of* Durham *a certain Piece of Ground adjoining the Town of* South Shields *in the County Palatine of* Durham, *and for making an adequate Compensation to the Curate of the Chapel of* Saint Hilda's *in the said County, and his Successors, for the same, and for enabling the said Dean and Chapter to remove the Fairs and Markets out of the said Town of* South Shields, *and to cause the same to be held on the said Ground*, or otherwise howsoever.

Power to Corporation to improve the existing Markets, and alter or rebuild Town Hall.

XXXII. That from and after the Completion of the Purchase lastly herein-before mentioned, it shall and may be lawful for the Corporation to maintain and improve, or alter as they shall think fit, the present Market or Markets, and also to establish, erect, and maintain Stalls, Standings, Sheds, Booths, Shambles, and proper Conveniences within the said Market Place for the Sale of Cattle and Animals, and of Provisions, Goods, Wares, and Merchandises, and other marketable Commodities, and to alter or enlarge the said Town Hall, and to enclose and incorporate therewith the present open Space or Ground Floor beneath it, or otherwise to improve it, or to pull it down and erect a Building for a Town Hall in lieu thereof more suitable and convenient for Municipal and Public Purposes, and to furnish and fit up the Town Hall, and any Offices, Committee or other Rooms and Apartments therein, with all necessary Furniture and Fittings, and to repair and reinstate the same from Time to Time as they shall see fit; and to appoint such Person as they may think proper for the Care, Custody, and Conservation thereof.

Purposes for which Town Hall may be used.

XXXIII. That the said Town Hall with its Appurtenances may from Time to Time, and at any Time after the Purchase thereof by the Corporation, be used by the said Dean and Chapter for the holding of their Courts Leet, and the Transaction of such of their Business, as Lords of the Manor of *Westoe*, as has usually been transacted by them therein; and shall also be used for all such other Purposes as the said Mayor or Council, or any Committee appointed by such Council for the Management of the said Town Hall, shall from Time to Time order and direct.

Certain Provisions of 10 & 11 Vict. c. 14. incorporated with this Act.

XXXIV. That the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to weighing Goods and Carts, and with respect to the Stallages, Rents, and Tolls to be taken by the Undertakers (except the Sections numbered respectively 31 and 32), and with respect to the Byelaws to be made by the Undertakers (except

(except the Sections numbered respectively 44, 45, 46, 47, 48, and 49), shall be incorporated with and form Part of this Act; and the Expression "the Undertakers," in "The Markets and Fairs Clauses Act, 1847," shall mean the Corporation; and the Expression "the Market or Fair," contained in the same Act, shall mean any Market or Fair in the Borough; and the Expression "Stallages, Rents, and Tolls," and "Tolls," contained in the same Act, shall mean the Tolls mentioned in Schedules (A.), (B.), and (C.) to this Act annexed.

Market Days.

XXXV. That the Corporation shall hold a Market in the Borough on *Saturday* in every Week, or on such other Days and during such Hours in each Day as the Corporation from Time to Time appoint: Provided always, that a Market shall not be held on *Christmas Day* or *Good Friday*, or on any Day appointed for a Public Fast or Thanksgiving.

Fair Days.

XXXVI. That the Fairs in the Borough shall be held on the Days on which the same have heretofore been usually held, or when any such Day is *Sunday*, or a Day appointed for a Public Fast or Thanksgiving, on such Day, not being more than Six Days before or after the usual Day, as the Corporation shall think fit and appoint.

Corporation may lease Markets and Fairs.

XXXVII. That the Corporation may from Time to Time demise or let such Markets as aforesaid or any of them, or any Part thereof respectively, and the Shops, Stalls, Sheds, Places, and other Conveniences in the Market Place and Fairs, or any of them respectively, and the Weighing Houses, and Weighing Places, and Weighing Machines, or any of them respectively, and the Stallages, Rents, and Tolls for the Markets and Fairs, or any of them respectively, for any Term not exceeding Three Years, upon such Terms as may be agreed upon with the Corporation: Provided always, that any such Demise or Letting, for any Period exceeding One Year, shall be made on Tender, after not less than One Month's public Notice by Advertisement, or otherwise as the Corporation think fit, of their Intention to make the same.

Tolls for Markets and Fairs.

XXXVIII. That the Corporation and their Lessees in that Behalf respectively may from Time to Time demand and take from any Person occupying or using any Shop, Stall, Shed, Standage, or Place in any Market House, Market Place, or Fair in the Borough, or bringing into any such Place or Fair any Animal or Thing specified in the Schedule (A.) to this Act annexed, or having any marketable Commodity, or any Waggon, Cart, or Carriage, with or without Goods, weighed or measured, or otherwise resorting to the Market or Fair, or using any Slaughter-house, such respective Stallages, Rents, and Tolls as the Corporation shall from Time to Time appoint, not

exceeding the several Stallages, Rents, and Tolls respectively specified in that Schedule, and in the said Schedules (B.) and (C.).

Lessees of Stalls, &c. may assign with Consent of Corporation.

XXXIX. That the Lessee and Assignee respectively of any Shop, Stall, Shed, Place, or other Convenience, his Executors and Administrators, may, with, but shall not without, the Consent of the Council, assign the same for the Residue of his Term therein.

A separate Account to be kept of the Stallages, Rents, and Tolls of the Markets and Fairs.

XL. That an Account, separate and distinct from all other Accounts of the Corporation, shall be kept by the Corporation of the Stallages, Rents, and Tolls received by them in respect of the said Stallages, Rents, and Tolls hereby authorized to be levied in respect of the said Markets and Fairs, and of all Outgoings and Expenses in respect of the said Town Hall, Markets, and Fairs.

Application of Stallages, Rents, and Tolls of Markets and Fairs.

XLI. That the Stallages, Rents, and Tolls to be levied under the Provisions of this Act, in respect of the said Markets and Fairs, shall be applied by the Corporation in manner herein-after mentioned; that is to say, in the first place, in the Payment of the annual Interest of Monies borrowed for the Purchase of or for Purposes connected with the Town Hall and Market Buildings and Markets and Fairs in the Borough, and due and owing under the Authority of this Act; and in the second place, in Payment of the Expenditure incident to the Maintenance, Repair, and Management of the Town Hall and Market Buildings, Markets, and Fairs in the Borough; and the Surplus, if any, shall be allowed to accumulate as a Sinking Fund, which shall be applied by the Corporation in and towards paying off the Principal Monies so to be borrowed as aforesaid; and when and so soon as the whole of the Money so to be borrowed as aforesaid shall have been paid off and discharged, it shall be lawful for the Corporation either to lower the said Stallages, Rents, and Tolls to such an Extent as will reduce the Stallages, Rents, and Tolls to be levied and raised in respect of the said Markets and Fairs to the annual Amount (as near as may be) of the Expenses of the Maintenance, Repair, Working, and Management respectively of the said Town Hall and Market Buildings, Markets and Fairs, or to appropriate and apply the same, wholly or in part, in and towards the Extension and Improvement of the said Markets and Fairs, and in and towards providing suitable Works and Conveniences connected therewith.

Power to purchase Lands to make and maintain a Cemetery.

XLII. That it shall be lawful for the Corporation to purchase compulsorily or by Agreement, and to enter upon and hold, the whole or any Part of the Lands and Property mentioned and described in Schedule (D.) to this Act annexed, and to make, establish, and maintain thereon, or on any Part thereof, a Cemetery, with all necessary

necessary Chapels, Vaults, Catacombs, Porches, Colonnades, and other Erections, and to lay out and embellish the same with all such Walks, Paths, Avenues, Roads, Trees, and Plantations as the Corporation may deem necessary.

Provisions of 10 & 11 Vict. c. 65. incorporated with this Act.

XLIII. That "The Cemeteries Clauses Act, 1847," shall be incorporated with and form Part of this Act, and shall be construed as if the Word "Corporation" had been inserted therein instead of the Word "Company."

Cemetery not to be constructed within 300 Yards of certain Property.

XLIV. That no Part of the Cemetery authorized to be constructed by this Act shall be constructed within Three hundred Yards of any House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent of the Owner, Lessee, and Occupier thereof in Writing.

Charges for Interments may be made.

XLV. That, in addition to the Powers of Sale of exclusive Rights of Burial conferred by "The Cemeteries Clauses Act, 1847," it shall be lawful for the Corporation to demand and take such Sum of Money as they shall from Time to Time think reasonable for the Right, Privilege, or Permission of single Interment in any Vault, Catacomb, or other Place of Burial constructed by the Corporation, or in the open Ground of such Cemetery; and such Sum of Money shall be recoverable by the Corporation, or their Clerk or Collector, by Action in any Court of competent Jurisdiction: Provided always, that the Rate or Scale of Charge shall be the same in the consecrated and unconsecrated Part of the Cemetery.

Part of the Cemetery to be set apart for the Established Church.

XLVI. That such Part of the Cemetery authorized to be constructed by this Act as shall be approved by the Bishop of the Diocese for the Time being, shall be set apart for Burial according to the Rites of the Established Church; and the Dean and Chapter of *Durham* are hereby authorized to give, grant, and convey to the Corporation such Part of the Land as shall be so set apart for such Purpose.

Reserving Rights of Incumbents.

XLVII. That the Corporation shall pay, in respect of every Corpse which shall be interred in the Part of the Cemetery set apart for Burial according to the Rites of the Established Church, to the Incumbent or Parish Clerk of any Parish or Ecclesiastical District in which the said Person shall have died, the same Fees as such Incumbent or Parish Clerk would have been entitled to receive if such Corpse had been buried in the Parish or Ecclesiastical District of which he is the Incumbent or Parish Clerk in respect of such Interment: Provided, that no such Incumbent shall be entitled to receive any such Fees, unless he shall (and for that Purpose he is hereby empowered so to do)

do) perform or cause to be performed over such deceased Person, by some Clergyman of the Established Church whom he may from Time to Time appoint, the Burial Service according to the Rites of the Established Church; provided also, that all Payments made by the Corporation in respect of such Fees as aforesaid shall be considered as Payments made for maintaining the Cemetery.

Separate Accounts to be kept of all Profits and Outgoings in respect of Cemetery.

XLVIII. That an Account, separate and distinct from all other Accounts of the Corporation, shall be kept by the Corporation, of all Receipts and of all Outgoings and Expenses in respect of the said Cemetery.

Application of Fees and other Profits in respect of Cemetery.

XLIX. That the Fees and all Receipts in respect of the said Cemetery shall be applied by the Corporation in manner herein-after mentioned; that is to say, in the first place, in Payment of the annual Interest of Monies borrowed for the Purchase of the Land mentioned in the said Schedule (D.), or for the Purpose of making and establishing the said Cemetery, or for Purposes connected therewith; and in the second place, in Payment of the Expenses incident to the Maintenance, Repair, Working, and Management respectively of the said Cemetery, including Burial Fees payable by the Corporation; and in case the Receipts shall not be sufficient to meet the Outgoings and Expenses in respect of the said Cemetery, the Deficiency shall from Time to Time be defrayed out of the General District Rates to be levied within the Limits of this Act; but if the Receipts in respect of the Cemetery shall be more than sufficient for the Purposes aforesaid, the Surplus shall be allowed to accumulate as a Sinking Fund, which shall be applied by the Corporation in and towards paying off the Principal Monies so to be borrowed as last aforesaid.

Corporation may contract for lighting the Streets of the Borough.

L. That the Corporation may contract, for any Period not exceeding Seven Years, at any Time with the Owner of Gasworks, or with any other Person, for the Supply of such Gas, Oil, or other Means of lighting the Streets and Public Buildings within the Limits of this Act, and may provide such Lamps, Lamp Posts, and other Works as the Council may think necessary for lighting such Streets; and the Expenses incurred by the Corporation in so doing shall be defrayed out of the General or Special District Rates levied under the Authority of this Act.

Power to Council to make Gas and to provide Gasometers.

LI. That it shall be lawful for the Corporation to manufacture Gas, and to construct, purchase, or provide Gasometers and all Apparatus and Machinery necessary for the Purpose of lighting the Streets and Public Buildings within the Limits of this Act, and to purchase or rent any Land which may be necessary for the Establishment of such Manufacture,

Manufacture, and to purchase or rent any Gasworks, with their Gasometers, Apparatus, and Machinery, which the Corporation may consider it desirable to purchase or rent for the Purpose of such Manufacture.

Power to break up Streets, and lay down Pipes for lighting the Borough.

LII. That it shall be lawful for the Corporation, or for any Company or Persons with whom they may contract for lighting the Streets within the Limits of this Act, with the Consent of the Corporation, to break up the Soil and Pavement of any Street, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they may deem necessary for lighting the same; and also to lay and place against any Buildings and Inclosures such Pipes, Lamp Posts, Lamp Irons, and Lamps, and other Works, as the Corporation may deem necessary for the Purposes aforesaid: Provided always, that the Corporation shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building, Inclosure, or Land, except with the Consent of the Owner and Occupier thereof; and provided also, that it shall not be lawful for any Company or Persons so contracting to light the Streets and Public Buildings to break up the Soil and Pavement of any Street within the Borough, for any Purpose whatsoever, without the express Consent of the Corporation in Writing for that Purpose; and that when such Consent has been given, the said Soil and Pavement shall be broken up under the Superintendence of some Officer of the Corporation, and according to such Plan as shall be approved by the Corporation; and such Company or Persons shall make such temporary or other Works as the Corporation shall direct, for guarding against any Interruption of Drainage, or for ensuring the Safety of Passengers; and that such Company or Persons shall, with all convenient Speed, after they shall have broken up the Soil and Pavement of any Street, complete the Work for which the same shall be broken up, and fill in the Ground, and reinstate and make good the Road or Pavement so broken up to the Satisfaction of the Corporation, and carry away the Rubbish occasioned thereby.

Penalty for Delay in reinstating Streets.

LIII. That if any Company or Persons contracting as aforesaid break up the Soil and Pavement of any Street without such Consent as aforesaid, or in a Manner different from that which shall have been approved of as aforesaid, or without making any such temporary or other Works as aforesaid when so directed, or shall make any Delay in completing any such Work, or in filling in the Ground or reinstating and making good the Road or Pavement so broken up, or in carrying away the Rubbish occasioned thereby, they shall forfeit to the Corporation a Sum not exceeding Five Pounds for every such Offence, and they shall forfeit an additional Sum not exceeding Five Pounds for each Day during which any such Delay as aforesaid shall continue after they shall have received Notice thereof.

Penalty for wilfully damaging Pipes, Lamps, &c.

LIV. That if any Person shall wilfully or maliciously remove, destroy, or injure any Pipe, Pillar, Plug, Lamp, or other Apparatus or Thing used in the Supply of Gas within the Limits of this Act, or shall wilfully extinguish any of the public Lamps or Lights, or waste or improperly use any of the Gas supplied by the Corporation or by any Person under Contract with the Corporation, and be thereof convicted before Two Justices, he shall be liable to a Penalty not exceeding Five Pounds.

Persons carelessly damaging Lamps to make good same.

LV. That if any Person shall carelessly or accidentally break or otherwise damage any of the said Lamps, or the Iron Posts or Furniture connected therewith, and shall not immediately on Demand make Satisfaction to the Owner thereof for such Damage, it shall be lawful for any Justice to award such Sum of Money, as a Satisfaction for such Damage, as such Justice shall think reasonable, not exceeding the Value of the Lamp or other Article so injured, and the Costs of repairing the same respectively.

Service Pipes to be kept fully charged.

LVI. That every Branch or Service Pipe which shall be used for lighting the Streets within the Limits of this Act with Gas shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede any such Branch or Service Pipe being filled with Gas during the Time the same shall be lighted.

Power of Corporation to supply Gas to Inhabitants, and to break up Streets for that Purpose.

LVII. That it shall be lawful for the Corporation, if they shall manufacture Gas for lighting the Streets within the said Limits, to supply any Inhabitant of the Borough with Gas, on such Terms and Conditions as shall be agreed upon between the Corporation and such Inhabitant; and for the Purpose of supplying any such Inhabitant with Gas, the Corporation shall have the same Power of breaking up the Soil and Pavement of any Street, and laying and fixing any Pipes and other Works therein as are hereby granted to the Corporation for the Purpose of lighting any Street.

Consumers of Gas may be required to consume Gas by Meter.

LVIII. That every Consumer of Gas of the Corporation shall, upon Request in Writing of the Corporation, consume Gas by Metre, to be found and provided by the Corporation, if the Consumer shall not think fit to provide the same at his own Expense.

Limiting the Sum to be paid for Gas.

LIX. That it shall be lawful for the Corporation to demand and receive for Gas supplied by them by Metre, any Sum not exceeding the Sum of Four Shillings and Sixpence for every One thousand Cubic Feet of Gas so supplied by Metre.

Corporation may purchas the Works of the South

LX. That it shall be lawful for the Corporation to purchase by Agreement the Gasworks, Gasometers, Machinery, and Apparatus belonging to the Company of Proprietors of the *South Shields* Gas-

works,

works, and such Company is hereby authorized to sell and transfer their Gasworks, Gasometers, Machinery, and Apparatus to the Corporation, and the Corporation are hereby authorized to purchase the same, upon such Terms as may be agreed upon between the Corporation and such Company; and from and after the Completion of such Purchase, all the Powers, Rights, and Privileges of such Company shall, so far as the same relate to or in anywise concern the said Borough, belong to, and may be held, used, exercised, and enjoyed or enforced by the Corporation, in the same Manner and to the like Extent, and with, under, and subject to the like Restrictions, as before such Purchase as aforesaid they could or might have been held, used, occupied, enjoyed, or enforced by such Company; and that the Transfer and Conveyance of the said Gasworks, Gasometers, Machinery, and Apparatus to the Corporation shall be by Deed duly stamped, and shall be expressed to be in consideration of the agreed or ascertained Amount payable by the Corporation.

Shields Gas Company.

LXI. That no Company or Person making Gas within the said Limits shall, without the Consent of the Corporation or their Surveyor or Inspector, allow any offensive Matter arising from the Manufacture of Gas to run or flow into any Sewer of the Corporation until Forty-eight Hours at least after they or he shall have given Notice to the Town Clerk of their or his Intention so to do; and any such Company or Person allowing any such offensive Matter to run into any such Sewer, without having given any such Notice, or until Forty-eight Hours after the same shall have been given, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds nor less than Forty Shillings.

Penalty on Gas Company, &c. turning offensive Matter into Sewers without giving Notice to Town Clerk.

LXII. That after any Gasworks shall have been established or purchased by the Corporation, "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, and shall be construed as if the Expression "the Corporation" had been inserted therein instead of "the Undertakers."

After Gasworks have been established, Provisions of 10 & 11 Vict. c. 15. incorporated with this Act.

LXIII. That if the Corporation and the Owners or Proprietors of any Gasworks with whom the Corporation may be desirous of contracting for a supply of Gas shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration, under the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

For ascertaining Price to be paid for Gas in Cases of Dispute.

LXIV. That an Account, separate and distinct from all other Accounts of the Corporation, shall be kept by the Corporation of all Rents, Rates, and Monies received in respect of the said Gasworks, and of all Outgoings and Expenses in respect of the same.

A separate Account to be kept of all Receipts and Payments in respect of Gasworks.

LXV. That

Application of Gas Rents and Rates.

LXV. That all Monies received on account of Rents and Rates for the Supply of Gas shall be applied by the Corporation in manner herein-after mentioned; that is to say, in the first place, in Payment of the annual Interest of Monies borrowed under the Authority of this Act for the Purchase or Establishment of Gasworks in the Borough, or for Purposes connected with such Gasworks; in the second place, in the Payment of the Expenses incident to the Maintenance, Repair, Working, and Management respectively of the Gasworks purchased or established by the Corporation; and thirdly, in appropriating and setting apart so much as may be required to form a Sinking Fund to be applied in paying off the last-mentioned Principal Money; and the Surplus, if any, after such Payments as aforesaid, shall be carried to the Credit of the General District Rate and Special District Rate in such Proportions as the Council shall from Time to Time order and direct.

Power to borrow on Mortgage.

LXVI. That, notwithstanding anything in this Act or in any Act incorporated herewith contained to the contrary, the Corporation may borrow and take up at Interest on Mortgage, upon the Credit of the Rates authorized to be made by them, any Sum not exceeding Six thousand Pounds for the Purchase of or for Purposes connected with the Town Hall and Market Buildings and Markets and Fairs in the Borough; and any Sum not exceeding Six thousand Pounds for the Purchase of the Land mentioned in Schedule (D.) to this Act, or for the Purpose of making and establishing the Cemetery hereby authorized to be made and established, or for any Purpose connected with such Cemetery; and any Sum not exceeding Ten thousand Pounds for the Purchase or Establishment of Gasworks in the Borough, or for Purposes connected with such Gasworks.

Mortgages may be granted upon certain Properties of the Corporation.

LXVII. That, in addition to any other Security which the Corporation may by this Act or any Act incorporated herewith be authorized or empowered to give for Money to be borrowed for any of the Purposes in this Act mentioned, it shall be lawful for the Corporation, in order the better to secure the Repayment of any Money to be borrowed for the Purpose of purchasing or paying for the Town Hall, and the Markets and Fairs, Stallage, Rents, and Tolls by this Act authorized to be purchased, or for any Purpose connected with the Town Hall and Market Buildings, Markets, and Fairs in the Borough, to mortgage the Town Hall and Market Buildings, and the said Markets and Fairs, and the Stallages, Tolls, Rents, and Monies to be levied or received in respect thereof or any Part thereof (as and when the same shall be purchased as aforesaid), to the Person who shall advance or lend such last-mentioned Money, or his Trustee, as a Security for the Repayment of the Money so to be borrowed, with Interest for the same; and in order the better to secure the Repayment of any Money to be borrowed for the Purpose

Purpose of purchasing the Land mentioned in Schedule (D.) to this Act annexed, or for the Purpose of making and establishing the Cemetery hereby authorized to be made and established, or for any Purpose connected with such Cemetery, it shall be lawful for the Corporation to mortgage the said Land (when purchased), and the said Cemetery and Works connected therewith (when and as the same shall be made and established), and the Fees payable to the Corporation under this Act in respect of Burials in such Cemetery, to the Person who shall advance or lend such last-mentioned Money, or his Trustee, as a Security for the Repayment of the Money so to be borrowed, with Interest for the same; and in order the better to secure the Repayment of any Money to be borrowed for the Purpose of purchasing or establishing Gasworks, or for Purposes connected with such Gasworks, it shall be lawful for the Corporation to mortgage the Gasworks so to be purchased or established (when and as the same shall be purchased or established respectively), and the Rents and Rates arising therefrom, to the Person who shall advance or lend such last-mentioned Money, or his Trustee, as a Security for the Repayment of the Money so to be borrowed, with Interest for the same.

8 & 9 Vict. c. 18. incorporated with this Act.

LXVIII. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," whenever used in "The Lands Clauses Consolidation Act, 1845," shall mean the Corporation, and the Word "Clerk" shall mean the Town Clerk; and all Lands and Premises which shall be purchased by the Corporation shall be conveyed and assured to the Mayor, Aldermen, and Burgesses: Provided always, that Clause 128 of "The Lands Clauses Consolidation Act, 1845," shall extend to all superfluous Lands within the Borough, whether the same shall be built upon or used for Building Purposes, or otherwise.

Limiting Amount of Rates.

LXIX. That the Amount to be levied under this Act for General District Rates shall not exceed in any One Year Two Shillings and Sixpence in the Pound on the full net annual Value of the Property included in such Rates; and the Amount to be levied for Special District Rates shall not exceed in any One Year One Shilling in the Pound on the full net annual Value of the Property included in such Rates; and the Amount to be levied for Private Improvement Rates shall not exceed in any One Year Ninepence in the Pound on the full net annual Value of the Property included in such Rates.

Summonses, &c. to be served on the Town Clerk.

LXX. That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Mayor, Aldermen, and Burgesses, or upon the Council, or upon any Committee thereof, may be lawfully served by delivering the same personally

personally to the Town Clerk, or Person acting as or for the Town Clerk, or leaving the same at the Office of the Town Clerk.

Authentication of Summonses, &c.

LXXI. That any Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing and partly in Print; and if the same require Authentication by the Corporation, the Signature thereof by the Mayor or Town Clerk, or any Person acting as and for the Town Clerk, shall be a sufficient Authentication.

Power of Corporation to direct Prosecutions.

LXXII. That it shall be lawful for the Corporation to direct any Prosecution for any public Nuisance whatsoever which shall be committed or suffered within the said Limits, and for or concerning any Resistance to the Execution of this Act, or to the Authority of any Person acting under the same, and to direct and order the Expenses of any such Prosecution, of which they shall defray the Expense under "The Public Health Act, 1848," "The Town Police Clauses Act, 1847," or "The Towns Improvement Clauses Act, 1847," to be paid and borne by and out of the General District Rates herein-before mentioned.

All Fines, &c. to be paid to Treasurer, to the Account of the Borough Fund.

LXXIII. That all Fines, Penalties, and Forfeitures for any Offences under this Act, or under any Act the whole or any Part of which is incorporated herewith, shall be paid to the Treasurer of the Borough, to be by him carried to the Account of the Borough Fund of the Borough.

Compensation to be settled and Penalties, &c. recovered in manner directed by 11 & 12 Vict. c. 63.

LXXIV. That with respect to the making of Compensation and the Recovery of Damages not specially provided for, and Penalties and Costs, or Expenses for or about any Matter arising under the Parts in this Act incorporated of "The Town Police Clauses Act, 1847," or "The Towns Improvement Clauses Act, 1847," or "The Markets and Fairs Clauses Act, 1847," respectively, such Compensation shall be settled, and such Damages, Penalties, Costs, and Expenses shall be recovered, according to the Provisions in such Behalf contained in "The Public Health Act, 1848."

Remedies for Recovery of Rates, &c.

LXXV. That the Corporation may from Time to Time as they think fit recover the whole or any Part of any Rate or other Money payable to them by virtue of this Act, by Distress and Sale of the Goods and Chattels in manner provided by any Act herewith incorporated, or by Proceeding in any Court of competent Jurisdiction.

Several Names in One Warrant.

LXXVI. That any Number of Names and Sums may be included in any Warrant of Distress or Notice for the Purpose of this Act, and may be stated either in the Body of such Warrant of Distress or Notice, or in any Schedule thereto.

LXXVII. That

Mortgages to be stamped.

LXXVII. That every Mortgage of Rates or other Property granted or made by the Corporation under the Provisions of this Act or any Act incorporated herewith shall be by Deed, duly stamped, under the Common Seal of the Corporation, wherein the Consideration shall be duly stated; and every Transfer of any such Mortgage or Assignation shall be by Deed, truly stamped, wherein the Consideration shall be truly stated.

Provisions in 11 & 12 Vict. c. 63. as to Sinking Fund, to extend to existing Mortgages.

LXXVIII. That Section 113 of "The Public Health Act, 1848," relating to Mortgage Debts to be paid off by means of a Sinking Fund, shall apply to any Money due upon Mortgage or other Security at the passing of this Act, by the Commissioners or the Corporation, as if the Money owing upon Mortgage at the passing of this Act had been borrowed by the Corporation under the Authority of "The Public Health Act, 1848."

Corporation may take Security of Guarantee Societies.

LXXIX. That the Corporation may if they think proper accept, in lieu of any other Security, the Security of any Guarantee Society established by Charter or Act of Parliament in any Part of *Great Britain* for the due Performance of the Duties of any Officer appointed or employed by the Corporation for any of the Purposes of this Act.

Liability to Rates not to disqualify Justices.

LXXX. That any Justice shall not be disqualified for acting in the Execution of this Act by reason of his being liable to the Payment of any Rate or other Charge under this Act, or by reason of his being a Member of the Council.

Saving Rights of Corporation.

LXXXI. That this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities vested in the Corporation by or in pursuance of any of the Acts of Parliament now in force, or which may be hereafter passed, in relation to Municipal Corporations, or by or in pursuance of the said recited Charter of Incorporation; and, except so far as is herein otherwise provided, the said Rights, Privileges, Powers, and Authorities shall extend and apply to the Objects and Purposes of this Act, and may be exercised in the Execution of, or otherwise in relation to such Purposes.

Saving Powers of the Council to make Byelaws.

LXXXII. That nothing in this Act contained shall prejudice or affect the Power of the Council to make Byelaws under the "Act to "provide for the Regulation of Municipal Corporations in *England* "and *Wales*," or any Act amending the same.

Saving Rights of the Dean and

LXXXIII. That nothing in this Act contained shall take away, prejudice, or lessen any of the existing Rights, Powers, or Jurisdictions of

Chapter of Durham.

of the Dean and Chapter of *Durham* or their Successors, otherwise than is expressly provided by this Act.

Saving Rights of Sunderland and South Shields Water Company.

LXXXIV. That, except as is by this Act expressly enacted, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, or Authorities of "The *Sunderland and South Shields* Water Company," but all such Rights and Authorities may be had and exercised as if this Act had not passed.

Expenses of Act.

LXXXV. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be chargeable upon and paid out of the General District Rates, or out of the Borough Fund, as the Corporation may think proper.

SCHE-

## SCHEDULES to which the foregoing Act refers.

### SCHEDULE (A.)

*Tolls to be taken by the Corporation for the Markets.*

| | Present Open Market. | Covered Market, when made. |
|---|---|---|
| From each Butcher, for every Superficial Foot of Ground occupied - - - - - | ¼*d.* per Day - 1*d.* per Week - | Stall ¾*d.* per Day, 1½*d.* per Week. Shop 2*d.* per Week. |
| From each Greengrocer, Fishmonger, and Dealer in all other Articles, for ditto - - - - | ¼*d.* per Day - ½*d.* per Week - | Stall ½*d.* per Day, 1*d.* per Week. Shop 2*d.* per Week. |
| From the Occupier of each Compartment or Space on the Surface of the Ground, according to the Size and Dimensions of the same, viz., for each Superficial Foot thereof - - - | ¼*d.* per Day. ¾*d.* per Week. | |
| From every other Person exposing any Article, Matter, or Thing for Sale, and not occupying any Stall, Stand, or Bench, or any defined Compartment or Space on the Surface of the Ground, viz., for every Basket, Hamper, Box, Parcel, or Quantity of such Article, Matter, or Thing not containing more than 1 Bushel - | 1*d.* - - | 1½*d.* |
| For every additional Half Bushel, or fractional Part thereof - - - - - | ½*d.* - - | ¾*d.* |
| For every Cart used by any Person for exposing, or in which shall be exposed for Sale, any Article, Commodity, or Thing, per Day - | ¼*d.* per Superficial Foot of Ground occupied. | ¾*d.* per Superficial Foot of Ground occupied. |
| For every other Cart standing with Produce in a Morning, viz.— | | |
| 1 Horse-load - - - - - | 6*d.* | |
| 2 Horse-load - - - - - | 8*d.* | |
| Waggon of any Size - - - | 1*s.* | |
| For every Cart-load of Hay, Straw, or Fodder brought or exposed for Sale, per Day - | 4*d.* | |
| For every Waggon-load of Hay, Straw, or Fodder, per Day - - - - - | 6*d.* | |
| For every Cart-load drawn by any Animal (except a Horse), per Day - - - - - | 3*d.* | |
| For every Cart-load drawn by 2 or more Animals (except Horses), per Day - - | 4*d.* | |
| For Standage of Goods sold by Auction - | 8*d.* per Hour. | |
| For each Hawker's Cart, Waggon, or other Vehicle - - - - - | 5*s.* per Day. | |
| For every Horse, Mare, or Gelding brought or exposed for Sale - - - - - | 4*d.* | |
| For every Colt, Filly, or Foal - - - | 2*d.* | |
| For every Bull - - - - - | 4*d.* | |
| For every Cow, Steer, or Heifer - - - | 3*d.* | |
| For every Calf, Mule, or Ass - - - | 1*d.* | |
| For every Sheep, Lamb, Swine, or Hog - - | 1*d.*, or at the Rate of 6*d.* per Score. | |
| For every Sucking Pig - - - - - | ½*d.*, or at the Rate of 4*d.* per Score. | |

*Tolls to be taken by the Corporation for the Fairs.*

| | |
|---|---|
| For every Stall or Bazaar, according to the Size and Dimensions of the same, viz.— | |
| Stall - - - - - | ¼*d.* per Superficial Foot. |
| Bazaar - - - - - | 1½*d.* per Superficial Yard. |
| For every Cart used by any Person for exposing, or in which shall be exposed for Sale, any Article, Commodity, or Thing, per Day - - - | ¼*d.* per Superficial Foot. |
| For each Compartment or Space occupied on the Surface of the Ground, according to the Size and Dimensions of the same, per Day - - | 1½*d.* per Superficial Yard. |
| For every Hawker's Cart, Waggon, or other Vehicle | 5*s.* per Day. |
| For every Horse, Mare, or Gelding brought or exposed for Sale - - - - - | 4*d.* |
| For every Colt, Filly, or Foal - - - | 2*d.* |
| For every Bull - - - - - | 4*d.* |
| For every Cow, Steer, or Heifer - - - | 3*d.* |
| For every Calf, Mule, or Ass - - - | 1*d.* |
| For every Sheep, Lamb, Swine, or Hog - - - | 1*d.*, or at the Rate of 6*d.* per Score. |
| For every Sucking Pig - - - - | ½*d.*, or at the Rate of 4*d.* per Score. |
| For every Cart brought or exposed for Sale - | 1*s.* |
| For every Waggon - - - - - | 2*s.* |
| For every Gig or Dog Cart - - - | 1*s.* |
| For every other Carriage or Vehicle - - - | 2*s.* |
| For every Whirlabout, Up-and-down, Swing Boat, Merry-go-round, Set of Swing Boxes, or other Fair Amusements, or Article of the like Nature, Carriage, Caravan, Booth, or Vehicle, being an Exhibition or Show, taking up Room in the Fair, each Day - - - - - - | 1½*d.* per Superficial Yard. |
| For every portable Show Box, or other Box or Article of the like Nature, each Day the Sum of - - | 1*d.* |

## SCHEDULE (B.)

*For the Use of Slaughter-houses.*

| | *s.* | *d.* |
|---|---|---|
| For every Bull, Cow, Ox, or Bullock - - - - - - | 1 | 0 |
| For every Calf - - - - - - - | 0 | 6 |
| For every Sheep - - - - - - - | 0 | 3 |
| For every Lamb - - - - - - - | 0 | 2 |
| For every Hog or Pig - - - - - - | 0 | 4 |
| For every other Beast - - - - - - | 1 | 0 |

SCHE-

## SCHEDULE (C.)

*Tolls to be taken by the Corporation for Weighing, viz.*

| | s. | d. |
|---|---|---|
| For every Cart, weighing with its Load 1 Ton or under | 0 | 3 |
| For every additional Half Ton or fractional Part of Half a Ton | 0 | 1½ |

*In the Market Weigh-houses, viz.*

| | | |
|---|---|---|
| For any Article of whatever Description, if under 28 lbs. | 0 | 0½ |
| If above 28 lbs. and not exceeding 112 lbs. | 0 | 1 |
| And for every additional 56 lbs. or fractional Part thereof | 0 | 0½ |

*Measuring.*

| | | |
|---|---|---|
| For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel | 0 | 1 |
| And for every additional Bushel or fractional Part of a Bushel | 0 | 0½ |

## SCHEDULE (D.)

*Land to be taken for Cemetery, situate within the Township of Westoe, in the Parish of Jarrow and County of Durham.*

| Description. | Owner or reputed Owner. | Occupier. |
|---|---|---|
| A certain Piece or Parcel of Land containing Six Acres, Part of a Field called the West Casten, and bounded on the South by a Highway leading from the Village of Westoe to Laygate Lane, and on the East, West, and North by other Parts of the said Field called the West Casten. | The Dean and Chapter of Durham. | Thomas Wood. |

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