## CHAP. lxxiv.

An Act for extending the boundaries of the Borough of Stockton, and for consolidating and amending the Acts in force in the Borough in relation to the management and improvement of Streets, and to Sewerage, and to Buildings, and to Police and other matters of local government; and for other purposes. [12th July 1869.]

A.D. 1869.

WHEREAS the borough of Stockton, otherwise called Stockton-on-Tees, in the county of Durham, is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as the Corporation):

And whereas by The Stockton Extension and Improvement Act, 1852 (in this Act referred to as the Stockton Act of 1852), the limits of the borough were extended: 15 & 16 Vict. c. xviii.

And whereas by the Stockton Act of 1852 (section thirty-nine), the Public Health Act, 1848, except certain parts thereof therein specified, was incorporated with that Act, and it was enacted (section forty) to the effect that the Corporation should, by the council of the Corporation, be within and for the borough the local board of health under the Public Health Act, 1848, as if the parts incorporated with that Act of the Public Health Act, 1848, had by a provisional order and a confirming Act been applied to the borough:

And whereas by the Stockton Act of 1852 it was further enacted, among other things, to the effect that certain provisions of The Markets and Fairs Clauses Act, 1847, The Towns Improvement Clauses Act, 1847, and The Towns Police Clauses Act, 1847, should be incorporated with that Act:

And whereas since the passing of the Stockton Act of 1852 the Local Government Act, 1858, and other Acts amending and extending the Public Health Act, 1848, or parts of those Acts, have become applicable to and the same apply to the borough:

A.D. 1869.

And whereas it is highly inconvenient for the borough that there should be in force therein a variety of provisions affecting the improvement and government of the borough and the health and comfort of the inhabitants thereof comprised in different Acts not uniform in language and sometimes conflicting in effect, and it is therefore expedient to reduce into one Act the enactments in force relative to the improvement and the government of the borough and other matters, and to simplify and amend them:

And whereas it is expedient at the same time to extend in various respects the powers of the Corporation relative to matters comprised in the said enactments, and to other matters of local government:

And whereas it is expedient that the boundaries of the borough be extended:

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

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

## Part I.—*Preliminary.*

Division of Act into parts.

**1.** This Act shall be divided into parts, as follows; namely,—

Part I.—Preliminary.
Part II.—Extent and government of borough.
Part III.—Paving and improving of private streets.
Part IV.—Streets and highways.
Part V.—Buildings.
Part VI.—Sewers—Sanitary arrangements.
Part VII.—Byelaws as to streets—Sewers—Sanitary arrangements, &c.
Part VIII.—Protection of Commissioners of Sewers, &c.
Part IX.—Parks—Clocks.
Part X.—Markets and slaughter-houses.
Part XI.—Bathing places.
Part XII.—Burials.
Part XIII.—Police.
Part XIV.—Police regulations, &c.
Part XV.—Public houses—Coffee shops, &c.
Part XVI.—Hackney carriages—Horses—Pleasure boats—Steamers, &c.
Part XVII.—Fire.

Part XVIII.—Execution of works generally.
Part XIX.—Lands.
Part XX.—Private improvement and other expenses—
Private improvement and drainage rates.
Part XXI.—General and special district rates.
Part XXII.—Borrowing powers.
Part XXIII.—Byelaws.
Part XXIV.—Arbitration.
Part XXV.—Appeal to Quarter Sessions.
Part XXVI.—Miscellaneous.

Short title.

**2.** This Act may be cited as The Stockton-on-Tees Extension and Improvement Act, 1869.

Commencement of Act.

**3.** Except as expressly otherwise provided in this Act, Parts I. and II. of this Act shall come into operation on the passing of this Act, and except as aforesaid the residue of this Act shall come into operation immediately after the eighth day of November one thousand eight hundred and sixty-nine (which period is in this Act referred to as the commencement of this Act).

Interpretation of terms.

**4.** In this Act, and in any Act incorporated herewith, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The term "the borough" shall mean the municipal borough of Stockton as extended by this Act:

The term "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough:

The term "the mayor, aldermen, and burgesses" shall mean the Corporation of the borough:

The term "council" shall mean the council of the borough:

The term "the Municipal Corporation Acts" shall mean the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), "to provide for the Regulation "of Municipal Corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England:

The term "the commencement of the Stockton Act of 1852" shall mean the time fixed by section thirty-eight of that Act for the commencement thereof; that is to say, on and from the ninth day of November one thousand eight hundred and fifty-two:

The term "person," and words applying to any person or individual, shall apply to and include corporations, whether aggregate or sole:

A.D. 1869.

The term "premises" shall include messuages, buildings, lands, and hereditaments of any tenure:

The term "owner" shall mean the person for the time being receiving the rackrent of the lands or premises in connexion with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent:

The term "rackrent" shall mean rent which is not less than two thirds of the full net annual value of the property out of which the rent arises, and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent:

The term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt and not a debt or demand created by statute, and shall include a county court:

The term "superior courts" shall include Her Majesty's superior courts of record at Westminster, and the Court of Common Pleas of the county palatine of Lancaster, and the Court of Pleas of the county of Durham, and shall include courts of competent jurisdiction within the meaning of this Act:

The term "justice" shall mean any justice of the peace acting for the place in which the matter, or any part of the matter, as the case may be, requiring the cognizance of the justice arises:

The term "two justices" shall mean two or more justices assembled and acting together in petty sessions, or one stipendiary or police magistrate acting in any police court for the place in which the matter, or any part of the matter, as the case may be, requiring the cognizance of two justices arises:

The term "court of general or quarter sessions" shall mean the court of general or quarter sessions of the peace having jurisdiction over the borough:

The term "arbitrators" shall include a single arbitrator, and the words "arbitrators" and "arbitrator" shall include an umpire:

The term "street" shall apply to and include any highway and any road, public bridge (not being a county bridge), lane,

footway, square, court, alley, passage, whether a thoroughfare or not, and the parts of any such highway, road, bridge, lane, footway, square, court, alley, or passage within the borough:

The term "house" shall include schools, factories, and other buildings in which more than twenty persons are employed at one time:

The term "drain" shall mean and include any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed:

The term "sewer" shall mean and include sewers and drains of every description, except drains to which the word drain interpreted as aforesaid applies:

The term "slaughter-house" shall mean and include the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle, horses, or animals of any description for gain:

The terms "the officer of health," "the clerk," "the treasurer," "the surveyor," "the inspector of nuisances," shall mean the persons respectively appointed to be or authorized to execute the offices of the officer of health, clerk, treasurer, surveyor, and inspector of nuisances respectively for the purposes of this Act:

The term "constable of the borough" shall mean a constable appointed by the watch committee of the council:

The term "public place" shall mean any street, county bridge, church, chapel, theatre, place of public amusement or resort, court of justice, or other public court, railway station, railway carriage, omnibus, passenger steamboat, or other public conveyance:

The terms "offensive matter," "noxious matter," and "refuse" shall respectively include any nightsoil, offal, putrid meat or fish, entrails, carrion, dead animals, blood, dung, manure, fish shells, bones, dust, rubbish, dirt, litter, ashes, soap lees, gas lime, or refuse of any kind:

The term "cart" shall include any vehicle made or used for the conveyance of goods, articles, commodities, or chattels in any street:

A.D. 1869.

The term "carriage" shall include any vehicle, of what nature soever, made or used for the conveyance of persons in any street:

The term "occupier" shall mean the person for the time being in actual possession of the lands with reference to which that term is used:

The term "cattle" shall include horses, asses, mules, sheep, goats, and swine:

The term "driver" shall mean the driver, conductor, or carter of any cart or carriage.

Repeal of Act of 1852.

**5.** From and after the passing of this Act so much of the Stockton Act of 1852 as relates to the limits of the borough and of the wards thereof shall be and the same is hereby repealed, and from and after the commencement of this Act the residue of the same Act shall be and the same is hereby repealed.

Discontinuance of Public Health Acts.

**6.** From and after the commencement of this Act the Public Health Act, 1848, the Local Government Act, 1858, the Local Government Act, 1858, Amendment Act, 1861, and the Local Government Act Amendment Act, 1863, shall cease to apply to the borough.

Saving from effect of repeals, &c.

**7.** Notwithstanding any repeal or other thing in this Act,—

1. The Corporation shall continue and be seised, possessed of, and entitled to all rights, interests, and property of or to which they are at the passing of this Act seised, possessed, or entitled, as if this Act had not been passed:
2. All acts, matters, and things before the commencement of this Act done under the powers and authorities of the Stockton Act of 1852, or the Acts by this Act made to cease to apply to the borough, or any of them, or under any other Act or authority, and which are at the commencement of this Act good, valid, and available, and all conveyances, leases, mortgages, bonds, covenants, deeds, instruments, contracts, agreements, obligations, rights, and remedies at the commencement of this Act existing under the same, shall be and continue as good, valid, and available for all purposes and for and against all parties as if this Act had not been passed:
3. All actions, suits, prosecutions, or other proceedings by or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the said Acts, or any of them, may be continued, commenced, or prosecuted by or against the Corporation as if this Act had not been passed:

4. All mortgages and other securities granted by the Corporation before the commencement of this Act may be transferred as if this Act had not been passed, and the form of transfer scheduled to this Act may be used for that purpose, with such variations as circumstances may require:

5. All rates and rents and debts due or accruing due to or by the Corporation may be collected and recovered by or from the Corporation as if this Act had not been passed:

6. All books and documents shall be receivable in evidence as if this Act had not been passed.

Saving for repeal of laws, &c.

**8.** Nothing in this Act shall revive any law, usage, charter, grant, letters patent, or other instrument or thing repealed or annulled by the Stockton Act of 1852.

Limits of Act.

**9.** Except where it is expressly provided otherwise, Part III. and the other parts subsequent thereto of this Act shall apply to and within the borough exclusively, and, except as aforesaid, the limits of the borough shall be the limits of this Act.

## Part II.—*Extent and Government of Borough.*

Extent of borough.

**10.** From and after the passing of this Act the borough shall be and consist of the district comprised within the metes and bounds set forth in the first schedule to this Act; and from and after the passing of this Act the provisions of this part of this Act, and of the Municipal Corporation Acts, and all laws for the time being in force relating to municipal corporations in England, shall apply to and have effect in the borough as defined by this section; but nothing in this section shall extend the powers of the Stockton Act of 1852 to any part of the borough to which the same do not apply at the passing of this Act.

Continuance of incorporation.

**11.** The inhabitants of the borough and their successors shall for ever continue and be one body politic and corporate in deed, fact, and name, by the name of the mayor, aldermen, and burgesses of the borough of Stockton.

Corporation to have perpetual succession and all the privileges of a municipal corporation.

**12.** The Corporation of the borough shall have perpetual succession, and be for ever hereafter able and capable in law to have and exercise, and do and suffer, all acts, powers, authorities, immunities, and privileges held and enjoyed, done and suffered, by the several boroughs and bodies corporate named or referred to in the Act for regulating Municipal Corporations in England and Wales, in like manner and subject to the same provisions, and as fully and amply to all intents and purposes whatsoever, as if the borough as

A.D. 1869.

extended by this Act had existed at the time of the passing of that Act.

Provisions of the Acts for regulating Municipal Corporations in England and Wales extended to the borough.

**13.** All the powers and provisions of the Act for regulating Municipal Corporations in England and Wales, and of all and every other Acts or Act of Parliament made and passed before the passing of this Act for altering, amending, or enlarging the same Act, and the powers and provisions thereof, or in anywise relating thereto, shall be and the same hereby are extended to the inhabitants of the borough.

Corporation to have a common seal.

**14.** The mayor, aldermen, and burgesses of the borough, and their successors, shall for ever continue to have and use a common seal, and may continue to use armorial bearings and devices duly entered and enrolled in the Heralds College.

Corporation empowered to acquire and hold lands.

**15.** The mayor, aldermen, and burgesses of the borough shall be able and capable in law to hold, purchase, take, and acquire lands, tenements, and hereditaments, to have and to hold the same to them and their successors for ever.

Constitution of the council of the borough.

**16.** The council of the borough shall continue to consist of a mayor, eight aldermen, and twenty-four councillors, to be respectively elected at such times and places and in such and in the like manner as the mayor, aldermen, and councillors for the boroughs named in the schedules to the Act for the regulation of Municipal Corporations in England and Wales; and the mayor, aldermen, councillors, auditors, and assessors for the borough shall respectively have the same qualifications, and have, exercise, and enjoy all the powers, immunities, and privileges, and be subject to the same duties, penalties, liabilities, and disqualifications, as the mayor, aldermen, councillors, auditors, and assessors of the several boroughs enumerated in that Act, so far as the same are applicable to the borough.

Qualification of the burgesses of the borough.

**17.** The title and qualification of the burgesses of the borough shall be the same with regard to the borough as the title and qualification of the burgesses of the boroughs named in the Act for regulating Municipal Corporations in England and Wales are with regard to such boroughs, as if the borough as extended by this Act had existed at the passing of that Act, and all persons possessing such title or qualification with respect to the borough shall be entitled to be placed upon the burgess list thereof.

Division of borough into wards.

**18.** The borough shall be divided into four wards, and the names and boundaries thereof respectively shall be those set forth in the second schedule to this Act.

Each ward to return six councillors.

**19.** Each of the said four wards shall return and have six councillors.

Saving for existing mayor, &c.

**20.** Nothing in this Act shall affect the tenure of office of the mayor or aldermen, councillors, auditors, and assessors of the borough or any of them, or the retirement in rotation of them or any of them, or the capacity of re-election of them or any of them, or any of the rights, privileges, powers, or authorities of them or any of them, individually or collectively.

Town clerk to continue in office.

**21.** The town clerk of the borough shall be and continue the town clerk of the borough under this Act, and shall hold his office during pleasure.

Act to be put in execution by council.

**22.** The Corporation acting by the council of the borough shall carry this Act into execution, except where it is otherwise expressly provided.

Meeting of council, chairman, &c.

**23.** The council shall hold an annual meeting for the transaction of business under this Act, and other meetings for that purpose once at least in each month, and at such other times as may be necessary for properly executing and performing the powers and duties of the council under this Act, and shall from time to time make regulations with respect to the summoning, notice, time, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business by the council under this Act, and subject to such regulations any business under this Act may be transacted at any such meeting, but so that no business shall be transacted at any such meeting unless at least one third of the full number of members of the council are present thereat, and at all such meetings all questions shall be decided by a majority of votes, and the number of the members present shall be recorded, and the mayor for the time being shall be the chairman; and the council shall at their first meeting under this Act, and afterwards from time to time at their annual meeting, appoint one of their number to be the deputy chairman for one year, who shall take the chair at all meetings at which he is present and the mayor is absent, and in case both the mayor and the deputy chairman are absent from any meeting the members present shall appoint one of their number to act as chairman thereat; and in case at any time the deputy chairman dies, resigns, or becomes incapable of acting, another member shall be appointed by the council to be deputy chairman for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office and no longer, and the chairman at any meeting shall have a second or casting vote in case of an equality of votes.

A.D. 1869.

The council may appoint committees.

**24.** The council of the borough may appoint out of their own body from time to time such and so many committees, consisting of such number of persons as they shall think fit, for all or any of the purposes of this Act which in the discretion of the council would be better regulated and managed by means of such committees: Provided always, that the acts of every such committee shall, in case the council shall so order but not otherwise, be submitted to the council for their approval, but that no expenditure or payment, or contract to expend or pay any sum of money made by such committee, shall be lawful or valid when such sum shall exceed the sum of one hundred pounds, unless such committee shall have been authorized by the council to make such expenditure, payment, or contract, or unless, if not so authorized, such expenditure, payment, or contract shall, after the same has been made, be approved of by the council: 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 of 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.

**25.** Every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment, but no business shall be transacted at any meeting of such committee unless the quorum of members (if any) fixed by the council, and if no quorum be fixed three members, be present; and at the first meeting of every such committee one of its members shall be appointed chairman of the committee if no person has been appointed chairman by the Corporation; and if a person appointed chairman by the Corporation is not present at any meeting, a chairman shall be elected by the members present for that meeting, and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Extension of jurisdiction of justices.

**26.** From and after the passing of this Act the jurisdiction, powers, authorities, rights, and privileges of justices of the peace

appointed for the borough, as existing before the passing of this Act, shall extend to and be in full force throughout the borough as extended by this Act.

## Part III.—*Paving and improving of private Streets.*

Notice for paving, &c.

**27.** In case any present or future street, or any part thereof (not being a highway), is not sewered, levelled, paved, flagged, and channelled to the satisfaction of the Corporation, or if the Corporation deem it advisable that the level of any such street be altered to correspond with the level of any adjoining or neighbouring streets, or if any such street is not lighted to the satisfaction of the Corporation, the Corporation may, by notice in writing to the respective owners or occupiers of the lands and buildings fronting or adjoining to or abutting on such parts thereof as require to be sewered, levelled, paved, flagged, or channelled, or as require to have the levels altered as aforesaid, or as require to be lighted, requiring them to sewer, level, pave, flag, channel, alter the levels of, or light the same (as the case may be) within a time specified in the notice (making compensation in manner provided by this Act for any damage sustained by or in respect of such alteration of level, including the expenses of the making of such alteration).

Power to require metalling, &c.

**28.** In case any present or future street, or any part thereof (not being a highway), is not in a good state and condition to the satisfaction of the Corporation, and the Corporation are of opinion that it need not for the time being be levelled, paved, flagged, and channelled, as provided in this part of this Act, the Corporation may from time to time as often as occasion requires, by notice in writing to the respective owners or occupiers of lands and buildings fronting or adjoining to or abutting on such parts thereof as require to be repaired, require them to metal or otherwise repair the same within a time specified in the notice.

Paving, &c. of parts of streets.

**29.** The powers given by this part of this Act may be exercised as follows; (namely,)

(1.) In respect of the carriageway or of the footway or of any part of a street, as fully as in respect of a whole street:

(2.) In respect of any street or road of which a part was at the commencement of the Stockton Act of 1852 or is or may be a public footpath, or repairable at the public expense, as fully as if the whole of the street or road had been or was a highway not repairable at the public expense.

Execution of works by Corporation.

**30.** If any notice under this part of this Act is not complied with, the Corporation may, if they shall think fit, execute the

A.D. 1869.

works mentioned or referred to therein, and the expenses incurred by them in so doing shall be paid by the owners in default, according to the frontage of their respective premises, and in such proportion as shall be settled by the surveyor, or in case of dispute as shall be settled by arbitration (having regard to all the circumstances of the case) in the manner provided by this Act; and such expenses may be recovered from the last-mentioned owners in a summary manner, or the same may be declared by order of the Corporation to be private improvement expenses.

Plans and sections for works.

**31.** Before giving any notice under this part of this Act the Corporation shall cause plans and sections of the works intended to be executed to be made, under the direction of the surveyor, on a scale of not less than one inch for eighty-eight feet for a horizontal plan, and on a scale of not less than one inch for ten feet for a vertical section, and in the case of a sewer showing the depth of such sewer below the surface of the ground; and such plans and sections shall be deposited in the office of the Corporation, and shall be open at all reasonable hours for the inspection of all persons interested therein during the period for which such notice is required to be given, and a reference to such plans and sections in such notice shall be held sufficient, without requiring any copy of such plans and sections to be annexed to such notice.

Exemption of incumbent or minister of any church, chapel, &c. from such expenses.

**32.** No incumbent or minister of any church, chapel, or place appropriated to public religious worship, which is at the commencement of this Act by law exempt from rates for the relief of the poor, shall be liable to any expenses under this part of this Act as the owner or occupier of such church, chapel, or place, or of any churchyard or burial ground attached thereto, nor shall any such expenses be deemed to be a charge on such church, chapel, or other place, or on such churchyard or burial ground, or to subject the same to distress, execution, or other legal process, and the Corporation may, if they think fit, undertake any works from the expenses of which any such incumbent or minister is hereby exempted.

## Part IV.—*Streets and Highways.*

Management of streets vested in Corporation.

**33.** All present and future streets being or which at any time become highways within the borough, and the pavements, stones, and other materials thereof, and all buildings, implements, and other things provided for the purposes thereof by any surveyor of highways or by any person serving the office of surveyor of highways, shall vest in and be under the management and control of the

Corporation, and the Corporation shall from time to time cause all such streets to be levelled, paved, flagged, channelled, altered, and repaired as and when occasion may require, and they may from time to time cause the soil of any such street to be raised, lowered, or altered as they may think fit, and place and keep in repair fences and posts for the safety of foot passengers, and whosoever wilfully displaces, takes up, or injures the pavement, stones, materials, fences, or posts of any such street without the consent of the Corporation shall be liable for every such offence to a penalty not exceeding five pounds, and a further sum not exceeding five shillings for every square foot of the pavement, stones, or other materials so displaced, taken up, or injured.

Corporation to be surveyor of highways.

**34.** The Corporation within the borough shall, exclusively of any other person whatsoever, execute the office of and be surveyor of highways, and have all such powers, authorities, duties, and liabilities as any surveyor of highways in England is now or may hereafter be invested with or be liable to by virtue of his office by the laws in force for the time being, except in so far as such powers, duties, or authorities are or may be inconsistent with the provisions of this Act, and the inhabitants of the borough shall not in respect of any property situate therein be liable to the payment of highway rate or other payment in respect of making or repairing roads or highways within any parish, township, or place, or part of any parish, township, or place, situate beyond the borough; provided that neither the allowance by justices nor the signature by the Corporation shall be necessary in the case of any rate made by the Corporation under this Act.

Highway rates discontinued.

**35.** The Corporation shall not have power to levy highway rates within the borough, but the expenses of repairing the roads and highways in the borough and the other expenses usually defrayed out of highway rates shall be paid out of the general district rate under this Act.

Roads in borough not to be turnpike roads.

**36.** Any road or part of a road within the borough having been at any time a turnpike road is hereby declared as from and after the commencement of this Act not to be a turnpike road, and to be not comprised in any turnpike trust with respect to tolls or to repairs or for any other purposes.

Power to the Corporation to agree as to making of new public roads.

**37.** The Corporation may agree with any persons for the making of roads for the public use through the lands and at the expense of such persons, and that such roads shall become, and the same shall accordingly become, on completion to the satisfaction of the Corporation, public highways maintainable and repairable at the

A.D. 1869.

public expense, and the Corporation may agree with such persons to pay, and accordingly may pay, any portion of the expenses of making such roads out of the funds at the disposal of the Corporation for public improvements.

Power to the Corporation by consent to construct public bridges, &c. or adopt as public and improve existing bridges, &c. over or under canals, railways, or tramroads.

**38.** The Corporation may agree with the proprietors of any canals, railways, or tramroads, and with any landowners or other persons willing to bear the first expense thereof, for the construction or alteration of, and accordingly may cause or permit to be constructed or altered, any bridges, viaducts, or arches over or under any such canals, railways, or tramroads, at the expense of such persons, and at the like expense by agreement may purchase so much of any slopes, embankments, or other parts of such canals, railways, or tramroads, or of any adjoining lands, as may be required for the foundation and support of such bridges, viaducts, or arches, and the approaches thereto, and the Corporation may agree that such bridges, viaducts, and arches respectively, with their approaches and accessories, shall become, and the same shall accordingly become, on completion to the satisfaction of the Corporation, parts of public streets or roads maintainable and repairable at the public expense, and the Corporation may agree to pay, and may accordingly pay, any portion of the expenses of such construction, alteration, and purchase out of the funds at the disposal of the Corporation for public improvements, and the Corporation, with the consent of such proprietors and other persons interested, and on such terms as may be mutually agreed upon, may adopt any existing bridges, viaducts, or arches over or under any such canals, railways, or tramroads, and the approaches thereto, as public bridges, viaducts, or arches, and parts of public streets or roads maintainable and repairable at the public expense.

Power to the Corporation to enter into agreements with turnpike trustees as to repair, &c. of roads.

**39.** The Corporation by agreement with any corporation or person liable to repair any street or road, or any part thereof, or with surveyors of any road over any bridge repaired by any county, riding, or division, may take upon themselves the maintenance, repair, cleansing, or watering of the whole or any part of any such street or road, on such terms as the Corporation and any other corporation or person or surveyors as aforesaid may agree upon between themselves.

Certain streets not highways to be deemed such, and repaired by Corporation.

**40.** If any present or future street, not being a highway at the commencement of this Act, be sewered, levelled, paved, flagged, and channelled to the satisfaction of the Corporation, the Corporation may, if they shall think fit, by notice in writing put up in any part of the street, declare the same to be a highway, and

thereupon the same shall become a highway, and be from time to time repaired by them accordingly, and every such notice shall be entered amongst the proceedings of the Corporation: Provided always, that no street shall become a highway as last aforesaid if within one month after notice in writing shall have been put up as last aforesaid the proprietor of such street, or the person representing or entitled to represent such proprietor, shall by notice in writing to the Corporation object thereto: Provided also, that no such objection shall be of force unless either made by the sole proprietor or (if more than one) by the majority in number of such proprietors, and in ascertaining such majority joint proprietors shall be reckoned and considered one proprietor.

Power of Corporation to make streets, &c.

**41.** The Corporation may widen, open, enlarge, or otherwise improve any street, and may, with the approval of one of Her Majesty's Principal Secretaries of State, make any new street, but any part of the lands purchased for any such purpose which shall not be wanted for that purpose shall be resold at the best price that can be gotten for the same, and the proceeds of the resale shall be carried to the district fund account.

Houses to be numbered and streets named.

**42.** The Corporation shall from time to time cause the houses and buildings in all or any of the streets to be marked with numbers as they think fit, and shall cause to be put up or painted on a conspicuous part of some house, building, or place at or near each end, corner, or entrance of every such street the name by which such street is to be known, and every person who destroys, pulls down, or defaces any such number or name, or puts up any number or name different from the number or name put up by the Corporation, shall be liable to a penalty not exceeding forty shillings for every such offence.

Numbers of houses to be renewed by occupiers.

**43.** The occupiers of houses and other buildings in the streets shall mark their houses with such numbers as the Corporation approve of, and shall renew such numbers as often as they become obliterated or defaced, and every such occupier who fails within one week after notice for that purpose from the Corporation to mark his house with a number approved of by the Corporation, or to renew such number when obliterated, shall be liable to a penalty not exceeding forty shillings, and the Corporation shall cause such numbers to be marked or to be renewed as the case may require, and the expense thereof shall be repaid to them by such occupier, and shall be recoverable as damages.

Houses may be set forward for

**44.** The Corporation may allow, upon such terms as they think fit, any building within the borough to be set forward for improving

A.D. 1869.

improving line of street.

the line of the street in which such building or any building adjacent thereto is situated.

When houses taken down, line in which same shall be rebuilt.

**45.** When any house or building has been taken down in order to be rebuilt or altered, the Corporation may prescribe the line in which any house or building to be built after the commencement of this Act shall be erected, and the same shall be erected in accordance therewith, and the Corporation shall pay or tender compensation to the owner or other person immediately interested in such house or building for any loss or damage he may sustain in consequence of his house or building being set back, the amount of such compensation in case of dispute to be settled in the same manner as compensation for land to be taken under the provisions of The Lands Clauses Consolidation Act, 1845, is directed to be settled, and all the provisions of the last-mentioned Act relating to the purchase of land shall apply to the payment made for such loss or damage as if it were a purchase under that Act.

No house to be brought forward without consent of Corporation.

**46.** It shall not be lawful at any time or times after the commencement of this Act within the borough to bring forward any house or building forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of such house or building on either side of the same as aforesaid, without the previous consent of the Corporation, and any person offending against this enactment shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such house or building or any part thereof so brought forward as aforesaid shall remain beyond the line before mentioned.

Future projections of houses, &c. to be removed on notice.

**47.** The Corporation may give notice to the occupier of any house or building to remove or alter any porch, shed, projecting window, step, cellar, cellar door, or window, sign, sign-post, sign-iron, show-board, window shutter, wall, gate, or fence, or any other obstruction or projection erected or placed after the commencement of the Stockton Act of 1852 against or in front of any house or building within the borough, and which is an obstruction to the safe and convenient passage along any street, and such occupier shall within fourteen days after the service of such notice upon him remove such obstruction, or alter the same in such manner as shall have been directed by the Corporation, and in default thereof shall be liable to a penalty not exceeding forty shillings, and the Corporation in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making

default, and shall be recoverable as damages; provided always, that except in the case in which such obstructions or projections were made or put up by the occupier, such occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

Corporation may cause existing projections to be removed, and compensation to be made.

**48.** If any such obstructions or projections were erected or placed against or in front of any house or building in any such street before the commencement of the Stockton Act of 1852, the Corporation may cause the same to be removed or altered as they think fit, provided that they give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such obstruction or projection shall be thirty days before such alteration or removal is begun, and if such obstructions or projections shall have been lawfully made they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Doors in future to be made to open inwards.

**49.** All doors, gates, and bars put up after the commencement of the Stockton Act of 1852 within the borough, and which open upon any street, shall be hung or placed so as not to open outwards, except when, in the case of public buildings, the Corporation allow such doors, gates, or bars to be otherwise hung or placed, and if, except as aforesaid, any such door, gate, or bar be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall, within eight days after notice from the Corporation to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do the Corporation may make such alteration, and the expenses of such alteration shall be paid to the Corporation by such occupier, and shall be recoverable from him as damages, and he shall in addition be liable to a penalty not exceeding forty shillings.

Doors opening outwards may be altered.

**50.** If any such door, gate, or bar was before the commencement of the Stockton Act of 1852 hung so as to open outwards upon any street, the Corporation may alter the same so that no part thereof when open shall project over any public way.

Coverings for cellar doors to be made by occupier.

Penalty for neglect.

**51.** When any opening is made in any pavement or footpath within the borough as an entrance into any vault or cellar, a door or covering shall be made by the occupier of such vault or cellar of iron or such other materials, and in such manner as the Corporation direct, and such door or covering shall from time to time be kept in good repair by the occupier of such vault or cellar, and if such occupier do not within a reasonable time make such door or covering, or if he make any such door or covering contrary to the

A.D. 1869.

directions of the Corporation, or if he do not keep the same when properly made in good repair, he shall for every such offence be liable to a penalty not exceeding five pounds.

Waterspouts to be affixed to houses or buildings.

**52.** The occupier of every house or building in, adjoining, or near to any street shall, within seven days next after service of an order of the Corporation for that purpose, put up and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot on the adjoining house or with a pipe or trunk to be fixed to the front or side of such building from the roof to the ground, to carry the water from the roof thereof, in such manner that the water from such house, or any portico or projection therefrom, shall not fall upon the persons passing along the street, or flow over the footpath, and in default of compliance with any such order within the period aforesaid such occupier shall be liable to a penalty not exceeding forty shillings for every day that he shall so make default.

Power for service of notices on owners, &c.

**53.** Notices for alterations or directions or orders under this part of this Act may, at the option of the Corporation, be served on owners instead of occupiers, or on owners as well as occupiers, and the cost of works done under this part of this Act may, when notices have been so served on owners, be recovered from owners instead of occupiers, and when such cost is recovered from occupiers they shall be entitled to make the same deduction from the rents payable for the premises where the work is done in respect of such cost as they are by this Act entitled to make in respect of private improvement rates.

Ruinous or dangerous buildings to be taken down or secured by owners, &c.

**54.** If any building or wall or anything affixed thereon within the borough be deemed by the surveyor to be in a ruinous state and dangerous to passengers, or to the occupiers of the neighbouring buildings, such surveyor shall immediately cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of such building or wall, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof, if any, requiring such owner or occupier forthwith to take down, secure, or repair such building, wall, or other thing, as the case shall require, and if such owner or occupier do not begin to repair, take down, or secure such building, wall, or other thing within the space of three days after any such notice has been so given or put up as aforesaid, and complete such repairs or taking down or securing as speedily as the nature of the case will admit,

the said surveyor may make complaint thereof before two justices, and it shall be lawful for such justices to order the owner, or in his default the occupier (if any), of such building, wall, or other thing, to take down, rebuild, repair, or otherwise secure to the satisfaction of the surveyor the same or such part thereof as appears to them to be in a dangerous state, within a time to be fixed by such justices, and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Corporation shall with all convenient speed cause all or so much of such building, wall, or other thing as shall be in a ruinous condition, and dangerous as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured in such manner as shall be requisite, and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding, or securing such building, wall, or other thing, shall be paid by the owner thereof.

Expenses to be levied by distress on owner.

**55.** If such owner can be found within the borough, and if on demand of the expenses aforesaid he neglect or refuse to pay the same, then such expenses may be levied by distress, and any justice may issue his warrant accordingly.

If owner cannot be found, Corporation may take house or ground, making compensation.

**56.** If such owner cannot be found within the borough, or sufficient distress of his goods and chattels within the borough cannot be made, the Corporation, after giving twenty-eight days notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building, or on the land whereon such building stood, may take such building or land, provided that such expenses be not paid or tendered to them within the said twenty-eight days, making compensation to the owner of such building or land, in the manner provided by The Lands Clauses Consolidation Act, 1845, in the case of lands taken otherwise than with the consent of the owners and occupiers thereof, and the Corporation shall be entitled to deduct out of such compensation the amount of the expenses as aforesaid, and may thereupon sell or otherwise dispose of the said building or land for the purposes of this Act.

Corporation may sell materials, restoring to owner overplus.

**57.** If any such house or building as aforesaid or any part of the same be pulled down by virtue of the powers aforesaid, the Corporation may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building, and the Corporation shall restore any overplus arising from such sale to the owner of such house or building on demand;

A.D. 1869.

nevertheless the Corporation, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

Bars to be erected across streets while repairs or alterations are making, and lights placed at night.

**58.** The Corporation shall, during the construction or repair of any of the streets vested in them, and during the construction or repair of any sewers or drains, take proper precaution for guarding against accident by shoring up and protecting the adjoining houses, and shall cause such bars or chains to be fixed across or in any of the streets to prevent the passage of carriages and horses while such works are carried on as to them shall seem proper, and the Corporation shall cause any sewer or drain or other works during the construction or repair thereof by them to be lighted and guarded during the night so as to prevent accidents, and every person who takes down, alters, or removes any of the said bars or chains, or extinguishes any light, without the authority or consent of the Corporation, shall for every such offence be liable to a penalty not exceeding five pounds.

Power to require gas and water pipes to be moved.

**59.** If and when for the purposes of this Act the Corporation deem it necessary to raise, sink, or otherwise alter the situation of any water or gas pipes, mains, plugs, or other waterworks or gasworks laid in or under any street, they may by notice in writing require the person to whom the pipes, mains, plugs, or works belong to raise, sink, or otherwise alter the situation of the same in such manner and within such reasonable time as shall be specified in such notice, and the expenses attendant upon or connected with any such alteration shall be paid by the Corporation out of the general district rates levied under this Act, and if such notice be not complied with the Corporation may make the alteration required: Provided always, that no such alteration shall be required or made which will permanently injure any such pipes, mains, plugs, or works, or prevent the water or gas from flowing as freely and conveniently as usual: Provided also, that where under any Local Act of Parliament the expenses attendant upon or connected with the raising, sinking, or otherwise altering the situation of any water or gas pipes, mains, plugs, or other waterworks or gasworks, are or shall be directed to be borne by the person to whom such pipes or works belong, his liability in that respect shall continue in the same manner and under the same conditions in all respects as if this Act had not been passed.

Hoards to be set up during repairs.

**60.** Every person intending to build or take down any building within the borough, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be so done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street, with a convenient platform and handrail, if there be room enough, to serve as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the Corporation during such time as the public safety or convenience requires, and shall in all cases in which it is necessary in order to prevent accidents cause the same to be sufficiently lighted during the night, and every such person who fails to put up such fence or hoard or platform with such handrail as aforesaid, or to continue the same respectively standing and in good condition as aforesaid during the time aforesaid, or who does not while the said hoard or fence is standing keep the same sufficiently lighted in the night, or who does not remove the same when directed by the Corporation within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day while such default is continued.

Penalty for not lighting deposits of building materials or excavations.

**61.** When any building materials, rubbish, or other things are laid or any hole made in any of the streets, whether the same be done by order of the Corporation or not, the person causing such materials or other things to be so laid or such hole to be made shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sunsetting to sunrising while such materials or hole remain, and such person shall at his own expense cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed or the hole filled up or otherwise made secure; and every such person who fails so to light, fence, or inclose such materials or other things or such hole shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day while such default is continued.

Penalty or continuing deposits of building materials or ex-

**62.** In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty not exceeding five pounds to be paid for every such offence by the person who causes such materials or other things to

A.D. 1869.

cavations an unreasonable time.

be laid or such hole to be made, and a further penalty not exceeding forty shillings for every day during which such offence is continued after the conviction for such offence, and in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid or causing such hole to be made.

Dangerous places to be repaired or inclosed.

**63.** If any building or hole or any other place near any street be for want of sufficient repair, protection, or inclosure dangerous to the passengers along such street, the Corporation shall cause the same to be repaired, protected, or inclosed, so as to prevent danger therefrom, and the expenses of such repair, protection, or inclosure shall be repaid to the Corporation by the owner of the premises so repaired, protected, or inclosed, and shall be recoverable from him as damages.

Notices, plans, &c. of new streets.

**64.** Every person who shall intend to make or lay out any new street, whether the same shall be intended to be used as a public way or not, shall give notice to the Corporation of such intention by writing delivered to the surveyor or left at his office, and shall at the same time leave or cause to be left at the said office a plan and section of such intended new street drawn to a scale of not less than one inch to every forty-four feet, with all dimensions marked thereon in plain legible figures, and every such plan shall have thereon the names of the owners of the land through or over which such street shall be intended to pass, the level, width, direction, the proposed mode of construction, the proposed name of such intended new street, and its position relatively to the streets nearest thereto, and shall contain the name and address of the person intending to lay out such new street, and be signed by him or his duly authorized agent, and every such section shall show thereon the level of the present surface of the ground above some known fixed datum, the level and rate or rates of inclination of the intended new street, the level and inclinations of the streets with which it will be connected, and the level of the lowest floors of the intended new buildings, and the Corporation shall within one month after receipt of the notice by their order approve or disapprove of the intended new street.

Width and level of new streets, &c.

**65.** Every new street shall be laid out and formed of such width and at such level as the Corporation shall in each case determine, and if a carriage road shall be laid out and formed, at least thirty feet wide; and the Corporation shall determine in each case what proportion of the width of such street shall be laid out as carriage-way and footway respectively; provided that the Corporation may

allow from time to time any new street to be laid out and formed of such width not less than ten feet as to them may seem fit, but such street shall be used only as a back street or approach to the back yards and outbuildings of dwelling houses, and no dwelling house shall be allowed to face into such back street.

Drainage of new streets.

**66.** The proposed level and width of any new street having been approved by the Corporation, the surveyor shall specify the depth and inclination, form, size, materials, and other particulars of the sewers and their appurtenances, according to which the works for the proper drainage of such street and of the adjoining properties shall be carried out.

Construction of new streets.

**67.** The mode of construction of every new street and the materials to be employed shall be subject to the approval of the Corporation.

Buildings in new streets.

**68.** Before any dwelling house is inhabited in any new street, such street shall be formed, drained, and metalled to the satisfaction of the Corporation to such extent as the Corporation direct, according to the circumstances of each case, and if any person allows or causes any dwelling house to be inhabited in contravention of this section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for each day during which the offence continues after notice thereof given to him by the Corporation.

Height of buildings in new streets.

**69.** No building shall be erected on the side of any new street which shall exceed in height the distance from the front of such building to the opposite side of such street, nor shall the height of any building so erected be at any time subsequently increased so as to exceed such distance.

Inspection of works by surveyor.

**70.** The surveyor shall inspect any new works or buildings in progress of construction in a new street at any reasonable time that he may think fit or that he may be required to do so by the Corporation, but the person laying out the work, or the builder, shall give twenty-four hours notice in writing to the surveyor before the commencement of such work and before any sewers or drains are covered up, and the like notice shall be given after the works have been completed which may have been required by the surveyor to be done in amendment of any irregularity and before such works shall be covered up.

Notice by surveyor in case of irregularity.

**71.** If in doing any work or erecting any building in a new street anything is done contrary to this Act, or anything required by this Act is omitted to be done, the surveyor shall, within six

A.D. 1869.

hours after the survey or inspection on which he ascertains such contravention or omission, give to the builder or person engaged in doing such work or erecting such building notice in writing requiring such builder or person within forty-eight hours from the date of such notice to cause anything done contrary to this Act to be amended, or to do anything required to be done by this Act but which has been omitted to be done.

Notice of completion of works and buildings.

**72.** Within one month after any work or building in a new street of which notice was given has been completed, the builder or person by whom such work has been done shall give notice in writing to the surveyor thereof, and the surveyor shall forthwith proceed to survey such work or building, and shall report to the Corporation thereon.

Penalties as to construction of new streets.

**73.** If any person intending to construct any new street or erect any new building in a new street fails to give the several notices required by this Act, or constructs or causes to be constructed any work, or does any act or omits to do any act, or fails to comply with any of the requirements of the Corporation, or makes any alteration in any such work after it is completed, or makes any deviation from or alteration in any plan which has been submitted to and approved of by the Corporation, contrary to the provisions of this Act, he shall for every such offence be liable to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding forty shillings for each day during which the work in respect of which the offence is committed continues to remain, contrary to the said provisions, after written notice of the offence from the Corporation or their authorized officer, and the Corporation may, if they shall think fit, cause such work to be removed, altered, or pulled down, and the expenses incurred by them in so doing shall be repaid by the offender, and be recoverable from him in a summary manner.

Width of streets and height of buildings.

**74.** For the purposes of this Act the width of a new street shall be taken to be the whole space dedicated to the public, exclusive of any steps or projections therein, to be measured at right angles to the course or direction of the street, and the height of buildings shall be taken to be the height thereof measured from the level of the centre of the street immediately opposite the building up to the parapet at the eaves of the roof.

## PART V.—*Buildings.*

Notices, plans, &c. of new buildings.

**75.** Every person who shall intend to erect any new building shall give notice to the Corporation of such intention by writing

delivered to the surveyor or left at his office, and shall at the same time leave or cause to be left at the said office detailed plans and sections of every floor of such intended new building, drawn to a scale of not less than one inch to every eight feet, showing the position, form, and dimensions of the several parts of such building, with all the requisite dimensions marked thereon in plain legible figures, and of the watercloset, privy, cesspool, ashpit, well, and all other appurtenances, and such plans and sections shall be accompanied by a description of the materials of which the building is proposed to be constructed, of the intended mode of drainage, of the stench-traps to be used, and of the intended means of water supply, and a block plan shall be left at the same time, drawn to a scale of not less than one inch to every forty-four feet, showing the position of the buildings and appurtenances of the properties immediately adjoining, the width and level of the street, the level of the lowest floor of the intended building, and of the yard or ground belonging thereto, and the plan shall show also the proposed lines of house drainage, and their size, depth, and inclination, and the plans and section shall be drawn on drawing paper or tracing cloth, and the block plan shall have marked thereon in legible figures the total area of the block, and the Corporation shall within sixteen days after receipt of the notice by their order approve or disapprove of the intended new building.

Party walls to be carried up through the roof.

**76.** The party walls of all buildings erected after the commencement of this Act within the borough shall be carried through and above the roof to form a parapet of not less than twelve inches in height, measured at right angles with the slope of the roof above the covering of the roof of the highest building to which such party walls belong, and all such party walls and the external walls of all buildings erected after the commencement of this Act in or near any street, or within the curtilage of any house adjoining any street, shall be constructed of incombustible materials, and the coverings of the roof thereof shall not, without the previous consent in writing of the Corporation, be constructed of combustible materials; and it shall not be lawful for the owner of any building within the borough having at the commencement of this Act a roof covered with thatch or other combustible material, and contiguous to or adjoining to any other building, to suffer such covering to such roof to remain for a longer period than seven years after the commencement of this Act, unless with the consent in writing of the Corporation; and every person who shall erect any building, or cover any roof, or suffer the covering of any roof to continue, contrary to the provision herein contained, and who shall not remove or alter the same

Walls of buildings and coverings of roofs to be made of incombustible materials.

A.D. 1869.

within one month after notice given to him for that purpose by the Corporation, shall be liable to a penalty not exceeding twenty shillings for every day that such building or covering to such roof shall so continue.

Partition walls.

**77.** Partition walls between each two separate dwelling houses erected after the commencement of this Act shall be at least nine inches in thickness, and shall be carried solidly up their full thickness to the underside of the roof or covering.

Level of ground floors.

**78.** The level of the ground floor of every house erected after the commencement of this Act shall be at least four inches above the level of the street.

Inspection of new buildings by surveyor.

**79.** The surveyor shall inspect any new building in progress of construction, or work connected therewith, at any reasonable time that he may think fit, or that he may be required to do so by the Corporation, but the person constructing the building or doing the work, or the builder, shall give twenty-four hours notice in writing to the surveyor before the commencement of such building or work, and before any sewers or drains are covered up, and the like notice shall be given after the works have been completed which may have been required by the surveyor to be done in amendment of any irregularity and before such works shall be covered up.

Notice by surveyor in case of irregularity.

**80.** If in erecting any building, or doing any work connected therewith, anything is done contrary to this Act, or anything required by this Act is omitted to be done, the surveyor shall, within six hours after the survey or inspection on which he ascertains such contravention or omission, give to the builder or person engaged in erecting such building or in doing such work notice in writing requiring such builder or person within forty-eight hours from the date of such notice to cause anything done contrary to this Act to be amended, or to do anything required to be done by this Act but which has been omitted to be done.

Notice of completion of buildings and works.

**81.** Within one month after any building or work connected therewith of which notice was given has been completed, the builder or person by whom such building or work has been erected or done shall give notice to the surveyor thereof, and the surveyor shall forthwith proceed to survey the same, and shall report to the Corporation thereon.

Penalties as to construction of new buildings.

**82.** If any person intending to erect any new building fails to give the several notices required by this Act, or erects any new building, or constructs or causes to be constructed any work in connexion with any new building, or does any act or omits to do

any act, or fails to comply with any of the requirements of the Corporation, or makes any alteration in any such work after it is completed, or makes any deviation from or alteration in any plan which has been submitted to and approved of by the Corporation, contrary to the provisions of this Act, he shall be liable for every such offence to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding forty shillings for each day during which the building or work in respect whereof the offence is committed continues to remain, contrary to the said provisions, after written notice of the offence from the Corporation or their authorized officer; and the Corporation may, if they shall think fit, cause such building or work to be removed, altered, or pulled down, and the expenses incurred by them in so doing shall be repaid by the offender, and be recoverable from him in a summary manner.

Respecting existing contracts for building.

**83.** Nothing in this Act shall extend to avoid any agreement in writing entered into before the commencement of this Act for erecting or altering any building, but the same shall be performed with such alterations as may be rendered necessary by this Act, and as if such alterations had been stipulated for in such agreement, and the difference between the cost of the work according to the agreement and the cost of such work as executed according to the provisions of this Act shall be ascertained by the parties to the respective agreements, and paid for or deducted, as the case may require, and if the said parties do not agree upon the amount of such difference the same shall, on the request of either party (notice being given to the other), be decided by the surveyor to the Corporation, and for his trouble in making such decision each of the said parties shall pay to the said surveyor such sum, not exceeding twenty shillings, and to be disposed of for such purposes of this Act, as the Corporation shall direct.

Respecting contracts for leases.

**84.** Nothing in this Act shall affect any lease or agreement for a lease whereby any person may be bound to erect buildings upon any building ground within the borough, but the buildings mentioned in such lease or agreement shall be built according to the conditions which may be rendered necessary by this Act, in the same manner as if this Act had been passed and in operation at the time of making such lease or agreement, and the same had been made subject thereto, and that without either party being entitled to any compensation.

PART VI.—*Sewers—Sanitary Arrangements.*

Map exhibiting system of sewerage.

**85.** The Corporation may, if they shall think fit, cause to be prepared or procure a map exhibiting a system of sewerage for effectually draining the borough for the purposes of this Act, and every such map shall be kept at the office of the Corporation, and shall at all reasonable times be open to the inspection of the ratepayers of the borough.

Expense of surveys, &c.

**86.** The expense of surveys, maps, or plans made, prepared, or procured by the Corporation for the purposes of this Act shall be defrayed out of the general district rate.

Sewers, &c. vested in Corporation.

**87.** All sewers, whether existing at the commencement of this Act or made at any time thereafter (except sewers made by any person or persons for his or their own profit, or for the profit of proprietors or shareholders, and except sewers made and used for the purpose of draining, preserving, or improving land under any Local or Private Act of Parliament, or for the purpose of irrigating land and sewers under the authority of any commissioners of sewers appointed by the Crown), together with all buildings, works, materials, and things belonging or appertaining thereto, shall vest in, belong to, and be entirely under the management and control of the Corporation.

Power to purchase, &c. certain sewers.

**88.** The Corporation may, if they shall think fit, purchase the rights, privileges, powers, and authorities vested in any person for making sewers or contract for the use of any sewers within the borough, or purchase any such sewers, with or without the buildings, works, materials, and things belonging or appertaining thereto, and any person to whom any such rights, privileges, powers, authorities, sewers, buildings, works, materials, or things belong may sell and dispose of the same to or otherwise contract with the Corporation, and in case of any such sale the purchase money shall be settled and applied to the same uses and trusts to which the property purchased may have been subject at the time of such sale, and the property purchased shall vest in and belong to the Corporation purchasing the same, anything to the contrary notwithstanding: Provided always, that notwithstanding any such purchase any person who previously thereto may have acquired perpetual right to use any sewer so purchased shall be entitled to use the same, or any other sewer substituted in lieu thereof, in as full and ample a manner as he would or might have done if such purchase had not been made.

Making alteration and discon-

**89.** The Corporation shall from time to time repair the sewers vested in them by this Act, and shall cause to be made such sewers

Discontinuance of sewers vested in Corporation.

as may be necessary for effectually draining the borough for the purposes of this Act, and the Corporation may carry any such sewers through, across, or under any turnpike road or any street or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after reasonable notice in writing in that behalf (if upon the report of the surveyor it should appear to be necessary), into, through, or under any lands whatsoever, and the Corporation may from time to time enlarge, lessen, alter, arch over, or otherwise improve all or any of the sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the discontinuance, closing up, or destruction of any sewer shall be so done as not to create a nuisance, and if by reason thereof any person is deprived of the lawful use of any sewer the Corporation shall provide some other sewer as effectual for his use as the one of which he is so deprived.

The Corporation may exercise powers of last preceding section also without the borough for outfall of distribution of sewage.

**90.** The Corporation may exercise the powers given by the last preceding section of this Act also without the borough for the purpose of outfall or distribution of sewage, upon making due compensation, to be settled in the manner provided in this Act: Provided always, that nothing in this Act contained shall give or be construed to give power to the Corporation to construct or use any outfall drain or sewer for the purpose of conveying sewage or filthy water into any natural watercourse or stream until such sewage or filthy or refuse water be freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse.

Previous notices of the works before commencement.

**91.** Provided also, that no sewer or other work shall be constructed or extended under the enactment lastly herein-before contained unless, three months at the least before the commencement of such work, notice of the intended work, describing the nature thereof and stating the intended termini thereof, and the names of the parishes, townships, and places, and the turnpike roads and streets or places laid out or intended for streets, and other lands (if any) through, across, or under which the work is to be made, and naming a place where a plan of the intended work is open for inspection at all reasonable hours, shall be given by advertisement in one or more of the newspapers usually circulated in the place where the work is to be made, and a written or printed copy of such notice shall be served in manner directed by this Act on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, townships, or

A.D. 1869.

places, and the trustees, surveyors of highways, or others having the care of such roads or streets.

If objection be made by any party interested the work not to be proceeded with without sanction of Secretary of State.

**92.** In case any of such owners, lessees, or occupiers, or such overseers, trustees, surveyors, or others as aforesaid, or any other owner, lessee, or occupier who would be affected by the proposed work, object to such work, and serve notice in writing of such objection on the Corporation at any time within the said three months, the proposed work shall not be made or commenced without the sanction of one of Her Majesty's Principal Secretaries of State, after such inquiry and report as herein-after mentioned (unless such objection be withdrawn).

An inspector to be appointed to make inquiry on the spot and report to the Secretary of State.

**93.** It shall be lawful for the Secretary of State, upon application of the Corporation, to appoint an inspector to make inquiry on the spot into the propriety of any such work as aforesaid, and into the objections thereto, and to hold one or more meeting or meetings for the purpose of hearing all persons desirous of being heard before him on the subject of such inquiry, and to report to such Secretary of State upon the matters with respect to which such inquiry was directed.

Yearly sum to be paid for premises without district drained into sewer within district.

**94.** Where (at or after the commencement of this Act) any premises not being within the borough have a drain communicating directly or indirectly with a sewer within the borough and maintained by the borough, and any sewage from the premises flows into the sewer, there shall (except in cases where the owner is entitled to use such sewer without making any payment) be paid to the Corporation in respect thereof such a yearly sum as is agreed on between them and the owner of the premises, or, failing agreement between them, as, on the application of the Corporation, is determined by two justices, and the yearly sum so agreed on or determined shall be private improvement expenses, and shall be charged on the premises, and be paid and recoverable accordingly as if the premises were within the borough; provided that the yearly sum so charged shall cease to be payable if and when the connexion between the drain from the premises and the sewer is discontinued, so that a proportionate part thereof up to the time of the discontinuance shall alone be payable, but if after the discontinuance the connexion be re-established the yearly sum shall again become payable, and so from time to time.

As to cleansing and emptying sewers, &c. by Corporation.

**95.** The Corporation shall cause the sewers vested in them by this Act to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied, and for the purpose of clearing, cleansing, and empty-

ing the same they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as may be fit and necessary, or to cause the sewage and refuse therefrom to be collected for sale for any purpose whatsoever, but so as not to create a nuisance, and also may exercise the same powers in regard to sewers without their district, if necessary for the purpose of outfall and distribution of sewage, upon making due compensation in manner provided in this Act.

Penalty for making unauthorized sewers and building over sewers and under streets.

**96.** It shall not be lawful to cause any sewer or drain to communicate with or to be emptied into any sewer of the Corporation, nor to cause any building to be newly erected over any such last-mentioned sewer, nor to cause any vault, arch, or cellar to be newly built or constructed under the carriageway of any street, without the written consent of the Corporation first had and obtained, and whosoever offends against this enactment shall forfeit to the Corporation a sum not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which the offence is continued after notice in writing from them in this behalf; and if any sewer, drain, building, vault, arch, or cellar be or has been made, erected, or constructed contrary to this enactment, or any like enactment in force in the borough at the time of the making, erection, or construction thereof, the Corporation may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the expenses incurred by them in so doing shall be repaid to them by the offender, and be recoverable from him in a summary manner.

Offensive ditches, drains, &c. to be cleansed or covered.

**97.** The Corporation shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature, or likely to be prejudicial to health, and they shall cause written notice to be given to the person causing any such nuisance, or to the owner or occupier of any premises whereon the same exists, requiring him, within a time to be specified in such notice, to drain, cleanse, cover, or fill up any such pond, pool, ditch, sewer, drain, or place, or to construct a proper sewer or drain for the discharge thereof, as the case may require, and if the person to whom such notice is given fail to comply therewith the Corporation shall execute the works mentioned or referred to therein, and the expenses incurred by them in so doing shall be recoverable by them from him in a summary manner, or, by order of the Cor-

A.D. 1869.

poration, shall be declared to be private improvement expenses, and be recoverable as such in the manner herein-after provided: Provided always, that the Corporation may order that the whole or a portion of the expenses incurred in respect of any such last-mentioned works be defrayed out of the special or general district rates to be levied under this Act, and in case of any such order the whole or such portion of the expenses as may be mentioned therein shall be defrayed and levied accordingly.

Provision for obtaining order for cleansing foul and offensive water-courses or open ditches lying near to or forming the boundaries of districts.

**98.** In case any watercourse or open ditch lying near to or forming the boundary between the borough and any adjoining parish or place shall be foul and offensive, so as injuriously to affect the borough, any justice of the peace for the county or borough in which such adjoining parish or place, or in which the parish or place causing the nuisance or in which it arises, may be situate, may, on the application of the Corporation, summon the local authority for the purposes of The Nuisances Removal Act, 1855, of such adjoining parish or place, or of the parish or place in which the nuisance arises or by which it is caused, to appear before the justices of the same county, city, or borough to show cause why an order should not be made by the said justices for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such justices to be necessary, and such justices, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such justices shall seem reasonable, and any sums ordered by any justices in pursuance of this section to be paid by the parish or place shall be a charge upon and be payable out of the poor rates of such adjoining parish or place, or of the parish or place causing the nuisance or in which it arises, as if the same were legally incurred in the relief of the poor of such parish or place, and in default of payment may be levied upon the goods and chattels of such overseers by distress and sale thereof.

Use of sewers by persons beyond district.

**99.** Any owner or occupier of premises adjoining or near to but beyond the limits of the borough may cause any sewer or drain of or from such premises to communicate with any sewer of the Corporation, upon such terms and conditions as shall be agreed upon between such owner and occupier and the Corporation, or, in case of dispute, as shall be settled by arbitration in the manner provided by this Act.

No new house to be built without drains, &c.

**100.** It shall not be lawful newly to erect any house, or to rebuild any house which may have been pulled down to or below the floor commonly called the ground floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed of such size and materials, and at such level, and with such fall as upon the report of the surveyor shall appear to be necessary and sufficient for the proper and effectual drainage of the same and its appurtenances; and if the sea, or a sewer of the Corporation, or a sewer which they are entitled to use, be within one hundred feet of any part of the site of the house to be built or rebuilt, the drain or drains so to be constructed shall lead from and communicate with such one of those means of drainage as the Corporation shall direct, or if no such means of drainage be within that distance then the last-mentioned drain or drains shall communicate with and be emptied into such covered cesspool or other place, not being under any house, and not being within such distance from any house, as the Corporation shall direct; and whosoever erects or rebuilds any house or constructs any drain contrary to this enactment shall be liable for every such offence to a penalty not exceeding fifty pounds, which may be recovered by any person with full costs of suit by action of debt; and if at any time upon the report of the surveyor it appear to the Corporation that any house, whether built before or after the commencement of this Act, is without any drain, or without such a drain or drains communicating with the sea or a sewer as is or are sufficient for the proper and effectual drainage of the same and its appurtenances, and if the sea, or a sewer of the Corporation, or a sewer which they are entitled to use, be within one hundred feet of any part of such house, they shall cause notice in writing to be given to the owner or occupier of such house requiring him forthwith, or within such reasonable time as shall be specified therein, to construct and lay down in connexion with such house and one of those means of drainage one or more covered drain or drains, of such materials and size, at such level, and with such fall, as upon the last-mentioned report shall appear to be necessary; and if such notice be not complied with, the Corporation may, if they shall think fit, do the works mentioned or referred to therein, and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or by order of the Corporation shall be declared to be private improvement expenses.

Corporation may, upon report of surveyor that any house is without a drain, cause one to be constructed, &c.

Penalty on persons erecting houses without water-closets, &c.

**101.** It shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the floor commonly called the ground floor, without a sufficient watercloset or privy, and an ashpit furnished with proper doors and coverings, and who-

A.D. 1869.

Corporation may, upon report of surveyor, order watercloset to be erected in houses, whether built before or after commencement of this Act.

soever offends against this enactment shall be liable to a penalty not exceeding twenty pounds; and if at any time upon the report to the surveyor it appear to the Corporation that any house, whether built before or after the commencement of this Act, is without a sufficient watercloset or privy, and an ashpit furnished with proper doors and coverings, the Corporation shall give notice in writing to the owner or occupier of such house requiring him forthwith, or within such reasonable time as shall be specified therein, to provide a sufficient watercloset or privy, and an ashpit so furnished as aforesaid, or either of them, as the case may require, and if such notice be not complied with the Corporation may, if they shall think fit, cause to be constructed a sufficient watercloset or privy, and an ashpit, or either of them, or do such other works as the case may require, and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or by order of the Corporation shall be declared to be private improvement expenses: Provided always, that where a watercloset or privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the Corporation a watercloset or privy may be so used, they need not require the same to be provided for each house.

Certain waterclosets to be constructed in factories, &c.

**102.** If at any time it appear to the Corporation, upon the report of the surveyor, that any house is used or intended to be used as a factory or building, in which persons of both sexes, whatever their number, are employed or intended to be employed at one time in any manufacture, trade, or business, the Corporation may, if they shall think fit, by notice in writing to the owner or occupier of such house, require them, or either of them, within a time to be specified in such notice, to construct a sufficient number of waterclosets or privies for the separate use of each sex, and whoever neglects or refuses to comply with any such notice shall be liable for each default to pay a penalty not exceeding twenty pounds, and a further penalty not exceeding forty shillings for every day during which the default is continued.

Situation of waterclosets, &c.

**103.** The situation, dimensions, materials, and construction of every watercloset and privy shall be subject to the approval of the Corporation, and every watercloset and privy shall have an opening as near the top as practicable, communicating directly with the external air, or shall be otherwise furnished with the means of ventilation to the satisfaction of the Corporation, and every privy and ashpit shall have at the back or side thereof a road or passage not less than four feet wide for the removal of nightsoil, ashes, and other refuse. Every person who shall make or construct any watercloset or privy without the approval of the Corporation, as required

by this section, or in any other manner offend against the requirements of this section, shall for every such offence forfeit and pay a sum not exceeding five pounds, and also a further sum not exceeding forty shillings for each day during which such offence continues after written notice of the offence from the Corporation or their authorized officer: Provided always, that nothing herein contained shall in any way lessen or interfere with the powers of the Stockton and Middlesborough Waterworks Company to prevent the waste of water, or any rules or regulations they may think necessary to enforce against persons supplied with water by the company, or any other of the powers contained in the thirty-fourth section of The Stockton and Middlesborough Waterworks Act, 1864.

Corporation to provide that drains, watercloseta, &c. do not become a nuisance.

**104.** The Corporation shall see and provide that all drains whatsoever, and the waterclosets, privies, cesspools, and ashpits within the borough are constructed and kept so as not to be a nuisance or injurious to health, and the surveyor may, by written authority of the Corporation (who are hereby empowered to grant such authority upon the written application of any person showing that the drain, watercloset, privy, cesspool, or ashpit in respect of which application is made is a nuisance or injurious to health, but not otherwise), and after twenty-four hours notice in writing, or in case of emergency without notice, to the occupier of the premises to which such drain, watercloset, privy, cesspool, or ashpit is attached or belongs, enter such premises, with or without assistants, and cause the ground to be opened, and examine and lay open such drain, watercloset, privy, cesspool, or ashpit, and if the drain, watercloset, privy, cesspool, or ashpit in respect of which such examination is made be found to be in proper order and condition he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the Corporation; but if upon such examination such drain, watercloset, privy, cesspool, or ashpit appear to be in bad order and condition, or to require alteration or amendment, he shall, unless the works necessary for the improvement, alteration, or amendment thereof are undertaken forthwith, cause the ground to be closed, and the Corporation shall cause notice in writing to be given to the owner or occupier of the premises upon or in respect of which the examination was made requiring him forthwith, or within such reasonable time as shall be specified in such notice, to do the necessary works, and if such notice be not complied with the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default, and the Corporation may, if they shall think fit, execute such works, and the expenses incurred by them in so doing

A.D. 1869.

shall be recoverable by them from the owner in a summary manner, or by order of the Corporation shall be declared to be private improvement expenses.

Substitution of earth closets, &c.

**105.** Any provision of this Act requiring the construction of a watercloset shall, with the approval of the Corporation, be satisfied by the construction of an earth closet or other place for the reception and deodorization of fæcal matter made and used in accordance with any regulation from time to time issued by the Corporation.

Power to contract for earth, &c.

**106.** The Corporation may themselves undertake or contract with any person to undertake a supply of dry earth or other deodorizing substance to any house within the borough for the purpose of any earth closets or other places as aforesaid.

Power to construct earth closets, &c.

**107.** The Corporation may themselves construct or require to be constructed earth closets or other such places as aforesaid in all cases where under this Act they might construct watercloset or privies, or require the same to be constructed, with this restriction, that no person shall be required to construct an earth closet or other place as aforesaid in any house instead of a watercloset if he prefer to comply with the provision requiring the construction of a watercloset, and a supply of water for other purposes is furnished to such house, and that no person shall be put to greater expense in constructing an earth closet or other place as aforesaid than he would be put to by compliance with the provision as to waterclosets or privy accommodation which he might have been compelled to comply with if this section had not been enacted.

Space about buildings.

**108.** Every building to be erected and used as a dwelling house shall have in the rear or at the side thereof an open space exclusively belonging thereto, to the extent at least of one hundred and fifty square feet, free from any erection thereon, above the level of the ground, and in every case there shall be at least ten feet between the house wall and the yard wall, and such open space shall be flagged or paved with stone or with brick on edge, with sufficient fall to the grate or stench trap to carry off the water.

Space not to be built upon.

**109.** Wherever any open space has been left belonging to any building, when the sanction of the Corporation has been obtained for its erection, such space shall never afterwards be built upon without the approval of the Corporation.

Height of rooms.

**110.** In any building to be erected after the commencement of this Act every habitable room, except rooms in the roof, shall be in every part nine feet in height at the least from the floor to the ceiling, and every habitable room in the roof of any such building

shall be at least eight feet in height from the floor to the ceiling throughout not less than one half of the area of such room.

Sleeping apartments.

**111.** It shall not be lawful to let for or allow to be used as a sleeping apartment in any common lodging house, or in any house let in lodgings and subject to regulation under section thirty-five of the Sanitary Act, 1866, any room used as a kitchen or scullery, or any room which for more than one third of its height is below the level of the ground immediately adjoining the outer wall of the room, and if any person does any act in contravention of this section he shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day during which such offence continues.

Certificate of completion of new houses.

**112.** Every person erecting a new building shall, before the same shall be inhabited, give to the Corporation or the surveyor a notice in writing that the said building and its appurtenances and the paving of the yard and the drainage thereof are completed, and a demand that the same may be inspected within fourteen days from the day of the service of such notice, and the same shall not be inhabited before a certificate of such completion has been given to the person erecting such building; and no person erecting such new building shall occupy or allow the same to be occupied after he shall have received from the Corporation or the surveyor a notice in writing that the said new building is not complete or fit for habitation, or that the drainage thereof is not made and completed (such notice to state in what particulars the building is incomplete or the drainage defective); and any person who shall occupy or allow such new building to be occupied after having received such notice as aforesaid, and without having obtained a certificate of completion as aforesaid, 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 without a certificate of completion.

Common lodging-houses to be registered.

**113.** It shall not be lawful to keep any common lodging house unless the same be registered as next herein-after mentioned, and the Corporation shall cause a register to be kept in which shall be entered the name of every person applying to register any common lodging house kept by him, and the situation of every such house, and the Corporation shall from time to time make byelaws for fixing the number of lodgers who may be received into each house so registered, for promoting cleanliness and ventilation therein; and with respect to the inspection thereof and the conditions and restrictions under which such inspection may be made, and the

A.D. 1869.

person keeping any such lodging house shall give access to the same when required by any persons who shall produce the written authority of the Corporation in this behalf for the purpose of inspecting the same, or for introducing or using therein any disinfecting process, and the expenses incurred by the Corporation in so introducing or using any disinfecting process shall be recoverable by them in a summary manner from the person keeping the lodging house in which the same shall have been used or introduced; and whosoever shall receive lodgers in any common lodging house without having registered the same as required by this Act, or shall refuse to admit therein at any time between the hour of eleven in the forenoon and the hour of four in the afternoon any person authorized by the Corporation as last aforesaid, shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalty on neglect.

Buildings unfit for human habitation.

**114.** In any case where it is certified to the Corporation by the officer of health of the borough (if any), by the surveyor, by the inspector of nuisances, or by any two registered medical practitioners, that any building or part of a building erected since the commencement of the Stockton Act of 1852 is unfit for human habitation, the Corporation may by their order, affixed conspicuously on the building or part of the building, declare that the same is not fit for human habitation, and shall not, after a date therein to be specified, be inhabited; and any person who after the date or time mentioned in such order lets or occupies, or continues to let or occupy, or knowingly suffers to be occupied, such building or part of a building, shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same is so let or occupied: Provided always, that if at any time after such order is made the Corporation shall be satisfied that such house has become or been rendered fit for human habitation they may revoke their said order, and the same shall thenceforth cease to operate.

Cellars, &c. newly built not to be let as dwelling rooms.

No cellars, &c. to be let except under certain conditions.

**115.** It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling any vault, cellar, or underground room built or rebuilt after the passing of this Act, or which shall not have been so let or occupied before the commencement of the Stockton Act of 1852, and it shall not be lawful to let or continue to let or to occupy or suffer to be occupied separately as a dwelling any vault, cellar, or underground room whatsoever unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be at least three feet of its height above the surface of the street or ground

adjoining or nearest to the same, nor unless there be outside of and adjoining the same vault, cellar, or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, nor unless there be appurtenant to such vault, cellar, or room the use of a watercloset, earth closet, or privy, and an ashpit furnished with proper doors and coverings kept and provided according to the provisions of this Act, nor unless the same have a fireplace with a proper chimney or flue, nor unless the same have an external window of at least nine superficial feet in area clear of the sash frame, and made to open in such manner as shall be approved by the surveyor, except in the case of an inner or back vault, cellar, or room let or occupied along with a front vault, cellar, or room as part of the same letting or occupation, in which case the external window may be of any dimensions, not being less than four superficial feet in area clear of the sash frame; and whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied for hire or rent any vault, cellar, or underground room contrary to this Act shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same continues to be so let or occupied after notice in writing from the Corporation in this behalf: Provided always, that in any area adjoining a vault, cellar, or underground room there may be steps necessary for access to such vault, cellar, or room, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar, or room a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the vault, cellar, or room to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window: Provided also, that every vault, cellar, or underground room in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act: Provided also, that the Corporation shall from time to time after the commencement of this Act cause public notice of the provisions of this Act with respect to the letting and occupation of vaults, cellars, and underground rooms to be given in such manner as may appear to them to be best calculated to make the same generally known.

A.D. 1869.

Penalties for keeping swine, &c. in improper situations. Allowing waste water to remain in cellars, &c.

**116.** Whosoever keeps any swine or pigstye in any dwelling house, or so as to be a nuisance to any person, or suffers any waste or stagnant water to remain in any cellar or place within any dwelling house for twenty-four hours after written notice to him from the Corporation to remove the same, and whosoever allows the contents of any watercloset, privy, or cesspool to overflow or soak therefrom, shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for every day during which the offence is continued, and the Corporation shall abate or cause to be abated every such nuisance, and the expenses incurred by them in so doing shall be repaid to them by the occupier of the premises upon which the same exists, and be recoverable from him in a summary manner; and if at any time it appear to the inspector of nuisances that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter whatsoever, ought to be removed, he shall give notice to the person to whom the same belongs or to the occupier of the premises whereon it exists to remove the same, and if at the expiration of twenty-four hours after such notice the same be not complied with, the manure, dung, soil, or filth, or matter referred to, shall be vested in and be sold or disposed of by the Corporation, and the proceeds thereof shall be carried to the district fund account.

Removal of filth on certificate of inspector of nuisances.

Houses to be purified, on certificate of officer of health or of two medical practitioners.

**117.** If upon the certificate of the officer of health (if any) or of any two medical practitioners it appear to the Corporation that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house, or part thereof, would tend to prevent or check infectious or contagious disease, the Corporation shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require, and if the person to whom notice is so given fail to comply therewith within such time as shall be specified in the said notice he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the Corporation may, if they shall think fit, cause such house, building, or part thereof to be whitewashed, cleansed, or purified, and the expenses incurred by them in so doing shall be repaid by the owner or occupier in default, and be recoverable from either of them in a summary manner.

Regulating construction of buildings intended as places for public meetings.

**118.** Before beginning to build any building intended to be used as a church, chapel, or school, or a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, within the borough, the person intending to

build the same shall (in addition to the other notices required by this Act to be given by him before commencing the building) give sixteen days notice in writing to the Corporation of his intention to build the same, and of the purpose for which it is intended to be used, and shall accompany such notice with a plan and description of the manner proposed for its construction with respect to the means of supplying fresh air to such building, and no person shall begin to build such building until the manner proposed for its construction with respect to the means of supplying fresh air have been approved of by the Corporation, and in default of sending such notice or plan, or if any such building be erected without such approval, the Corporation may cause such building, or such part of it as they consider necessary, to be pulled down or altered at the expense of the owner, and any expense incurred by the Corporation in so doing may be recovered as in this Act provided with respect to ruinous or dangerous buildings taken down or repaired by the Corporation.

No person to begin to build until plan has been approved by the Corporation.

**119.** If the Corporation fail to signify in writing their approval or disapproval of the manner of construction of such building with respect to the means of supplying fresh air shown on such plan and description as aforesaid within sixteen days after receiving such notice, accompanied by such plan and description, the person giving such notice may, notwithstanding anything herein contained, proceed to build the building therein referred to in the manner shown on such plan and description, provided that such building be otherwise in accordance with the provisions of this Act.

If Corporation fail to signify their approval of plan within sixteen days, party may proceed to build.

**120.** If the person so intending to build be dissatisfied with the determination of the Corporation as to the said proposed manner of construction, he shall have the same right of appeal against the determination of the Corporation, and such appeal shall be followed by the same incidents as in this Act provided in the case of appeals against any order of the Corporation with respect to works to be constructed by or subject to the approval of the Corporation.

Persons may appeal against determination of Corporation.

**121.** With respect to the removal of refuse and other matters the following provisions shall have effect; namely,

Power to Corporation to cleanse or contract for cleansing.

(1) The Corporation may itself undertake or contract with any person for—

The proper cleansing and watering of streets,

The removal of house refuse from premises,

The cleansing of privies, ashpits, and cesspools,

either for the whole or any part of the borough; and all matters thus collected by the Corporation or contractor may be sold or otherwise disposed of, and any profits thus

A.D. 1869.

made by the Corporation shall be carried to the district fund account:

(2.) If any person not being the occupier of a house within the borough removes or obstructs the Corporation or contractor in removing any matters by this Act authorized to be removed by the Corporation, he shall for each offence incur a penalty not exceeding five pounds, and if any person being the occupier of a house within the borough removes or obstructs the Corporation or contractor in removing any such matters (except in cases where such matters are produced on his own premises, and are removed for sale or for his own use for manure, and are in the meantime kept so as not to be a nuisance), he shall for each offence incur a penalty not exceeding forty shillings:

and to make byelaws as to nuisances.

(3.) In case the Corporation do not themselves undertake or contract with any person for—

The cleansing of footways and pavements adjoining any premises,

The removal of refuse from any premises,

The cleansing of privies, ashpits, and cesspools,

they may make byelaws imposing the duty of such cleansing or removal on the occupier of any such premises:

(4.) The Corporation may make byelaws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish within the borough, or of the keeping of animals so as to be injurious to the public health:

Expenses of removal of offensive accumulations.

(5.) Whenever the Corporation have removed any noxious or offensive accumulation under the authority of this Act, the expenses of removal, so far as the same are not covered by the sale of the accumulation, shall be recoverable in a summary manner from the occupier, or where there is no occupier from the owner, of the premises on which such accumulation existed, or from the person causing such accumulation, or may by order of the Corporation be declared to be private improvement expenses.

Occupiers to cause footways to be swept. Penalty for neglect.

**122.** The occupiers of buildings and lands within or adjoining the streets shall, once in every day (Sundays excepted), before eight of the clock in the forenoon of each day, cause to be swept and cleansed the footways and pavements in front or at the side of their respective buildings and lands, and every such occupier making default herein shall for every such offence be liable to a penalty not exceeding five shillings, and for the purpose aforesaid when any house shall be let in separate apartments the person letting such apartments shall be deemed the occupier.

Corporation may compound for sweeping footways.

**123.** The Corporation may compound for such time as they think fit with any person liable to sweep or clean any footway under the provisions of this Act for sweeping and cleaning the same in the manner directed by this Act.

Corporation to appoint scavengers.

**124.** The Corporation shall appoint and employ a sufficient number of scavengers, or contract with any company or other person to employ scavengers, for sweeping, cleansing, and watering the streets, and for removing all dust, ashes, rubbish, and filth therefrom, and from the houses and tenements therein, and for emptying privies and cesspools in the manner by this Act directed, and such scavengers shall on such days and at such hours and in such manner as the Corporation from time to time appoint sufficiently execute all such works and duties as they have respectively contracted or been employed to perform, and every such contractor who fails to sweep and properly cleanse or water any street which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty any privy, cesspool, or sewer which he has contracted to clean out and empty at the time and in the manner appointed by the Corporation, or to collect or remove any dirt, ashes, or rubbish which he has contracted to remove at the time and in the manner prescribed by the Corporation for that purpose, or who lays any of such soil, dust, ashes, rubbish, or filth in any other place than such as are appointed by the Corporation for that purpose, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing scavengers.

**125.** Every occupier of any building or land within the borough, and every other person, who refuses to permit the said scavengers to remove such dirt, ashes, or rubbish, as by this Act they are authorized to do, or who obstructs the said scavengers in the performance of their duty, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on persons other than scavengers removing dirt.

**126.** Every person other than the person employed by the Corporation, or by some person contracting with the Corporation for that purpose, who collects or carries away any nightsoil, dust, ashes, rubbish, or filth by this Act directed to be removed by persons employed by the Corporation from any street or public place within the borough, shall be liable to a penalty not exceeding forty shillings for every such offence.

Penalty for conveying offensive matter at improper times.

**127.** The Corporation may from time to time fix the hours within which only it shall be lawful to empty privies or remove offensive matter within the borough, and when the Corporation have fixed such hours and given public notice thereof, every person

A.D. 1869.

who within the borough empties or begins to empty any privy or removes along any thoroughfare within the borough any offensive matter at any time except within the hours so fixed, and also every person who at any time, whether such hours have been fixed by the Corporation or not, uses for any such purpose any cart or carriage not having a covering proper for preventing the escape of the contents of such cart or of the stench thereof, or who wilfully slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed or unavoidably slopped or spilled, shall be liable to a penalty not exceeding forty shillings, and in default of the apprehension of the actual offender the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

Corporation to cause places for deposit of dust, soil, &c. to be provided.

**128.** The Corporation may in their discretion provide in proper and convenient situations boxes or other conveniences for the temporary deposit and collection of dust, ashes, and rubbish, and also fit buildings and places for the deposit of the sewage, soil, dung, filth, ashes, dust, and rubbish collected by the Corporation.

Public necessaries.

**129.** The Corporation may, if they think fit, provide and maintain in proper and convenient situations waterclosets, earth closets, privies, and other similar conveniences for public accommodation, and defray the necessary expenses out of the district rates to be levied under this Act.

Offensive trades, newly established, to be subject to regulation of Corporation.

**130.** The business of a blood boiler, bone boiler, fellmonger, slaughterer of cattle, horses, or animals of any description, soap boiler, tallow melter, tripe boiler, or other noxious or offensive business, trade, or manufacture, shall not be newly established in any building or place after the commencement of this Act without the consent of the Corporation, unless the Corporation shall otherwise direct, and whosoever offends against this enactment shall be liable for each offence to a penalty not exceeding fifty pounds, and a further penalty not exceeding forty shillings for each day during which the offence is continued, and the Corporation may from time to time make such byelaws with respect to any such businesses so newly established as they may think necessary and proper in order to prevent or diminish the noxious or injurious effects thereof.

Fireplaces of factories, &c. to consume their own smoke.

**131.** Every fireplace or furnace constructed after the commencement of this Act in order to be used within the borough in the working of engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, gaswork, or in any manufactory whatsoever, (although a steam engine be not used or employed therein,) shall be

so constructed as to consume the smoke arising from the combustibles used in such fireplace or furnace, and every such fireplace or furnace existing within the borough at the commencement of this Act, used for the purposes aforesaid, not so constructed as to consume the smoke arising from such fireplace or furnace, shall within two months after the commencement of this Act be so altered in its construction as to consume such smoke, and if after such period any person use for any of the purposes aforesaid any fireplace or furnace not so constructed as aforesaid, or if at any time any person use any such fireplace or furnace constructed after the commencement of this Act and not so constructed as aforesaid, or so negligently use any such fireplace or furnace as not to consume the smoke arising from the combustibles used therein, every person so offending shall be liable to a penalty not exceeding forty shillings for every day during any part of which such furnace or fireplace shall be so used and continued after one month's notice in writing shall have been given to the owner or occupier of such furnace or fireplace by the Corporation to remedy or discontinue the use of the same.

## Part VII.—*Byelaws as to Streets—Sewers—Sanitary Arrangements, &c.*

Power to make byelaws as to streets, &c.

**132.** The Corporation may make byelaws with respect to the following matters; (that is to say,)

(1.) With respect to the level, width, and construction of new streets and the provisions for the sewerage thereof:

(2.) With respect to the structure of walls of new buildings for securing stability and the prevention of fires:

(3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings:

(4.) With respect to the drainage of buildings, to waterclosets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation:

and they may further provide for the observance of the same by inserting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the Corporation, and as to the power of the Corporation to remove, alter, or pull down any work begun or done in contravention of such byelaws: Provided always, that no such byelaw

A.D. 1869.

shall affect any building erected before the commencement of the Stockton Act of 1852; but for the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework shall be left down to the ground floor, or the conversion into a dwelling house of any building not originally constructed for human habitations, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only, shall be considered the erection of a new building.

## Part VIII.—*Protection of Commissioners of Sewers, &c.*

Saving commissioners of sewers, &c.

**133.** Nothing in the foregoing parts of this Act shall be construed to authorize the Corporation—

(1.) To use, injure, or interfere with any sluices, floodgates, sewers, groynes, or sea defences, or other works before or after the commencement of this Act made under the authority of any commissioners of sewers appointed by the Crown, or any sewers or other works before or after the commencement of this Act made and used for the purpose of draining, preserving, or improving land under any Local or Private Act of Parliament, or for the purpose of irrigating land, or in any manner to disturb or interfere with any lands, hereditaments, estates, or property vested in Her Majesty's Principal Secretary of State for the War Department for the time being, without consent in writing first obtained from such commissioners or Secretary of State, or persons acquiring rights under such Local or Private Acts respectively, and nothing in this Act shall prejudice or affect the rights, privileges, powers, or authorities given or reserved to any person under such Local or Private Acts;

Saving clause for proprietors of canals, &c.

(2.) To interfere with any river, canal, dock, harbour, lock, reservoir, or basin so as to injuriously affect the navigation thereon or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any corporation, company, undertakers, commissioners, conservators, and trustees, or individuals are by virtue of any Act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir, or basin, or in respect of the navigation on or use of which river, canal, dock, harbour, lock, reservoir, or basin any corporation, company, undertakers, commissioners, conservators, and

trustees, or individuals are entitled by virtue of any Act of Parliament to the receipt of any tolls or other dues;

(3.) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river, canal, dock, harbour, reservoir, or basin in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals (being authorized by virtue of any Act of Parliament to navigate on or use such river, canal, dock, harbour, reservoir, or basin, or to demand any tolls or dues in respect of the navigation on or use of such river, canal, dock, harbour, reservoir, or basin,) would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference;

(4.) To interfere with any bridges crossing any river, canal, dock, harbour, or basin in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are authorized by virtue of any Act of Parliament to navigate or use such river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation or use of such river, canal, dock, harbour, or basin;

(5.) To execute any works in, through, or under any wharves, quays, docks, harbours, or basins to the exclusive use of which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled by virtue of any Act of Parliament, or for the use of which they are entitled by virtue of any Act of Parliament to demand any tolls or dues;

without the consent in every case of such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as aforesaid, such consent to be expressed in writing, in the case of a corporation under their common seal, and in the case of a company, undertakers, commissioners, conservators, trustees, or individuals under the hand of their clerk or other duly authorized officer or agent.

Works not within last preceding section and which interfere with improvement of rivers, canals, &c. to be referred to arbitration.

**134.** In cases where any matters or things proposed to be done by the Corporation, and which are not within the prohibition in the last foregoing section expressed, interfere with the improvement of any river, canal, dock, harbour, lock, reservoir, basin, or towing-path which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation thereon or use whereof to demand any tolls or dues or

A.D. 1869.

interfere with any works belonging to such river, canal, dock, harbour, or basin, or with any land necessary for the enjoyment or improvement thereof, the Corporation shall give to such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as last aforesaid a notice specifying the particulars of the matters and things so intended to be done; and if the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration, and the following questions shall be decided by such arbitration; (that is to say,)

(1.) Whether the matters or things so proposed to be done by the Corporation will cause any injury to such river, canal, dock, harbour, basin, towing-path, works, or land as are mentioned in this section, or to the enjoyment or improvement of such river, canal, dock, harbour, or basin as aforesaid:

(2.) Whether any injury that may be caused by such matters or things, or any of them, is or not of a nature to admit of being fully compensated by money.

Effect of arbitration.

**135.** The result of any such arbitration shall be final, with consequences as follows; (that is to say,)

If the arbitrators are of opinion that no injury will be caused, the Corporation may forthwith proceed to do the proposed matters and things:

If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation, and upon payment of the amount so assessed, but not before, the Corporation may proceed to do the proposed matters and things:

If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the Corporation shall not proceed to do any matter or thing in respect of which that opinion is given.

Provision as to transfer of powers, &c.

**136.** No transfer of powers and privileges under this Act shall deprive any corporation, company, undertakers, commissioners, conservators, trustees, or individuals authorized by virtue of any Act of Parliament to navigate on any river or canal, or to demand for their own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal.

Power for Corporation to alter sewers.

**137.** Any corporation, company, undertakers, commissioners, conservators, trustees, or individuals authorized by virtue of any

Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river or canal, or the use of such dock, harbour, or basin, may, at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such by the surveyor, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by the Corporation and passing under or interfering with such rivers, canals, docks, harbours, or basins, or the towing-paths of such rivers, canals, docks, harbours, or basins, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion, or alteration.

Preserving water rights of companies or individuals.

**138.** Nothing in the foregoing parts of this Act shall authorize the Corporation to injuriously affect any reservoir, river, or stream, or the feeders of any reservoir, river, or stream, or the supply, quality, or fall of water contained in any reservoir, river, stream, or feeders of any reservoir, river, or stream, in cases where any company or individuals would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, river, stream, feeders, supply, quality, or fall of water, unless the Corporation first obtain the consent in writing of the company or individual so entitled.

Arbitration questions under preceding sections.

**139.** Any difference of opinion that may arise between the Corporation and any such corporation, company, commissioners, conservators, trustees, or individuals as aforesaid, whether any sewers, drains, culverts, or pipes substituted under the powers of this Act for sewers, drains, culverts, or pipes constructed or laid down by the Corporation are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, river, or stream as last aforesaid is injuriously affected by the exercise of powers under this Act, may, at the option of the party complaining, be determined by arbitration in the manner in this part of this Act provided, and in the latter case the arbitrators shall decide the same questions as to the alleged injury, and the Corporation shall proceed in the same way as is in this part of this Act provided with regard to arbitrations in cases of alleged injury to rivers, canals, docks, harbours, and basins.

## Part IX.—*Parks—Clocks.*

Corporation may provide places of public recreation, &c.

**140.** The Corporation may provide, maintain, lay out, plant, and improve premises for the purpose of being used as public walks or pleasure grounds, and support or contribute towards any premises provided for such purposes by any person whomsoever.

A.D. 1869.

Power to Corporation to provide public clocks.

**141.** The Corporation may from time to time provide such clocks as they consider necessary, and cause them to be fixed upon or against any public building, or, with the consent of the owner and occupier, upon or against any private building, the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and from time to time alter and remove any such clocks to such other like situation as they shall consider expedient.

## PART X.—*Markets and Slaughter-houses.*

Limits of markets.

**142.** The limits of the markets of the Corporation shall be the borough.

Power to establish markets, &c.

**143.** The Corporation may do the following things, or any of them, within the borough:

Continue or discontinue the markets and market places existing at the commencement of this Act, or any of them:

Provide substituted or additional market places, and construct market houses and other conveniences for the purpose of holding markets:

Provide houses and places for weighing carts:

Make convenient approaches to the markets:

Provide all things necessary for the convenient use of the markets:

Purchase or take on lease land for any of the foregoing purposes:

Take stallages, rents, and tolls in respect of the use by any person of the markets, market places, and market houses for the time being not exceeding those specified in the third schedule to this Act.

Penalty on sale out of market.

**144.** Every person other than a licensed hawker who shall sell or expose for sale in any place within the borough, except in his own dwelling house or shop, any articles in respect of which stallages, rents, and tolls are by this part of this Act authorized to be taken, shall for every such offence be liable to a penalty not exceeding forty shillings.

Restriction on stalls.

**145.** No stall shall be placed in any street within the borough on any day whatsoever without the sanction of the inspector of the markets or his deputy, and all stalls placed with such sanction shall be subject to the tolls and regulations of the markets, and if any person places a stall in contravention of this section he shall for every such offence be liable to a penalty not exceeding forty shillings.

Restrictions on hawking.

**146.** No person shall in the shambles or any other covered market hawk any goods for sale, or in any manner create any disturbance, and every person so offending shall for every such offence be liable to a penalty not exceeding forty shillings.

Prohibition of steelyards.

**147.** No person shall use in any market any steelyard for the purpose of weighing any articles sold therein, and any person so offending shall for every such offence be liable to a penalty not exceeding forty shillings.

Punishment for assault on market keeper, &c.

**148.** Every person who shall assault or obstruct any person appointed to superintend any market or to keep order therein whilst in the execution of his duty shall for every such offence be liable to a penalty not exceeding five pounds, or, in the discretion of the justice before whom he is convicted, to imprisonment for any term not exceeding one month, with or without hard labour.

Weights and measures for commodities sold at market.

**149.** The Corporation shall provide sufficient and proper weighing houses or places for weighing or measuring the commodities sold in any market, and shall keep therein proper weights, scales, and measures according to the standard weights and measures for the time being for weighing such commodities as aforesaid, and shall appoint proper persons to attend to the weighing or measuring such commodities at all times during which the market is holden.

Articles to be weighed if requested by the buyer. Penalty for refusal.

**150.** Every person selling or offering for sale any articles in any market shall, if required so to do by the buyer, cause the same to be weighed or measured by the weights and scales or measures provided by the Corporation, and any such person who shall refuse on demand to cause such articles to be weighed or measured in manner aforesaid shall be liable to a penalty not exceeding forty shillings.

Penalty on persons appointed refusing to weigh.

**151.** Every person appointed by the Corporation to weigh or measure any articles sold in a market who shall refuse or neglect to weigh or measure the same when required shall be liable to a penalty not exceeding forty shillings.

Corporation to keep proper machines for weighing carts laden with goods.

**152.** The Corporation shall provide sufficient and proper buildings or places for weighing carts in which goods are brought for sale within any market, and shall keep therein machines and weights proper for that purpose, and shall from time to time appoint a person in every such building or place to afford the use of such machines to the public, by weighing such carts, with or without their loading as may be required.

Carts to be weighed at one of the machines

**153.** The driver of every cart shall at the request of the buyer or seller of such goods or his agent take such cart, with or without the loading thereof, to the nearest of the said weighing machines,

A.D. 1869.

erected by the Corporation.

and shall permit the same to be weighed, and if such cart be weighed with its load thereupon the driver shall, if required, take such cart after its load has been discharged to the weighing machine nearest to such place of discharge, and permit it to be re-weighed without such load, and if any such driver shall for the purposes aforesaid be required to take such cart a greater distance than half a mile, including the going to and returning from such machines respectively, the owner of the cart shall be paid for every horse which shall be used in drawing such cart twopence for the first half mile and a like sum for every additional half mile, and such payment shall be made by the person requiring such cart to be weighed as aforesaid before the driver thereof shall be obliged to take it as aforesaid for the purpose of having it weighed.

Penalty on drivers for refusing to take carts to be weighed, &c.

**154.** The driver of any such cart who shall not upon being so requested as aforesaid, and having such payment made or tendered as aforesaid, take the same to such weighing machine as hereinbefore directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the person requiring such cart to be weighed a sum not exceeding twenty shillings.

Penalties on drivers of carts, &c. committing frauds in weighing.

**155.** Every driver of any such cart weighed at any weighing machine to be provided in pursuance of this Act who shall commit any of the following offences shall be liable to a penalty not exceeding five pounds for each offence; (that is to say,)

If he at the time of weighing any such cart knowingly have anything in or about the same other than the proper loading thereof:

If he alter any ticket denoting the weight of any such cart or the loading of the same:

If he make or use, or be privy to making or using, any ticket falsely stating the weight of any such cart or the loading thereof:

If he after the weighing of any such cart with the loading thereof remove any part of such loading, and afterwards dispose of or attempt to dispose of, or represent the residue of such loading as being the full loading denoted by such ticket:

If he, between the time when the cart and the loading thereof have been so weighed and the time when such cart is weighed without such loading, change the wheels of such cart, or make any other change upon it after being required to allow such cart to be weighed without the loading thereof:

If he be guilty of any other fraudulent contrivance to misrepresent the weight of any such cart or of the loading thereof.

Penalty on buyers or sellers for committing frauds in weighing.

**156.** If the buyer or seller of any goods brought in any cart for sale within a market, and which shall be required to be weighed as aforesaid, shall do anything to such cart or its loading whereby the true weight thereof respectively shall be altered before such weighing, he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalties for frauds committed by the machine keeper.

**157.** The person for the time being appointed to keep any weighing machine provided in pursuance of this Act shall be liable to a penalty not exceeding five pounds in any of the following cases; (that is to say,)

If he wilfully neglect on application duly to weigh any cart, with or without its loading as the case may be, that is brought to the machine kept by him to be weighed:

If he do not fairly weigh every such cart, with or without loading as the case may be:

If he do not deliver to the buyer or seller of any such loading, or to any person interested therein, on application, a ticket or account specifying the true weight of such cart, with or without such loading as may be required:

If he give to the driver of any such cart a false ticket or account of the weight of such cart, with or without the loading thereof:

If he weigh any cart with or without its loading knowing that anything had been done to such cart or to the loading thereof to alter the true weight thereof respectively:

If he knowingly assist in or connive at any fraud concerning the weighing of any cart or the loading thereof, or make or connive at making any false representation of the weight of the same respectively.

Penalty on other parties committing frauds as to weighing.

**158.** Every person who shall knowingly act or assist in committing any fraud respecting the weighing or weight of any cart or the loading thereof in pursuance of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Stallages, &c. when to be paid.

**159.** The several stallages, rents, or tolls payable in respect of any market or slaughter-house shall be paid from time to time on demand to the Corporation, or the collector or other person authorized by the Corporation to receive the same, and (if so required by the Corporation) in advance.

Tolls to be paid to persons authorized before the same are weighed, &c.

**160.** The tolls payable in respect of weighing or measuring marketable commodities or carts, with or without goods, shall be paid to the person authorized by the Corporation to weigh or measure the same by the persons bringing such marketable com-

A.D. 1869.

modities or carts to be weighed or measured before the same are weighed or measured.

Tolls in respect of cattle market, when due.

**161.** The tolls in respect of cattle brought to a market for sale shall become due as soon as the cattle in respect whereof they are demandable are brought into the market place, and before the cattle are put into any pen or tied up in such market place, and if the cattle be not removed within one hour after the close of the market another toll shall become due in respect of the cattle so omitted to be removed.

Stallages, tolls, &c. may be varied from time to time.

**162.** The Corporation may from time to time change the stallages, rents, and tolls to be taken in respect of a market or fair, or for the slaughter-houses, or for weighing and measuring, provided that the stallages, rents, and tolls in no case exceed the amounts authorized by this Act.

Penalty on taking a greater toll than authorized.

**163.** Every person who shall demand or receive a greater toll than that authorized to be taken under the provisions of this Act shall for every such offence be liable to a penalty not exceeding forty shillings.

Recovery of tolls by distress, &c.

**164.** If any person liable to the payment of any stallage, rent, or toll authorized by this Act to be taken do not pay the same when demanded, the Corporation or their lessee, or any person authorized by the Corporation or their lessee to collect the same, may levy the same by distress of all or any of the cattle or other articles in respect of which such stallage, rent, or toll is payable, or of any other cattle or other articles in any market belonging to the person liable to pay such stallage, rent, or toll, or under his charge, or such tolls may be recovered in any court having competent jurisdiction.

Disputes respecting tolls, how to be settled.

**165.** If any dispute arise concerning any such stallage, rent, or toll, such dispute shall be determined by a justice, and such justice shall on application made to him determine the same, and make such order therein and award such costs to either party as to him shall seem proper, and in default of payment, on demand, of the money which shall be so awarded, and of the costs, the same shall be forthwith levied by distress, and the justice shall issue his warrant accordingly.

Penalty for obstructing collectors.

**166.** Every person who shall assault or obstruct any person authorized to collect any stallage, rent, or toll authorized by this Act shall for every such offence be liable to a penalty not exceeding forty shillings.

A.D. 1869.

List of tolls, &c. to be set up and placed in conspicuous places.

**167.** The Corporation or their lessee shall from time to time cause to be painted on boards, or to be printed and attached to boards, in large and legible characters, a list of the several stallages, rents, and tolls from time to time payable under this Act, and shall cause a board containing such list to be conspicuously set up and continued in each market or fair and in each weighing-house and slaughter-house provided by the Corporation to which each such list shall relate, and no stallage, rent, or toll shall be payable during the time such list is not so set up or for anything not specified therein; provided always, that if such list shall be destroyed, injured, or obliterated, the stallages, rents, and tolls shall continue to be payable during such time as shall be reasonably required for the restoration of such list in the same manner as if such list had continued in the state required by this Act.

Byelaws may be made for all or any of the purposes herein named.

**168.** The Corporation may from time to time make such byelaws as they think fit for all or any of the following purposes; (that is to say,)

For regulating the use of market places and fairs, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein or in the immediate approaches thereto:

For fixing the days and the hours during each day on which the markets or fairs shall be held:

For inspection of the slaughter-houses, and for keeping the same in a cleanly and proper state, and for removing filth and refuse at least once in every twenty-four hours, and for requiring that they be provided with a sufficient supply of water, and preventing the exercise of cruelty therein:

For regulating the carriers resorting to the markets or fairs, and fixing the rates for carrying articles carried therefrom within the borough:

For regulating the use of the weighing machines provided by the Corporation, and for preventing the use of false or defective weights, scales, or measures:

For preventing the sale, or exposure for sale, of unwholesome provisions in the markets or fairs:

Byelaws may be repealed or altered from time to time.

And the Corporation may from time to time, as they shall think fit, repeal or alter any such byelaws; provided always, that such byelaws shall not be repugnant to the laws of England or to the provisions of this Act, and such byelaws shall be reduced to writing, under the common seal of the Corporation, and if affecting other persons than the officers and servants of the Corporation shall be printed and published as in this Act provided.

A.D. 1869.

Byelaws may be enforced by imposition of penalties.

**169.** The Corporation, by the byelaws so to be made by them, may impose such reasonable penalties as they shall think fit, not exceeding five pounds for each breach of such byelaws, provided that every such byelaw shall be so framed as to allow the justices before whom any penalty imposed thereby shall be sought to be recovered to order the whole or part only of such penalty to be paid.

Power to erect slaughter-houses.

**170.** The Corporation may from time to time erect any buildings, or set apart and improve any buildings belonging to them, for the slaughtering of cattle.

Power to license slaughter-houses.

**171.** With respect to the licensing of slaughter-houses, the following provisions shall have effect; (namely,)

(1.) The Corporation may from time to time grant licences for the use of buildings as slaughter-houses, and they may demand a sum not exceeding five shillings for any such licence for twelve months, and in the like proportion for any shorter period:

(2.) They may, by order, revoke or suspend the licence for any slaughter-house when in their opinion the same is a nuisance:

(3.) In case of any such revocation or suspension the Corporation shall give notice thereof to the owner or occupier of such slaughter-house:

(4.) If such owner or occupier appeals unnecessarily against the order, the Court of Quarter Sessions may impose on him a penalty not exceeding five pounds:

(5.) He shall not be obliged to discontinue the use of the slaughter-house pending an appeal:

(6.) If any person slaughters or dresses for sale any animal in any slaughter-house the licence for which is suspended or revoked, he shall be liable to a penalty not exceeding five pounds:

(7.) If any licensed slaughter-house is not used as such for the space of three months the licence thereof shall be deemed to have lapsed:

(8.) The Corporation may from time to time make byelaws for the inspection of licensed slaughter-houses, and the prevention of cruelty therein, and for the cleansing thereof, and for the supplying thereof with water.

Slaughtering prohibited, except in slaughter-

**172.** It shall not be lawful for any person to slaughter for sale any animal, or to dress for sale the carcase of any animal, in any place within the borough other than a slaughter-house provided or

licensed by the Corporation; and if any person acts in any respect in contravention of this section he shall be liable to a penalty not exceeding five pounds.

houses provided or licensed by Corporation.

## Part XI.—*Bathing Places.*

**173.** With respect to any part of the shore or strand of the river Tees used as a public bathing place within the borough, the Corporation may make byelaws for the following purposes; (that is to say,)

Bathing machines.

For fixing the stands of bathing machines on the shore or strand, and the limits within which persons of each sex shall be set down for bathing, and within which persons shall bathe:

For preventing any indecent exposure of the persons of the bathers:

For regulating the manner in which the bathing machines shall be used and the charges to be made for the same:

For regulating the distance at which boats and vessels let to hire, for the purpose of sailing or rowing for pleasure, shall be kept from persons bathing within the prescribed limits.

## Part XII.—*Burials.*

**174.** The Corporation may, if they shall think fit, provide, fit up, and make byelaws with respect to the management and charges for the use of rooms or premises in which corpses may be received and decently and carefully kept previously to interment, and the Corporation may, upon proper application, and subject to such regulations, and at such rates and charges as shall be prescribed by any such byelaws, make all necessary arrangements for the decent and economical interment of any corpse which may have been received into any rooms or premises so provided in pursuance of this enactment.

Power to provide premises for the reception of the dead, previously to interment.

**175.** If, on the representation of the Corporation, and after inquiry and report notified to the lord bishop of the diocese, and made, notified, and published in manner directed by one of Her Majesty's Principal Secretaries of State, the Secretary of State shall certify (such certificate to be published in the London Gazette and in some one or more of the public newspapers usually circulated within the borough) that any burial ground situate within the borough is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship within the borough is dangerous to the health of persons frequenting the same by reason of the surcharged state of the vaults or graves within the walls of or under-

Burial grounds, &c. dangerous to health may be prohibited.

A.D. 1869.

neath the same, and that sufficient means of interment exist within a convenient distance from such burial ground, church, or place of public worship, it shall not be lawful, after a time to be named in such certificate, to bury or permit or suffer to be buried any further corpses or coffins in, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate; and whosoever, after notice of such certificate, buries, or causes, permits, or suffers to be buried, any corpse or coffin contrary to this enactment shall for every such offence be liable to a penalty not exceeding twenty pounds.

As to interments within churches or burial grounds newly erected or formed.

**176.** No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built within the borough after the commencement of this Act, and no burial ground shall be made or formed within the borough after the commencement of this Act, without the consent of one of Her Majesty's Principal Secretaries of State first obtained, unless the same be made or formed upon land purchased or authorized by Parliament to be appropriated for the purpose of being used as a burial ground before the commencement of this Act; and whosoever shall bury, or cause, permit, or suffer to be buried, any corpse or coffin in any vault, grave, or burial ground constructed, made, or formed contrary to this enactment, shall for every such offence be liable to a penalty not exceeding fifty pounds, which may be recovered by any person, with full costs of suit, in an action of debt.

## Part XIII.—*Police.*

Expenses of prosecutions, and allowances to constables.

**177.** The Corporation may defray the expense of prosecuting any felons or offenders, and of defending any constable of the borough in the execution of his duty, and may make such allowances to any constable of the borough disabled in the execution of his duty, or worn out by length of service, as the Corporation think reasonable.

Constables not to resign without leave or notice.

**178.** A constable of the borough shall not resign his office or withdraw himself from the duties thereof unless expressly allowed so to do in writing by the watch committee, or by the superintendent constable, or until after he has given to such superintendent constable one month's notice, and every constable who so resigns or withdraws himself without such leave or notice shall be liable to forfeit all arrears of pay then due to him, or to a penalty of not more than five pounds, or, in the discretion of the justices before whom he shall be convicted, may be committed to prison, there to remain for a time not exceeding fourteen days.

Constables dismissed to deliver up accoutrements.

**179.** Every constable of the borough who is dismissed from or ceases to hold and exercise his office shall forthwith deliver over to the superintendent constable, or to such person and at such time and place as the watch committee direct, all the clothing, accoutrements, appointments, and other necessaries which have been supplied to him for the execution of his duty, under pain of imprisonment, with or without hard labour, for any time not exceeding one month, and any justice of the peace may issue his warrant to search for and seize to the use of the Corporation all the clothing, accoutrements, appointments, and other necessaries not so delivered over, wherever the same are found.

Penalty for unlawful possession of accoutrements, or for assuming the dress of constables.

**180.** Every person who not being at the time a constable of the borough has in his possession any article being part of the clothing, accoutrements, or appointments supplied to any such constable, and who is not able satisfactorily to account for his possession thereof, or who puts on the dress, or takes the name, designation, or character of any person appointed as such constable, for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, shall, in addition to any other punishment to which he is liable for such offence, be liable to a penalty of not exceeding ten pounds.

Power to provide offices, watch-houses, &c.

**181.** The Corporation may from time to time purchase or rent any buildings or land, and convert such buildings into, or build on such land, offices, watch-houses, lock-up houses, and other places necessary for the purposes of the borough, with all proper conveniences thereto, and may repair the same from time to time, and furnish and fit up the same, and employ proper persons to take care thereof.

Duties of constables.

**182.** The constables of the borough shall keep watch and ward within the borough, and shall use their best endeavours to prevent any mischief by fire, and all felonies, misdemeanors, and breaches of the peace.

Power to police constables and persons aggrieved to apprehend certain offenders.

**183.** Any person found committing any offence punishable either upon indictment or upon summary conviction, by virtue of this Act or otherwise, may be taken into custody without a warrant by any of the constables of the borough, or may be apprehended by the owner of any property on or with respect to which the offence is committed, or by his servant, or any person authorized by him, and may be detained until he can be delivered into the custody of a constable, and the person so arrested shall be taken as soon as

A.D. 1869.

conveniently may be before some justice, to be examined and dealt with according to law: Provided always, that a person arrested under the powers of this Act shall not be detained in custody by any constable or other officer, without the order of some justice, longer than shall be necessary for bringing him before a justice, or than forty hours at the utmost.

Penalty for neglect of duty.

**184.** Every constable of the borough who is guilty of any neglect or violation of his duty as a constable, and convicted thereof before two justices, shall be liable to a penalty not exceeding ten pounds, the amount of which penalty may be deducted from the salary or wages due to him or to become due to him, or, in the discretion of the justices before whom he is convicted, he may lawfully be imprisoned for any time not exceeding one month, with or without hard labour.

Power to constables to take recognizances.

**185.** Whenever any person charged with any offence under this Act not amounting to felony, and of which he is liable to be summarily convicted before a justice, is in the custody of any constable of the borough without the warrant of a justice, the superintendent constable of the borough, or other the superior officer of police acting within the borough, may, if he deem it prudent so to do, but in such cases only in which the offender cannot be conveniently taken before a justice, take the recognizance of such person, with or without sureties conditioned for the appearance of the person thereby bound before a justice at a certain day not later than seven days from the date of such recognizance, and the time and place of such appearance shall be specified in the recognizance, and every recognizance so taken shall be taken without fee or reward.

Recognizances to be registered and returned to the justice.

**186.** The officer taking any such recognizance shall enter in a book to be kept for that purpose the name, residence, and occupation of the party, and his sureties, if any, entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the justice at the time and place when and where the party is bound to appear, and every such recognizance shall have the like force and effect as if the same had been taken before a justice.

Penalties on persons assaulting constables.

**187.** Every person who assaults or resists, or who aids or incites any person to assault or resist, any constable of the borough in the execution of his duty, shall for every such offence be liable to a penalty not exceeding five pounds, or, in the discretion of the justice before whom he is convicted, may be imprisoned for any term not exceeding three months, with or without hard labour.

## Part XIV.—*Police Regulations, &c.*

Penalty on drunken persons, &c. guilty of riotous or indecent behaviour.

**188.** Every person drunk in any street or public place, and guilty of any riotous or indecent behaviour therein, not punishable under any other provision of this Act, and also every person guilty of any violent or indecent behaviour in any police office or any police station house or public place within the borough, shall be liable to a penalty not exceeding forty shillings for every such offence, or, in the discretion of the justice before whom he is convicted, to imprisonment for a period not exceeding fourteen days, with or without hard labour.

Penalty on persons committing offences specified in this section.

**189.** Every person who in any street or public place, to the obstruction, annoyance, or danger of the residents or passengers or other persons, commits any of the following offences shall be liable to a penalty not exceeding forty shillings for each offence, or, in the discretion of the justice before whom he is convicted, to imprisonment, with or without hard labour, for any term not exceeding fourteen days; (that is to say,)

Every common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution:

Every person who wilfully and indecently exposes his person:

Every person who publicly offers for sale or distribution, or exhibits to public view, any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sings any profane or indecent song or ballad, or uses any profane or obscene language:

Every person who wantonly discharges any fire-arm or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework:

Every person who wilfully and wantonly disturbs any inhabitant by pulling or ringing any door-bell, or knocking at any door, or who wilfully and unlawfully extinguishes the light of any lamp:

Every person who plays at the games called pitch and toss, or pitch halfpenny, shake cap or shuffle cap, or any other gaming or gambling game, or uses any instrument of gaming:

Every person who exposes for show, hire, or sale (except in a market or market place or fair lawfully appointed for that purpose) any horse or other animal, or exhibits in a caravan or otherwise any show or public entertainment, or shoes, bleeds, or farries any horse or animal (except in cases of accident), or cleans, dresses, exercises, trains, or breaks or turns loose any horse or animal, or makes or repairs any part of any cart or

A.D. 1869.

carriage (except in cases of accident where repair on the spot is necessary):

Every person who suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal:

Every owner of any dog who suffers such dog to go at large, knowing or having reasonable ground for believing it to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state:

Every person who, after public notice given by any justice directing dogs to be confined on account of suspicion of canine madness, suffers any dog to be at large during the time specified in such notice:

Every person who slaughters or dresses any cattle, or any part thereof, except in the case of any cattle overdriven, or which may have met with any accident, and which, for public safety or other reasonable cause, ought to be killed on the spot:

Every person having the care of any waggon, cart, or carriage who rides on the shafts thereof, or who, without having reins, and holding the same, rides upon such waggon, cart, or carriage, or on any animal drawing the same, or who is at such a distance from such waggon, cart, or carriage as not to have due control over every animal drawing the same, or who does not in meeting any other carriage keep his waggon, cart, or carriage to the left or near side, or who in passing any other carriage does not keep his waggon, cart, or carriage on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation), or who, by obstructing the street wilfully prevents any person or carriage from passing him or any waggon, cart, or carriage under his care:

Every person who at one time drives more than two carts or waggons, and every person driving two carts or waggons who has not the halter of the horse in the last cart or waggon securely fastened to the back of the first cart or waggon, or has such halter of a greater length from such fastening to the horse's head than four feet:

Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle:

Every person who causes any public carriage, sledge, truck, or barrow, with or without horses or any beast of burden, to stand longer than is necessary for loading or unloading goods or for taking up or setting down passengers (except hackney carriages), and horses and other beasts of draught or burden

standing for hire in any place appointed for that purpose by the Corporation or other lawful authority, and every person who by means of any cart, carriage, sledge, truck, or barrow, or any animal, or other means wilfully interrupts any public crossing, or wilfully causes any obstruction in any public foot-path or other public thoroughfare:

Every person who causes any tree or timber or iron beam to be drawn in or upon any carriage without having sufficient means of safely guiding the same:

Every person who leads or rides any horse or other animal, or draws or drives any cart or carriage, sledge, truck, or barrow, upon any footway of any street, or fastens any horse or other animal so that it stands across or upon any footway:

Every person who places or leaves any furniture, goods, wares, or merchandise, or any cask, tub, basket, pail, or bucket, or places or uses any standing place, stool, bench, stall, or showboard, on any footway, or who places any blind, shade, covering, awning, or other projection over or along any such footway, unless such blind, shade, covering, awning, or other projection is eight feet in height at least in every part thereof from the ground:

Every person who places, hangs up, or otherwise exposes for sale any goods, wares, merchandise, matter, or thing whatsoever so that the same project into or over any footway or beyond the line of any house, shop, or building at which the same are so exposed, so as to obstruct or incommode the passage of any person over or along such footway or to endanger the safety of any person:

Every person who rolls or carries any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, or log of wood, upon any footway, except for the purpose of loading or unloading any cart or carriage or of crossing the footway:

Every person who places any line, cord, or pole across any street or hangs or places any clothes thereon:

Every person who flies any kite, or who makes or uses any slide upon ice or snow:

Every person who loiters or remains in any street, footway, or public place so as to obstruct or impede the free passage along the same, without some reasonable excuse after having been required by a police officer to move on:

Every blacksmith, whitesmith, coachsmith, nailmaker, chain-maker, cutler, or other person using or working at a forge, and having a door or window fronting a street, who does not by good and close doors and shutters every evening immediately

A.D. 1869.

after sunset bar and prevent the light from such shop shining into or upon the said street, and every blacksmith or farrier who omits or neglects to rail or guard in front his shoeing shed:

Every person who cleanses hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slacks, sifts, or screens any lime:

Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials so enclosed as to prevent mischief to passengers):

Every person who beats or shakes any carpet, rug, or mat (except door mats beaten or shaken before the hour of eight in the morning):

Every person who fixes or places any flower-pot or box or other heavy article in any upper window without sufficiently guarding the same against being blown down:

Every person who throws from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other thing, except snow thrown so as not to fall on any passenger:

Every occupier of any house or other building, or other person, who orders or permits any person in his service to stand on the sill of any window in order to clean, paint, or perform any other operation upon the outside of such window or upon any house or other building within the said limits, unless such window be in the sunk or basement story:

Every person who leaves open any vault or cellar or the entrance from any street to any cellar or room underground without a sufficient fence or handrail, or leaves defective the door, window, or other covering of any vault or cellar, or who does not sufficiently fence any area, pit, or sewer left open, or who leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto:

Every person who throws or lays any dirt, litter, or ashes, or nightsoil, or any carrion, fish, offal, or rubbish, on any street, or causes any offensive matter to run from any manufactory, brewery, slaughter-house, butcher's shop, or dunghill into any street: Provided always, that it shall not be deemed an offence to lay sand or other materials in any street in time of frost to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the party laying any such things causes them to be removed as soon as the occasion for them ceases:

Every person who keeps any pigstye to the front of any street, not being shut out from such street by a sufficient wall or fence, or who keeps any swine in or near any street so as to be a common nuisance:

Every person who carries or exhibits any placard or advertisement upon boards, poles, or sticks, or otherwise, or blows any horn, rings a bell, or uses any other noisy instrument, or makes any outcry for the purpose of calling persons together, or for announcing any auction, sale, show, or entertainment (except the borough bellman appointed by the Corporation), or for the purpose of hawking, selling, distributing, or collecting any article, or obtaining money or alms, or sounds or plays upon any musical instrument or sings near any house after being requested by or on behalf of any occupier of such house to depart therefrom.

Penalty for boiling rags, &c.

**190.** Every person who shall roast, burn, or boil any rags, root, drug, or other article or thing within the borough, and thereby cause noisome, noxious, or injurious smells or vapours to be emitted therefrom, to the annoyance of the inhabitants of the neighbourhood thereof within the borough, or of persons passing along the streets, squares, courts, highways, alleys, or public passages or places near the same, and within the borough, shall for every such offence be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he is convicted, to imprisonment for any term not exceeding fourteen days.

Prohibition of steam whistles, &c.

**191.** No person shall after the commencement of this Act use or employ in any manufactory or other place any steam whistle or steam trumpet for the purpose of summoning or dismissing the workmen thereof, not so used before the commencement of this Act, without the sanction of the Corporation, and the use or employment of every such steam whistle or steam trumpet used before the commencement of this Act shall be discontinued and given up at the expiration of one month's notice given to the owner or occupier of such manufactory or other place by the Corporation, and every person offending against this section shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such offence continues after notice thereof given to him by the Corporation: Provided that the Corporation, in case they shall have sanctioned the use of any such instrument as aforesaid, may at any time revoke such sanction on giving one month's notice to the person using the same, and so toties quoties.

A.D. 1869.

Power to prevent obstructions in the streets during public processions, &c.

**192.** The Corporation may from time to time make orders for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets within the borough in all times of public processions, rejoicings, or illuminations, and in any case when the streets are thronged or liable to be obstructed, and may also give directions to the constables of the borough for keeping order, and preventing any obstruction of the streets in the neighbourhood of theatres and other places of public resort; and every wilful breach of any such order shall be deemed a separate offence against this Act, and every person commiting any such offence shall be liable to a penalty not exceeding forty shillings.

Power to regulate the route of persons driving stage carriages, &c. during Divine service.

**193.** On application to the Corporation by the minister or churchwardens or chapelwardens of any church, chapel, or other place of public worship within the borough, the Corporation may make orders for regulating the route by which persons shall drive any cart or carriage or cattle, or the manner in which they shall drive them in the neighbourhood of such places of worship during the hours of Divine service on Sunday, Christmas Day, Good Friday, or any day appointed for a public fast, humiliation, or thanksgiving; and any orders so made shall be printed and put up on or near the church, chapel, or place of public worship to which the same refer, and in some conspicuous places near and leading thereto and elsewhere, as the Corporation direct; and every wilful breach of any such order shall be deemed a separate offence against this Act, and every person committing any such offence shall be liable to a penalty not exceeding forty shillings.

Proprietors of stage carriages deviating from route, by order, free from penalty.

**194.** A proprietor of any stage carriage duly licensed to carry passengers for hire shall not be liable to any penalty for any deviation from the route or line of route specified in his licence which the driver of such stage carriage makes in consequence of any regulation or direction made or given by the Corporation.

Power to impound stray cattle.

**195.** If any cattle be at any time found at large in any street within the borough, without any person having the charge thereof, any constable of the borough, or officer of police, or any person residing within the borough, may seize and impound such cattle in any common pound within the borough or in such other place as the Corporation appoint for that purpose, and may detain the same therein until the owner thereof pay to the Corporation a penalty not exceeding forty shillings, besides the reasonable expenses of impounding and keeping such cattle.

Power to sell stray cattle for

**196.** If the said penalty and expenses be not paid within three days after such impounding, the pound keeper or other person

appointed by the Corporation for that purpose may proceed to sell or cause to be sold any such cattle; but previous to such sale seven days notice thereof shall be given to or left at the dwelling house or place of abode of the owner of such cattle if he be known, or if not, then notice of such intended sale shall be given by advertisement to be inserted seven days before such sale in some newspaper published or circulated within the borough, and the money arising from such sale, after deducting the said sums and the expenses aforesaid, and all other expenses attending the impounding, advertising, keeping, and sale of any such cattle so impounded, shall be paid to the Corporation, and shall be by them paid on demand to the owner of the cattle so sold.

penalty and expenses.

**197.** Every person who releases or attempts to release any cattle from any pound or place where the same are impounded under the authority of this Act, or who pulls down, damages, or destroys the same pound or place, or any part thereof, with intent to procure the unlawful release of such cattle, shall, upon conviction of such offence before any two justices, be committed by them to some common gaol or house of correction for any time not exceeding three months.

Persons guilty of pound breach to be committed for three months.

**198.** The Corporation may purchase a piece of land within the borough for the purpose of a pound for stray animals, and may erect a pound thereon, and such pound when made shall be kept in repair by the Corporation.

Power to provide a pound.

**199.** Every person who within the borough keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting, baiting, or worrying any animals shall be liable to a penalty of not more than five pounds, or, in the discretion of the justices before whom he is convicted, to imprisonment, with or without hard labour, for a time not exceeding one month; and the Corporation may, by order in writing, authorize the superintendent constable of the borough, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid and take into custody all persons found therein without lawful excuse, and every person so found shall be liable to a penalty not exceeding five shillings, and a conviction for this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penal consequence to which he is liable for the nuisance thereby occasioned.

Penalty on persons keeping places for bear baiting, cock fighting, &c.

**200.** The medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or

Inspection of food.

A.D. 1869.

flour exposed for sale or deposited in any place for the purpose of sale or of preparation for sale, and intended for the food of man (the proof that the same was not exposed or deposited for such purpose, or was not intended for the food of man, resting with the party charged), and in case anything so examined appears to him to be diseased, or unsound or unwholesome, or unfit for the food of man, he may himself, or by any officer, servant, or assistant, seize, take, and carry away the same in order to have it dealt with by a justice, and if it appears to the justice that the same is diseased, or unsound or unwholesome, or unfit for the food of man, he shall order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for such food, and the person to whom it belongs, or did at the time of sale or exposure for sale belong, or in whose possession or on whose premises it is found, shall be liable to a penalty not exceeding twenty pounds for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for a parcel of fruit, vegetables, corn, bread, or flour, so found, or, at the discretion of the justice, without the infliction of a fine, to imprisonment for a term not exceeding three months.

## Part XV.—*Public Houses—Coffee Shops, &c.*

**Supplying drink to children.**

**201.** If any person within the borough licensed to deal in spirituous or fermented liquors, or any servant or other person in his employment, knowingly supply any sort of exciseable liquor to any boy or girl under the age of fifteen years, to be drunk by such boy or girl upon the premises, he shall for such offence forfeit and pay a sum not exceeding ten shillings, and for a second offence alleged and proved as such, and not committed on the same day as such first offence, a sum not exceeding twenty shillings, and for every offence being subsequent to a second offence, and alleged and proved as such, and not committed on the same day as any prior offence, a sum not exceeding forty shillings.

**Penalty on victuallers harbouring constables while on duty.**

**202.** Every victualler or keeper of any public house, or of any house, shop, room, or other place of public resort within the borough for the sale or consumption of refreshments of any kind, and every person licensed to sell wine, spirits, beer, cider, or other fermented or distilled liquors by retail to be drunk or consumed on the premises within the borough, who knowingly harbours or entertains, or suffers to remain in his public house or place wherein he carries on his business, any constable during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance or restoring order, shall for every such offence be liable to a penalty not exceeding twenty shillings.

Penalty on victuallers, &c. harbouring disorderly persons.

**203.** Every victualler or keeper of any public house, and every person keeping any house, shop, room, or other place of public resort within the borough for the sale or consumption of refreshments of any kind, and every person licensed to sell wine, spirits, beer, cider, or other fermented or distilled liquors by retail to be drunk or consumed on the premises within the borough, who knowingly suffers common prostitutes or reputed thieves to assemble at and continue in his premises, shall for every such offence be liable to a penalty not exceeding five pounds.

## Part XVI.—*Hackney Carriages—Horses—Pleasure Boats—Steamers, &c.*

Hackney carriages to be licensed.

**204.** The Corporation may from time to time license to ply for hire within five miles from the General Post Office of the borough (in this Act referred to as the prescribed distance) such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as they think fit.

What to be hackney carriages.

**205.** Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act, and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe any such carriage: Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

Fee to be paid for licence.

**206.** For every such licence there shall be paid to the town clerk, or other person appointed by the Corporation to receive the same, such sum as the Corporation direct, not exceeding five shillings.

Persons applying for licence to sign a requisition for the same.

**207.** Before any such licence is granted a requisition for the same, in such form as the Corporation from time to time provide for that purpose, shall be made and signed by the proprietor or one of the proprietors of the hackney carriage in respect of which such licence is applied for, and in every such requisition shall be truly stated the name and surname and place of abode of the person

A.D. 1869.

applying for such licence, and of every proprietor or part proprietor of such carriage, or person concerned either solely or in partnership with any other person in the keeping, employing, or letting to hire of such carriage, and any person who on applying for such licence states in such requisition the name of any person who is not a proprietor or part proprietor of such carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to hire of such carriage, and also any person who wilfully omits to specify truly in such requisition as aforesaid the name of any person who is a proprietor or part proprietor of such carriage, or who is concerned as aforesaid in the keeping, employing, or letting to hire of such carriage, shall be liable to a penalty not exceeding ten pounds.

What shall be specified in the licences.

**208.** In every such licence shall be specified the name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage in respect of which such licence is granted, or who is concerned either solely or in partnership with any other person in the keeping, employing, or letting to hire of any such carriage, and also the number of such licence, which shall correspond with the number to be painted or marked on the plates to be fixed on such carriage, together with such other particulars as the Corporation think fit.

Licences to be registered.

**209.** Every licence shall be made out by the town clerk, and duly entered in a book to be provided by him for that purpose, and in such book shall be contained columns or places for entries to be made of every offence committed by any proprietor or driver, or person attending such carriage, and any person may at any reasonable time inspect such book without fee or reward.

Licence to be in force for one year only.

**210.** Every licence so to be granted shall be under the common seal of the Corporation, and shall not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the Corporation.

Notice to be given by proprietors of hackney carriages of any change of abode.

**211.** So often as any person named in any such licence as the proprietor or one of the proprietors, or as being concerned either solely or in partnership with any person in the keeping, employing, or letting to hire of any such carriage, changes his place of abode, he shall, within seven days next after such change, give notice thereof in writing signed by him to the Corporation, specifying in such notice his new place of abode, and he shall at the same time produce such licence at the office of the Corporation, who shall by their clerk, or some other officer, endorse thereon and sign a memorandum specifying the particulars of such change; and any person named

in any such licence as aforesaid as the proprietor or one of the proprietors of any hackney carriage, or as being concerned as aforesaid, who changes his place of abode and neglects or wilfully omits to give notice of such change, or to produce such licence in order that such memorandum as aforesaid may be endorsed thereon, within the time and in the manner limited and directed by this Act, shall be liable to a penalty not exceeding forty shillings.

Penalty for plying for hire without a licence.

**212.** If the proprietor or part proprietor of any carriage, or any person so concerned as aforesaid, permits the same to be used as a hackney carriage plying for hire within the prescribed distance without having obtained a licence as aforesaid for such carriage, or during the time that such licence is suspended as in this Act provided, or if any person be found driving, standing, or plying for hire with any carriage within the prescribed distance for which such licence as aforesaid has not been previously obtained, or without having the number of such carriage corresponding with the number of the licence openly displayed on such carriage, every such person so offending shall for every such offence be liable to a penalty not exceeding forty shillings.

Driver not to act without first obtaining a licence.

**213.** No person shall act as driver of any hackney carriage licensed in pursuance of this Act to apply for hire within the prescribed distance without first obtaining a licence from the Corporation, which licence shall be registered by the town clerk, and a fee of one shilling shall be paid for the same, and every such licence shall be in force until the same is revoked, except during the time that the same may be suspended, as in this Act provided.

Penalty on drivers acting without licence.

**214.** If any person acts as such driver as aforesaid without having obtained such licence, or during the time that his licence is suspended, or if he lend or part with his licence except to the proprietor of the hackney carriage, or if the proprietor of any such hackney carriage employ any person as the driver thereof who has not obtained such licence, or during the time that his licence is suspended as in this Act provided, every such driver and every such proprietor shall for every such offence respectively be liable to a penalty not exceeding twenty shillings.

Proprietor to retain licence of drivers when in his employ, and to produce the same when summoned.

**215.** In every case in which the proprietor of any such hackney carriage permits or employs any licensed person to act as the driver thereof, such proprietor shall cause to be delivered to him and shall retain in his possession the licence of such driver while such driver remains in his employ, and in all cases of complaint where the proprietor of a hackney carriage is summoned to attend before a justice or to produce the driver, the proprietor so summoned

A.D. 1869.

shall also produce the licence of such driver, if he be then in his employ, and if any driver complained of be adjudged guilty of the offence alleged against him, such justice shall make an endorsement upon the licence of such driver stating the nature of the offence and the amount of the penalty inflicted, and if any such proprietor neglect to have delivered to him and to retain in his possession the licence of any driver while such driver remains in his employ, or if he refuse or neglect to produce such licence as aforesaid, such proprietor shall for every such offence be liable to a penalty not exceeding forty shillings.

Justices may endorse convictions upon licences.

Penalty on proprietors for neglect.

**216.** When any driver leaves the service of the proprietor by whom he is employed without having been guilty of any misconduct, such proprietor shall forthwith return to such driver the licence belonging to him, but if such driver have been guilty of any misconduct the proprietor shall not return his licence, but shall give him notice of the complaint which he intends to prefer against him, and shall forthwith summon such driver to appear before any justice to answer the said complaint, and such justice, having the necessary parties before him, shall inquire into and determine the matter of complaint, and if upon inquiry it appear that the licence of such driver has been improperly withheld, such justice shall direct the immediate redelivery of such licence, and award such sum of money as he thinks proper to be paid by such proprietor to such driver by way of compensation.

Proprietor to return licence to drivers when quitting his service, if they behave well; if otherwise, proprietors to summon them.

Compensation in case of licence being improperly withheld.

**217.** The Corporation may, upon the conviction for the second time of the proprietor or driver of any such hackney carriage for any offence under the provisions of this Act with respect to hackney carriages or any byelaw made in pursuance thereof, suspend or revoke, as they deem right, the licence of any such proprietor or driver.

Licences to be suspended or revoked for misconduct.

**218.** No hackney carriage shall be used or employed or let to hire or shall stand or ply for hire within the prescribed distance unless the number of persons to be carried by such hackney carriage, in words at length and in form following, (that is to say,) "To carry persons," be painted on a plate placed on some conspicuous place on the outside of such carriage, and in legible letters, so as to be clearly distinguishable from the colour of the ground whereon the same are painted, one inch in length, and of a proportionate breadth, and the driver of any such hackney carriage shall not be required to carry in or by such hackney carriage a greater number of persons than the number painted thereon.

Number of persons to be carried in a hackney carriage to be painted thereon.

Penalty for neglect, or for refusal to carry the prescribed number.

**219.** If the proprietor of any hackney carriage permit the same to be used, employed, or let to hire, or if any person stand or ply for hire with such carriage without, having the number of persons to be carried thereby painted and exhibited in manner aforesaid, or if the driver of any such hackney carriage refuse, when required by the hirer thereof, to carry in or by such hackney carriage the number of persons painted thereon, or any less number, every proprietor or driver so offending shall be liable to a penalty not exceeding forty shillings.

Penalty on driver for refusing to drive.

**220.** Any driver of a hackney carriage standing at any of the stands for hackney carriages appointed by the Corporation, or in any street, who refuses or neglects, without reasonable excuse, to drive such carriage to any place within the prescribed distance, or the distance to be appointed by any byelaw of the Corporation, not exceeding the prescribed distance to which he is directed to drive by the person hiring or wishing to hire such carriage, shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalty for demanding more than the sum agreed for, though less than the legal fare.

**221.** If the proprietor or driver of any such hackney carriage, or if any other person on his behalf, agree beforehand with any person hiring such hackney carriage to take for any job a sum less than the fare allowed by this Act or any byelaw made thereunder, such proprietor or driver shall be liable to a penalty not exceeding forty shillings if he exact or demand for such job more than the fare so agreed upon.

Agreement to pay more than the legal fare not to be binding, and sum paid beyond the proper fare may be recovered back.

**222.** No agreement whatever made with the driver or with any person having or pretending to have the care of any such hackney carriage for the payment of more than the fare allowed by any byelaw made under this Act shall be binding on the person making the same, and any such person may notwithstanding such agreement refuse on discharging such hackney carriage to pay any sum beyond the fare allowed as aforesaid, and if any person actually pay to the driver of any such hackney carriage, whether in pursuance of any such agreement or otherwise, any sum exceeding the fare to which such driver was entitled, the person paying the same shall be entitled, on complaint made against such driver before any justice of the peace, to recover back the sum paid beyond the proper fare, and moreover such driver shall be liable to a penalty for such exaction not exceeding the sum of forty shillings, and in default of the repayment by such driver of such excess of fare or of payment of the said penalty, such justice shall forthwith commit such driver to prison, there to remain for any time not exceeding

A.D. 1869.

one month, unless the said excess of fare and the said penalty be sooner paid.

Driver to carry under an agreement for a discretionary distance the distance to which hirer is entitled for the fare.

**223.** If the proprietor or driver of any such hackney carriage, or if any other person on his behalf, agree with any person to carry in or by such hackney carriage persons not exceeding in number the number so painted on such carriage as aforesaid for a distance to be in the discretion of such proprietor or driver, and for a sum agreed upon, such proprietor or driver shall be liable to a penalty not exceeding forty shillings if the distance which he carries such persons be under that to which they were entitled to be carried for the sum so agreed upon according to the fare allowed by this Act or any byelaw made in pursuance thereof.

Deposit to be made for carriages waiting.

**224.** When any hackney carriage is hired and taken to any place, and the driver thereof is required by the hirer there to wait with such hackney carriage, such driver may demand and receive from such hirer his fare for driving to such place, and also a sum equal to the fare of such carriage for the period, as a deposit over and above such fare, during which he is required to wait as aforesaid, or if no fare for time to be fixed by the byelaws, then the sum of one shilling and sixpence for every half hour during which he is so required to wait, which deposit shall be accounted for by such driver when such hackney carriage is finally discharged by such hirer; and if any such driver who has received any such deposit as aforesaid refuses to wait as aforesaid, or goes away or permits such hackney carriage to be driven or taken away without the consent of such hirer before the expiration of the time for which such deposit was made, or if such driver on the final discharge of such hackney carriage refuse duly to account for such deposit, every such driver so offending shall be liable to a penalty not exceeding forty shillings.

Penalty on the driver refusing to wait, or to account for the deposit.

Overcharge by hackney coachmen, &c. to be included in conviction, and returned to aggrieved party.

**225.** Every proprietor or driver of any such hackney carriage who is convicted of taking as a fare a greater sum than is authorized by any byelaw made under this Act shall be liable to a penalty not exceeding forty shillings, and such penalty may be recovered before one justice, and in the conviction of such proprietor or driver an order may be included for payment of the sum so overcharged over and above the penalty and costs, and such overcharge shall be returned to the party aggrieved, whose evidence shall be admissible in proof of the said offence.

Penalty for permitting persons to ride without

**226.** Any proprietor or driver of any such hackney carriage which is hired who permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the

express consent of the person hiring the same, shall be liable to a penalty not exceeding twenty shillings.

consent of the hirer.

**227.** No person authorized by the proprietor of any hackney carriage to act as driver of such carriage shall suffer any other person to act as driver of such carriage without the consent of the proprietor thereof, and no person, whether licensed or not, shall act as driver of any such carriage without the consent of the proprietor, and any person so suffering another person to act as driver, and any person so acting as driver, without such consent as aforesaid, shall be liable to a penalty not exceeding forty shillings for every such offence.

No person to act as driver of any carriage without the consent of the proprietor.

**228.** If the driver or any other person having or pretending to have the care of any such hackney carriage be intoxicated while driving, or if any such driver or other person by wanton and furious driving, or by any other wilful misconduct, injure or endanger any person in his life, limbs, or property, he shall be liable to a penalty not exceeding five pounds, and in default of payment thereof the justice before whom he is convicted of such offence may commit him to prison, there to remain for any time not exceeding two months.

Penalty on drivers misbehaving.

**229.** If the driver of any such hackney carriage leave it in any street, or at any place of public resort or entertainment, whether it be hired or not, without some one proper to take care of it, any constable may drive away such hackney carriage, and deposit it and the horse or horses harnessed thereto at some neighbouring livery stable or other place of safe custody, and such driver shall be liable to a penalty not exceeding twenty shillings for such offence, and in default of payment of the said penalty upon conviction, and of the expenses of taking and keeping the said hackney carriage and horse or horses, the same, together with the harness belonging thereto, or any of them, shall be sold by order of the justice before whom such conviction is made, and after deducting from the produce of such sale the amount of the said penalty, and of all costs and expenses, as well of the proceedings before such justice as of the taking, keeping, and sale of the said hackney carriage, and of the said horse or horses and harness, the surplus (if any) of the said produce shall be paid to the proprietor of such hackney carriage.

Penalty for leaving carriages unattended at places of public resort.

**230.** In every case in which any hurt or damage has been caused to any person or property as aforesaid by the driver of any carriage let to hire, the justice before whom such driver has been convicted may direct that the proprietor of such carriage shall pay such a sum not exceeding five pounds as appears to the justice a reasonable compensation for such hurt or damage, and every pro-

Damage done by driver may be recovered from the proprietor.

A.D. 1869.

prietor who pays any such compensation as aforesaid may recover the same from the driver, and such compensation shall be recoverable from such proprietor and by him from such driver as damages.

Improperly standing with carriage, refusing to give way to or obstructing any other driver, or depriving him of his fare.

**231.** Any driver of any hackney carriage who suffers the same to stand for hire across any street or alongside of any other hackney carriage, or who refuses to give way if he conveniently can to any other carriage, or who obstructs or hinders the driver of any other carriage in taking up or setting down any person into or from such other carriage, or who wrongfully in a forcible manner prevents or endeavours to prevent the driver of any other hackney carriage from being hired, shall be liable to a penalty not exceeding twenty shillings.

Justices empowered to award compensation to drivers for loss of time in attending to answer complaints not substantiated.

**232.** If the driver of any such hackney carriage be summoned or brought before any justice to answer any complaint or information touching or concerning any offence alleged to have committed by such driver against the provisions of this Act, or any byelaw made thereunder, and such complaint or information be afterwards withdrawn, or quashed or dismissed, or if such driver be acquitted of the offence charged against him, the said justice, if he think fit, may order the complainant or informant to pay to the said driver such compensation for his loss of time in attending the said justice touching or concerning such complaint or information as to the said justice seems reasonable, and in default of payment of such compensation the said justice may commit such complainant or informant to prison for any time not exceeding one month, unless the same shall be sooner paid.

Penalty for refusing to pay the fare.

**233.** If any person refuse to pay, on demand, to any proprietor or driver of any hackney carriage the fare allowed by this Act or any byelaw made thereunder, such fare may, together with costs, be recovered before one justice as a penalty.

Penalty for damaging carriage.

**234.** Any person using any hackney carriage plying under a licence granted by virtue of this Act who wilfully injures the same shall for every such offence be liable to a penalty not exceeding five pounds, and shall also pay to the proprietor of such hackney carriage reasonable satisfaction for the damage sustained by the same, and such satisfaction shall be ascertained by the justices before whom the conviction takes place, and shall be recovered by the same means as the penalty.

Byelaws for regulating hackney carriages.

**235.** The Corporation may from time to time (subject to the restrictions of this Act) make byelaws for all or any of the purposes following; (that is to say,)

For regulating the conduct of the proprietors and drivers of hackney carriages plying within the prescribed distance in

their several employments, and determining whether such drivers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For regulating the manner in which the number of each carriage, corresponding with the number of its licence, shall be displayed:

For regulating the number of persons to be carried by such hackney carriages, and in what manner such number is to be shown on such carriage, and what number of horses or other animals is to draw the same, and the placing of check strings to the carriages and the holding of the same by the driver, and how such hackney carriages are to be furnished or provided:

For fixing the stands of such hackney carriages and the distance to which they may be compelled to take passengers, not exceeding the prescribed distance:

For fixing the rates or fares, as well for time as distance, to be paid for such hackney carriages within the prescribed distance, and for securing the due publication of such fares:

For securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

Byelaws for regulating horses, hired pleasure boats, steamers, &c.

**236.** The Corporation may from time to time make byelaws to take effect within the borough for all or any of the following purposes; (that is to say,)

For licensing and regulating horses, ponies, mules, or asses standing for hire in the borough:

For prescribing and regulating the stands and fixing the rates of hire, and ordering the conduct of the drivers or attendants thereof:

For licensing, regulating, and fixing the rates of hire of pleasure boats or vessels and the persons in charge of the same:

For regulating the arrival and departure of passenger steam-boats plying only on the River Tees, and for preventing unnecessary whistling by such boats, or other noisy proceedings on or in connexion therewith.

## Part XVII.—*Fire.*

Fire engines and firemen may be provided by the Corporation.

**237.** The Corporation may purchase or provide such engines for extinguishing fire, and such water buckets, pipes, and other appurtenances for such engines, and such fire escapes and other implements for safety or use in case of fire, and may purchase, keep, or hire such horses for drawing such engines, as they think fit, and may build, provide, or hire places for keeping such engines, with their appurtenances, and may employ a proper number of persons

A.D. 1869.

to act as firemen, and may make such rules for their regulation as they think proper, and give such firemen and other persons such salaries and such rewards for their exertions in cases of fire as they think fit.

Fire police permitted to go beyond borough in certain cases.

**238.** The Corporation may send such engines, with their appurtenances, and the said firemen, beyond the borough for extinguishing fire in the neighbourhood of the said limits, and the owner of the lands or buildings where such fire shall have happened shall in such case defray the actual expense which may be thereby incurred, and shall also pay to the Corporation a reasonable charge for the use of such engines, with their appurtenances, and for the attendance of such firemen; and in case of any difference between the Corporation and the owner of the said lands or buildings, the amount of the said expenses and charge, as well as the propriety of sending the said engines and firemen as aforesaid for extinguishing such fire (if the propriety thereof be disputed), shall be determined by two justices, whose decision shall be final, and the amount of the said expenses and charge shall be recovered by the Corporation as damages.

Penalty for setting chimneys wilfully on fire.

**239.** Every person who wilfully sets or causes to be set on fire any chimney within the borough shall be liable to a penalty not exceeding five pounds: Provided always, that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be indicted for felony.

Penalty for accidentally allowing chimneys to catch fire.

**240.** If any chimney accidentally catch or be on fire within the borough the person occupying or using the premises in which such chimney is situated shall be liable to a penalty not exceeding ten shillings: Provided always, that such forfeiture shall not be incurred if such person prove to the satisfaction of the justice before whom the case is heard that such fire was in nowise owing to omission, neglect, or carelessness of himself or servant.

## Part XVIII.—*Execution of Works generally.*

Corporation, in default of owner or occupier, may execute works, and recover expenses.

**241.** Whenever under the provisions of this Act any work of any kind is required to be executed by the owner or occupier of any house or lands, and default is made in the execution of such work, the Corporation may cause such work to be executed, and the expenses incurred by the Corporation in respect thereof shall be repaid to them by the person by whom such work ought to have been executed.

Entry upon lands for the purposes of this Act.

**242.** In case it shall become necessary to enter, examine, or lay open any lands or premises for the purpose of making plans,

surveying, measuring, taking levels, examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such land or premises shall refuse to permit the same to be entered upon, examined, or laid open for the purposes aforesaid or any of them, the Corporation may upon notice to such owner or occupier apply to two justices for an order authorizing the members of the Corporation and the surveyor and inspector of nuisances, or any of them, to enter, examine, and lay open the said lands and premises for the purposes aforesaid or any of them, and if no sufficient cause shall be shown against the same the said justices may make an order authorizing the same accordingly, and thereupon the Corporation, or any member thereof, the surveyor, and inspector of nuisances, and any person authorized by the Corporation, surveyor, or inspector of nuisances, may at all reasonable times between the hours of ten in the forenoon and four in the afternoon enter, examine, or lay open the lands or premises mentioned in such order for such of the said purposes as shall be specified in the said order, without being subject to any action or molestation for so doing; provided always, that except in case of emergency no entry shall be made or works commenced under the powers of this enactment unless twenty-four hours at the least previously thereto notice of the intended entry and of the object thereof be given to the occupier of the premises intended to be entered.

Proceedings in case of tenants opposing the execution of this Act.

**243.** If the occupier of any buildings or lands within the borough prevent the owner thereof from carrying into effect in respect of such buildings or lands any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any justice, upon proof thereof, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such buildings or lands as may be necessary for carrying into effect the provisions of this Act, and if after the expiration of ten days from the date of such order such occupier continue to refuse to permit such owner to execute such works, such occupier shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds, and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Occupier, in default of owner, may execute works, and deduct expenses from his rent.

**244.** Whenever default is made by the owner of any buildings or lands in the execution of any work by this Act required to be executed by him, the occupier of such buildings or lands may, with the approval of the Corporation, cause such work to be executed,

A.D. 1869.

and the expense thereof shall be repaid to such occupier by the owner of the buildings or lands, and such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

## Part XIX.—*Lands.*

Power to Corporation to purchase lands.

**245.** The Corporation may purchase any lands or premises for the purposes of this Act, and the provisions of this part of this Act shall have effect with respect to the purchase of land by the Corporation for the purposes of this Act.

Incorporating part of Lands Clauses Consolidation Acts.

**246.** The Lands Clauses Consolidation Act, 1845, except the provisions relating to access to the special Act, and The Lands Clauses Consolidation Act Amendment Act, 1860, are hereby incorporated with this part of this Act.

Notices to be given before putting in force Lands Clauses Consolidation Acts.

**247.** The Corporation before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of land otherwise than by agreement by virtue of this part of this Act shall proceed as follows; (namely,)

Publication of notices.

Publish once at least in each of three consecutive weeks in the month of November in some newspaper circulated in the borough an advertisement describing shortly the nature of the undertaking in respect of which the land is proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further in the month of December—

Service of notices.

Serve a notice in manner herein-after mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land, such notice to be served—

By delivery of the same personally to the party required to be served, or if such party is absent abroad to his agent, or

By leaving the same at the usual or last known place of abode of such party as aforesaid, or

By forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such party:

Power to petition Secretary of State.

Upon compliance with the provisions of this part of this Act with respect to advertisements and notices, the Corporation may, if they think fit, present a petition under their seal to one of Her Majesty's Principal Secretaries of State. The petition shall

state the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking such land, or who have returned no answer to the notice. It shall pray that the Corporation may with reference to such land be allowed to put in force the powers of the said Lands Clauses Consolidation Act with respect to the purchase and taking of land otherwise than by agreement, and such prayer shall be supported by such evidence as the Secretary of State requires:

**Secretary of State may direct inquiry.**

Upon the receipt of such petition, and upon due proof of the proper advertisements having been published and notices served, the Secretary of State shall take such petition into consideration, and may either dismiss the same, or direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition, but until such inquiry has been made after such notice as may be directed by the Secretary of State no Provisional Order shall be made affecting any land without the consent of the owners, lessees, and occupiers thereof:

**Provisional Order.**

After the completion of the inquiry as last aforesaid the Secretary of State may by Provisional Order empower the Corporation to put in force, with reference to the land referred to in such Order, the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the Corporation to serve a copy of any order so made in the manner and upon the person in which and upon whom notices in respect of such land are before by this part of this Act required to be served. No Provisional Order so made shall be of any validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such Order shall be deemed to be a public general Act of Parliament. All costs, charges, and expenses incurred by the said Secretary of State in relation to any Provisional Order under this Act shall to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge upon the general district rates levied under this Act, and be repaid to the said Commissioners of Her Majesty's Treasury by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of

**Costs, how to be defrayed.**

A.D. 1869.

any such last-mentioned Order upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

## Part XX.—*Private Improvement and other Expenses—Private Improvement and Drainage Rates.*

How expenses are to be recovered from owner.

**248.** If the owner of any buildings or lands made liable by this Act for the repayment to the Corporation of any expenses incurred by them do not as soon as the same become due and payable from him repay all such expenses to the Corporation, the Corporation may recover the same from such owner in the same manner as damages, or by proceedings in any court of competent jurisdiction.

Power to levy charges on occupier, who may deduct the same from his rent.

**249.** The Corporation may, by way of additional remedy, whether any action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then or at any time thereafter occupies any such buildings or lands under such owner, and in default of payment thereof by such occupier, on demand, the same may be levied by distress and sale of the goods and chattels of such occupier in the same manner as any rate may be recovered from him under this Act, and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from him in respect of any such expenses.

Occupier not to be liable for more than the amount of rent due.

**250.** Provided always, that no occupier of any buildings or lands shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord have accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Corporation, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall lie upon such occupier: Provided further, that nothing herein contained shall be taken to affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

Private improvement rates.

**251.** Whenever the Corporation have incurred or become liable to any expenses which by this Act are or by the Corporation shall be declared to be private improvement expenses, the Corporation may, if they shall think fit, make and levy upon the occupier of the premises in respect of which the expenses shall have been incurred, except in the cases herein-after provided, in addition to all other rates a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon, at a rate not exceeding five pounds in the hundred, in such period not exceeding thirty years as the Corporation shall in each case determine: Provided always, that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge upon and be paid by the owner of the premises so long as the same continue to be unoccupied.

Proportion of private improvement rate may be deducted from rent.

**252.** If the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rackrent, he shall be entitled to deduct three fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a rent less than the rackrent he shall be entitled to deduct from the rent so payable by him such proportion of three fourths of the rate as his rent bears to the rackrent, and if the landlord from whose rent any deduction is made under the provision last aforesaid is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired, but not otherwise, he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises, both receiving and liable to pay rent in respect thereof: Provided always, that nothing in this section contained shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of private improvement rates.

**253.** At any time before the expiration of the period for which any private improvement rate is made the owner or occupier of the premises assessed thereto may redeem the same by paying to the Corporation the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same.

A.D. 1869.

Corporation may allow owners time for repayment of expenses.

**254.** In any case in which the Corporation may have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable by this Act, the Corporation may, if they think fit, allow such owner time for repayment, and receive the same by such annual instalments, not being less than one-thirtieth part of the entire sum, together with interest at the rate of five pounds in the hundred upon the sum from time to time remaining unpaid, as they, under the circumstances of each case, may consider to be just; but although time for repayment be allowed as last aforesaid, the sum due, or so much thereof as may be unpaid, shall from time to time, in case of default in payment at the times respectively appointed for payment, be recoverable in like manner in all respects as the entire sum might have been recovered if time for repayment had not been allowed.

Expenses due from owners to be a charge on premises.

**255.** Where the Corporation have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable either by application of or agreement with the owner or by this Act, the same may be recovered from the person who is owner of such premises when the works are completed for which such expenses have been incurred, in the manner provided by other provisions of this Act; and such expenses shall be a charge on the premises in respect of which they were incurred, and shall bear interest at the rate of five pounds per centum per annum till payment thereof, and such charges shall be registered in manner directed as to rentcharges under this Act.

Time for summary proceedings.

**256.** In all summary proceedings by the Corporation for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Apportionment of expenses payable by owners to be conclusive after one month from notice given to them of the amount.

**257.** Notwithstanding anything in this Act contained, in all cases where by this Act the Corporation shall have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable by this Act, and such expenses have been settled and apportioned by the surveyor as payable by such owner, such apportionment shall be binding and conclusive upon such owner, unless, within the expiration of one month from the time of notice being given by the Corporation or the surveyor of the amount of the proportion so settled by the surveyor to be due from such owner, he shall by written notice dispute the same.

Repayment by instalments.

**258.** Expenses incurred by the Corporation as and for private improvement expenses before or after the commencement of this

Act, as also the expenses stated in this Act to be a charge upon the premises in respect of which they are incurred, with interest after the rate of five per centum per annum, may by order of the Corporation be declared payable by annual instalments, with interest after the rate aforesaid, during a period not exceeding thirty years, until the whole amount be paid; and any such instalments and interest, or any part thereof, may be recovered from the owner or occupier of such premises in the same manner as general district rates, and may be deducted from the rent of such premises in the same proportions as are allowed in the case of private improvement rates.

Parties aggrieved by proceedings of Corporation as to recovery of certain expenses may appeal.

**259.** If in any case in which the Corporation are empowered to recover any expenses incurred by them in a summary manner or to declare such expenses to be private improvement expenses, any person shall deem himself to be aggrieved by the decision of the Corporation thereupon, he may, within seven days after notice of such decision, address a memorial to one of Her Majesty's Principal Secretaries of State, stating the grounds of his complaint, and the Secretary of State may make such order in the matter as to him may seem equitable, and the order so made shall be binding and conclusive upon the Corporation; and if the Corporation shall have proceeded to recover such expenses in a summary manner, the Secretary of State may, if he shall think fit, direct the Corporation to pay to the person so proceeded against such sum as the Secretary of State may consider to be a just compensation for the loss, damage, or grievance thereby sustained by him.

Rentcharge may be granted for advances made to meet first cost of private improvements.

**260.** Where any person advances money for any expenses which by this Act are, or by the Corporation shall be declared to be, private improvement expenses, the Corporation, on being satisfied by the report of their surveyor or otherwise that the money advanced by such person has been duly expended, may issue a grant to such person of a yearly rentcharge to be issuable out of the premises in respect whereof such advance is made, or out of such part thereof, to be specified in such grant, as the Corporation shall think proper and sufficient, such rentcharge to be personal estate, and to begin to accrue from the day of completion of the works on which such money shall have been expended as aforesaid, and to be payable by equal half-yearly payments for and during a term not exceeding thirty years, in such manner that the whole of the said sum so to be advanced as aforesaid, with the cost of preparing the said grant so to be issued as aforesaid, together with interest thereon respectively at a rate not exceeding six pounds per centum per annum upon the sum from time to time remaining unpaid, shall be repaid at the end of the said term: Provided

A.D. 1869.

always, that the grantee of such rentcharge shall, for the recovery of the same, have all the powers, authorities, rights, and remedies of the Corporation with respect to private improvement rates, and the provisions of this Act relative to deduction of private improvement rates from rent and to redemption of such rates shall also be applicable to such rentcharge.

Rentcharges to be registered.

**261.** All rentcharges made in pursuance of this part of this Act and transfers thereof shall be registered in the same manner respectively as mortgages by the Corporation and transfers thereof are required to be registered under this Act.

Drainage rates.

**262.** Where the Corporation have paid or become liable to the payment of any expenses in constructing or laying any drain or pipe from any house or building, or in providing any privy, ashpit, or cesspool for the use of the occupiers thereof, and neither the owner nor the occupier of such house or building is willing to defray those expenses forthwith, the Corporation shall lay drainage rates on the occupiers of such houses and buildings respectively, to be continued for six successive years and no longer, and the sum to be annually levied by every such drainage rate shall be one-fifth part of the whole expenses incurred in constructing, laying, or providing such drain, privy, ashpit, or cesspool as aforesaid, and shall be applied in satisfaction thereof, and the amount of any such drainage rate may be added to any other rate levied from the occupiers of such houses and buildings and recovered therewith by the like ways and means.

## Part XXI.—*General and Special District Rates.*

District fund account to be kept.

**263.** The treasurer of the borough shall keep a separate account to be called the District Fund Account, to which shall be carried all monies received by the Corporation under this Act (excluding receipts under Parts X., XI., XIII., XIV., XV., and XVI. of this Act, which are to be carried to the borough fund, and the expense of executing which parts of this Act shall be defrayed out of the borough fund), and the monies carried to the District Fund Account shall be applied by the Corporation in defraying such of the expenses incurred or to be incurred by the Corporation in carrying into execution this Act and the Stockton Act of 1852 before the commencement of this Act, and not otherwise expressly provided for, as they may think proper; and the Corporation shall from time to time, when and as often as occasion may require, make and levy a rate to be called the General District Rate for defraying the expenses aforesaid, exclusive of such expenses as are provided for

General district rate to be levied.

by special district rates, or by private improvement rates, or by drainage rates.

Special district rates.

**264.** Whenever any expenses are incurred or to be incurred by the Corporation in making, enlarging, altering, arching over, covering, or enclosing any sewer vested or to be vested in them or purchased or acquired by them, or in or about any other works, matters, and things of a permanent nature and executed or done for the benefit of the borough or any part thereof, the Corporation shall make and levy in respect of the premises situate in the borough for the benefit of which the expenses are incurred or to be incurred, rates to be called Special District Rates, of such amount as will be sufficient to discharge the amount of such expenses and interest thereon within such period not exceeding thirty years as the Corporation shall in each case determine: Provided always, with respect to the cost of making any such new sewer, that if it appear to the Corporation that any premises were sufficiently drained before the new sewer was made they shall deduct from the amount of rates otherwise chargeable in respect of such premises such a sum and for such time as the Corporation may under all the circumstances of the case deem to be just.

Rates may be prospective or retrospective.

**265.** The Corporation may make and levy the said special and general district rates, or any or either of them, prospectively, in order to raise money for the payment of future charges and expenses, or retrospectively, in order to raise money for the payment of charges and expenses which may have been incurred at any time within six months before the making of the rate, whether before or after the commencement of this Act, in which period of six months there shall not at any time be reckoned the time during which an appeal against a rate is pending, or any legal proceedings concerning a rate remain undecided; and if at the time of making any general or special district rate any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the rate, but the rate shall not be charged upon any person in respect of the same whilst they continue to be unoccupied, and if any such premises are afterwards occupied during any part of the period for which the rate was made, and before the same shall have been fully paid, the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy may be in the proportion to the remainder of the said period shall be collected, recovered, and paid in the same manner in all respects as if the premises had been occupied at the time when the rate was made; and if any owner or occupier assessed or liable to any such rate cease to be owner or

Assessment to district rates in case of unoccupied premises.

Apportionment of rates between outgoing and incoming tenants, &c.

A.D. 1869.

occupier of the premises in respect whereof he is so assessed or liable before the end of the period for which the rate was made, and before the same is fully paid off, he shall be liable to pay only such part of the rate as shall be in proportion to the time during which he continues to be such owner or occupier, and in every such case if any person afterwards become owner or occupier of the premises during part of the said period he shall pay such part of the rate as shall be in proportion to the time during which he continues to be such owner or occupier, and the same shall be recovered from him in the same manner as if he had been originally assessed or liable, and the Corporation may from time to time divide the borough or any street therein into one or more parts for all or any or either of the purposes of this Act, and make a separate assessment upon any such part for and in respect of all or any of the purposes for which the same is formed: Provided always, that if any expenses are incurred or to be incurred in respect of two or more parts of the borough in common, the same shall be apportioned between them in a fair and equitable manner.

Parts of borough may be separately assessed.

Mode of assessment of district rates, and provision for compounding.

**266.** The general and special district rates shall be made and levied upon the occupier of all such kinds of property as by the laws in force for the time being are or may be assessable to any rate for the relief of the poor, and shall be assessed upon the full net annual value of such property, ascertained by the rate (if any) for the relief of the poor made next before the making of the assessments under this Act, subject, however, to the following exceptions, regulations, and conditions; namely,

The owner instead of the occupier may at the option of the Corporation be rated in cases—

Where the rateable value of any premises liable to assessment under this Act does not exceed the sum of ten pounds; or

Where any premises liable to an assessment are let to weekly or monthly tenants; or

Where any premises so liable as aforesaid are let in separate apartments, or where the rents become payable or are collected at any shorter period than quarterly, subject to this proviso, that in cases where the owner is rated instead of the occupier he shall be assessed upon such reduced estimate as the Corporation deems reasonable of the net annual value, not being less than two thirds nor more than four fifths of such annual value;

And where such reduced estimate is in respect of tenements, whether occupied or unoccupied, then such assessment

may be made on one half of the amount at which such tenements would be liable to be rated if the same were occupied, and the rate were levied on the occupiers.

Certain kinds of property assessable on one fourth of their net annual value.

**267.** The owner of any tithes or of any tithe commutation rentcharge, or the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one-fourth part only of such net annual value thereof.

Poor rate books accessible.

**268.** For the purpose of assessing the general or special district rate any person appointed by the Corporation may inspect, take copies of, or make extracts from any rate for the relief of the poor within the borough, or any books relating to the same, and if any officer having the custody of such last-mentioned rate or book refuses to permit any such inspection, or the taking of any such copies or extract, he shall for each offence incur a penalty not exceeding five pounds.

Power of valuation in case no assessment.

If there is no such assessment as aforesaid for the relief of the poor by reference to which such net annual value can be estimated, or if such assessment is in the judgment of the Corporation an unfit criterion for making a general or special district rate, a valuation shall be made by a person appointed by the Corporation for that purpose, in manner as near as circumstances will permit prescribed by an Act passed in the seventh year of the reign of King William the Fourth, intituled "An Act to regulate parochial assessments," or any other Act for the time being in force for regulating parochial assessments, and the net annual value of the property shall be ascertained by reference to the said valuation and assessment.

Redemption of special district rates.

**269.** At any time before the expiration of the period for which any special district rate is made the owner or occupier of the premises assessed thereto may redeem the same by paying to the Corporation the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same.

Power to reduce or remit rates on account of poverty.

**270.** It shall be lawful for the Corporation to reduce or remit the payment of any rate on account of the poverty of any person liable to the payment thereof.

Act not to affect existing agreements between landlord and tenant.

**271.** Nothing in this part of this Act shall alter, interfere with, or affect any lease, contract, or agreement which shall have been made or entered into between landlord and tenant before the commencement of this Act.

A.D. 1869.

Estimate to be prepared before making rates.

**272.** The Corporation before proceeding to make any general or special district rate or private improvement rate under this Act shall cause an estimate to be prepared of the money required for the purposes in respect of which the rate is to be made, showing the several sums required for each of such purposes, the rateable value of the property assessable, and the amount of rate which for those purposes it is necessary to make upon each pound of such value, and the estimate so made shall forthwith, after being approved of by the Corporation, be entered in the rate book, and be kept at their office open to public inspection during office hours thereat.

Notice of rate.

**273.** Public notice of intention to make any general or special district rate, and of the time at which it is intended to make the same, and of the place where a statement of the proposed rate is deposited for inspection, shall be given by the Corporation in the week immediately before the day on which the rate is intended to be made, and at least seven days previously thereto, but in case of proceedings to levy or recover any rate it shall not be necessary to prove that such notice was given.

Rates to be open to inspection under a penalty for refusal.

**274.** Any person interested in or assessed to any rate made under this Act may inspect the same and any estimate made previously thereto, and may take copies of or extracts therefrom, without fee or reward, and whosoever having the custody of such estimate or rate refuses to allow or does not permit such inspection, or such copies or extracts to be taken, shall for every such offence be liable to a penalty not exceeding five pounds.

Description of owner or occupier in rates, if his name be unknown.

**275.** Whenever the name of any owner or occupier liable to be rated under this Act is not known to the Corporation, it shall be sufficient to assess and designate him in the rate as "the owner" or "the occupier" of the premises in respect of which the assessment is made, without further description.

Rates may be amended.

**276.** The Corporation may from time to time amend any rate made in pursuance of this Act by inserting therein the name of any person claiming and entitled to have his name inserted, or by inserting the name of any person who ought to have been assessed, or by striking out the name of any who ought not to have been assessed, or by raising or reducing the sum at which any person has been assessed, if it appear to the Corporation that he has been under-rated or over-rated, or by making any other alteration which will make the rate conformable to the provisions of this Act, and no such amendment shall be held to avoid the rate: Provided always, that any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the

rate originally made, and with respect to him the amended rate shall be considered to have been made at the time when he first received notice of the amendment, and in the case of any person the amount of whose rate is increased by the amendment, or whose name is thereby newly inserted as aforesaid, the rate shall not be payable by him until seven days after such notice shall have been given to him.

Rates made under this Act to be published as poor rates, and collected as Corporation shall appoint. Justices may summon persons for non-payment, and in default may recover by distress.

**277.** Except that no publication of any private improvement rate shall be required, all rates made or collected under the authority of this Act shall be published in the same manner as poor rates, and shall commence and be payable at such time or times, and shall be made in such manner and form, and be collected by such persons, and either together or separately or with any other rate or tax, as the Corporation shall from time to time appoint; and if any person assessed to any such rate fail to pay the same when due, and for the space of fourteen days after the same shall have been lawfully demanded in writing (the notice of which demand may, if the Corporation think fit, be served in the same way as notice is by this Act directed to be served by the Corporation in proceedings for taking lands otherwise than by agreement), any justice may and he is hereby empowered to summon the defaulter to appear before him or any other justice, at a time and place to be mentioned in the summons, to show cause why the rate in arrear should not be paid, and in case the defaulter fail to appear according to the exigency of the summons, or no sufficient cause for nonpayment be shown, the justice may by warrant under his hand and seal cause the same to be levied by distress of the goods and chattels of the defaulter, and such warrant of distress shall include the costs of the levy of such rates or arrears of rate: Provided always, that if no distress sufficient to satisfy the amount can be found within the jurisdiction of the justice by whom such warrant is granted, and it so appear upon oath before a justice of any other county or jurisdiction in which any goods or chattels of the defaulter may be, the last-mentioned justice shall endorse his signature upon the said warrant, and thereupon the amount to be levied or so much thereof as may be unsatisfied shall be levied off the last-mentioned goods and chattels in the same manner as if the defaulter had been assessed in the last-mentioned county or jurisdiction; and if any person quit or be about to quit any premises without payment of any rate then due from him in respect of such premises under this Act, and refuse to pay the same after lawful demand thereof in writing, any justice having jurisdiction where such person resides or his goods are found may and he is hereby empowered to summon him to

A.D. 1869.

appear at a time and place to be mentioned in the summons to show cause why the rate so due should not be paid, and in case the defaulter fail to appear, or no sufficient cause for nonpayment be shown, the justice may by warrant under his hand and seal cause the sum to be levied by distress of the goods and chattels of the defaulter.

Penalty upon constables refusing to levy.

**278.** Any constable authorized by any warrant of distress who shall neglect or refuse to make distress or sale pursuant to the same, after being required so to do by a collector of the borough, shall be liable to a penalty not exceeding five pounds.

Evidence of rates.

**279.** The production of the books purporting to contain any rate or assessment made under this Act shall alone and without any other evidence whatsoever be received as primâ facie evidence of the making and validity of the rates mentioned therein.

## Part XXII.—*Borrowing Powers.*

Power to raise money on credit of rates.

**280.** The Corporation may for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of this Act borrow and take up at interest on the credit of the charges and rates authorized to be made or collected under this Act any sums of money necessary for defraying any such costs, charges, and expenses, and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, the Corporation may mortgage to the persons by or on behalf of whom such sums are advanced the said charges and rates or any of them, but the exercise of the above power shall be subject to the following regulations:

(1.) Such money shall not be borrowed except for permanent works, nor without the approval of one of Her Majesty's Principal Secretaries of State:

(2.) The money so borrowed shall not at any time exceed in the whole the assessable value for one year of the premises assessable within the borough:

(3.) The money may be borrowed for such time not exceeding forty years as the Corporation determine in each case, and subject as aforesaid the Corporation may either pay off the monies so borrowed by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of exchequer bills or other Government securities, such sum as will be sufficient to pay off the monies so borrowed, or a part thereof, at such times as the Corporation may determine:

And in cases where the Corporation borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the borough to be liable, it shall be the duty of the Corporation as between the ratepayers of the borough to make good so far as they can the money so borrowed, as occasion requires, either out of private improvement rates or out of a rate levied in such part of the borough as aforesaid.

Public Works Loan Commissioners may make advances.

**281.** The Public Works Loan Commissioners may, if they shall think fit, make advances to the Corporation for the purposes of this Act upon the security of the rates to be levied by the Corporation under this Act and the other income to be received by the Corporation under this Act, or any of them, and without requiring any further or other security than a mortgage of such rates and income, or any of them.

Money may be borrowed at lower rates of interest to pay off securities bearing a higher rate.

**282.** If the Corporation can at any time borrow at a lower rate of interest than that secured by any mortgage previously made by them and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order, with the consent of the mortgagee, to pay off and discharge any of the securities bearing a higher rate of interest, and may charge the rates which they may be authorized to mortgage under this Act with payment of the sum so borrowed, together with the interest thereon, in such manner and subject to such regulations as are herein contained with respect to other monies borrowed upon mortgage.

Power to borrow money to pay off former mortgages.

**283.** If at the time appointed by any mortgage deed for payment of the principal money secured thereby the Corporation are unable to pay off the same, they may, if they shall think fit, borrow such sum of money as may be necessary for the purpose of paying off the whole or any part of the said principal monies, and may secure the repayment of the same, and the interest to be paid thereon, in the same manner in all respects as in the case of monies borrowed for defraying costs, charges, and expenses incurred by the Corporation in the execution of this Act.

Form of mortgage.

Register of mortgages.

**284.** Every mortgage authorized to be made under this Act shall be by deed truly stating the date and the time and place of payment, and shall be sealed with the common seal, and there shall be kept at the office of the Corporation a register of the mortgages upon each rate, and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof and of the names and description of the parties thereto as stated in the deed, and every such register shall be open to

A.D. 1869.

public inspection during office hours at the said office without fee or reward, and any clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

Transfer of mortgages.

Register of transfers.

**285.** Any mortgagee or other person entitled to any such mortgage may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and there shall be kept at the office of the Corporation a register of the transfers of mortgage charged upon each kind of rate, and within thirty days after the date of such deed of transfer if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom if executed elsewhere, the same shall be produced to the clerk, who shall upon payment of the sum of five shillings cause an entry to be made in such register of its date and of the names and description of the parties thereto as stated in the transfer, and upon any transfer being so registered the transferee, his executors, administrators, or assigns, shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby, and every such transferee may in like manner transfer his estate and interest in any such mortgage, and no person except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, shall be entitled to release or discharge any such mortgage or any money secured thereby.

Receiver may be appointed in certain cases.

**286.** If at the expiration of six months from the time when any principal money or interest has become due upon any mortgage of rates made under this Act, and after demand in writing, the same be not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to two justices, who are hereby empowered, after hearing the parties, to appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and the costs of collection, are fully paid, and upon such appointment being made all such rates or such competent part thereof as aforesaid shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee (if only one) or of all the mortgagees of such rates, and shall be rateably apportioned between them; provided always, that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one

thousand pounds, or unless a joint application be made by two or more mortgagees or other persons to whom there may be due after such lapse of time and demand as last aforesaid monies collectively amounting to that sum.

Mortgages and transfers to be stamped.

**287.** Every mortgage, bond, or other security for money, and every transfer of any share, stock, mortgage, bond, or other security for money, granted or made by virtue of this Act, shall be by deed duly stamped, wherein the consideration for the same shall be truly stated.

Existing mortgages to have priority.

**288.** All mortgages and securities granted by the Corporation before the passing of this Act on the borough fund or on the general district rates shall respectively have priority over all mortgages and securities granted by the Corporation under this Act on the same respective fund or property.

## Part XXIII.—*Byelaws.*

Byelaws of Corporation not to be in force till confirmed by Secretary of State.

**289.** All byelaws made by the Corporation under and for the purpose of this Act shall be in writing under the common seal, and the Corporation may by any such byelaws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding the sum of forty shillings for each day after written notice of the offence from the Corporation, and the Corporation may alter or repeal any such byelaws by any subsequent byelaws sealed as last aforesaid: Provided always, that all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided also, that no such byelaws shall be repugnant to the laws of England or to the provisions of this Act; and the same shall not be of any force or effect unless and until the same be submitted to and confirmed by one of Her Majesty's Principal Secretaries of State, who is hereby empowered to allow or disallow the same, as he may think proper: Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the public newspapers usually circulated within the borough one month at least before the making of such application, and for one month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Corporation, and be open during office hours thereat to the inspection of the ratepayers of the borough without fee or reward, and the clerk shall furnish every such ratepayer who shall apply

A.D. 1869.

for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words contained in such copy.

Byelaws to be printed, &c.

**290.** All byelaws made by the Corporation in pursuance of this Act shall be printed and hung up in the office of the Corporation, and copies thereof shall be delivered to any ratepayer of the borough upon his application for the same.

Existing byelaws continued for a time.

**291.** Any byelaws made under any Act which is repealed by this Act shall remain in force for six months after the commencement of this Act, if not sooner repealed by any byelaw made under this Act, but no longer.

## Part XXIV.—*Arbitration.*

Mode of referring to arbitration.

**292.** In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorized or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall appoint an arbitrator to whom the matter shall be referred; and every such appointment, when made on the behalf of the Corporation, shall be under the common seal, and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same, and after the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such matter shall have arisen, and notice in writing by one party, who has himself duly appointed an arbitrator, to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fail to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties; and the award of any arbitrator or arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all persons and to all intents and purposes whatsoever.

Death, &c. of one of several arbitrators.

**293.** If before the determination of any matter so referred any arbitrator die, or refuse or become incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead, and if he fail so to do for the space of seven days after notice in writing from the other party in that behalf, the remaining arbitrator may proceed ex parte, and every arbitrator so

appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made; and in case a single arbitrator die or become incapable to act before the making of his award, or fail to make his award within twenty-one days after his appointment, or within such extended time, if any, as shall have been duly appointed by him for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Act as if no former reference had been made.

Of single arbitrator.

Appointment of umpire by the parties.

**294.** In case there be more than one arbitrator, the arbitrators shall before they enter upon the reference appoint by writing under their hands an umpire, and if the person appointed to be umpire die or become incapable to act the arbitrators shall forthwith appoint another person in his stead, and in case the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the court of general or quarter sessions shall on the application of any such party appoint an umpire, and the award of the umpire shall be binding, final, and conclusive upon all persons and to all intents and purposes whatsoever; and in case the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time, if any, as shall have been duly appointed by them for that purpose, the matters referred to shall be determined by the umpire, and the provisions of this Act with respect to the time for making an award, and with respect to extending to the same in the case of a single arbitrator, shall apply to an umpirage.

By quarter sessions.

Time within which award must be made.

**295.** Provided always, that the time for making an award under this Act shall not be extended beyond the period of three months from the date of the submission, or from the day on which the umpire shall have been appointed (as the case may be).

Power to arbitrator to require production of documents.

**296.** Any arbitrator, arbitrators, or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath, and the costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or of the umpire (in case the matters referred are determined by an umpire under the power herein-before contained in that behalf), and any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts on the application of any party thereto.

As to costs of reference.

Submission may be made a rule of court.

A.D. 1869.

Declaration to be made by arbitrator and umpire.

**297.** Before any arbitrator or umpire shall enter upon any such reference as aforesaid he shall make and subscribe the following declaration before a justice of the peace; (that is to say,)

I *A.B.* do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under The Stockton-on-Tees Extension and Improvement Act, 1869.

*A.B.*

And such declaration shall be annexed to the award when made, and if any arbitrator or umpire shall wilfully act contrary to such declaration he shall be guilty of a misdemeanor.

## Part XXV.—*Appeal to Quarter Sessions.*

Appeal to quarter sessions.

**298.** Any person who shall think himself aggrieved by any rate made under the provisions of this Act, or by any order, conviction, judgment, or determination of, or by any matter or thing done by any justice or justices in any case arising under Parts III., IV., V., VI., XVIII., XX., or XXI. of this Act, in which the penalty imposed or the sum adjudged shall exceed the sum of twenty shillings, may appeal to the court of general or quarter sessions holden next after the making of the rate objected to or accrual of the cause of complaint, but the appellant shall not be heard in support of the appeal unless within fourteen days after the making and publication of the rate appealed against or accrual of the cause of complaint he give to the Corporation, or justice or justices by whose act he may think himself aggrieved, notice in writing, stating his intention to bring such appeal, together with a statement in writing of the grounds of appeal, and at the same time enter into recognizances with one or more surety or sureties to the satisfaction of the said justice or justices for payment as well of the sum (if any) then already ordered to be paid as of the costs and expenses attending such appeal, and the said court, upon hearing and finally determining the matter of the appeal, shall and may, according to its discretion, award such costs to the party appealing or appealed against as they shall think proper, and its determination in or concerning the premises shall be conclusive and binding on all persons to all intents and purposes whatsoever: Provided always, that if there be not time to give such notice and enter into such recognizance as aforesaid before the sessions holden as last aforesaid, then such appeal may be made to and such notice, statement, and recognizance be given and entered into for the next sessions at which the appeal can be heard: Provided also, that on the hearing of the

appeal no grounds of appeal shall be gone into or entertained other than those set forth in such statement as aforesaid.

Power of sessions upon appeals against rates.

**299.** The said court of general or quarter sessions shall, upon appeals under this Act against any rate, have the same power to amend or quash any rate or assessment and to award costs between the parties to the appeal as is or may by law be vested in any court of general or quarter sessions with respect to amending or quashing any rate or assessment, or awarding costs upon appeals with respect to rates for the relief of the poor, and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded upon the last-mentioned appeals: Provided always, that, notwithstanding the quashing of any rate appealed against, all monies charged by such rate shall, if the court before whom the appeal is heard think fit so to order, be levied as if no appeal had been made, and such monies when paid shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made.

No rate or proceeding to be quashed for want of form, &c.

**300.** No rate, nor any proceeding to be had touching the conviction of any offender against this Act, nor any order, award, or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Act, shall be vacated, quashed, or set aside for want of form, or be removed or removable by certiorari or other writ or process whatsoever into any of the superior courts.

## Part XXVI.—*Miscellaneous.*

Compensation in case of damage by Corporation.

**301.** Full compensation shall be made out of the general or special district rates to be levied under this Act to all persons sustaining any damage by reason of the exercise of any of the powers of this Act, and in case of dispute as to amount the same shall be settled by arbitration in the manner provided by this Act, or if the compensation claimed do not exceed the sum of twenty pounds the same may be ascertained by and recovered before justices in a summary manner.

Determining of cases involving less than 20*l.*

**302.** All questions referable to arbitration under this Act may, when the amount in dispute is less than twenty pounds, be determined by two justices in a summary manner, but the justices may, if they think fit, require that the work in respect of which the claim of the Corporation is made, and the particulars of the claim, be reported on to them by any competent surveyor, not being the surveyor of the Corporation, and the justices may determine the amount of costs incurred on that behalf, and by whom such costs or any part of them shall be paid.

A.D. 1869.

Costs of proceedings for recovery of rates to be included in warrants of distress.

**303.** Any justice who shall issue any warrant of distress for the recovery of any rate payable under this Act may order that the costs of the proceedings for the recovery of such rate shall be paid by the person failing to pay such rate, and such costs shall be ascertained by such justice and levied by distress, and the justice shall include in his warrant of distress for the recovery of the said rate the amount of such costs, and shall issue his warrant accordingly.

Jurisdiction where river bounds borough.

**304.** At any part where the boundary of the borough is in the river Tees (inclusive of that portion of the old navigable channel thereof which is now called Portrack Lake), the justices of the peace for the borough, both in and out of sessions, shall have jurisdiction over the part of the water bed and banks thereof up to high-water mark at ordinary spring tides which is beyond the borough, as if the same were entirely within the borough, but the jurisdiction conferred by this section shall be concurrent only and not exclusive.

Recovery of damages, penalties, &c.

**305.** In all cases in which the amount of any damages, costs, or expenses is by this Act directed to be ascertained or recovered in a summary manner, the same may be ascertained by and recovered before two justices, together with such costs of the proceedings as the justices may think proper, and if the sums adjudged be not paid by the party against whom the adjudication is made, the same may be levied by distress and sale of his goods and chattels by warrant under the hands and seals of the justices making the adjudication; and any penalty imposed by or under the authority of this Act, or any byelaw made under this Act, the recovery whereof is not otherwise expressly provided for, may, upon proof on oath of the offence in respect of which the penalty is alleged to have been incurred, be recovered before two justices, together with such costs of the proceedings as they may think proper, and if the sums adjudged be not paid by the party against whom the adjudication is made the same may be levied by distress and sale of his goods and chattels by warrant under the hands and seals of the justices making the adjudication; and such justices, or either of them, may order that any offender convicted as last aforesaid be detained and kept in safe custody until return can be conveniently made to the last-mentioned warrant, unless he give sufficient security by way of recognizance or otherwise for his appearance on the day appointed by the return, such day not being more than eight days from the time of taking the security, and if before issuing such warrant, or upon the return thereof, it appear to the satisfaction of the last-mentioned justices that no sufficient distress can be had within their jurisdiction, they may, by warrant under their hands and seals, cause the offender to be committed to gaol, there to remain without bail for

any term not exceeding three months, unless such penalty and costs be sooner paid.

Mode of proceeding before justices.

**306.** In proceeding before any justice or justices under the provisions of this Act in any case in which the mode of proceeding is not specially prescribed, any one justice may summon the party charged to appear before the justice or justices by whom the matter is to be determined at a time and place to be named, and upon the appearance of the party charged, or in his absence upon proof of service of the summons upon him personally, or by leaving a copy thereof at his last known place of abode or business, the last-mentioned justice or justices may hear and determine the matter, and for that purpose examine the parties or any of them and their witnesses on oath, and the costs of all such proceedings shall be in the direction of the last-mentioned justice or justices; and where in this Act any sum of money whatsoever is directed to be levied by distress and sale of the goods and chattels of any party, the overplus arising from such sale shall, after satisfying such sum and the costs and expenses of the distress and sale, be returned to him on demand; and no distress levied under the authority of this Act shall be unlawful, nor shall any party making the same be a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall he be a trespasser ab initio on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction in an action upon the case.

Distress, how to be levied.

Not unlawful for want of form.

Justices, though members of Corporation, may act under this Act.

**307.** Justices of the peace, being also members of the Corporation, may, if acting in petty sessions, notwithstanding their being such members, exercise the jurisdiction vested in them as such justices under this Act.

Common informers not to sue without consent of Attorney General.

**308.** No proceedings for the recovery of any penalty incurred under the provisions of this Act shall be had or taken by any person other than by a party grieved or the Corporation, or some officer of the said Corporation duly authorized in that behalf by the said Corporation, or some regularly constituted committee thereof, without the consent in writing of Her Majesty's Attorney General first had and obtained; and no such penalty shall be recovered unless proceedings for the recovery thereof shall have been commenced within six calendar months after the commission or occurrence of the offence upon which the penalty attaches, and if the application of the penalty be not otherwise provided for, one half thereof shall go to the informer and the remainder to the Corporation: Provided always, that if the Corporation, or one of

Proceedings for penalties to be taken within six months.

Application of penalties.

A.D. 1869.

the officers of the Corporation appointed as aforesaid, be the informer, they shall be entitled to the whole of the penalty recovered.

All fines, &c. under this Act to be paid to the treasurer.

**309.** All fines, penalties, and forfeitures to which the Corporation are entitled for any offences under this Act shall be paid to the treasurer of the borough, and those which arise under Parts III., IV., V., VI., VII., IX., XVII., XVIII., XX., or XXI. of this Act, or under byelaws relating to those parts, shall be carried to the district fund account, and all others to the borough fund.

Remedies for continuing penalties.

**310.** In all cases where by this Act any daily or other continuing penalty is imposed, either by itself or in conjunction with a fixed penalty, the said Corporation, or any officer of the Corporation authorized in that behalf, may at any time or times after any such continuing penalty shall have been adjudged, and from time to time thereafter until such continuing penalty shall cease to be payable by reason of the person convicted having remedied or altered, to the satisfaction of the Corporation, the original cause of complaint in respect of which the same was inflicted, prefer an information or complaint to a justice, who thereupon is hereby authorized and required to issue a summons to the person convicted requiring him to be and appear at a time and place to be named in such summons, to show cause why the sum in such summons specified should not be levied and recovered, and on the hearing of such summons any justice may make an order on the person summoned for payment of such a sum of money for or in respect of the continuing penalty up to the day named in the summons as to the justice shall seem right, together with the costs and expenses attending such summons and order, and the decision of such justice as to the sum due in respect of such continuing penalty shall be binding and conclusive on all parties, and if any person on whom such order shall be made and served (either personally or by leaving the same at his present or last known place of abode in England) shall for the space of fourteen days after the service thereof fail or neglect to pay the several sums therein ordered to be paid, the same shall and may be recovered in a summary manner: Provided always, that the Corporation may from time to time lay an information whenever any such continuing penalty amounts to the sum of forty shillings as herein-before directed, but no second or other information shall include any penalty which has been ordered to be paid by any previous order; and provided also, that no person shall be liable to be committed to prison a second time for any sum of money ordered to be paid, and on account of the nonpayment of which he has already been committed to prison, and there

remained during the time specified in the warrant of the justice by whom he was so committed.

Power of Corporation to direct prosecutions.

**311.** The Corporation may direct any prosecution for any public nuisance whatsoever which shall be committed or suffered within the borough, and for or concerning any resistance to the execution of this Act, or to the authority of any person acting under the same, and may direct and order the expenses of any such prosecution of which they shall defray the expense to be paid and borne out of the general district rates.

Liability to penalty not to relieve from other liabilities.

**312.** Notwithstanding the liability of any person to any penalty under the provisions of this Act, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.

Act not to affect present law as to nuisances.

**313.** Nothing in this Act shall be construed to render lawful any act, matter, or thing whatsoever which but for this Act would be deemed to be a nuisance, nor to exempt any person from any liability, prosecution, or punishment to which he would have been otherwise subject in respect thereof.

Existing liabilities to make sewers &c. not to be discharged.

**314.** Notwithstanding anything in this Act, the liability of any person whomsoever to defray or contribute towards the expense of making, completing, altering, amending, or maintaining any sewer, or any walls or works for protecting the land against the force or encroachments of the sea, or of paving or flagging or putting in order any street or part thereof within the borough, shall, if incurred previously to the commencement of this Act, continue and the same may be enforced as if this Act had not been passed, and the rates to be levied under this Act shall be made only for purposes to which such liability does not extend.

Officers under repealed Act to hold situations until removed.

**315.** The clerks, surveyors, collectors, and all other officers and servants appointed by virtue and in pursuance of the Stockton Act of 1852 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 resign or be removed therefrom respectively by the Corporation, and every such clerk, collector, surveyor, and other officer and servant shall continue in office and 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 appoint an officer of health.

**316.** The Corporation may from time to time, if they shall think fit, appoint a fit and proper person, being a registered medical

A.D. 1869.

practitioner, to be and be called the officer of health, who shall be removable by the Corporation, and the Corporation may pay to him out of the general district rates to be levied under this Act such remuneration by way of annual salary or otherwise as the Corporation may by order in writing determine and appoint.

Power to Corporation to appoint surveyor, inspector of nuisances, clerk, treasurer, &c.

**317.** The Corporation shall from time to time appoint fit and proper persons to be surveyor, inspector of nuisances, clerk, and treasurer for the purposes of this Act, and shall appoint or employ such collectors and other officers and servants as may be necessary and proper for the efficient execution of this Act, and shall make byelaws for regulating the duties and conduct of the several officers and servants so appointed or employed, and the Corporation may pay out of the general district rates to be levied under this Act to such officers and servants such reasonable salaries, wages, or allowances as the Corporation may think proper, and every such officer and servant shall be removable by the Corporation at their pleasure: Provided always, that the same person may be both surveyor and inspector of nuisances, but neither the person holding the office of treasurer nor his partner, nor any person in the service or employ of them or either of them, shall hold, be eligible to, or shall in any manner assist or officiate in the office of clerk, and neither the person holding the office of clerk nor his partner, nor any person in the service or employ of them or either of them, shall hold, be eligible to, or shall in any manner assist or officiate in the office of treasurer, and whosoever offends in any of the cases enumerated in this proviso shall forfeit and pay the sum of one hundred pounds, which may be recovered by any person with full costs of suit by action of debt.

Same person may be surveyor and inspector of nuisances, but not clerk and treasurer.

Penalty upon officers, &c. interested in contracts, or taking fees improperly.

**318.** No officer or servant appointed or employed by or under the Corporation shall in anywise be concerned or interested in any bargain or contract made with the Corporation for the purposes of this Act, and if any such officer or servant be so concerned or interested, or shall under colour of his office or employment exact, take, or accept any fee or reward whatsoever other than his proper salary, wages, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall forfeit and pay the sum of fifty pounds, which may be recovered by any person with full costs of suit by action of debt.

Officers, &c. intrusted with money

**319.** Before any such officer or servant enters upon any office or employment under this Act, by reason whereof he will or may

to give security, and to account.

be intrusted with the custody or control of money, the Corporation shall require and take from him sufficient security for the faithful execution of such office or employment, and for duly accounting for all monies which may be intrusted to him by reason thereof, and every such officer or servant employed in the collection of rates or other monies under the authority of this Act shall within seven days after he shall have received any sum on account of such rates or other monies pay over the same to the treasurer, and shall, as and when the Corporation may direct, deliver a list signed by him containing the names of all persons who have neglected or refused to pay any such rate or other monies, and the sums respectively due from them, and every officer and servant appointed or employed by or acting under the Corporation shall respectively, when and in such manner as shall be required by the Corporation, make out and deliver to them a true and perfect account in writing of all monies received by him for the purposes of this Act, and stating how, and to whom, and for what purpose such monies have been disposed of, and shall, together with such account, deliver the vouchers or receipts for all monies or payments made by him, and pay over to the treasurer all monies owing by him upon the balance of accounts; and if any such officer or servant fail to render such account, or to produce and deliver up such of the said vouchers and receipts as may be in his possession or power, or to pay over any such monies as aforesaid, or if for the space of five days after being thereunto required he fail to deliver up to the Corporation all papers and writings, property, effects, matters, and things in his possession or power relating to the execution of this Act or belonging to the Corporation, then and in every such case a justice shall, on complaint being made to him in that behalf, summon the party charged to appear and answer the complaint before two justices at a time and place to be specified in the summons, and upon the appearance of the party charged, or upon proof that the summons was personally served upon him or left at his last known place of abode or business, and if it appear to the last-mentioned justices that he has failed to render any such accounts or to produce and deliver up any such vouchers or receipts or any such papers, writings, property, effects, matters, or things as aforesaid, and that he still fails or refuses so to do, they may by warrant under their hands and seals commit the offender to gaol, there to remain, without bail, until he shall have rendered such accounts and produced and delivered up all such vouchers, receipts, books, papers, writings, property, effects, matters, and things in respect of which the charge was made, and if it appear that the party charged has

Summary proceedings may be taken in case of failing to account, &c.

A.D. 1869.

failed to pay over any such monies as aforesaid, and that he still fails or refuses so to do, the last-mentioned justices may by a like warrant cause the same to be levied by distress and sale of his goods and chattels, and in default of any sufficient distress commit him to gaol, there to remain without bail for a period of three months, unless such monies be sooner paid: Provided always, that if the complainant by deposition on oath show to the satisfaction of any justice that there is probable cause for believing that the party charged intends to abscond, such justice may without previous summons, by warrant under his hand and seal, cause him to be forthwith apprehended, and in such case the said party shall within twenty-four hours after apprehension be brought before the same or some other justice, who may order that he be discharged from custody if such justice think that there is no sufficient ground for detention, or that he be further detained until he be brought before two justices at a time and place to be named in the order, unless bail to the satisfaction of the justice be given for the appearance of the party before such two justices: Provided also, that no such proceeding shall be construed to relieve or discharge any surety of the offender from any liability whatsoever.

Provisions as to audit of accounts.

**320.** The accounts of the receipts and expenditure of the Corporation acting under this Act shall be audited and examined by the auditors of the borough, and shall be published in like manner and at the same time as the municipal accounts, and the auditors shall proceed in the audit after like notice, and in like manner shall have like powers and authorities, and perform like duties as in the case of auditing the municipal accounts, and each of such auditors shall in respect of each audit be paid out of the general district rates levied under this Act such reasonable remuneration, not being less than two guineas for every day in which they are employed in such audit, as the Corporation from time to time appoint, and any order of the Corporation for the payment of any money may be removed by certiorari, and like proceedings may be had thereon as under section 44 of the Act of the first year of Her Majesty, chapter seventy-eight, with respect to orders of the council of a borough for payments of the borough fund.

Making up accounts for audit.

**321.** Seven clear days at least before the day fixed for the audit of accounts of the Corporation acting under this Act they shall cause their rate books and other accounts to be made up and balanced, and the books and accounts so made up and balanced shall forthwith be deposited at the office of the Corporation for the inspection of owners and ratepayers, and the notice of audit shall

include a notice of such deposit of accounts, and any officer of the Corporation neglecting to make up such books and accounts, or altering such books and accounts, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable on conviction thereof to forfeit forty shillings, and any ratepayer or owner of property in the borough may, if he thinks fit, be present at the audit of the accounts of the Corporation acting under this Act, and may make any objection to such accounts before the auditor, and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances.

Contracts by Corporation.

**322.** The Corporation may enter into all such contracts as may be necessary for carrying this Act into execution, and every such contract whereof the value or amount shall exceed ten pounds shall be in writing, and sealed with the common seal, and shall specify the work, materials, matters, or things to be furnished, had, or done, the price to be paid, and the time or times within which the contract is to be performed, and shall fix and specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed, and every contract so entered into and duly executed by the other parties thereto shall be binding on the Corporation and upon all other parties thereto, and their executors, administrators, successors, or assigns, to all intents and purposes: Provided always, that the Corporation may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or in any bond, or otherwise, for such sums of money or other recompence as to the Corporation may seem proper: Provided also, that before contracting for the execution of any works under the provisions of this Act, the Corporation shall obtain from the surveyor an estimate in writing as well of the probable expense of executing the work in a substantial manner as of the annual expense of repairing the same, also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise: Provided also, that before any contract of the value or amount of one hundred pounds or upwards is entered into by the Corporation, ten days public notice at the least shall be given, expressing the nature and purpose thereof, and inviting tenders for the execution of the same, and the Corporation shall require and take sufficient security for the due performance of the same.

Composition for penalties in respect of breach of contracts.

Estimates to be made before commencing works.

As to contracts above the value of 100*l.*

A.D. 1869.

Penalty for obstructing officers defacing boards, &c.

**323.** Whosoever wilfully obstructs any member of the Corporation or any officer or person duly employed in the execution of this Act, or destroys, pulls down, injures, or defaces any board upon which any byelaw, notice, or other matter is inscribed, shall, if the same were put up by authority of the Corporation or of one of Her Majesty's Principal Secretaries of State, be liable for every such offence to a penalty not exceeding five pounds; and if the occupier of any premises prevent the owner thereof from obeying or carrying into effect the provisions of this Act, any justice to whom application is made in this behalf shall by order in writing require such occupier to permit the execution of the works required to be executed, provided that the same appear to such justice to be such as are necessary for the purpose of obeying or carrying into effect the provisions of this Act, and if within a reasonable time after the making of such order the occupier against whom it is made refuse to comply therewith he shall be liable to a penalty not exceeding five pounds for every day afterwards during the continuance of such refusal; and if the occupier of any premises, when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, any justice may, on oath made before him of such request and refusal, omission, or mis-statement, summon the party to appear before him or some other justice at a time and place to be appointed in such summons, and if after being so summoned he neglect or refuse to attend at the time and place so appointed, or if he do not show good cause for such refusal, or if such wilful omission or mis-statement be proved, the justice before whom the party is so summoned may impose upon the offender a penalty not exceeding five pounds.

Upon occupier preventing execution of works.

Occupier to disclose owner's name.

Penalty for injuring property of Corporation.

**324.** If any person wilfully injures any works or materials belonging to the Corporation, he shall in cases where no other penalty is provided by this Act incur for every such offence a penalty not exceeding five pounds.

Authentication of notice.

**325.** 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 duly authorized by and acting as and for the town clerk, or the clerk of the committee whose authentication is required, shall be a sufficient authentication.

Consent of Corporation to be in writing.

**326.** Whenever the consent, sanction, or approval or authority of the Corporation is required by the provisions of this Act, the same shall be in writing under their common seal.

Service of notice upon Corporation.

**327.** Any summons, notice, writ, or proceeding of any kind whatsoever to be served upon the Corporation, or on the council or any committee thereof, may be so served by being delivered personally to the mayor or town clerk or acting town clerk or clerk of the committee, or by being left at or sent through any post office, directed to the Corporation at their office, and in all cases in which any notice is by this Act required to be given to the owner or occupier of any premises it shall be sufficient to address the notice to them by the description of the "owner" or "occupier" (as the case may require) of the premises (naming them) in respect of which the notice is given, without further name or description; and the notice shall be served upon them or one of them, as the case may require, either personally or by delivering the same to some inmate of his or their place of abode, or in the case of the occupier (and also in case of the owner, if his place of abode be unknown,) upon any inmate of the last-mentioned premises, or if such premises be unoccupied, then in case the notice is required to be served upon the occupier (and in case of the owner also, if his residence be unknown,) it shall be sufficient to fix the notice upon some conspicuous part of the premises: Provided always, in the case of notices to the owner, that although his place of abode be known to the Corporation, yet if it be not within the borough it shall be sufficient for them to transmit any notice directed to him by name through the post.

Upon owners and occupiers.

Notice of action.

**328.** No writ or process shall be sued out against or served upon any officer or person acting under the direction of one of Her Majesty's Principal Secretaries of State, nor against the Corporation or any member thereof, or the officer of health, clerk, surveyor, inspector of nuisances, or other officer or person whomsoever acting under the direction of the Corporation, for anything done or intended to be done under the provisions of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at their or his office or usual place of abode, clearly and explicitly stating the cause of action and the name and place of abode of the intended plaintiff and of his attorney or agent in the cause, and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the last-mentioned notice, and unless such notice be proved the jury shall find for the defendant; and every such action shall be brought or commenced within six months next after the accrual of the cause of action and not afterwards, and shall be laid and tried in the county or place where the cause of action occurred and not elsewhere, and the

Limitation of actions.

Venue.

A.D. 1869.

defendant shall be at liberty to plead generally that the thing complained of was done or intended to be done under the provisions of this Act, and give this Act and all special matter in evidence thereunder; and any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within one month after service of such notice, and in case the same be not accepted may plead such tender in bar and (by leave of the court) with other plea or pleas, and if upon issue joined upon any plea pleaded to the whole action the jury find generally for the defendant, or if the plaintiff be nonsuited or discontinue, or if judgment be given for the defendant, then the defendant shall be entitled to full costs of suit and have judgment accordingly; and in case amends have not been tendered as aforesaid, or in case the amends tendered be insufficient, the defendant may, by leave of the court, at any time before trial pay into court such sum of money as he may think proper, and such order may be made by the court as in other cases of payment into court.

Tender of amends.

Money may be paid into court.

Persons acting in execution of Act not to be personally liable.

**329.** No matter or thing done or contract entered into by the Corporation, nor any matter or thing done by any member of the Corporation, or by the officer of health, clerk, surveyor, inspector of nuisances, or other officer or person whomsoever, acting under the direction of the Corporation, shall, if the matter or thing were done or the contract were entered into bonâ fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by the Corporation, member, officer of health, clerk, surveyor, inspector of nuisances, or other officer or person acting as last aforesaid, shall be borne and repaid out of the general district rates levied under the authority of this Act.

False evidence punishable as perjury.

**330.** Every person who upon any examination on oath under the provisions of this Act shall wilfully and corruptly give false evidence shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury.

Judges, &c. not disqualified.

**331.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act, or of any of the Acts of the Corporation, by reason of his being liable to any gas rent, meter hire, or other charge due to the Corporation, or by reason of his being a member of the council.

Rates, &c. to be recovered by distress.

**332.** All rates and sums due to the Corporation, and all damages, costs, and expenses by this Act directed to be paid, may be levied by distress after the defaulter has been duly summoned; and any justice, on application by the Corporation, may and shall issue his warrant accordingly.

Contents of summons, &c.

**333.** Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Costs of distress.

**334.** Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of recovery of the money to be levied be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Forms in schedule authorized.

**335.** The forms given in the fourth schedule to this Act may be used for or in respect of the purposes therein indicated, with such variations and additions as circumstances may require.

Application of general Acts.

**336.** The Nuisances Removal Act for England, 1855, the Diseases Prevention Act, 1855, the Act to amend the Acts for the Removal of Nuisances and Prevention of Diseases, the Sanitary Act, 1866, and every future Act for amending, altering, or extending those Acts or any of them, or the Public Health Act, 1848, the Local Government Act, 1858, the Local Government Act Amendment Act, 1861, or the Local Government Act Amendment Act, 1863, shall, subject to the following qualifications, extend and apply to the borough and the Corporation; (that is to say,)

(1.) Provisions of such Acts opposed to or restrictive of the provisions of this Act shall be of no force in the borough:

(2.) Wherever such Acts and this Act contain provisions for effecting the same or a similar object but in different modes, the Corporation may proceed under such general Acts or this Act.

Saving rights of the Bishop of Durham.

**337.** Nothing in this Act contained shall have the effect of severing or separating from the bishopric of Durham any lordship, manors, lands, tenements, hereditaments, mines, minerals, dues, profits, or emoluments, or of taking away, lessening, altering, or prejudicing any of the rights, privileges, powers, or authorities of the Bishop of Durham for the time being, but all such rights, privileges, powers, and authorities may be had, exercised, and enjoyed as if this Act had not passed.

Saving the rights of Tees Conservancy Commissioners, &c.

**338.** Nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any powers, authorities, privileges, or advantages whatsoever of or belonging to the Tees Conservancy Commissioners or any person or persons claiming under them.

Saving for general rights and remedies of Corporation.

**339.** Nothing in this Act shall take away or abridge any right, power, or authority which the Corporation have or may enjoy

A.D. 1869.

under the Municipal Corporation Acts or otherwise independently of this Act.

Saving the rights of the Stockton and Middlesborough Water Company.

**340.** Nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any of the powers, authorities, rights, privileges, or advantages whatsoever of or belonging to the Stockton and Middlesborough Waterworks Company or any person or persons claiming under them, but the same shall remain in as full force and effect as if this Act had not passed.

Saving the rights of the Crown.

**341.** Nothing contained in this Act or in any Act herein recited or referred to shall extend to authorize the Corporation to use or otherwise interfere with any land, soil, tenements, or hereditaments, or any rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the consent in writing of the Commissioner or Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues having the management and direction of the same premises first had and obtained for that purpose, and which such commissioner or commissioners is and are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed by Her Majesty, Her heirs or successors.

Copies of Act as printed by Queen's printers, with index, to be kept and sold.

**342.** The Corporation shall cause copies of this Act printed by the Queen's printers, with an index to the contents thereof in each copy, to be at all times after the expiration of one month from the commencement of this Act kept in the office of the town clerk, and shall allow all persons to inspect the same there, and to make copies and extracts therefrom on payment of a fee not exceeding one shilling, and copies of the said Act so printed shall be at all times as aforesaid sold at that office to all persons applying for the same at a price not exceeding that at which ordinary copies of this Act are sold to the public by the Queen's printers, and if at any time the Corporation fail to comply with the requisitions of this section they shall for every such offence be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which such failure continues.

Expenses of Act.

**343.** The costs, charges, and expenses attending or incident to the applying for and obtaining this Act shall be paid by the treasurer of the borough out of the borough fund and the district fund account, in equal shares and proportions.

# SCHEDULES referred to in the foregoing Act.

## THE FIRST SCHEDULE.

### Limits of the Borough.

The district comprised within the following metes and bounds, (that is to say,) a line commencing at Portrack Bridge, thence along the south and east sides of a brook called Lustrum Beck up to and as far as a point one hundred and eighty-eight yards in a direct line from the north side of a bridge called Hartburn Bridge, which crosses the Lustrum Beck on the turnpike road leading from Stockton to Darlington, and at which said point the said beck called Lustrum Beck runs entirely into the township of East Hartburn, thence along the boundary fence between the townships of East Hartburn and Stockton to the said turnpike road leading from Stockton to Darlington, thence along the north side of that turnpike road in an easterly direction to where such road meets the turnpike road leading from Stockton to Yarm, thence across such last-mentioned turnpike road and in a southerly direction along the east side of the said last-mentioned road to where the same is joined by the Stockton and Darlington branch of the North-eastern Railway, at which point a signal-post is placed belonging to the North-eastern Railway Company, then along the north boundary of that railway till it reaches the river Tees at the railway bridge, thence along the centre or mid-channel of the said river Tees till it reaches the bend in that river at the lower end of Blue House Point near Portrack (which bend was cut off from and ceased to form part of the navigable channel of the Tees by the Tees Navigation Company's Act of 1828), thence in a northerly or north-easterly direction along the centre or mid-channel of that portion of the old navigable channel of the Tees which is now called Portrack Lake until it reaches the said bridge at Portrack aforesaid, and thence along the western side of that bridge until it reaches the point of commencement.

## THE SECOND SCHEDULE.

### Names and Boundaries of Wards.

*South-east Ward.*

The boundary line of the south-east ward to commence at the centre or mid-channel of the river Tees, in the township of Stockton, where the stone bridge crosses that river, thence along the east side of the road leading from

A.D. 1869.

that bridge to the town of Stockton, thence along the east side of the High Street in Stockton aforesaid, including on such east side the Shambles and the Town Hall, then to the shop or dwelling house No. 25 on the east side of the said High Street and at the south-west corner of Bishop Street in Stockton aforesaid, thence along the south side of Bishop Street aforesaid to the point called the Bishop's Landing-place in the Tees, and thence southwards along the centre or mid-channel of the said river Tees to the said stone bridge over the same river.

*South-west Ward.*

The boundary-line of the south-west ward to commence at the centre or mid-channel of the said river Tees at the said stone bridge over the said river Tees, thence along the west side of the said road leading from that bridge to the town of Stockton aforesaid, thence along the west side of the said High Street to the point where the same meets Dovecot Street, being No. 130 in the High Street, thence along the south side of the said street called Dovecot Street, and along the south side of the road or footpath leading from thence in a westernly direction or north-westernly direction past Light Pipe Hall to the wooden bridge over the said brook called Lustrum Beck, and thence southwards along the eastern margin of the said Lustrum Beck to the before-mentioned point, one hundred and eighty-eight yards in a direct line from the north side of the said bridge called Hartburn Bridge, thence in the line before described from that point to the said railway bridge over the Tees, and thence along the centre or mid-channel of the said river Tees to the before-mentioned stone bridge over the same river.

*North-west Ward.*

The boundary line of the north-west ward to commence at the said wooden bridge over the said Lustrum Beck, and thence in an easternly direction along the north side of the said road or footpath leading from such wooden bridge to Dovecot Street aforesaid, thence along the north side of Dovecot Street and the west side of the said High Street, and so in a northernly direction along the west side of the road leading from Stockton aforesaid to Norton Bridge, and thence in a southernly and westernly direction along the east side of the said Lustrum Beck to the said wooden bridge before named.

*North-east Ward.*

The boundary line of the north-east ward to commence at Portrack Bridge aforesaid, running thence along the south side of Lustrum Beck aforesaid, where the same beck joins the east side of Norton Bridge aforesaid, thence in a southernly direction along the east side of the road leading from such last-mentioned bridge to Stockton aforesaid, thence along the east side of the said High Street to the south-west corner of the almshouses in Stockton, and thence in an easternly direction along Bishop Street and the Kennel at the south side of Thistle Green in Stockton till it meets the centre or mid-channel of the said river Tees at the said Bishop's Landing-place, and thence along the boundary line of the borough to its point of commencement at Portrack Bridge aforesaid.

# THE THIRD SCHEDULE.

## Market Tolls.

*Shambles.*

| | £ | s. | d. |
|---|---|---|---|
| Butchers stalls per quarter for occupation on Wednesdays and Saturdays for the use of the party taking only, and subject to the Corporation or their lessee of the tolls for the time being having the privilege of letting the same on the days when the same are not actually occupied by the quarterly tenant himself | 1 | 5 | 0 |
| If occupied on the Saturday only | 1 | 5 | 0 |
| When the stalls are let by the Corporation or their lessee as above: | | | |
| Each corner stall for a Wednesday only | 0 | 2 | 6 |
| Any other stall for a Wednesday only | 0 | 2 | 0 |
| Each corner stall for a Saturday only | 0 | 2 | 6 |
| Any other stall for a Saturday only | 0 | 2 | 0 |

*Dead Meat, Wholesale.*

| | | | |
|---|---|---|---|
| For every carcase of beef - per diem | 0 | 0 | 6 |
| For every quarter or piece | 0 | 0 | 2 |
| For every sheep, lamb, or pig | 0 | 0 | 2 |
| For every calf | 0 | 0 | 2 |

*Stallage and Standage in the open Market.*

| | | | |
|---|---|---|---|
| All stalls eight feet in length and four feet in breadth (covered), per diem | 0 | 0 | 9 |
| Ditto ditto (not covered) | 0 | 0 | 6 |
| Stalls of greater dimensions in proportion. | | | |
| Potato, vegetable, and fruit carts, each | 0 | 0 | 4 |
| Ditto ditto waggons, each | 0 | 0 | 6 |
| Standage on the ground for posts, glass, wooden ware, baskets, brooms, furniture, or other miscellaneous articles or things, for each space or compartment of the surface of the ground, per superficial yard thereof | 0 | 0 | 1 |
| For potatoes, vegetables, and fruit ditto | 0 | 0 | 1 |

*Baskets, Hampers, &c.*

| | | | |
|---|---|---|---|
| From every person exposing any article, matter, or thing for sale beyond the limits of the stall, stand, or bench, or defined compartment or space or surface of the ground allotted to them— | | | |
| For every basket, hamper, parcel, or quantity not containing more than one bushel | 0 | 0 | 1 |
| For every additional basket or portion thereof | 0 | 0 | $0\frac{1}{2}$ |

A.D. 1869.

*Itinerant Vendors.*

| | £ | s. | d. |
|---|---|---|---|
| For every person standing or walking in the market, whether with or without a hand-cart, and exposing commodities of any kind for sale, and not occupying any defined compartment or space of the surface of the ground - - - not exceeding | 0 | 0 | 6 |

*Shows, Booths, &c.*

| | | | |
|---|---|---|---|
| For every caravan, show, booth, public exhibition, roundabout, or swing, per superficial yard of ground occupied - not exceeding | 0 | 0 | 3 |

*Sales by Auction.*

| | | | |
|---|---|---|---|
| For furniture, implements of husbandry, and any other miscellaneous article or thing whatever - - - - - - | 0 | 2 | 0 |
| For horses, cows, or other beasts, whether brought in by the owners thereof or not - - - - - each lot | 0 | 1 | 0 |
| For every score of sheep, lambs, or pigs, or any fractional part thereof, exclusive of pens - - - - - - | 0 | 1 | 0 |
| For every additional score or fractional part thereof - - - - | 0 | 0 | 6 |
| For every hawker's cart or waggon or other carriage where goods are sold by what is termed Dutch auction or hand-selling - | 0 | 5 | 0 |

*Sheep.*

| | | | |
|---|---|---|---|
| For each pen not exceeding six head of sheep or lambs - - - | 0 | 0 | 6 |
| For every head above six in the same pen - - - - - | 0 | 0 | $0\frac{1}{2}$ |
| For lean or holding sheep or lambs in droves not penned, each head | 0 | 0 | $0\frac{1}{4}$ |

*Pigs.*

| | | | |
|---|---|---|---|
| For each pen not exceeding six head of swine or hogs - - - | 0 | 0 | 6 |
| For every head above six in the same pen - - - - - | 0 | 0 | $0\frac{1}{2}$ |

*Weighing Machines and Scales.*

| | | | |
|---|---|---|---|
| For weighing every cart or waggon - - - - - | 0 | 0 | 3 |
| For weighing every piece of meat or thing weighing more than twenty pounds avoirdupois - - - - - | 0 | 0 | 1 |
| For weighing every piece of meat or thing weighing not more than twenty pounds avoirdupois - - - - - | 0 | 0 | $0\frac{1}{2}$ |
| For every package of wool not exceeding twenty-eight pounds avoirdupois - - - - - - - | 0 | 0 | 2 |

# THE FOURTH SCHEDULE.

## FORMS.

### Notice as to Private Streets, &c.

The Corporation of Stockton-on-Tees, the
of of , to
the owner of certain premises fronting, adjoining, or abutting upon a
certain street called , within the said borough.

Whereas the said street is not sewered, levelled, paved, flagged, and channelled to the satisfaction of the above-named Corporation: And whereas your said premises front, adjoin, or abut on certain parts of the said street which required to be sewered, levelled, paved, flagged, and channelled: Now therefore the said Corporation hereby give you notice (in pursuance of the statute in that case made and provided) to sewer, level, pave, flag, and channel the same within the space of [*state the time*] from the date hereof, in manner following; (that is to say,) the sewers to be laid or made [*here describe the mode to be adopted and the material to be used,*] of the sizes and forms and at the rate or rates of inclination shown on the plans and sections of the works, as prepared by the surveyor of the Corporation.

Each gulley for surface draining, and its connexion with the sewer, to be placed as shown on the said plans, and to be constructed of the forms, materials, and dimensions as shown on the said plans.

A foundation for the carriageway and footway in the said street to be formed in the following manner [*here describe the mode to be adopted and the material to be used*], and the said carriageway and footway to be paved [*here describe the mode to be adopted and the material to be used*].

The channel stones to be [*here describe the mode to be adopted and the material to be used*], the curb or side stones to be [*here describe the mode to be adopted and the material to be used*].

The whole of the above-mentioned works to be executed by you in accordance with the plans and sections herein-before referred to, and now lying for inspection by you at the office of the Corporation, situate in street, in aforesaid, and the dimensions, widths, and levels shown thereon, and to be done in a good, workmanlike, and substantial manner, to the satisfaction of the said Corporation or their surveyor.

Dated this day of one thousand eight hundred
and

Town Clerk.

### Order to permit Execution of Works by Owners.

Borough of Stockton (to wit):

Whereas complaint hath been made to me, *E.F.*, esquire, one of Her Majesty's justices of the peace in and for the borough of Stockton, by *A.B.*, owner, within the meaning of the Stockton-on-Tees Extension and Improvement Act, 1869, of certain premises, to wit, a house [*as the case may be*], situate

A.D. 1869.

in street [*as the case may be*], in the parish of , in the said borough, that *C.D.*, the occupier of the said premises, doth prevent the said *A.B.* from obeying and carrying into effect the provisions of the said Act, in this, to wit, that he the said *C.D.* doth prevent the said *A.B.* from [*here describe the works generally, according to circumstances; for instance,* thus constructing and laying down in connexion with the said house a covered drain, so as to communicate with a [sewer *or* drain] of the Corporation of the borough of Stockton [*or* a sewer, *&c.* which the said Corporation are entitled to use, *as the case may require*], such sewer being within one hundred feet of the said house]: And whereas the said *C.D.* having been duly summoned to answer the said complaint, and not having shown sufficient cause against the same: And it appearing to me that the said works are necessary for the purpose of enabling the said *A.B.* to obey and carry into effect the provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the manner required by the said Act.

Given under my hand and seal this day of in the year of our Lord one thousand eight hundred and .

*E.F.* L.S.

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## MORTGAGE OF RATES.

BY virtue of the Stockton-on-Tees Extension and Improvement Act, 1869, the Corporation of the borough of Stockton, in consideration of the sum of paid to the treasurer of the said borough by *A.B.* of for the purposes of the said Act, do grant and assign unto the said *A.B.*, his executors, administrators, and assigns, such proportion of the rates arising or accruing by virtue of the said Act from [*the rates mortgaged*] as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates, to hold to the said *A.B.*, his executors, administrators, and assigns, from the day of the date hereof until the said sum of , with interest at the rate of per centum per annum for the same, shall be fully paid and satisfied. And it is hereby declared that the said principal sum shall be repaid on the day of at [*place of payment*].

Dated this day of one thousand eight hundred and .

(Common Seal.)

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## TRANSFER OF MORTGAGE.

I *A.B.* of in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain mortgage bearing date the day of , and made by the Corporation of

the borough of Stockton for securing the sum of , and interest thereon at per centum per annum, [*or if such transfer be by endorsement on the mortgage, insert, instead of the words immediately following the word* "assign," the within security,] and all my right, estate, and interest in and to the money thereby secured, and in and to the rates thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and

*A.B.* L.S.

---

CONVICTION.

Borough of Stockton (to wit):

BE it remembered that on the day of in the year of our Lord , *A.B.* is convicted before me [*or* us], one [*or* two] of Her Majesty's justices of the peace in and for the borough of Stockton, [*here describe the offence generally, and the time and place when and where committed, in the words of the Act, or as near thereunto as may be,*] contrary to the Stockton-on-Tees Extension and Improvement Act, 1869, and I [*or* we] do adjudge that the said *A.B.* hath forfeited for his said offence the sum of [*amount of penalty adjudged*], and that he do pay to *C.D.* the further sum of as and for his costs in this behalf.

Given under my hand and seal [*or* our hands and seals] the day and year first above written.

L.S.

(Signed)

L.S.

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INFORMATION AND COMPLAINT FOR RECOVERY OF CONTINUING PENALTY.

Borough of Stockton in the county of Durham (to wit):

THE information and complaint of the mayor, aldermen, and burgesses of the borough of Stockton, by

all authorized and empowered in that behalf, taken before me, the undersigned, one of Her Majesty's justices of the peace in and for the borough of Stockton, at Stockton aforesaid, this day of one thousand eight hundred and , who saith that on the day of one thousand eight hundred and , was duly convicted before two of Her Majesty's justices of the peace in and for the said borough, for

A.D. 1869.

that he the said on the day of one thousand eight hundred and , at the borough of Stockton aforesaid, unlawfully did [*here describe the offence*].

And the said was thereupon adjudged for his said offence to forfeit and pay the fine or penalty of , to be paid and applied according to law, and also to pay to the said , the complainant in that behalf, the sum of for his costs in that behalf. And it was further adjudged and ordered, that if the said several sums should not be paid [forthwith] on or before the day of then next, the same should be levied by distress and sale of the goods and chattels of the said , and in default of sufficient distress it was adjudged that the said should be imprisoned in the house of correction at for the space of , unless the said several sums, and all costs and charges of the said distress, and of the commitment and conveying of the said to the said house of correction, should be sooner paid. And that it was further adjudged and ordered that the said should forfeit and pay the further penalty or sum of for each and every day during which the said [*here describe offence as in conviction*], such last-mentioned penalty to be paid and applied according to law. And that the said offence and cause of complaint has not been remedied or abated, but has ever since the said day of one thousand eight hundred and been continued, and now exists, whereby the said has forfeited the sum of for and in respect of the said daily and continuing penalty, up to and including the day of the date hereof. And thereupon the said prays judgment in the premises, and that the said may be summoned to show cause why the said daily or continuing penalty or sum of , or such other sum as the justice or justices before whom this information and complaint shall be heard shall think right, should not be forthwith levied and recovered in manner directed by "The Stockton Act, 1869."

Taken before me, the day and year above written, at the borough of Stockton in the county aforesaid.

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SUMMONS UPON LAST-MENTIONED INFORMATION AND COMPLAINT.

Borough of Stockton in the county of Durham, to wit:

To of in the county of

WHEREAS information has this day been laid before me, the undersigned, one of Her Majesty's justices of the peace in and for the borough of Stockton aforesaid, by , of Stockton aforesaid, for and on behalf of the mayor, aldermen, and burgesses of the said borough of Stockton, and duly authorized and empowered in this behalf, for that on the day of one thousand eight hundred and , you the said were duly convicted before two of Her Majesty's justices of the peace in and

for the said borough, for that you the said on the day of one thousand eight hundred and , at the borough of Stockton aforesaid, unlawfully did [*here describe the offence*]. And you the said were thereupon adjudged for your said offence to forfeit or pay the fine or penalty of , to be paid and applied according to law, and also to pay to the said complainant in that behalf the sum of for his costs in that behalf. And it was further adjudged and ordered that if the said several sums should not be paid [forthwith] on or before the day of then next, the same should be levied by distress and sale of the goods and chattels of you the said , and in default of sufficient distress it was adjudged that you the said should be imprisoned in the house of correction at for the space of , unless the said several sums, and all costs and charges of the said distress, and of the commitment and conveying of you the said to the said house of correction, should be sooner paid. And that it was further adjudged and ordered, that you the said should forfeit and pay the further penalty or sum of for each and every day during which the said [*here describe the offence as in conviction*] , such last-mentioned penalty to be paid and applied according to law. And that the said offence and cause of complaint has not been remedied or abated, but has ever since the said day of one thousand eight hundred and been continued, and now exists, whereby you the said have forfeited the sum of for and in respect of the said daily and continuing penalty, up to and including the day of the date hereof:

These are therefore to command you, in Her Majesty's name, to be and appear on the day of instant [next], at the justice room in the town hall in Stockton aforesaid, before such justice or justices of the peace for the said borough as may then be there, to show cause why the said daily or continuing penalty or sum of , or such other sum in respect of such daily or continuing penalty as to such justice or justices shall seem right, shall not be forthwith levied and recovered in manner directed by "The Stockton-on-Tees Extension and Improvement Act, 1869," and to be further dealt with according to law.

Given under my hand and seal this day of one thousand eight hundred and at the borough of Stockton aforesaid.

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CONVICTION ON LAST-MENTIONED INFORMATION.

Borough of Stockton in the county of Durham (to wit):

BE it remembered that on the day of one thousand eight hundred and , of in the county of , is convicted before us, the undersigned, two of Her Majesty's justices of the peace for the borough of Stockton aforesaid,

A.D. 1869.

for that he the said having been heretofore, (to wit) on the day of one thousand eight hundred and , duly convicted before esquires, two of Her Majesty's justices of the peace in and for the borough of Stockton, for that he the said [*here describe the offence and the adjudication*].

And whereas it is now duly proved before us, the said justices, that the said offence and cause of complaint has not been remedied or abated, but has, ever since the said day of one thousand eight hundred and been continued: And we, the said justices, do hereby adjudge and order that the said shall forfeit and pay the further penalty or sum of as and for a daily and continuing penalty in respect of the said offence so by him continued as aforesaid, such last-mentioned penalty or sum to extend and be applicable to the said so continued as aforesaid from the said day of to and including the said day of , such last-mentioned penalty to be paid and applied according to law: And also to pay to the said , the complainant in this behalf, the sum of as and for his further costs in this behalf: And we do further adjudge and order, that if the said above-mentioned penalty and costs shall not be paid [forthwith] on or before the day of , the same shall be levied by distress and sale of the goods and chattels of him the said , and in default of sufficient distress we hereby adjudge that the said shall be imprisoned in the house of correction at Durham, in the said county, unless the said several sums, and all costs and charges of the said distress, and of the commitment and conveying of the said to the said house of correction, shall be sooner paid.

Given under our hands and seals the day and year first above mentioned, at the borough of Stockton aforesaid.

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DISTRESS WARRANT.

To *A.B.* , collector of rates, and to all constables and peace officers.

Borough of Stockton (to wit):

WHEREAS complaint hath been duly made by *A.B.* one of the collectors for the borough of Stockton, under and by virtue of "The Stockton-on-Tees Extension and Improvement Act, 1869," that *C.D.*, of *&c.* hath not paid and hath refused to pay the sum of duly assessed upon him in and by a certain rate bearing date on or about the day of in the year of our Lord one thousand eight hundred and , although the same hath been duly demanded of him: And whereas it appears to me, *E.F.*, esquire, one of Her Majesty's justices of the peace in and for the said borough, as well upon the oath of the said *A.B.* as otherwise, that the said sum of hath been duly demanded in writing by him from the said *C.D.* , and that the said

hath refused to pay the same for the space of fourteen days after such demand made, and doth refuse to pay the same: And whereas the said *C.D.* hath been duly summoned to appear before me to show cause why the said sum should not be paid by him, and not having shown to me any sufficient cause why the same should not be paid, these are therefore, in Her Majesty's name, to command you to levy the said sum of , and also the sum of , the costs of proceeding to obtain this warrant, by distress and sale of the goods and chattels of the said *C.D.* , and your reasonable charges of taking, keeping, and selling the said distress, rendering to him the overplus (if any) on demand, and if sufficient distress cannot be found of the goods and chattels of the said *C.D.* that then you certify the same to me, together with this warrant, to the end that such further proceedings may be had therein as to the law doth appertain.

Given under my hand and seal the day of in the year of our Lord .

(Signed) *E.F.* L.S.

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