CHAP. cxiii.

An Act for extending the limits of the district under the authority of the West Hartlepool Improvement Commissioners, and for making better provision for the improvement and government of the extended district; and for other purposes. [4th July 1870.]

A.D. 1870.

WHEREAS by the West Hartlepool Improvement Act, 1854, (in this Act called the Improvement Act of 1854,) provision was made for the paving, lighting, watching, draining, cleansing, regulating, and improving of a district consisting of the town of West Hartlepool and other parts of the township of Stranton in the county of Durham, and for providing a cemetery for the same, and for other purposes connected therewith, and by that Act a body of elective Commissioners was constituted and incorporated: 17 & 18 Vict. c. xli.

And whereas on the seventeenth day of May 1859 the Commissioners exercised the power of partial adoption of the Local Government Act, 1858:

And whereas subsequently the Commissioners adopted the whole of the Local Government Act, 1858, and became a local board under that Act:

And whereas by a provisional order dated the tenth day of May 1866, and confirmed by the Local Government Supplemental Act, 1866 (No. 3), many of the provisions of the Improvement Act of 1854 were wholly or partially repealed, and especially provisions thereof incorporating the Commissioners Clauses Act, 1847, and the Towns Improvement Clauses Act, 1847, were as to that incorporation partially repealed:

And whereas it is highly inconvenient for the district that there should be in force therein a variety of provisions affecting the improvement and government of the district 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

A.D. 1870.

therefore expedient to consolidate enactments in force relative to the improvement and government of the district 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 Commissioners relative to matters comprised in those enactments, and to other matters of local government:

And whereas it is expedient that the district of the Improvement Act of 1854 be extended so as to comprise a further portion of the township of Stranton and a portion of the township of Seaton Carew in the county of Durham (which extended district is in this Act called the improvement district):

And whereas it is expedient that the Commissioners be empowered to make an improvement of a street in the township of Stranton, and for that purpose to take lands by compulsion or agreement:

And whereas it is expedient that the Commissioners be authorised to borrow further sums for the purposes of this Act:

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

And whereas plans and sections describing the lines, situations, and levels of the proposed improvement of a street, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of the proposed improvement, or within the limits of deviation as defined on the plans and describing those lands, have been deposited with the clerk of the peace for the county of Durham (which are in this Act referred to as the deposited plans, sections, and book of reference):

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,)

I.—Preliminary.

Short title.

1. This Act may be cited as The West Hartlepool Extension and Improvement Act, 1870.

Commencement of Act.

2. This Act shall commence from and immediately after the thirty-first day of August one thousand eight hundred and seventy.

Interpretation of terms.

3. In this Act—

The term "person" includes an incorporated company and a corporation aggregate or sole:

The term "justice" means a justice of the peace for the county of Durham or a stipendiary justice appointed under the Act of the session of the ninth and tenth years of the reign of Her present Majesty, chapter sixty-five, or under any other Act for the time being in force:

The term "two justices" means two or more justices assembled and acting together in petty sessions or a stipendiary justice:

The term "court of quarter sessions" means the court of general or quarter sessions for the county of Durham:

The term "Established Church" means the Church of England as by law established:

The term "the Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The term "street" applies to and includes any highway or road (not being a turnpike road or railway), and any 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 improvement district, whether made before or after the commencement of this Act:

The term "owner" means the person who for the time being receives the rackrent of the lands with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any other person, or who would so receive the same if the lands were let at a rackrent, and includes every successive owner from time to time of the lands for any part of the time during which the enactment wherein that term is used operates in relation to such lands:

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

The term "drain" means a drain pipe, channel, or gutter made or used for the drainage of one building only, or of buildings or lands within the same curtilage:

The term "sewer" means a culvert or channel for the passage of water, sewage, or refuse, not being a drain as in this Act defined:

The term "water rent" includes every sum of money payable for a supply of water:

The term "slaughter-house" includes a knacker's yard and any building or place used for slaughtering or dressing animals for sale:

A.D. 1870.

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

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

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

The term "article" includes any commodity, and also any animal comprised in the definition of cattle in this Act:

The term "driver" means the driver, conductor, or carter of a carriage or cart:

And in this Act and in any Act incorporated wholly or in part with this Act 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 the term "superior courts" shall include courts of competent jurisdiction within the meaning of this Act.

Effect of schedules.

4. The schedules to this Act shall be construed and have effect as part of this Act.

Repeal and discontinuance of enactments, &c. as in schedule.

5. From and after the commencement of this Act, the Acts described in the first schedule to this Act, Part I., shall be repealed, and the Acts or parts of Acts described in the same schedule, Part II., shall cease to apply to the improvement district.

8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., and 32 & 33 Vict. c. 18. incorporated.

6. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 shall be incorporated with this Act, and for the purposes of such incorporation the term "the promoters of the undertaking" in the said Acts shall be construed to mean the Commissioners acting in the execution of this Act.

Limits of Act.

7. The limits of this Act, in this Act otherwise called the improvement district, comprise the following districts; (namely,)

First. The district of the Improvement Act of 1854, which is particularly described in the second schedule to this Act, Part I., and which is in this Act called the original district: and

Secondly. The district described in the same schedule, Part II., which is in this Act called the additional district.

Custody of plan deposited.

8. The clerk of the peace for the county of Durham shall retain the plan mentioned in the second schedule to this Act, Part I., and the Act passed in the first year of Her Majesty's reign, chapter eighty-three, shall apply thereto.

Application of Act.

9. This Act shall (except where it is expressly provided otherwise) apply to and within the improvement district exclusively.

II.—Constitution and Election of Commissioners.

Incorporation of Commissioners.

10. There shall be Commissioners for the purpose of carrying this Act into execution, and such Commissioners for the time being shall be a body corporate by the name of the West Hartlepool Improvement Commissioners, and by that name shall have perpetual succession and a common seal, and shall have power to sue and be sued, and to take, purchase and hold, sell and convey lands, tenements, hereditaments, goods, chattels, and other property for any of the purposes of this Act.

Their number.

11. The number of Commissioners shall be fifteen.

First Commissioners.

12. The first Commissioners shall be the persons named in the third schedule to this Act.

Qualification of Commissioners.

13. Every Commissioner to be elected under this Act shall have the following qualification; (that is to say,)

(1.) He shall be of the age of twenty-one years or upwards; and

(2.) He shall be a resident within the limits of this Act, and rated under the provisions of the same for any messuages, lands, tenements, or hereditaments within those limits to the annual value of twenty pounds or upwards; or

(3.) He shall (whether so resident or not) be seised or entitled in possession for his own use and benefit of or to an estate, legal or equitable, in messuages, lands, tenements, or hereditaments of any tenure whatsoever within the limits of this Act, the owner or occupier, or owners or occupiers of which shall in respect thereof be rated as aforesaid to the annual value of thirty pounds or upwards, or of or to the rents and profits thereof, for his own life or for the life or lives of any other person or persons, or for a term of years either absolute or determinable on his own life or on the life or lives of any other person or persons, of which term not less than thirteen years shall be unexpired, or for any greater estate or interest.

Qualification of voters.

14. Every owner of land or tenements within the limits of this Act, whether he is rated or not as in this section is mentioned, and every person who and every corporation or company which at the first election of Commissioners under this Act shall be rated, and at any future election of Commissioners shall have been rated for one whole year to the improvement rate by this Act authorised to be levied, and shall, seven days at least before the day of election of the Commissioners, have paid all the said rates which shall have become payable by him or them in respect of such improvement

A.D. 1870.

rate six months or upwards before such election, shall be entitled to vote at every election of Commissioners under this Act, according to the scale of voting in this Act prescribed; and every corporation or company who shall be entitled to vote may nominate some person to vote for such corporation or company at such election, and such person shall be entitled to vote accordingly; provided that no owner or occupier of land or property in respect of which rating under this Act is by this Act limited to one fourth only of the full annual value thereof shall be entitled to vote at such election in respect of more than one fourth of such rating value.

Owners as well as ratepayers to have votes.

15. In every case of voting under this Act the owner as well as the ratepayer in respect of any lands or tenements shall be entitled to vote, and for the purpose of ascertaining the number of votes to which each owner shall be entitled, the aggregate amount of the assessment for the time being of any property belonging to such owner within the limits of this Act, or on any person or persons in respect of the same, to the improvement rate by this Act authorised to be levied shall be deemed to be the annual value of such property to such owner, and where any such owner shall be the bonâ fide occupier of any such property, he shall be entitled to vote as well in respect of his occupation as of his being such owner; provided that nothing in this section shall in any manner affect the scale of voting or limitation as to annual value in relation to voting before in this Act mentioned.

Scale of voting in schedule.

16. The scale of voting for the election of Commissioners shall be that set forth in the fourth schedule to this Act.

Persons jointly rated.

17. Where two or more persons are jointly rated in respect of any property, each of them shall, subject to the provisions of this Act, be eligible to be chosen a Commissioner, provided the property in respect of which they are rated is of a rateable yearly value which when divided by the number of persons so rated will give to each a sufficient rateable yearly value according to the provisions of this Act.

Same property not to give two qualifications.

18. The same property shall not at the same time give a qualification as Commissioner to one person as the owner and to another as the occupier thereof.

No bankrupt or insolvent to be a Commissioner.

19. A bankrupt or insolvent or person not qualified as required by this Act shall be incapable of being or continuing a Commissioner.

No person holding office or concerned in a contract

20. Any person who at any time after his appointment or election as a Commissioner accepts or continues to hold any office or place of profit under this Act, or is concerned or participates in any

manner in any contract or in the profit thereof or of any work to be done under the authority of this Act, shall thenceforth cease to be a Commissioner, and his office shall thereupon become vacant.

to be a Commissioner.

21. Provided always, that no person being a shareholder or member of any company established by or under special or general Act of Parliament shall be prevented from acting as a Commissioner by reason of any contract entered into between such company and the Commissioners, but no such Commissioner being a member of such company shall vote on any question relating to the execution of this Act in which such company is interested.

Shareholders in companies not disqualified.

22. A person shall not be incapable of acting as a justice of the peace in the execution of this Act with reference to the levying of any penalty thereunder by reason of his being a Commissioner.

Commissioner not incapable of acting as a justice.

23. A person shall be incapable of acting as a Commissioner except in administering the declaration in this section mentioned until he has made and signed before one of the Commissioners a declaration to the effect following:

Declaration by Commissioners.

'I *A.B.* do solemnly declare, that I will faithfully and impartially 'according to the best of my skill and judgment execute all the 'powers and authorities reposed in me as a Commissioner by virtue 'of the West Hartlepool Improvement Act, one thousand eight 'hundred and seventy, and also that I [*here set forth a statement 'of the possession of the qualification required by this Act in the 'terms thereof*].'

24. If any person falsely or corruptly makes and subscribes the declaration aforesaid knowing the same to be untrue in any material particular he shall be deemed guilty of a misdemeanor.

False declaration a misdemeanor.

25. Every person elected or appointed a Commissioner shall at the meeting of Commissioners at which he first attends as a Commissioner make and subscribe the declaration herein required; and any Commissioner, whether he himself have made such declaration or not, may administer such declaration.

Declaration to be taken at the first meeting.

26. Every person who shall act as a Commissioner, being incapacitated or not duly qualified to act, or before he has made or subscribed such declaration as aforesaid, or after having become disqualified, shall for every such offence be liable to a penalty of fifty pounds, and such penalty may be recovered by any person, with full costs of suit, in any of the superior courts, and in every such action the person sued shall prove that at the time of so acting he was qualified and had made and subscribed the declaration aforesaid, or he shall pay the said penalty and costs, without any other evidence

Penalty on Commissioner not being qualified acting.

A.D. 1870.

being required from the plaintiff than that such person had acted as a Commissioner in the execution of this or the special Act; nevertheless all acts as a Commissioner of any person incapacitated or not duly qualified, or not having made or subscribed the declaration aforesaid, done previously to the recovery of the penalty, shall be as valid as if such person had been duly qualified.

Commissioner neglecting to act to cease to be one.

27. Every Commissioner who for the space of six months after his appointment neglects to make and subscribe the declaration herein-before required, or who for six months in succession is absent from all meetings of the Commissioners, shall be deemed to have refused to act and shall cease to be a Commissioner.

Rotation of Commissioners.

28. On the twenty-fifth day of March in every year one third of the Commissioners, being those who have been longest in office, shall go out of office, and in each instance the places of the retiring Commissioners shall be supplied by the election of a like number of Commissioners in the manner in this Act provided, and as regards the first Commissioners, their going out of office shall be regulated in manner following; that is to say, as to the twelve persons first named in the third schedule to this Act, by the times of their election under the Improvement Act of 1854, and as to the remaining three persons according to the order in which their names stand in the said third schedule.

Commissioners eligible to be re-elected.

29. Every Commissioner going out of office by rotation or otherwise ceasing to be a Commissioner may be re-elected, and after such re-election he shall with reference to going out by rotation be considered as a new Commissioner.

Mode of supplying occasional vacancies.

30. If any of the Commissioners die or resign, or be disqualified, or cease to be a Commissioner from any other cause than that of going out of office by rotation, the remaining Commissioners, if they think fit, may within one month from the happening of such vacancy elect another Commissioner in his place, and every Commissioner so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

Annual meeting for election of Commissioners.

31. For the purpose of electing Commissioners from time to time in the place of those who go out by rotation, a meeting of the persons entitled to vote at such election shall be held at the principal office of the Commissioners on the twenty-fifth day of March in each year (unless the same is a Sunday or Good Friday, or a day appointed for a general fast, humiliation, or thanksgiving, in which case the next following day shall be substituted), of which meetings

and the time and place of holding the same public notice shall be given by the clerk by advertisement, and also by placards affixed on the principal doors of the parish churches or other public places in the improvement district seven clear days at the least before the day of election, and at such meeting or meetings the election of Commissioners shall take place as in this Act mentioned.

Returning officer at elections.

32. The returning officer to act at the election of Commissioners shall be the chairman of the Commissioners, but in case of the death of such chairman, or of his declining or becoming incapable or unable to act, the Commissioners shall appoint another of their body to be the returning officer in his place, and the clerk to the Commissioners shall, two days at least before each election, by advertisement, placard, or otherwise, give public notice of every such appointment.

Returning officer to appoint poll clerks.

33. At every such election of Commissioners the Commissioners shall cause to be printed a sufficient number of voting papers in blank, and shall furnish them to the returning officer for the use of the voters, and if it appear to the returning officer at any election expedient so to do, he may cause booths to be erected or rooms to be hired and used as booths for taking the poll at such election, and he shall in such case appoint a clerk to take the poll at each booth, and public notice of every election, and of the situation of the different polling places, and of the place where voting papers may be procured by electors, shall be given by the returning officer two days at least before the commencement of the poll.

Alphabetical list of voters.

34. One month at least before any such election of Commissioners the Commissioners, to enable the returning officer to take the poll conveniently at such election, shall cause an alphabetical list to be made out of the names of the persons entitled to vote at such election as they appear in the rates made for the purposes of this Act; and they shall deliver to the returning officer for the time being a sufficient number of copies of the list so prepared to enable the returning officer to take the poll at the election, and they shall defray the expense of making such list and copies out of the rates payable to them under this Act, and they shall furnish a copy of such list to each ratepayer requiring the same on payment of one shilling.

Returning officer may summon rate collector, &c.

35. The returning officer may summon the overseers or inspectors of the poor, collectors, and other officers employed in the assessment or collection of the rates, to attend the election, in order to assist in ascertaining that the persons presenting themselves to vote or who have voted are or were duly qualified to vote at such election, and

A.D. 1870.

such overseers or inspectors, rate collectors, or other officers shall attend with the rates and such other documents necessary for the purpose aforesaid as may be in their custody or power at such places and at such times as the returning officer may direct, and shall answer all such questions as any presiding officer at the poll shall put to them respecting the title of any person to vote at the election; and any overseer or inspector, rate collector, or other officer who shall wilfully neglect or fail to perform the duties hereby imposed upon him shall for such neglect or failure be liable to a penalty not exceeding twenty pounds.

Penalty on rate collector, &c. for neglect.

Mode of voting at elections.

36. At every such election of Commissioners the voting shall commence at nine of the clock in the forenoon of the day fixed for the election as aforesaid, and shall finally close at four of the clock in the afternoon of the same day (unless in case of riot or obstruction), and shall be conducted in manner following; (that is to say,) every person entitled to vote may vote for any number of persons having the prescribed qualification (not exceeding the number of Commissioners then to be chosen) by delivering to the presiding officer at the poll a voting paper containing a description of his qualification to vote, and also the names of the persons for whom he votes, such paper being previously signed with the name of the person voting, and the poll clerk shall thereupon openly record such vote in the poll book, and the voting paper shall be carefully preserved by the presiding officer, and the presiding officer shall, if he thinks fit, or if he be required so to do by any person entitled to vote at the said election, put to any voter other than a person nominated to vote for any corporation or company at the time of his delivering in his voting paper the following questions, or either of them:

1. Are you the person assessed as *A.B.* on the [ ] rate [*specifying the rate which confers the right to vote*] in respect of property described to be situated in [*here specify the street, &c. as described in the rate*]?

Or, if the voter claim to vote as the owner of property,

Are you the person described as the owner of the property mentioned in [ ] rate [*specifying the rate*], and described as being situated in [*here specify the street, &c. as described in the rate*]?

2. Have you already voted at the present election?

And no person required to answer either of the said questions shall be permitted or qualified to vote until he has answered the same, and if any person wilfully make a false answer to either of the questions aforesaid he shall be deemed guilty of a misdemeanor.

Poll may be closed if no voting paper be tendered for one hour.

37. The presiding officer at any place of voting may close the voting or poll at any time before four of the clock, if one hour have elapsed during which no voting paper has been tendered at such place of voting.

Returning officer to examine poll books and declare the poll.

38. After the close of the poll the returning officer shall examine the poll books, and if necessary compare the entries therein with the rate book and with the voting papers so delivered as aforesaid, for the purpose of ascertaining the number of votes given for each person, and so many of such persons, being not more than the number of persons then to be chosen, and having the prescribed qualification, as shall have the greatest number of votes shall be deemed to be elected; and in case of an equality in the number of votes for any two or more such persons, the presiding officer shall, if necessary to prevent an excess in the number of Commissioners, decide by lot which of such persons shall be elected, and the presiding officer shall, not later than two of the clock in the afternoon of the day next but one following the day of such election, unless such day be Sunday, and then on the day following, publish a list of the names of the persons so elected, and he shall also send a notice to each person so elected informing him of his being elected a Commissioner.

Voting papers to be open to inspection for six months after each election.

39. Within four days after every election the returning officer shall deliver the voting papers delivered as aforesaid with the poll books to the clerk to the Commissioners, and such clerk shall during six months at least after every such election keep such voting papers and poll books at his office, and shall permit any person to inspect the same on payment of a fee of one shilling, and if such clerk shall refuse or fail to allow such inspection he shall for every such refusal or failure be liable to a penalty of ten pounds.

If no election on day appointed it may be made on a subsequent day.

40. If from any cause no election take place on the day appointed for the same, the election shall stand adjourned until the same day of the following week, and the returning officer shall give not less than three days previous notice thereof, by advertisement or by placards affixed in public places in the improvement district, and in such case the Commissioners who would on that day have retired from office by rotation shall continue in office until such adjourned election takes place.

Election not to be void for want of title in presiding officer.

41. An election of Commissioners shall not be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such election shall have been held, provided that such person have been actually appointed to preside, or

A.D. 1870.

have been acting in the office giving the right to preside at such election.

Expenses of presiding officer to be paid out of rates levied.

42. All expenses of or incident to any election incurred by the returning officer or presiding officer shall be repaid to them by the Commissioners out of the moneys arising from the rates authorised to be levied for the purposes of this Act, and all overseers and other parochial officers or other persons shall be in like manner paid a reasonable remuneration for attendance at the election with rate books, and for any other services performed in relation to such election, and any dispute respecting the amount of such expenses and remuneration shall be determined by a justice, who shall have power also to fix the costs attending such determination, and to order by whom the same shall be paid.

First meeting of the Commissioners.

43. The Commissioners shall hold their first meeting at some convenient place within the limits of this Act on the second Tuesday next after the commencement thereof, or as soon after such period as conveniently may be, at the hour of three of the clock in the afternoon, and shall proceed to put this Act into execution.

Election of chairmen of meetings.

44. At the first meeting of the Commissioners they shall by the majority of the votes of the Commissioners present elect one of their body to be their chairman until the next annual meeting of the Commissioners, when and at every subsequent annual meeting the Commissioners shall in like manner elect a chairman for the ensuing year, and in case the chairman die or resign or cease to be a Commissioner, or otherwise become disqualified to act as such, the Commissioners present at the meeting next after the occurrence of such vacancy shall choose some other of their body to fill such vacancy, and the chairman so elected shall continue in office so long only as the person in whose place he was elected would have been entitled to continue chairman, and if at any meeting of the Commissioners the chairman be not present, one of the Commissioners present shall be elected chairman of such meeting by the majority of the votes of the Commissioners present at such meeting.

Manner of voting.

45. At all meetings of the Commissioners the questions there considered shall be decided by the votes of the majority present, and if there be an equal division of votes upon any question, the chairman or Commissioner acting as chairman at such meeting shall, in addition to his own vote as a Commissioner, have a second or casting vote: Provided always, that if at any such meeting there be an equality of votes in the election of the chairman, it shall be decided by lot which of the Commissioners having an equal number of votes shall be the chairman: Provided also, that at every annual meeting

the chairman going out of office at that meeting shall, if present and willing to act, be the chairman of such meeting.

Quorum of Commissioners.

46. All powers vested in the Commissioners under this Act may be exercised by any five or more of the Commissioners present at any meeting holden in pursuance of this Act, and no business shall be transacted at any meeting of the Commissioners unless the said number of Commissioners be present.

Commissioners to hold annual and monthly meetings.

47. The Commissioners shall hold an annual meeting on the third Thursday in the month of December in each year, at a place to be appointed by the Commissioners, and the first of such annual meetings shall be held in the year one thousand eight hundred and seventy, and they shall also hold monthly or other periodical meetings for the transaction of general business, in this Act called ordinary meetings, and the ordinary meetings shall be held at the office of the Commissioners, or at such other place, on such day and hour as the Commissioners from time to time appoint, and when any such appointment is made the clerk shall give notice thereof to each of the Commissioners, and they shall afterwards, until the time or place of such ordinary meetings is changed and notice of such change given to the Commissioners, attend such ordinary meetings without notice.

Meetings may be adjourned.

48. The Commissioners present at such first meeting, or at any annual or ordinary meeting, or at any adjourned meeting, may from time to time adjourn such meeting to the same or any other place within the limits of this Act, and if at any meeting of the Commissioners there be not five Commissioners present within one half hour after the time appointed for such meeting, the Commissioners present, or the major part of them, or any one Commissioner if only one be present, or their clerk if no Commissioner be present, may adjourn such meeting to another day at the same or any other place within the limits of this Act.

Ordinary business.

49. The ordinary meetings of the Commissioners shall be held for transacting their ordinary business under this Act, and amongst the rest for appointing and removing the inferior officers of the Commissioners, and superintending their conduct, and for inquiring into the conduct of the contractors or other persons employed by them to execute any works, and into the state and progress of such works, and generally for giving such directions from time to time as may be necessary for carrying into effect the purposes of this Act.

No extraordinary business unless notice.

50. Where any business other than ordinary business is required or intended to be transacted at any ordinary meeting, the clerk shall

A.D. 1870.

give notice thereof to each of the Commissioners, and no such extraordinary business nor any new rules or regulations shall be adopted at an ordinary meeting unless due notice thereof have been given at a prior meeting and sent to each Commissioner in the manner required for special meetings.

Revocation of resolutions.

51. No resolution at any meeting of the Commissioners shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration be given by the clerk to each of the Commissioners seven days at least before holding the meeting, nor unless such revocation or alteration be determined upon by a majority consisting of two thirds of the Commissioners present at such subsequent meeting, if the number of Commissioners present at such subsequent meeting be not greater than the number present when such resolution was come to, or by a majority if the number of Commissioners present at such subsequent meeting be greater than the number present at such former meeting.

Special meetings.

52. The Commissioners may hold special meetings, and any five or more of the Commissioners may require a special meeting to be held, but no such meeting shall be held unless two clear days notice thereof at the least be given.

How notices of meetings of Commissioners are to be given.

53. All notices of any meeting of the Commissioners shall be in writing or in print, or partly in writing and partly in print, and shall be by the clerk delivered or sent by the post, or otherwise, to the usual place of abode or place of business, if any, within the limits of this Act, of each of the Commissioners, two clear days at least previous to such meeting, and every such notice shall specify the time and place of meeting, and in case of a special meeting shall specify the object thereof, and no business shall be transacted at any special meeting except such as is stated in the notice thereof.

Expenses of meetings.

54. At all meetings of the Commissioners they shall defray their own expenses, except what may be incurred for the use of the room in which the meeting is held, and for books, stationery, and fire.

Power to Commissioners to appoint committees.

55. The Commissioners may at any meeting from time to time appoint committees for any purposes which in the opinion of the Commissioners would be better regulated and managed by means of such committee, and they may fix the quorum of any such committee, and may continue, alter, or discontinue such committee.

Quorum of committee.

56. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper for carrying into effect the purposes of their appointment, but no business shall be transacted at any meeting of the committee unless

the quorum of members, if any fixed by the Commissioners, and if no quorum be fixed, three members be present, and at all meetings of the committee one of the members present shall be appointed chairman, and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Acts of the Commissioners not to be invalidated by reason of vacancies.

57. No proceeding of the Commissioners or of any committee shall be invalidated or be illegal in consequence only of there being any vacancy in the number of Commissioners at the time of such proceeding.

Informalities in appointment of Commissioners not to invalidate proceedings.

58. All proceedings of the Commissioners, or of a committee of Commissioners, or of any person acting as a Commissioner, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Commissioners or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Commissioner.

Commissioners may provide public offices, &c.

59. The Commissioners may continue and from time to time provide and maintain fit and convenient public offices, together with all necessary and proper furniture for the same, for holding the meetings and transacting the business of the Commissioners, and for the use of their officers, and for the holding of such public meetings and transacting such public business relating to the improvement district as the Commissioners from time to time, under the powers of this Act, direct or allow to be held or transacted therein, and for such purpose may purchase or hire any lands or buildings which the Commissioners think necessary from any person willing to sell or let the same, or may cause any new building to be erected upon any land purchased or hired under the provisions of this Act, or otherwise belonging to the Commissioners.

Commissioners to provide daily attendance at their office to receive notices, &c.

60. The Commissioners shall require their clerk, or some person duly authorised by them in that behalf, to attend at their office daily, Sundays, Christmas Days, Good Fridays, and days appointed for general fasts, humiliations, or thanksgivings, only excepted, for the purpose of receiving notices and transacting the ordinary business of the Commissioners, and due notice of the situation of the office of the Commissioners, and of the hours during which attendance is given there, shall be published by the Commissioners within the limits of this Act, in such manner that the same may be fully and generally known.

A.D. 1870.

Proceedings to be entered in a book, and when signed shall be received in evidence.

61. The Commissioners shall cause entries of all the proceedings of the Commissioners, and of every committee appointed by them, with the names of the Commissioners who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk under the superintendence of the Commissioners, and every such entry shall be signed by the chairman of the meeting at which the proceeding took place, and such entry so signed shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being Commissioners or members of committees respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved, and such books shall at all reasonable times be open to the inspection of any of the Commissioners, and of any mortgagee of the rates or property of the Commissioners.

III.—Streets, Highways, Roads, and Paths.

Management of streets vested in Commissioners.

62. The management of all streets which at the commencement of this Act are or thereafter become public highways, and the pavements and other materials as well in the footways as in the carriageways of such streets, and all buildings, materials, implements, and other things provided for the purposes of the highways by the surveyors of highways or by the Commissioners, shall belong to the Commissioners.

Commissioners to be surveyors of highways.

63. The Commissioners exclusively shall be the surveyors of highways (not being turnpike roads), and shall have all such powers and authorities, and be subject to all such liabilities as any surveyors of highways are invested with or subject to by virtue of the laws for the time being in force, and the inhabitants of the improvement district shall not in respect of any lands within the improvement district be liable to the payment of any highway rate or other payment in respect of the making or repairing of roads within the other parts of the parish in which the district is situate.

Commissioners liable to indictment for want of repairs.

64. The Commissioners shall be deemed guilty of a misdemeanor for not repairing any public highway (not being a turnpike road), and shall be liable to be indicted for such misdemeanor in the same manner as inhabitants are ordinarily by law liable to be indicted in the like case.

Power to pave streets, &c.

65. The Commissioners from time to time may cause all or any of the streets under their management to be paved, flagged, mac-

adamised, or otherwise made good, maintained, and repaired, and the ground or soil thereof to be raised, lowered, or altered in such manner and with such materials as they think fit, and may pave, make, and repair, with such materials and in such manner as they think fit, any footways for the use of passengers in any such street, making compensation to any person sustaining any damage by reason of the ground or soil of any street being raised, lowered, or altered. A.D. 1870.

Streets may be stopped.

66. The Commissioners may stop up a street and prevent all persons from passing along and using the same for a reasonable time during the construction, alteration, repair, or demolition of a sewer or drain, or the repair or improvement of the carriage or foot way of a street, or the execution of any other work authorised by this Act.

Power to set up posts for guarding footways.

67. The Commissioners may continue or from time to time place and maintain in any street under their management any posts, pillars, rails, bars, chains, or other fence, permanent or temporary, for the protection of passengers and traffic, or for preserving any footway clear from annoyance or for prevention of accidents, and posts in the carriageway of any street, so as to make the crossing thereof less dangerous to passengers.

Penalty for altering post, pavement, &c. without consent of Commissioners.

68. If any person displaces, takes up, or alters any post, pillar, rail, bar, chain, or other fence, permanent or temporary, continued or placed and maintained in any street by the Commissioners, or the pavement, flags, curbs, channel stones, or other materials of any street under the management of the Commissioners, without their consent in writing, or other lawful authority, or damages any such post, pillar, rail, bar, chain, or fence, or any such pavement, flags, curbs, channel stones, or other materials, he shall be liable to a penalty not exceeding five pounds, and the Commissioners may reinstate the street, and the thing displaced, taken up, altered, or damaged, and recover the expenses from him.

Definition of buildings in streets, &c.

69. For the purposes of this Act buildings and lands shall be deemed to be in a street when they abut on a street, or when only some portion of waste or unoccupied ground open to the passage of the public intervenes between the buildings or lands and a street.

Approval of new streets.

70. The width and level and mode of construction of every street begun or completed after the commencement of this Act (in this Act referred to as a new street), and the materials to be employed therein, shall be subject to the approval of the Commissioners.

A.D. 1870.

Notices, plans, &c. of new streets.

71. Every person who intends to make a new street, whether intended to be used as a public way or not, shall give notice to the Commissioners of such intention, by writing left at the surveyor's office, and shall at the same time leave there the following documents; (namely,)

(1.) A plan of the street on a scale of not less than one inch to forty-four feet, showing the names of the owners of the lands through or over which the street will pass, its level, width, direction, mode of construction, and name, and its position relatively to the streets nearest to it, and the proposed sites, height, class, and nature of the buildings to be erected therein, and the proposed height of the division and fence walls:

(2.) A section of the street on the same scale and on a vertical scale of not less than one inch to ten feet, showing the level of the then surface of the ground above some known fixed datum, the level and rate of inclination of the street, and the level and inclinations of the streets with which it will be connected:

Every such plan and every such section shall contain the name and address of the person intending to make the street, and be signed by him or his duly authorised agent.

Power of approval.

72. The Commissioners shall approve or disapprove of an intended new street within six weeks after receipt of the notice required by this Act, and if they do not disapprove within that period, then at the end of that period they shall be taken to have approved.

Width of new streets.

73. Every new street intended for carriage traffic shall be laid out and formed at least thirty-six feet wide, unless a less width is in any case consented to by the Commissioners on account of an open space being left along one or both sides of the street throughout its entire length in front of the houses, or on account of the new street not being the principal or only approach to dwelling houses, or on account of other special circumstances stated in the order.

Streets to have back streets.

74. A building shall not be erected in a new street without there being at the rear thereof a back street abutting on the building, or its yard or other ground, and every such back street shall be laid out and formed at least fifteen feet wide, unless a less width is in any case consented to by the Commissioners on account of special circumstances stated in the order, and shall be open throughout from the ground upwards.

Carriage and foot ways.

75. The Commissioners shall determine in each case what proportion of the width of every new street shall be laid out as carriage and foot way respectively.

Measurement of width.

76. The width of a new street shall be measured at right angles to its course, and so to include the whole space dedicated to or used by the public, exclusive of any steps or projections.

Works for draining, &c. of new streets.

77. The level and width of a new street having been approved by the Commissioners, the surveyor shall, with the approval of the Commissioners, 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 the street and of the adjoining properties shall be executed, and the form, size, materials, and other particulars of the footways to be made in the street.

Notice of irregularity.

78. If in the making of a new street or the execution of any work connected therewith anything is done in contravention of this Act, or anything required by this Act is omitted, the surveyor may, within forty-eight hours after obtaining knowledge thereof, give to the person making the street or his agent notice in writing requiring him, within a time specified in the notice, to amend what has been so done in contravention, or to do what is so required; and if such person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after conviction for the first offence.

Penalties for breach of rules as to notices, plans, &c. of new streets.

79. If any person begins to make a new street without giving the notice required by this Act, or before the expiration of six weeks from the receipt by the Commissioners of that notice if given, or the previous approval of the Commissioners, or begins to make a new street which has been disapproved by the Commissioners, or after the Commissioners have approved of a new street, makes either before or after completion thereof any alteration in the whole or in any part thereof so approved, without further previous approval by the Commissioners of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act or by the Commissioners or surveyor under the authority of this Act with reference to the making of a new street, he shall 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 every day during which such offence continues after the expiration of a

A.D. 1870.

time to be determined in that behalf by the justice before whom he is convicted.

Power to cause certain streets to be sewered and paved, &c. by owners.

80. If at any time any street (not being a highway repairable by the inhabitants at large) formed, set out, or laid out either before or after the commencement of this Act, is not sewered, drained, levelled, flagged, and paved or macadamised to the satisfaction of the Commissioners, they may at any time and from time to time order that it be freed from obstruction, sewered, drained, levelled, flagged, paved, macadamised, and otherwise completed with such materials, at such levels, with such inclinations, and with sewers and drains of such dimensions, and that the soil thereof be raised, lowered, or altered in such manner and within such time as the order directs; and thereupon the respective owners of the buildings and lands in such street shall at their own respective expense remove all obstructions in, on, or under, and sewer, drain, level, flag, pave, macadamise, and otherwise complete the same within the time and in the manner prescribed in the order.

Publication of orders for sewering and paving, &c. streets.

81. Every such order shall be served on the respective owners or occupiers of the buildings and lands in the street to which it relates, and shall be publicly posted at each end of that street.

On owner's neglect to sewer and pave, &c., power to do the work at his expense.

82. If any work required to be done by any such order is not commenced within one month after notice of the order given, or if any such work when commenced is not carried on without unreasonable delay, or if any such work is not completed within the time and in the manner prescribed in the order, the following provisions shall apply to every such case; (namely,)

(1.) The Commissioners may at any time and from time to time remove all obstructions in, on, or under, and sewer, drain, level, flag, pave, macadamise, or otherwise complete the street to which the order relates, or such part thereof as is not done in accordance with the order, in such manner as they think fit:

(2.) The Commissioners may charge the several owners of buildings or lands in the street with the expenses of the execution by them of those works or incidental thereto (which expenses are comprised in the term "new street expenses" where used in this Act):

(3.) New street expenses shall be charged to such owners in proportion to the extent of the frontage of their respective buildings and lands in the street:

(4.) Such proportion shall be ascertained and settled by the surveyor, and the apportionment by him shall be binding and

conclusive on all parties unless the same is by written notice disputed within one month from the time of notice being given by the Commissioners of the apportionment:

(5.) Any such dispute shall be settled by arbitration:

(6.) Notwithstanding any such dispute such interest on new street expenses as is hereafter in this Act provided for shall commence as against each such owner from the expiration of one month from the time of demand by the Commissioners of his proportion of new street expenses:

But the exercise of the powers of the present section shall be subject to the following provisions; (namely,)

(1.) The owner of any building or lands shall not be liable to be charged for the repair of any public highway that crosses any such street:

(2.) The North-eastern Railway Company shall not, except as ratepayers, be liable in respect of any line of railway belonging to such company to be charged for any new street expenses incurred in relation to any street upon which such line of railway abuts:

(3.) The expense occasioned by the construction of any sewer of a larger size or with other materials than would have been necessary merely for the purpose of the drainage of any such street, or of the buildings or lands therein (such expense to be ascertained and settled by arbitration in case of difference), shall be borne and paid by the Commissioners.

Materials in streets sewered and paved.

83. The Commissioners may appropriate, use, and dispose of any old materials existing in any street at the time of the execution by the Commissioners of any works in such street under the foregoing provisions, allowing such sum as the surveyor may fix to be the value thereof to the owners of buildings and lands in such street in proportion to their interest therein, unless such owners, within twenty-four hours after notice from the Commissioners so to do, remove such materials or their respective proportions thereof; and any stone, gravel, clay, or other material produced in the course or in consequence of the execution by the Commissioners of any such works may be used by them in the execution of any works under this Act, and in case of their so using the same, the value thereof, to be fixed by the surveyor, shall be paid or allowed by the Commissioners to the owners of buildings or lands whose property has produced the same.

A.D. 1870.

Streets sewered, paved, &c. to be public highways.

84. When any street has been freed from obstruction, sewered, drained, levelled, flagged, paved, macadamised, or otherwise completed to the satisfaction of the Commissioners, they shall, by a declaration recorded among the proceedings of the Commissioners, declare the same to be a public highway, unless the owner or owners of buildings and lands in such street, extending for not less than four fifths of the frontage of such street, object thereto by notice in writing served on the Commissioners within one month after notice of the intention of the Commissioners to make such declaration has been put up in some conspicuous part of the street, and from and after any such declaration the street to which the same relates shall be a public highway, and be repairable accordingly.

Streets may be sewered only or paved only and expenses recovered.

85. The Commissioners may, under and according to the foregoing provisions, order any street to be sewered, drained, and levelled only, without also requiring it to be flagged and paved or macadamised, or to be sewered, drained, levelled, and paved, or macadamised only, without also requiring it to be flagged; and in those cases respectively all the provisions of this Act with respect to the sewering, draining, levelling, flagging, paving, macadamising, or otherwise completing of streets shall be applicable to the sewering, draining, and levelling only, or the sewering, draining, levelling, and paving or macadamising only, of such street, and the expenses thereof and incidental thereto shall be deemed new street expenses; but a street sewered, drained, and levelled shall not be declared to be a highway until it has also been flagged, paved, or macadamised and otherwise completed to the satisfaction of the Commissioners, and if the Commissioners at any time after any street is sewered, drained, and levelled think proper to have the same flagged, paved, macadamised, or otherwise completed, all the provisions of this Act with respect to sewering, draining, levelling, flagging, paving, macadamising, or otherwise completing of streets shall be applicable to flagging, paving, macadamising, or otherwise completing only of such street, and the expenses thereof or incidental thereto shall be deemed new street expenses.

Power to require alteration of levels of streets.

86. The Commissioners may from time to time by order, in conjunction with any order authorised by this Act relative to the formation of any street, direct that the level of any street be altered so as to be adapted, in such manner and to such extent as the Commissioners think fit, to the level of any adjoining or other street, making compensation to owners and occupiers of buildings and lands for any damage or expenses sustained or incurred by them by reason or in consequence or in the execution of such order.

Power to define new streets.

87. The Commissioners may from time to time by order declare the points or limits at or within which any street is for the purposes of this Act to be taken as beginning and ending.

Exemption of incumbent or minister of church, chapel, &c. from new street expenses.

88. An incumbent or minister of a church or chapel consecrated or licensed, or a minister or trustee of a chapel or meeting house appropriated to public religious worship, and certified and recorded as such according to law, shall not be liable to any new street expenses as owner or occupier of such church, chapel, or meeting house, or of any churchyard or burial ground attached thereto, situate in a street, nor shall any new street expenses be a charge on such church, chapel, meeting house, churchyard, or burial ground, or subject the same to distress, execution, or other legal process, and the Commissioners may, if they think fit, execute any works from the expenses of which any such incumbent, minister, or trustee is by this section exempted, but an incumbent, minister, or trustee so exempted shall not be entitled to an allowance in respect of the value of old materials existing in the street.

Power to stop up highways where unnecessary, &c.

89. The Commissioners may from time to time by order stop up, wholly or partially, any highway which in their opinion is unnecessary, on such terms as to the vesting of the soil and other matters as may be agreed on between the Commissioners and the owners and lessees of buildings and lands abutting on the highway, and on any highway being so stopped up, all public and other rights of way, and other rights in, over, or on the same, shall be absolutely extinguished, but no such order shall be executed until after the expiration of one month from the time when it has been publicly posted at each end of the highway to which it relates.

Power to purchase buildings or lands for effecting street improvements.

90. The Commissioners may agree with the owner of and persons interested in any building or lands within the improvement district for the absolute purchase thereof, or of any part thereof, and of all subsisting leases, rentcharges, annuities, mortgages, incumbrances, estates, or interests in or affecting the same, and after such purchase may cause the building or the part thereof purchased to be taken down and removed, and the site thereof and the lands purchased or any part thereof to be laid into any street for widening, enlarging, or making more commodious the same, or to be disposed of for making new streets, or otherwise for the improvement of the borough, as the Commissioners think fit, and the Commissioners and any person to be benefited thereby may contribute towards those purposes on such terms and to such extent as the Commissioners and he agree.

A.D. 1870.

Houses and buildings in streets being carriage-ways.

91. Where any person after the commencement of this Act erects any new house or building, or rebuilds any old house or building in or fronting to any street, being a carriage road laid out or used before or after the commencement of this Act, whether any house or other building has been previously erected on the site or intended site of such house or building or not, the following provisions shall have effect; (that is to say,)

(1.) The person so erecting or rebuilding shall, if required by the Commissioners or their surveyor, erect or rebuild such house or building at the distance of six yards at least from the centre of the street, and if necessary for that purpose shall set back the house or building accordingly, and that space or distance of six yards shall be given up for and form part of the street, unless the consent of the Commissioners in writing is previously obtained by such person to the contrary:

(2.) In case any person after the commencement of this Act erects or rebuilds any house or building in contravention of the provisions of this section, the Commissioners may, within three months after the erection thereof, pull down, take away, and remove the same or so much thereof as is erected in contravention as aforesaid, and such person shall for every such offence forfeit and pay a sum not exceeding twenty pounds, to be recovered by the Commissioners in any court of competent jurisdiction:

(3.) Provided that in every such case the Commissioners shall make compensation in respect of any land or building given up as aforesaid.

Footways in streets being carriage-ways.

92. Where any person after the commencement of this Act erects any new house or building or rebuilds any old house or building in or fronting to a street, being a carriage road laid out or used before or after the commencement of this Act (including the road from West Hartlepool to Seaton Carew by this Act authorised), and in which street there shall not be a properly paved footway, the following provisions shall have effect; namely,

(1.) The Commissioners may at any time and from time to time order such person to make a footway or footways in the street along so much of such house or building as is situate in or fronting to such street, of such form, size, and materials, at such levels, with such inclinations, in such manner, and within such time as the order directs, and thereupon the said person shall at his own expense make such footway

or footways, and otherwise proceed as prescribed in the order:

(2.) Every such order shall be served on such person:

(3.) If any work required to be done by any such order is not commenced within one month after service of such order, or if any such work when commenced is not carried on without unreasonable delay, or if any such work is not completed in the manner and within the time prescribed in the order, the Commissioners may at any time and from time to time make, in accordance with the order, such footway or footways as directed by the order, or such part thereof as is not done in accordance with the order, and may charge the person required by such order to make such footway or footways with the expenses of the execution by them of those works or incidental thereto.

Where buildings taken down, power to take land to improve street.

93. Where a building in a street is burnt or taken down to or below half the front elevation thereof, or is intended to be rebuilt or new fronted, or where it is intended to erect a new building on lands at the commencement of this Act vacant or unbuilt on in or near a street, and the Commissioners are desirous of widening or enlarging such street or any adjoining or neighbouring street, or of making alterations in the line of the buildings therein, they may for such purposes by agreement purchase any part of the site of such building or of the lands occupied therewith or of such vacant lands.

Elevations of buildings erected on front land to be subject to approval of Commissioners.

94. All buildings or parts of buildings erected on the site of any building on any ground, which site or ground in consequence of any improvement made by the Commissioners becomes front land, or on any lands purchased or taken by the Commissioners before or after the commencement of this Act, shall be erected according to such plan for the outside or front elevation thereof as the Commissioners approve, and in case the Commissioners for the space of six weeks after any plan is submitted to them neglect to notify their determination in writing with reference thereto, they shall be deemed to have approved of such plan.

Land thrown into streets to be public highway.

95. Any lands purchased or taken by the Commissioners and laid into a street shall for ever thereafter form a part of that street and be a public highway.

Buildings may be set forward for improving line of street.

96. The Commissioners may allow, on such terms as they think fit, any building to be set forward for improving the line of the street in which such building is situate, provided that the same be not in contravention of any covenant or right.

A.D. 1870.

Projecting houses when taken down to be set back.

97. Where a building in a street, any part of which projects beyond the regular line of the street or beyond the front of the building on either side thereof, is burnt or taken down to or below half the front elevation thereof, the same shall be set back to or towards the line of the street or the line of the adjoining building in such manner as the Commissioners direct for the improvement of such street, the Commissioners making compensation to the owner of such building for any loss or damage sustained by him in consequence of his building being so set back.

Projections over highways.

98. Any pilaster, plinth, cornice, or other part of a new building, or of a new front or addition to an existing building, shall not project or encroach over a footway or highway unless allowed by the Commissioners or beyond the distance (if any) allowed by the Commissioners.

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

99. The Commissioners may serve notice on the occupier of any building to remove or alter any porch, shed, projecting window, step, cellar, cellar door, or window, teagle, crane, windlass, sign, sign-post, sign-iron, showboard, window shutter, wall, gate, or fence, or any other obstruction or projection erected or placed after the commencement of this Act against or in front of any building within the improvement district, and being an obstruction to the safe or convenient passage along or through any street, and such occupier shall within fourteen days after the service of such notice on him remove such obstruction or projection, or alter the same in the manner required by the notice, and in default thereof he shall be liable to a penalty not exceeding forty shillings, and the Commissioners may remove such obstruction or projection, and the expense of such removal shall be paid by him and shall be recoverable as damages, but, except where such obstruction or projection was made or put up by the occupier, the occupier shall be entitled to deduct the expense of his removing or altering the same as required by the notice from the rent payable by him to the owner of the building.

Commissioners may cause existing projections to be removed and compensation to be made.

100. If any such obstruction or projection was erected or placed against or in front of any building in any street before the commencement of this Act, the Commissioners may remove or alter the same as they think fit, first giving notice of such intended removal or alteration to the occupier of the building thirty days at least before such removal or alteration is begun, and if such obstruction or projection has been lawfully made they shall make reasonable compensation to every person who suffers damage by such removal or alteration: Provided that nothing in this section shall authorise the Commissioners to remove or alter any such building belonging

to the North-eastern Railway Company at the time of the passing of this Act, so long as the same continues the property of the said Company.

Doors and gates not to open outwards.

101. The occupiers of buildings and lands in any streets shall, at their own respective expense from time to time within fourteen days next after their respectively receiving notice in writing from the Commissioners, cause all doors and gates for the time being leading into the buildings and lands in their respective occupations (not being cellar doors or trap doors) which open outwards, and when open project into or over any street, to be altered so as not to open outwards into any street, and if any such occupier fails to comply with such notice he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of the time specified in such notice.

Cellars, &c. not to be made under, or steps, &c. project into streets.

102. After the commencement of this Act it shall not be lawful for any person, without the consent of the Commissioners first obtained in writing, to make or alter any cellar, arch, vault, oven, or underground passage or other work under any street, or to make any cellar, area, or cellar steps or other steps in any street, and every such cellar, work, or thing for the time being lawfully existing shall be kept in repair by the owner or occupier thereof, and if any person offends against any of the provisions of this section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every day during which such offence continues after the expiration of a time to be specified in that behalf in the notice.

Cellar openings to be covered or secured.

103. The owner of any building shall cause the areas of the same fronting any street to be well and sufficiently guarded by a railing or parapet or dwarf wall of such materials, dimensions, and form as the Commissioners direct, and when any opening in any pavement or footpath, or other entrance into any vault or cellar for the time being lawfully exists, a door or covering shall be made by the owner of such vault or cellar of iron or such other materials and in such manner as the Commissioners direct, and such railing, door, or covering shall be kept in good repair by such owner (but so that nothing in this section shall vary any provision in a lease as between the owner and the occupier), and shall be used by the occupier as the Commissioners direct, and if any such owner or occupier fails to comply in any respect with the requirements of the present section he shall 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 every day during which such offence continues after the

A.D. 1870.

expiration of a time to be determined in that behalf by the justice before whom he is convicted.

Hoards to be set up during progress of buildings, &c.

104. Every person intending to build or take down any building or to alter or repair the outward part of any building in any street 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 covered platform and handrail 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 Commissioners during such time as the public safety or convenience requires, and shall when required by the Commissioners, in order to prevent accidents, cause the same to be sufficiently lighted during the night, and shall remove the same when required by the Commissioners, and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him.

No hoard to be put up without consent, &c.

105. It shall not be lawful for any person without the consent of the Commissioners first obtained to put up or keep up in a street a hoard or fence or scaffold for any purpose, or any post, bar, rail, board, or other thing by way of inclosure, for the purpose of making mortar or of depositing bricks, lime, rubbish, or other materials, and if any person does anything in contravention of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

Penalty for not lighting deposits of building materials or excavations.

106. It shall not be lawful for any person without the consent of the Commissioners first obtained to lay any building materials, rubbish, or other thing, or make any excavation on or in any street or court, and when with such consent any person lays any building materials, rubbish, or other thing, or makes any excavation on or in any street, he shall at his own expense cause the same to be sufficiently fenced, and a sufficient light to be fixed in a proper place on or near the same, and to be continued every night from sunset to sunrise, and shall remove such materials or thing or fill up such excavation (as the case may be) when required by the Commissioners, and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not

exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him, and the Commissioners may remove any such materials or thing or fill up such excavation (as the case may be), and recover the expenses from the offender.

Owners of vacant lands adjoining streets to fence.

107. The owner of any land vacant or unbuilt on adjoining to any street being a carriage road within the limits of this Act shall to the satisfaction of the Commissioners sufficiently fence off from the street such land with a good and substantial fence of the height of four feet at the least, and always afterwards keep such fencing in good repair to the satisfaction of the Commissioners, and if he fails to do so within fourteen days next after notice for that purpose from the Commissioners given to him, the Commissioners may fence the same and charge him with the expenses of so doing: Provided always, that the provisions of this section shall not apply to the owner of any such land adjoining any public carriage road connecting West Hartlepool and Seaton Carew, and made under the authority of this Act.

Repair of paths dedicated to public.

108. If the owner or occupier of any vacant or waste land which has been laid out for building purposes, after the expiration of fourteen days notice in writing from the surveyor, allows any road or pathway on or across that land, or any part thereof that has been dedicated to the public, but has not been declared to be a public highway, to remain out of repair to such an extent as to be dangerous or inconvenient to the public, the Commissioners may by order cause the same to be repaired, and the expenses shall be recoverable from the owner or occupier: Provided always, that the provisions of this section shall not apply to the owner or occupier of any such land on or across which any road connecting West Hartlepool with Seaton Carew has been made under the authority of this Act.

Power to alter names of streets, and names to be put up and houses to be numbered, &c.

109. The Commissioners may name any street or any part of a street which is without a name or which bears two names, and may from time to time alter the name of any street or of any part of a street, and paint, engrave, or otherwise describe and place the name of any street or of any part of a street on a conspicuous part of any building or other erection, at or near each end, corner, or entrance thereof, and the owner shall number every building or other erection therein on the door thereof or otherwise as the Commissioners order, and if any person wilfully destroys, obliterates, defaces, removes, or without the consent of the Commissioners

A.D. 1870.

alters any such name or number or any part thereof, he shall be liable to a penalty not exceeding forty shillings, and when any such number is defaced or rubbed out, the occupier of such building or other erection shall immediately at his own expense cause the same to be reinstated, and in case any such owner or occupier fails for seven days after notice in writing given him to comply with the requirements of this section, the Commissioners may do the thing in respect of which he has failed, and recover the expenses from him.

Register of alteration in names of streets.

110. The Commissioners shall keep a register of all alterations made by them in the names of streets or parts thereof, in such form as to show the date of every such alteration, and the name of the street or part as well before as after such alteration.

Power to contract for supply of gas.

111. The Commissioners may from time to time contract with any company, body, or persons having power to supply gas within the improvement district for lighting the streets of the improvement district, or any of them, with gas, and for providing for that purpose lamp posts, burners, pipes, and other apparatus, and for the repair thereof, in such manner and on such terms as may be agreed on.

IV.—Road and Improvement of Street.

Road from West Hartlepool to Seaton Carew.

112. The Commissioners and the local board for the district of Seaton Carew may from time to time enter into and carry into effect such agreements as they think fit relative to the making, fencing off, and maintaining by the Commissioners and the local board, or one of those bodies, of a public carriage road connecting West Hartlepool and Seaton Carew (which road those bodies or one of them are hereby accordingly empowered to make and maintain, and if and when made shall properly fence in, but not so as to prevent the owner of the adjoining lands from obtaining access where he thinks proper to the said road), and relative to any contribution to be made by the Commissioners and local board to the expenses of such making and maintenance, and relative to the levying of rates and the borrowing of money on the security of rates by the Commissioners and the local board respectively for the purposes of any such contribution, and every such agreement shall have the like effect as if it were in terms contained in and enacted by this Act, and shall be binding on and enforceable against the Commissioners and the local board, and the ratepayers of their respective district accordingly, and the contribution agreed upon shall be paid by the Commissioners out of a highway rate, and by

the local board out of their general district rate, and such contribution shall be deemed to be one of the purposes for which such rates may be made and applied respectively.

Contribution by owners and occupiers, &c.

113. The Commissioners and the owners and occupiers of property through or near which the said public carriage road connecting West Hartlepool and Seaton Carew is intended to be made, or any of them, may from time to time, with or without the local board for the district of Seaton Carew, enter into and carry into effect such agreements as they think fit relative to any contribution to be made by those owners or occupiers or any of them towards the expenses of the making and maintenance of that road, and every such agreement shall have the like effect as if it were in terms contained in and enacted by this Act, and shall be binding on and enforceable against the parties thereto accordingly.

Opening of road for public use.

114. On the completion of the road authorised by this Act, the same shall be opened, and shall thenceforth continue open for public use, subject to the provisions of this Act.

Power to improve Stockton Street, &c. and take lands.

115. Subject to the provisions of this Act, the Commissioners may, in accordance with the deposited plans and sections, widen and improve the communication between the village street of Stranton and Stockton Street, both in the parish and township of Stranton, and may enter on, take, and use such of the lands shown on the deposited plans and described in the deposited book of reference as they require for that purpose.

Power to deviate from levels, &c.

116. In making the improvement of communication aforesaid the Commissioners may deviate to any extent not exceeding five feet from the levels defined on the deposited sections, and may deviate from the lines thereof respectively within the limits of deviation defined on the deposited plans, but the Commissioners shall not deviate beyond the last-mentioned limits without consent of the person through whose lands any such deviation is to be made.

Period for completion of works.

117. If the road and improvement of communication aforesaid are not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted for executing the same or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as is then completed.

Corrections of errors, omissions, &c.

118. If any omission, misstatement, or erroneous description is found to have been made of any lands or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plans or book of reference, the Commissioners may apply to

A.D. 1870.

two justices, not being Commissioners, for the correction thereof, after giving ten days notice to the owners of the lands affected by the proposed correction, and if it appears to such justices that the omission, misstatement, or erroneous description arose from mistake they shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and such certificate shall be deposited with the clerk of the peace for the county of Durham, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Commissioners may enter on, take, hold, and use those lands accordingly.

Limit of time for compulsory purchase.

119. The powers of the Commissioners for the compulsory purchase of lands for the purposes of the improvement of the communication between the village street of Stranton and Stockton Street by this Act authorised shall not be exercised after the expiration of three years from the passing of this Act.

V.—Buildings.

New buildings.

120. For the purposes of this Act any building the erection whereof is begun after the commencement of this Act shall be considered a new building, and the re-erection of any building pulled down to or below the level of the ground floor thereof, or of any building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, 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 building.

Measurement of front elevation.

121. For the purposes of this Act the height of the front elevation of a building shall be measured from the level of the street (if any) immediately adjoining the building to the eaves or square of the building.

Height of buildings in street.

122. A building shall not be erected on the side of any new street exceeding in height the distance from the front of the building to the opposite side of the street, nor shall the height of any building so erected be at any time subsequently increased so as to exceed the height aforesaid.

Notices, plans, &c. of new buildings.

123. Every person who intends to erect a new building shall give notice to the Commissioners of such intention by writing left at the

surveyor's office, and shall at the same time leave there the following documents; (namely,)

(1.) A drawing of the front elevation of the building on a scale of not less than one inch to eight feet:

(2.) A detailed plan and section of the building on a scale of not less than one inch to eight feet, showing the positions, forms, and dimensions of the several parts and windows, and the thickness of the walls, with figured dimensions of the several parts, the waterclosets, privy, drains, cesspool, ashpit, well, and all outbuildings and other appurtenances, and showing the then and also the intended level of the ground line of the yard or other ground belonging thereto, and the level of the lowest floor of the intended building:

(3.) A description of the intended mode of drainage and means of water supply:

(4.) A block plan on a scale of not less than one inch to forty-four feet, showing the position of all buildings and of all properties immediately adjoining to the intended building, and of its yard or other ground belonging thereto, and the width and level of the street, and also the proposed lines of house drainage, and the size, depth, and inclination thereof.

Building regulations not to apply to railways, railway buildings, &c.

124. The building regulations for the time being in force within the district shall not apply to railways, railway buildings, iron-works, shipyards, manufactories, stations, depôts, warehouses, quays, graving or other docks, or works of any description, or to the buildings connected therewith or belonging thereto respectively, except so far as the same relate to the height of chimneys, the ventilation of public buildings, and the construction of waterclosets or privies for the separate use of each sex in any factory or building, but shall apply to dwelling-houses, and the outhouses and other buildings appurtenant thereto or immediately connected therewith.

Approval or disapproval by Commissioners.

125. The Commissioners shall approve or disapprove of an intended new building within twenty-eight days after receipt of the notice required by this Act, and if they do not disapprove within that period, then at the end of that period they shall be taken to have approved.

Thickness of walls, foundations, &c.

126. The walls of every new building shall be constructed of such thickness as the Commissioners approve, and the foundations of new buildings shall rest on solid ground, or on concrete, or on some other solid substructure.

A.D. 1870.

Materials of external walls.

127. The external and party or side walls of every new building shall be constructed of brick, stone, or other hard and incombustible substances, unless the Commissioners otherwise allow in cases in which it appears to them that no danger would exist of the spread of fire.

Walls carried through roofs.

128. Any external or party wall of a new building, the roof or gutter of which adjoins any other house or building, shall be carried up above such roof or gutter to form a parapet of not less than twelve inches in height, measured at right angles to the slope, and above the covering of such roof or above the highest part of such gutter.

Woodwork in external or party walls.

129. No joists, beams, or other woodwork fixed in or upon any external or party wall, except beams or brestsummers, and story posts under the same, and frames of doors and windows of shops, shall be brought within four inches at least of the external face of such wall, unless with the previous sanction of the Commissioners.

Roofs.

130. The roof or flat of every new building, and every gutter, dormer, and other work or construction connected therewith, except the doors, door frames, windows, and window frames of such dormer and other construction, shall be formed of or externally covered with incombustible materials, except in special cases when otherwise allowed by the Commissioners.

Chimneys and flues.

131. The chimneys and flues of every building shall be constructed in such mode and of such materials and dimensions as shall be approved by the Commissioners. All hearths and slabs shall be properly buried in incombustible materials. No timber or woodwork shall be placed within nine inches of the inside face of any chimney or flue, unless the brickwork or stonework of such chimney or flue shall be properly rendered. No wooden plugs shall be driven nearer than six inches to the inside of any chimney or flue.

Space in front of dwelling-houses.

132. It shall not be lawful for any person to erect any dwelling-houses with their fronts facing each other, separated from each other by a space of less than eight yards, except where such dwelling-houses are erected on the sites of buildings built before the commencement of this Act, and except where vacant plots of ground for the time being exist in any street already partially built on both sides, in which latter case it shall be lawful to build up to the line of the buildings already existing in such street.

Open space about dwellings.

133. Every new building intended to be used as a dwelling-house shall have in the rear an open space adjoining thereto, and

co-extensive with the breadth of the entire building, to the extent of at least one third of the whole site, free from any erections thereon above the level of the ground (other than privies, ashpits, coal-houses, or other conveniences for the use of such dwelling-house, all which conveniences shall as to height, position, and dimensions be erected subject to the consent and approval of the Commissioners), except where on account of thorough ventilation of such open space being secured, or of other special circumstances stated in the order, the Commissioners think fit to allow a less space. This section shall not extend to a building to be erected after the commencement of this Act for the purpose of being used as a dwelling-house on the site of a dwelling-house which exists at the commencement of this Act, and which was erected before the eighteenth day of July one thousand eight hundred and fifty-nine, but every such building shall have the same open space in the rear or at the side thereof as required by this section, where at the time of the taking down of the existing dwelling-house there is such an extent of open space as by this section required, or a greater extent, and where at that time there is not such open space, then the open space in the rear or at the side thereof shall not be less than that which existed at the time of such dwelling-house being taken down.

Continuance of open space.

134. Whenever any open space has been left belonging to any building for the erection of which the approval of the Commissioners has been obtained, such space shall never afterwards be built on so as to leave a less open space than that shown on the deposited plan approved by the Commissioners without their further approval.

Continuance of space for old dwelling-houses.

135. Where a dwelling-house which exists at the commencement of this Act has an open space belonging to it not greater than that required by this Act for new dwelling-houses, the same shall never be built on without the approval of the Commissioners, and where a dwelling-house which exists at the commencement of this Act has an open space belonging to it greater than that required by this Act for new dwelling-houses, the same shall never be built on so as to leave for that dwelling-house a less open space than that required by this Act for new dwelling-houses without the approval of the Commissioners.

Buildings in new streets.

136. Before any dwelling-house is inhabited in any new street, such street shall be formed, drained, and metalled to the satisfaction of the Commissioners, to such extent as the Commissioners 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,

A.D. 1870.

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 Commissioners.

Height of rooms.

137. In every new building every habitable room in the basement and the ground floor shall be in every part thereof eight feet six inches in height at least from the floor to the ceiling, and every other habitable room, except rooms in the roof, shall be in every part eight feet in height at least from the floor to the ceiling, and every habitable room in the roof shall be at least eight feet in height from the floor to the ceiling through not less than one half the area of the room, and one habitable room on each floor shall have an area of at least one hundred and eight superficial feet of floor.

Windows in rooms.

138. In a new building every habitable room shall have at least one window, and the total area of glass in the windows clear of the frame and sash shall be, unless in any case the Commissioners otherwise determine, at least one tenth of the area of the room, and the top of one at least of the windows shall not be less than seven feet six inches above the floor, and in case of a sash window the upper half at least shall be made to open the full width, and in case of a casement window one half at least shall be made to open.

Ventilation of public buildings.

139. Every public building, school, shop, and factory erected after the commencement of this Act shall be supplied with means of ventilation approved by the Commissioners, and every room in any house or other building used after the commencement of this Act as a day school shall, unless supplied with special means of ventilation to the satisfaction of the Commissioners, be so used subject to the following regulations; (namely,) if the room is less than eight feet six inches in height from the floor to the ceiling, the space for each scholar shall be nine superficial feet at least, and if it is eight feet six inches or upwards in height the space for each scholar shall be eight superficial feet at least.

Ventilation of habitable rooms.

140. Every habitable room built after the commencement of this Act of less area than one hundred superficial feet and without a fireplace, shall be provided with special means of ventilation by air shaft or otherwise as the Commissioners determine.

Drainage of buildings.

141. All houses and buildings (whether erected after the commencement of this Act or not) which in the opinion of the Commissioners are without sufficient drainage, shall be drained in the most effectual manner practicable, and the mode of drainage and all materials intended to be used in the construction of the drainage of buildings shall be subject to the approval of the Commissioners.

Occupation of new houses.

142. A new house shall not be occupied until the house drainage is completed, nor until the house has been approved by the Commissioners as in every respect fit for human habitation.

Construction of house drainage.

143. The drains of all houses and buildings shall consist of glazed stoneware or fire-clay pipes or other equally suitable material in the judgment of the Commissioners, and shall be connected with the sewers in such manner as the surveyor directs. They shall be laid with water-tight joints, and shall be embedded in and surrounded with well-puddled clay. No right-angle junctions, whether vertical or horizontal, shall be formed.

Ventilation of house drainage.

144. Proper ventilation shall, if required by the Commissioners, be provided in the drainage of every house by means of the rain-water pipe, or by special pipe or shaft, or by such other method as the Commissioners direct. All other inlets to the house drains shall be properly trapped by means of syphon traps.

Drainage of subsoil, &c.

145. The house drainage shall be so constructed either with additional earthenware pipes or otherwise as to drain the subsoil of the buildings whenever the dampness of the site appears to the Commissioners to make this necessary, and all rain water shall be so drained or conveyed from the roofs, cornices, and other parts of buildings as to prevent its dripping on to the ground and causing dampness in the walls or being a nuisance to passengers.

Construction of water-closets, &c.

146. The situation, dimensions, materials, and construction of every watercloset and privy shall be subject to the approval of the Commissioners, and every watercloset or privy shall have an opening as near to the top as practicable, communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation.

Earthclosets may in certain cases be constructed instead of waterclosets.

147. Any provision of this Act or of any other Act in force in the improvement district requiring the construction of a watercloset shall, with the approval of the Commissioners, be satisfied by the construction of an earthcloset or other place for the reception and deodorisation of fæcal matter, made and used in accordance with any regulation from time to time issued by the Commissioners, and the Commissioners may, as respects any house in which such earth-closets or other places as aforesaid are in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to the waterclosets therein on such terms as may be agreed on between the Commissioners and the person providing the earthcloset.

A.D. 1870.

Construction of cesspools, &c.

148. A cesspool shall not be allowed for a new house except when unavoidable, when it shall be constructed in such situation and in such manner as the Commissioners direct. It shall in every case be made water-tight. It shall be arched or covered over, and a pipe or shaft for ventilation shall be carried up from it, or from the drain communicating with it from the watercloset or privy.

Certain waterclosets to be constructed in factories, &c.

149. If at any time it appears to the Commissioners 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 and above twenty in number are employed or intended to be employed at one time in any manufacture, trade, or business, the Commissioners 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 water-closets or privies for the separate use of each sex, and whosoever neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and a further penalty not exceeding forty shillings for every day during which the default is continued.

Construction of ashpits, &c.

150. The situation, dimensions, materials, and construction of every ashpit shall be subject to the approval of the Commissioners, and shall be of sufficient size to contain the ashes and dry refuse likely to accumulate between the prescribed visits of the scavengers.

Restrictions as to pipes and funnels for conveying smoke.

151. From and after the commencement of this Act no pipe or funnel for conveying smoke or steam shall at any time be newly fixed against any building next to any street, or on the inside of any building nearer than nine inches to any timber or other combustible material, nor shall any funnel built or made of brick or stone, or both, be newly placed on the outside of any building next to any street, so as to extend beyond the general line of the outbuildings in the street, and if any pipe or funnel is fixed or placed contrary to this Act, the occupier, or in case of there being no occupier then the owner of the building to which the same belongs shall, within fourteen days next after receiving notice from the Commissioners, cause the same to be removed, and on default shall be liable to a penalty of ten shillings a day for every day during which such default continues after the expiration of the time specified in such notice.

Power of inspection.

152. The surveyor may at any reasonable time inspect any building in progress of construction, or any work connected therewith, but the owner or his agent, or the builder, shall give

forty-eight hours notice in writing to the surveyor before the commencement of the building, and before any foundation of a new building or any sewer or drain is covered up, and the like notice after any work required by the Commissioners to be done in amendment of any irregularity has been completed, and before the same is covered up.

Survey on completion of works.

153. Within fourteen days after a building has been completed the owner shall give notice thereof to the surveyor, and the surveyor shall forthwith proceed to survey it and shall report to the Commissioners thereon.

Notice in case of irregularity.

154. If in the erecting of a building or the execution of any work connected therewith, anything is done in contravention of this Act, or anything required by this Act is omitted, the surveyor may within twenty-eight hours after obtaining knowledge thereof give to the owner of the building or his agent, or the builder, notice in writing requiring him within a time specified in the notice to amend what has been so done in contravention, or to do what is so required; and if any such owner or builder fails to comply in any respect with the requirements of such notice, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of a time to be specified in that behalf in the notice.

Penalties relative to new buildings.

155. If any person begins to erect a new building without giving the notice required by this Act, or before the expiration of twenty-eight days from the receipt by the Commissioners of that notice if given, or the previous approval of the Commissioners, or begins to erect a new building which has been disapproved by the Commissioners, or after the Commissioners have approved of a new building makes either before or after completion thereof any alteration in the whole or in any part thereof so approved, without further previous approval by the Commissioners of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act, or by the Commissioners or surveyor under the authority of this Act, with reference to a new building, then the Commissioners, after calling on such person to show cause why the building or work in question should not be removed, altered, or pulled down, may, if they think fit, cause such building or work to be removed, altered, or pulled down, as the case requires, and the expenses incurred by them in so doing shall be repaid by the person in default, and be recoverable from time to time in a summary manner, and he shall also be liable to a penalty not exceeding five pounds; and

A.D. 1870.

in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

Respecting existing contracts for building.

156. Nothing in this Act or any byelaw thereunder shall make void any agreement in writing entered into before the commencement of this Act for erecting or altering any building, but the same may be performed with such alterations as may be rendered necessary by this Act or any such byelaw, 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 thereof as executed according to this Act or any such byelaw shall be ascertained by the parties to the respective agreements, and paid for or deducted as the case may require, and in case of dispute such difference shall on the request of either party (notice being given to the other) be decided by the surveyor, and for his trouble in making such decision each party shall pay to him such sum not exceeding twenty shillings as the Commissioners direct.

Alteration of contracts for building.

157. Where under a lease or agreement for a lease any person has before the commencement of this Act covenanted or agreed to erect a building, such building shall be built according to the provisions of this Act, as if this Act had been passed and in operation at the time of the making of such lease or agreement, and as if the same had been made subject to this Act, and that without either party being entitled to any compensation.

VI.—Byelaws as to Streets and Buildings.

Power to make byelaws with respect to streets, new buildings, &c.

158. Subject to the express provisions of this Act, the Commissioners may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For laying down regulations with respect to the level, width, and construction of new streets and courts, and the provision to be made for the drainage thereof:

For laying down regulations with respect to the structure of walls of buildings for securing stability and the prevention of fire:

For laying down regulations 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:

For laying down regulations with respect to the drainage of buildings, and to waterclosets, privies, ashpits, and cesspools in connexion with buildings, and to their situation:

But not so as to affect by any byelaw for any of the purposes aforesaid any building not being a new building within the meaning of this Act.

Power to make byelaws with respect to new and old buildings.

159. Subject to the express provisions of this Act, the Commissioners may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For regulating the thickness and construction of walls of or near ovens and furnaces built or wholly or partially rebuilt after the commencement of this Act:

For closing buildings or parts of buildings unfit for human habitation, and for prohibiting the use thereor for human habitation:

For prohibiting the occupation as a dwelling or sleeping room of any room any portion whereof extends immediately over any privy, ashpit, mid'den, or cesspool, or for enforcing the removal or alteration of such privy, ashpit, midden, or cesspool:

For compelling owners of buildings in streets to provide and keep proper spouts, troughs, and pipes to carry off water from the roofs and other external parts thereof:

And byelaws for purposes of this section may affect any building, whether new or not.

Provisions in byelaws for notices, &c.

160. Subject to the express provisions of this Act, the Commissioners may provide for the observance of any byelaws made under the two last foregoing sections 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 or alter buildings:

As to inspection by the Commissioners

And as to the power of the Commissioners to remove, alter, or pull down any work begun or done in contravention of such byelaws.

VII.—Sewers. Sanitary Arrangements.

Sewers and works vested in Commissioners.

161. All existing and future public sewers within the improvement district, and all existing and future sewers in and under the streets, with all the works and materials thereunto belonging, whether made or provided at the cost of the Commissioners or otherwise, and the entire management of the same, with the appurtenances, shall vest in and belong to the Commissioners, and the Commissioners shall maintain, cleanse, and flush the same.

Power to construct sewers within or

162. The Commissioners shall from time to time make the sewers necessary for the effectual sewerage of the improvement district, and convert any open drains or watercourses into sewers, and construct

A.D. 1870.

beyond improvement district.

all works necessary for cleansing or flushing sewers, and may make any such sewers under the streets in the improvement district, and if needful they may carry sewers through and across underground cellars and vaults under any streets in the improvement district, doing as little damage as may be and making full compensation for any damage done, and they may continue sewers to the most convenient site for the collection of sewage, and the disposal thereof by sale for agricultural or other purposes or otherwise, but so that the same in no case become a nuisance; and if for effecting any of the purposes aforesaid the Commissioners deem it expedient to carry or construct any sewer or work under, through, or on any road, thoroughfare, or place beyond the improvement district, or through, under, or on any lands within or beyond the improvement district, the Commissioners may so carry or construct the same accordingly and remove all obstructions thereon or thereunder, making full compensation to the owners and occupiers of any such lands.

Disposition of sewage.

163. The Commissioners, for the purpose of clearing, cleansing, and emptying the sewers belonging to them or under their management, from time to time 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, and may cause any sewage or refuse therefrom to be collected for sale for any purpose whatever, and may contract with any company or persons for the sale of sewage or for the distribution of it over any lands, and may contract for, purchase, or take on lease any lands, buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, or distributing sewage, and may exercise the powers given by this section either within or beyond the improvement district, but not so as to create a nuisance, and the conveyances of any lands, easements, or rights contracted to be purchased for the purposes of sewerage works before the commencement of this Act shall be made to the Commissioners.

Contract for supply of sewage.

164. The Commissioners may from time to time for the purpose of utilising sewage agree with any person as to the supply of such sewage and works to be made for the purpose of that supply, and the parties to execute the same and to bear the costs thereof, and the sums of money, if any, to be paid for that supply, and the Commissioners may contribute to the expense of the carrying into execution by such person of all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid is entered into by the

Commissioners, or to or in which the benefits and obligations of such agreement is transferred or vested; and all expenditure in consequence of the exercise of the power conferred by this section shall be deemed to have been incurred by the Commissioners in the construction or due maintenance of the necessary sewers for carrying away sewage, and shall be provided for accordingly, but no contract shall be made under this section for the supply of sewage for a period exceeding twenty-five years.

Power to deal with land appropriated to sewage purposes.

165. The Commissioners may deal with any lands held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding fourteen years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such lands, or by farming such lands and disposing of the produce thereof, subject to this restriction, that in any appropriation of such lands provision shall be made for receiving, storing, disinfecting, or distributing all the sewage which it is the duty of the Commissioners to cause to be disposed of in that manner.

Power to enlarge or demolish sewers.

166. The Commissioners may from time to time as they see fit enlarge, alter, divert, and otherwise improve all or any of the sewers vested in them or constructed by them and under their control, and if any such sewer at any time appears to them to have become useless they may, if they think fit, demolish and discontinue it, but not so as to create a nuisance, and if by reason of the exercise of the powers of the present section any person is deprived of the lawful use of any sewer, the Commissioners shall provide some other sewer as effectual for his use as the one of which he is so deprived.

Compensation for works connected with sewers.

167. If the owner or occupier of any lands is injuriously affected by the exercise of the powers relative to sewers by this Act conferred on the Commissioners, the Commissioners shall pay to him compensation in respect thereof.

Penalty for making unauthorised drains.

168. If any person not authorised by the Commissioners makes any sewer or drain into any sewer of the Commissioners he shall be liable to a penalty not exceeding five pounds, and the Commissioners may cause such sewer or drain to be re-made as they think fit, and may recover from him the expenses of so doing, and where any person is entitled to have a communication of a sewer or drain made into a sewer of the Commissioners, such communication shall be made only by the Commissioners at the expense of the person so entitled, and the amount of the expense as estimated by the surveyor shall be paid to the Commissioners before the work is com-

A.D 1870.

menced, and the Commissioners shall restore to the person paying the same any surplus and may recover from him any deficiency, as respectively ascertained on the completion of the work.

Buildings over sewers not to be made without consent of Commissioners.

169. No building shall be erected over any drain or sewer without the consent of the Commissioners first obtained in writing, and all vaults, arches, and cellars lawfully made under any street shall be substantially made and so as not to interfere or (without the like consent) communicate with any sewer of the Commissioners, and if after the commencement of this Act any building is erected or any vault, arch, or cellar is made in contravention of the provisions herein contained, the Commissioners may demolish or fill up the same, and the expenses incurred thereby shall be paid by the person erecting such building or making such vault, arch, or cellar.

Sewers may be made by owners and occupiers of land beyond improvement district.

170. Where any person is the owner or occupier of any building or lands outside the improvement district, in respect of which he would not be liable to the payment of rates under this Act, he may, with the consent of the Commissioners first obtained in writing, on payment to them of a reasonable sum of money, periodical or in gross, to be agreed on, have a communication into a sewer of the Commissioners of any sewer or drain for the purposes of his building or lands aforesaid that may be lawfully made therefrom, but nothing in this Act shall affect any right acquired by such owner or occupier independently of this Act to use any sewer of the Commissioners.

Deduction from rate for building, &c. sufficiently drained.

171. If it appears to the Commissioners that any building or land was sufficiently drained before the construction of any new sewer laid down by the Commissioners, they may deduct from the rates otherwise chargeable in respect thereof such a sum and for such time as under all the circumstances of the case they deem just.

Penalty on throwing rubbish into sewers.

172. If any person throws or permits to fall into any sewer or drain any cinders, ashes, bricks, rubbish, stone, earth, or other like substance he shall be liable to a penalty not exceeding forty shillings, and the Commissioners may remove the same and repair any damage caused thereby, and recover the expenses of so doing from the offender.

All sewers, &c. to be covered with traps.

173. All sewers and drains, whether public or private, shall be provided by the Commissioners or other persons to whom they severally belong with proper traps or other coverings or means of ventilation so as to prevent stench.

Drains, privies, &c. to be under control of

174. All drains, privies, ashpits, and cesspools shall be under the survey and control of the Commissioners, and shall be altered, repaired, and kept in proper order at the expense of the owners of

the lands and buildings to which the same belong, or for the use of which they are constructed or continued.

Commissioners. Connexion of drains with sewers.

175. The Commissioners may by notice require the owner of any building or lands (not being lands used exclusively for agricultural purposes) in their opinion insufficiently drained to construct a drain in such position, of such size and materials, and at such levels as seem to the Commissioners sufficient for the purpose of effectually draining the same, and if the Commissioners have a suitable sewer or the right to use such a sewer within one hundred feet from such building or the boundary of such lands, they may require such owner to connect his drain with that sewer, or if they have not any suitable sewer or right to use such a sewer within that distance, then to connect it with some proper receptacle, not being underneath a house, and not being at a greater distance than the one hundred feet aforesaid, and the owner shall keep such drain in repair, and from time to time cleanse the same to the satisfaction of the Commissioners: Provided that nothing in this section shall make it obligatory on any such owner to acquire any land or easement for the purpose of constructing any drain or receptacle or of connecting any drain with any sewer.

Occupiers to repair and cleanse private drains and house drains.

176. The occupier of any building or land from which any private drain or house drain issues into or is connected with any sewer of the Commissioners shall from time to time cleanse and repair such private drain or house drain to the satisfaction of the Commissioners, or in default thereof the Commissioners may cleanse and repair the same, and recover the expense thereof from the defaulter as damages.

Underground drains to be formed.

177. The owner or occupier of any building or land in any street shall cause the water to be conveyed therefrom either by a drain or tunnel below the surface of the pavement or footpath, or by an iron drain-gutter fixed in the pavement or footpath, and for that purpose such owner or occupier may take up so much of the pavement or footpath as may be necessary, and lay down or fix such drain or tunnel or iron drain-gutter under the direction of the Commissioners or their surveyor, and all damage thereby occasioned shall be made good by such owner or occupier.

Provisions respecting construction of drains.

178. With respect to the construction of drains, the following provisions shall have effect; (that is to say,)

(1.) Where the owner or occupier of any house or building, in consequence of notice from the Commissioners or otherwise, constructs and lays down a drain from such house or

A.D. 1870.

building, the Commissioners shall superintend and control the construction and laying down thereof, and as far as the same passes under any street or road shall construct and lay the same:

(2.) The expenses incurred by the Commissioners in the construction and laying of such drain shall be ascertained and certified by the surveyor, and the Commissioners shall order payment thereof by the owner of such house or building, either in one sum or more sums, and at such time or times as they think fit, and in default of payment according to such order, the same shall be recoverable by the Commissioners, and the production of a copy of such order certified under the hand of the clerk of the Commissioners, with proof of delivery of a copy of such order at the dwelling-house or last known place of abode of the person to be charged therewith, shall be primâ facie evidence of the liability of such person to pay the amount therein specified:

(3.) Provided that nothing herein shall empower the Commissioners to require such owner or occupier to construct and lay down a drain if there is not a sewer of the Commissioners or a sewer which they are entitled to use within one hundred feet from some part of the house or building, or to order payment of the expenses of constructing and laying down any portion of a drain lying beyond one hundred feet from some part of such house or building.

Power to enter and inspect premises to ascertain state of drainage, &c.

179. Where in the opinion of the Commissioners there is reasonable ground to believe that the drainage of any building or of any lands (not being lands used exclusively for agricultural purposes) is defective, and in any case where the drains for any building or lands pass through any other building or lands, the surveyor may between the hours of eight o'clock in the morning and six o'clock in the evening enter on and inspect any such building or lands, and if need be make such excavations or examination thereon or therein as he thinks fit, with a view of ascertaining the state of the drainage thereof and of any privy, ashpit, or cesspool belonging thereto or used by the occupiers thereof, doing as little damage as possible, and if on such inspection the same is found satisfactory the Commissioners shall reinstate all parts of the building and lands disturbed or excavated, and shall make compensation for any injury occasioned by the exercise of such powers; but except in case of urgent necessity no such entry and inspection shall be made save

with the consent of the occupier or person in charge of the premises, or with the authority in writing of a justice, which authority any justice may give.

Power to sewer authorities to combine.

180. The Commissioners and any other body being a sewer authority within the Sewage Utilisation Act, 1865, or any Act amending or incorporated with the same, may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts, and all money which they agree to contribute for the execution and maintenance of such common works shall in the case of the improvement district be deemed expenses of the execution of this Act, and in the case of the sewer authority be deemed expenses incurred by them in the execution of works within their district, and shall be raised accordingly.

Power for Commissioners to execute works in adjoining places.

181. The Commissioners may, with the consent of the local board of any district adjoining to the improvement district, or with the consent of any place maintaining its own poor adjoining to the improvement district, do or execute in that district or place any work or thing which the Commissioners may do or execute within the improvement district, on such terms as to payment and other things as may be agreed on, subject and according to the following provisions; (namely,)

(1.) Any money agreed to be paid by a local board under this section shall be payable out of the general district rates leviable by them, and any money agreed to be paid by any local authority of any such place under this section shall be payable out of the rates leviable by that authority for the expenses of executing the Nuisances Removal Act, 1855, or other rates leviable by them:

(2.) The consent of any such place to any work or thing proposed to be done under this section shall be signified in the manner in which the consent of that place to its incorporation with the improvement district for the purposes of the Local Government Act, 1858, would under that Act be properly signified:

(3.) Where the expenses of any such work or thing would, if it had been executed in the district of a local board under the powers of the Local Government Act, 1858, have been recoverable from owners or occupiers, the same shall be recoverable by the local board or local authority of the district or place respectively from such owners or occupiers:

A.D. 1870.

(4.) The local board or local authority shall make all such compensation to owners, occupiers, and others injuriously affected by any work or thing done or executed under this section as a local board is liable to make in case of works executed under the powers of the Local Government Act, 1858, the amount thereof to be determined in manner provided by that Act.

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

182. In case any of such owners or occupiers aforesaid, or any other owner or occupier who would be affected by the proposed work, object to such work, and serve notice in writing of such objection on the local board at any time within 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.

183. It shall be lawful for the Secretary of State, upon application of the Commissioners, 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.

Powers of Act cumulative.

184. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on the Commissioners in relation to sewers by Act of Parliament, law, or custom, and the Commissioners may exercise such other powers as if this Act had not been passed.

Prohibition against conveying sewage into stream, &c.

185. Nothing in this Act shall empower the Commissioners to construct or use any sewer for the purpose of conveying sewage or filthy or refuse water into any natural watercourse or stream, or into any canal, or into any feeder, watercourse, or stream running into or communicating with any canal, until such sewage or filthy or refuse water is freed from all excrementitious or other foul or noxious matter that would injuriously affect or deteriorate the purity or quality of the water in such watercourse or stream; but nothing in this section shall prevent the construction or use by the Commissioners of any sewer for the purpose of conveying into any such watercourse or stream, by means of storm overflows, water produced by unusual rainfall.

Proceedings to prevent pollution of streams.

186. The Commissioners, with the sanction of Her Majesty's Attorney General, may either in their own name or in the name of

any other person with his consent, take such proceedings by indictment, bill in Chancery, action, or otherwise, as they deem advisable for the purpose of protecting any watercourse or stream which is within the improvement district, or which is or forms part of the boundary line between the improvement district and any adjoining township or place from pollution arising from sewage produced either within or without the improvement district, and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be paid out of the improvement district fund.

Power to provide for collection, &c. of nightsoil.

187. For the purpose of collecting and depositing nightsoil, dung, ashes, and other filth and rubbish, the Commissioners may provide horses, carts, implements, and other things, and may purchase or hire any lands or buildings, and may erect any new buildings or alter any existing buildings, but such collection and deposit shall be so made and at such places as not to create a nuisance.

Power to appoint or contract with scavengers.

188. The Commissioners shall make provision for the sweeping, cleansing, and watering of the streets and footways, and for the carrying and removing of snow, ice, dirt, dust, dung, cinders, ashes, rubbish, filth, and soil away therefrom and from houses, and for emptying privies, cesspools, and ashpits, but so that nothing in this Act shall authorise the Commissioners to carry away or remove any dung from any stable or cowshed without the consent of the occupier thereof; and if any contractor with the Commissioners for the purposes aforesaid, or any of them, or any person employed by or acting under any contract or agreement with him, fails in any respect properly to perform the stipulations of any such contract with the Commissioners, the contractor with the Commissioners shall be liable to a penalty not exceeding five pounds, and each instance of such failure in respect of any or every street, footway, house, privy, cesspool, ashpit, or place shall be deemed a separate offence.

Dirt, &c. collected by scavengers vested in Commissioners.

189. All dirt, dust, dung, nightsoil, ashes, rubbish, or filth collected or removed by the Commissioners shall be the property of the Commissioners, and may be sold or disposed of by them.

Penalties on other persons than scavengers emptying privies, &c.

190. If any person other than a scavenger employed by or contracting with the Commissioners empties any privy, cesspool, or ashpit, or removes any soil or ashes therefrom or from any receptacle for soil or ashes communicating therewith or from any street, he and also any person employing him for that purpose shall be

A.D. 1870.

liable to a penalty not exceeding forty shillings; but nothing in this section shall prevent the occupier of the house with which such privy, cesspool, or ashpit is used from emptying the same or removing soil or ashes therefrom, in order to use the soil or ashes on any garden or land occupied by him, provided he uses the same accordingly.

Penalty on Commissioners for not causing privies, &c. to be emptied.

191. If the Commissioners do not, within seven days after notice in writing from the occupier of any house requiring them to empty any privy, cesspool, or ashpit belonging to such house or used by the inmates or occupiers thereof, cause the same to be emptied, the Commissioners shall pay to the occupier of the premises a sum not exceeding ten shillings for every day during which such default continues after the expiration of the said period of seven days.

Removal of rubbish in ashpits, &c.

192. If any privy, cesspool, or ashpit is used for the deposit of refuse of building or other materials, or rubbish of a like description, the Commissioners may make a reasonable charge upon the occupier of the building to which such privy, cesspool, or ashpit belongs for the removal of the same.

Power to make bye-laws for regulation of scavengers, &c.

193. The Commissioners may from time to time make byelaws for all or any of the following purposes; namely,

For regulating the cleansing and keeping clean of privies, and the times and mode of removal of the contents of privies, cesspools, ashpits, and receptacles for soil and ashes:

For regulating the conduct of the scavengers, and for prescribing whether they shall wear any, and what, badges, and for punishing extortion, imposition, misconduct, or misbehaviour in them.

Urinals attached to public-houses, &c.

194. The Commissioners may order the occupier of any inn, public-house, beer-house, eating-house, cook-shop, or other place of public entertainment built before or after the commencement of this Act to provide and maintain at a place belonging to him or them, to be pointed out by the Commissioners, upon or adjoining to his premises, urinals to the satisfaction of the Commissioners, and if any person fails in any respect to comply with the provisions of the present section he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him, and the Commissioners may order the owner and occupier of any building or lands to remove any urinal belonging thereto where it appears to them so situated or constructed as to be a nuisance or offensive to public decency, or otherwise objectionable.

Public waterclosets.

195. The Commissioners from time to time may make, alter, and remove in and from such places as they think fit any public privies, waterclosets, or urinals, and may maintain and cleanse the same and make byelaw regulations for the use thereof, and the orderly conduct of persons resorting thereto, as the Commissioners think fit.

Power to deal with nuisance on premises partly within and partly without improvement district.

196. If any nuisance or annoyance to the inhabitants of the improvement district arises or exists in or upon any building, or the curtilage thereof, situated partly within and partly without the improvement district, the Commissioners shall have in respect of such building and curtilage and the owner and occupier thereof such and the like powers as they would have had if the whole of such building and curtilage had been within the improvement district.

Cleansing watercourses, &c. forming boundaries of improvement district.

197. In case any watercourse, brook, ditch, drain, pool, reservoir, or other accumulation of water is or forms part of the boundary line between the improvement district and any adjoining township or place, and in the opinion of the Commissioners requires to be drained, cleansed, scoured, deepened, widened, straightened, covered over, or otherwise improved, the Commissioners and the local authority (mentioned in the Nuisances Removal Act for England, 1855, or any Act amending that Act) of such township or place may enter into an agreement for the execution of such works and for the payment of the expenses of and incident to the same; and if no agreement is made the Commissioners may summon such local authority to appear before two justices, not being Commissioners, to show cause why an order should not be made by such justices for executing such permanent or other structural works in relation to the watercourse, brook, ditch, drain, pool, reservoir, or accumulation of water as may appear to the justices 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 such works, and may determine by whom the same shall be executed, and by whom and in what proportion the expenses of the execution thereof (such expenses to include compensation to any person for any damage he may sustain in or by reason of the execution of such works) shall be paid, and also the amount, time, and mode of payment of such expenses, and the same shall be paid accordingly, and in default of payment such sum may be levied upon the goods and chattels of such local authority by distress and sale thereof.

Buildings unfit for habitation.

198. In any case where it is certified to the Commissioners by the officer of health of the improvement district, or by the surveyor,

A.D. 1870.

or by the inspector of nuisances, or by any two registered medical practitioners, that any building or part of a building in the improvement district is unfit for human habitation, the Commissioners 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 specified, be inhabited; and no person, after the date or time mentioned in such order, shall let or occupy, or continue to let or occupy, or knowingly suffer or permit to be occupied, such building or part of a building, and if any person acts in any respect in contravention of this provision he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during which such offence continues: Provided that if at any time after such order is made the Commissioners are satisfied that such building has become or been rendered fit for human habitation, they may revoke their order, and the same shall thenceforward cease to operate, and so toties quoties.

Restrictions on use for dwellings of underground places.

199. For preventing the use of human habitation of underground places unfit for that purpose the following provisions shall take effect; namely,

(1.) It shall not be lawful for any person to let or suffer to be occupied or to occupy as a separate dwelling any cellar, vault, or underground room not so let or occupied before the first day of July one thousand eight hundred and fifty-nine, and if any person acts in any respect in contravention of the present provision he shall be liable to a penalty not exceeding ten pounds:

(2.) In case at any time after the commencement of this Act it appears to the Commissioners that any cellar, vault, or underground room occupied as a separate dwelling, having been so occupied before the commencement of this Act, is unfit for human habitation, regard being had to the mode of its construction and its condition, or to the supply or want of sanitary or other conveniences to be used therewith, the Commissioners may, by order served on the owner and occupier thereof, order that the occupation thereof as a separate dwelling be from the expiration of one month from the service of such order discontinued:

(3.) If an owner appeals against any such order, the occupation as a separate dwelling of the cellar, vault, or underground room to which the order relates need not be discontinued until the expiration of fourteen days after the confirmation

of the order of the Commissioners, unless such appeal ceases to be prosecuted:

(4.) If any person lets or knowingly suffers to be occupied, or occupies, as a separate dwelling, any cellar, vault, or underground room after the time when the occupation thereof as a separate dwelling ought to be discontinued according to the provisions of this Act, he shall be liable to a penalty not exceeding twenty shillings for every day during which the offence continues, but any owner shall not be liable to such penalty in respect of any time after he has given notice to his tenant to quit and deliver up possession of such cellar, vault, or underground room, and has ceased to receive or claim any rent for the hire or occupation thereof, and the burden of proving such notice, and that he has ceased to receive or claim any rent as aforesaid, shall be on the owner:

(5.) On the application of the Commissioners and proof of the order for the discontinuance of the occupation as a separate dwelling of any such cellar, vault, or underground room, and proof that no appeal in relation thereto is pending, any justice may order the occupants of such cellar, vault, or underground room to be removed, and any constable may enter therein and do or assist in doing all matters and things necessary for that purpose, and in the event of access thereto for that purpose being refused, any justice may grant a warrant for forcibly entering therein, and if any person resists or wilfully obstructs any constable in the execution of his duty under the present section he shall be liable to a penalty not exceeding twenty pounds.

Compelling house to obtain supply of water.

200. With respect to compulsory supply of water in certain cases the following provisions shall have effect; (namely,)

(1.) If on the report of the surveyor or officer of health of the Commissioners, it appears to the Commissioners that any house situate in any part of the improvement district, where the mains of any water company are laid within twenty yards of such house, is without a proper supply of water, the Commissioners may give notice in writing to the owner thereof, requiring him within a time specified in the notice to do all works necessary for obtaining and to obtain such supply:

(2.) For the purposes of this section the person for the time being receiving the rackrent of the house on his own account, or as agent, receiver, or trustee for any person

A.D. 1870.

interested, or who would receive the same if the house were let at a rackrent, shall be deemed the owner of the house:

(3.) If the notice is not complied with the Commissioners may, if they think fit, do or procure to be done the works accordingly:

(4.) The expenses incurred by the Commissioners in doing or procuring to be done such works shall be paid to them by the owner:

(5.) Those expenses may, to the extent of any rent due or thereafter accruing due from the occupier, be recovered by the Commissioners from the occupier in a summary manner, and may, in case of payment by or recovery from the occupier, be deducted by the occupier from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent as if the amount had been actually paid as rent:

(6.) If they are not recovered from the occupier they may be recovered by the Commissioners from the owner (or in the case of an agent or receiver from his principal) in any court of competent jurisdiction, and the same until paid shall bear interest at the rate of five per centum per annum:

(7.) The water rent for such compulsory supply shall be the same as would be chargeable if the supply had been furnished on the request of the owner or occupier, and shall from time to time as and when the same becomes payable be paid by the occupier, and be recoverable by distress in like manner as rent in arrear, unless the property in respect of which such water rent is payable be let out to a weekly tenant or to weekly tenants, in which case the water rent shall be paid by the owner.

Power to supply water for public and sanitary purposes, &c.

201. The Commissioners may provide their district with such a supply of water as may be proper and sufficient for cleansing and sanitary purposes, flushing sewers, watering the streets, supplying baths and wash-houses, and such other public purposes as the Commissioners are by this Act authorised to effect, and for which a supply of water may be requisite, and for private use, to the extent required by this Act, and for those purposes or any of them the Commissioners may from time to time, with the approval of one of Her Majesty's Principal Secretaries of State, contract with any person whomsoever, or purchase, take upon lease, hire, construct, lay down, and maintain such waterworks, and do and execute all

such works, matters, and things as shall be necessary and proper, and any waterworks company may contract with the Commissioners to supply water for the purposes of this Act in any manner whatsoever, or may sell and dispose of or lease their waterworks to the Commissioners, if the latter are willing to take the same, and the Commissioners may provide and keep in any waterworks constructed or laid down by them under the powers of this Act a supply of pure and wholesome water, and the water so supplied may be constantly laid on at such pressure as will carry the same to the top storey of the highest dwelling-house within the district supplied: Provided that before constructing or laying down any waterworks under the powers of this Act within any limits within, for, or in respect of which any waterworks company shall have been established for supplying water, the Commissioners shall give notice in writing to every waterworks company within whose limits the Commissioners may be desirous of laying on or supplying water, stating the purposes for and (as far as may be practicable) the extent to which water is required by the Commissioners, and it shall not be lawful for the Commissioners to construct or lay down any waterworks within such limits, if and so long as any such company shall be able and willing to lay on water proper and sufficient for all reasonable purposes for which it is required by the Commissioners, and upon such terms as shall be settled by arbitration in the manner provided by this Act, and in case any difference shall arise as to whether the water which any such company is able and willing to supply or lay on is proper and sufficient for the purposes for which it is required by the Commissioners, or whether the purposes for which it is required are reasonable, the same shall be settled by arbitration in the manner provided by this Act.

Restriction on construction of waterworks.

202. The Commissioners may, if they think fit, supply water from any waterworks purchased or constructed by them under this Act to any public baths or wash-houses or for trading or manufacturing purposes, upon such terms and conditions as may be agreed upon between them and the persons desirous of being so supplied.

Water for baths, &c.

203. If any person wilfully or carelessly breaks, injures, or opens any locks, cock, waste pipe, or waterworks belonging to or under the management or control of the Commissioners, or constructed, continued, or maintained under this Act, or unlawfully flushes, draws off, diverts, or takes water from any such waterworks, or from any waters or streams by which the same are supplied, or wilfully or negligently wastes or causes to be wasted any water with which he is supplied by the Commissioners, he shall for every

Penalty for injury to waterworks, &c.

A.D. 1870.

such offence forfeit a sum not exceeding five pounds, and a further penalty not exceeding twenty shillings for each day whilst the offence is continued after written notice in that behalf, which penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the owner or occupier of any premises through or by which any streams may flow, from using the same as they would have been entitled to do if this Act had not been passed.

Penalty for fouling water, &c.

204. If any person bathes in any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid, or washes, cleanses, throws, or causes to enter therein any animal, rubbish, filth, stuff, or thing of any kind whatsoever, or causes or permits to run or be brought therein the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water, or does anything whatsoever whereby any water belonging to the Commissioners, or under their management or control, or of or contained in any such reservoir, conduit, aqueduct, or other waterworks as aforesaid, shall be fouled, he shall for every such offence forfeit a sum not exceeding five pounds, and a further sum not exceeding twenty shillings for each day while the offence is continued after written notice in that behalf.

Penalty for fouling by gas, &c.

205. If any person being proprietor of any gasworks, or being engaged in the manufacture or supply of gas, causes or suffers to be brought or to flow into any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid, or into any drain or pipe communicating therewith, any washing or other substance produced in the manufacture or supply of gas, or wilfully does any act connected with the manufacture or supply of gas, whereby the water therein is fouled, he shall forfeit to the Commissioners for every such offence a sum not exceeding two hundred pounds, and after the expiration of twenty-four hours notice in writing from them in this behalf, a further sum of twenty pounds for every day during which the offence is continued, or during the continuance of the act whereby the water is fouled, and every such penalty shall be recoverable with costs by proceedings in any court of competent jurisdiction; and if any water supplied by, belonging to, or under the management or control of the Commissioners be fouled in any manner by the gas of any such proprietor or person as last aforesaid, he shall forfeit to the Commissioners for every such offence a sum not exceeding twenty pounds, and a further sum not exceeding ten pounds for every day whilst the offence is continued after the expiration of twenty-four hours notice in writing from the Commissioners in this behalf; and

for the purpose of ascertaining whether such water is fouled by the gas of any such proprietor or person, the said Commissioners may lay open and examine any pipes, conduits, and works from which the gas is supposed to escape; provided that before beginning so to do, twenty-four hours notice in writing be given to the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, of the time at which the examination is intended to be made, and if upon such examination it appears that the water has been fouled by the gas proceeding from or contained in the pipes, conduits, or works examined, the expenses of the examination shall be paid and borne by the person to whom such pipes, conduits, or works belong, or under whose management and control they may be, and be recoverable from him in a summary manner, but if it appears that the water has not been so fouled, then such expense and all damages occasioned by the examination shall be paid by the Commissioners out of rates levied under this Act, and be recoverable from them in a summary manner.

Power of carrying water mains.

206. If the Commissioners supply water to their district, they shall have the same power for carrying water mains within the district as they have for carrying sewers.

Commissioners to cause fire-plugs, &c. to be provided and maintained.

207. The Commissioners shall cause fire-plugs and all necessary works, machinery, and assistance for securing an efficient supply of water in cases of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or other party, and they shall paint or mark on the buildings and walls within the streets, words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may from time to time deem expedient.

Quantity of air for lodgers.

208. It shall not be lawful for any person to suffer any lodgers to use as a sleeping room any room in any house belonging to or occupied by him, unless there are in such room three hundred cubic feet of space at least for every person at any time using it as a sleeping room, and if any person offends against this enactment he shall 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.

Regulations as to lodging houses.

209. The provisions set forth in the fifth schedule to this Act shall have effect as if they were enacted in the body of this Act, with respect to houses or parts of houses let in lodgings or occupied by members of more than one family; but nothing in this section

A.D. 1870.

or those provisions shall apply to common lodging-houses within the Common Lodging Houses Act, 1851, or any Act amending the same.

Commissioners a nuisance authority.

210. Notwithstanding anything in this Act, the Commissioners shall continue to be the nuisance authority for the improvement district within the meaning of any general Act relating to the removal of nuisances or other general Act.

VIII.—Protection of Works.

Saving for sluices, canals, &c.

211. Nothing in this Act shall authorise the Commissioners—

(1.) To use, injure, or interfere with any sluices, floodgates, sewers, or other works made before or after the commencement of this Act under the authority of any Commissioners of Sewers appointed by the Crown, or any sewers or other works made before or after the commencement of this Act and used for the purpose of draining, preserving, or improving lands under any local or private Act of Parliament, or for the purpose of irrigating lands, without consent in writing first obtained from such Commissioners, or from persons acquiring rights under such local or private Act respectively, and nothing in this Act shall affect rights, privileges, powers, or authorities given or reserved to any person by or under such local or private Acts:

(2.) To interfere with any 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 or stream 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 authorised by virtue of any Act of Parliament to navigate on or use of 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 been passed, have been entitled by law to prevent or be relieved against such interference, provided that in this section the term watercourse shall not be deemed to include any sewer of the Commissioners:

(4.) To interfere with any bridge crossing any river, canal, dock, harbour, or basin in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are authorised 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 work 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 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 authorised officer or agent.

Works interfering with improvement of rivers, &c. referred to arbitration.

212. Where any matters or things proposed to be done by the Commissioners, not being within the prohibition aforesaid, interfere with the improvement of any river, dock, harbour, lock, reservoir, or basin 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 whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river, canal, dock, harbour, or basin, or with any lands necessary for the enjoyment or improvement thereof, the Commissioners 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

A.D. 1870.

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 Commissioners will cause any injury to such river, canal, dock, harbour, basin, towing-path, works, or land, or to the enjoyment or improvement of such river, canal, or dock, harbour, or basin:

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

Effect of arbitration.

213. The result of any such arbitration shall be final, and the Commissioners may or shall (as the case may require) do as follows; (that is to say,)

If the arbitrators are of opinion that no injury will be caused, the Commissioners 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 compensated by money, they shall proceed to assess such compensation, and on payment of the amount so assessed, but not before, Commissioners may proceed to do the proposed matters:

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

Power for Commissioners to alter sewers.

214. Subject and without prejudice to the stipulations of any agreement, any corporation, company, undertakers, commissioners, conservators, trustees, or individuals owning or authorised by virtue of any Act of Parliament to use any railway or 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 railway, 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 to the Commissioners, and executed under his superintendence, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by the Commissioners, and passing under or interfering with such railway, 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 rights of companies or individuals.

215. Nothing in this Act shall authorise the Commissioners 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, or 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 Commissioners have first obtained the consent in writing of such company or individuals so entitled as aforesaid.

Arbitration as to questions under preceding sections.

216. Any difference of opinion that may arise between the Commissioners 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 Commissioners 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 the foregoing provisions of this Act, shall be determined by arbitration in like manner, and the arbitrators shall decide the like questions as to the alleged injury, and the Commissioners may or shall (as the case may require) proceed in the like way as is in this Act provided with regard to arbitrations in cases of alleged injury to rivers, canals, docks, harbours, and basins.

IX.—Town Hall.—Parks.—Clocks.

Power to provide a town hall, &c.

217. The Commissioners may purchase by agreement a suitable site or suitable sites within the limits of this Act, and may alter and improve any building thereon, or may build and provide and may maintain and improve as they think fit a public building or buildings to be adapted and used for all or any of the following purposes; (that is to say,) for a town hall, county court, magisterial courts, meetings of the inhabitants in vestry, and other parochial and general meetings of the inhabitants, such building to comprise all suitable rooms, offices, conveniences, and approaches as the Commissioners think proper, and the Commissioners may let any shops, buildings, offices, and other privileges and accommodations at or within the town hall and other buildings on such terms and for such rents, and also receive such charge and charges for admission thereto and the use thereof, as to them seem fit, and may permit for hire or otherwise at any convenient time or times the

A.D. 1870.

town hall and other buildings to be used for public meetings or other purposes, and make and establish such regulations for the due management of the same as they deem expedient.

Places of public recreation, &c.

218. The Commissioners may from time to time provide, lay out, plant, and improve premises for the purpose of being used as public walks, parks, or pleasure grounds, and may maintain the same, and may support or contribute towards any premises provided for such purposes by any person.

Clocks.

219. The Commissioners may provide such clocks as they consider necessary, and cause them to be fixed upon any public building or, with the consent of the owner and occupier, upon any private building, and may remove and alter the same as they think fit, and may cause the dials of such clocks to be lighted at night.

X.—Markets and Slaughter-houses.

Power to continue and establish markets and fairs, and slaughter-houses.

220. With respect to markets and the providing of slaughter-houses within the improvement district the Commissioners shall have the following powers and duties; (namely,)

(1.) They may continue and from time to time appoint and provide proper market places and market houses for the sale of marketable articles, with proper approaches, works, and conveniences:

(2.) They may continue the general market held in the improvement district, and may from time to time establish and hold new markets:

(3.) They shall provide and keep sufficient and proper weighing houses or places, weights and measures, scales and machines for weighing or measuring articles and weighing carts in the markets, and shall appoint and keep proper persons to attend to such weighing or measuring during the holding of themarkets:

(4.) They may continue and from time to time provide proper slaughter-houses with all necessary fittings and conveniences:

(5.) They may demand and receive tolls, stallages, and rents (not exceeding the tolls, stallages, and rents specified in the sixth schedule to this Act) from persons selling or offering or exposing for sale articles in the said general market and in any new market to be established and held under this Act, or using the buildings or conveniences in the markets or frequenting the markets or using the weighing house or places, weights, measures, scales, or machines in the markets, or using the slaughter-houses:

(6.) They may alter or discontinue any market, and enlarge, improve, alter, or remove any market place or market house or any approach, work, or convenience, or any weighing house or place, or any slaughter-house provided by them:

(7.) For the purposes aforesaid they may from time to time purchase by agreement any lands or appropriate any lands for the time being belonging to them or under their control.

Limits of markets.

221. The limits of the markets of the Commissioners shall be the same as the limits of the improvement district.

Power to make bye-laws for regulation of markets, tolls, &c.

222. The Commissioners may from time to time make byelaws for all or any of the following purposes; namely,

For appointing the days on which and the hours during which any market is to be held, and the time during which and the mode in which any article may be sold or exposed or offered for sale in any market, and for the removal of any article and of persons from any market after sale or at the close of the market:

For regulating the use of the market places and market houses and the buildings, conveniences, and works connected therewith, and the weighing houses or places, and the slaughter-houses, and for preventing the bringing therein of any diseased, offensive, or adulterated article, and for preventing nuisances and obstructions therein or in the approaches thereto and damage and danger thereto:

For fixing the amount of tolls, stallages, and rents which the Commissioners will demand and receive in respect of markets and fairs, weighing houses and places, and slaughter-houses, and for regulating the time when the same respectively shall become due and payable and the collection thereof.

Public notice of removal of markets, &c.

223. Notwithstanding anything in this Act, before the Commissioners remove any market or alter the day for holding any market they shall give at least one month's notice by advertisements in some one or more newspapers circulating in the improvement district, and by placards affixed to conspicuous places in the improvement district, and a statutory declaration by an officer of the Commissioners to the effect that public notice has been given in accordance with this section shall be received as evidence of the facts thereby declared.

Prohibition of sale except in markets, &c.

224. If any person sells or exposes for sale except in his own dwelling place or place of business, or carries about for sale, any article other than cattle in respect of which the Commissioners are

A.D. 1870.

entitled to take any toll, stallage, or rent in any market, he shall be liable to a penalty not exceeding forty shillings; but nothing in this section shall extend to a licensed hawker, that is to say, a person who is required by law to take out a license as hawker, and who has taken out such a license, and who produces the same on demand to the authorised officer of the Commissioners.

Market inspectors, &c. may be made constables.

225. The Commissioners may cause the inspectors and collectors of markets, and all persons appointed to assist them permanently or otherwise, to be sworn before a justice as constables, and the men so sworn shall have all such powers, authorities, and privileges, and shall perform and be liable to all such duties and responsibilities, as constables appointed under the Municipal Corporation Acts.

Tolls to be payable by successive occupiers of shops, &c.

226. The several tolls in the markets payable with respect to the occupation of any shop, stall, bench, compartment, or space of ground shall be paid not only by the original taker or occupier thereof for a part of a day or other time, but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

Tolls to be payable by successive sellers of articles.

227. The several tolls in the markets and fairs payable with respect to any article shall be paid not only by the original seller, but also by any subsequent seller or person who offers such article for sale, and such tolls shall become payable before such article is sold or offered for sale.

Tolls in respect of cattle market when due.

228. The tolls in respect of cattle brought to the 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.

Power to let stalls, &c.

229. The Commissioners may from time to time let to any person any stall, standing, or other convenience in any market or fair for any time not exceeding three years, at such rent and on such terms as they think reasonable.

Power to let tolls of markets, &c.

230. The Commissioners may from time to time demise for any term not exceeding seven years the whole or any part of the tolls, stallages, and rents receivable in respect of the markets, weighing houses or places, and slaughter-houses, or any of them.

Penalty for taking excessive toll.

231. If any person demands or receives a toll, stallage, or rent higher than that authorised he shall be liable to a penalty not exceeding forty shillings.

Recovery of tolls.

232. If any person liable to the payment of any toll, stallage, or rent payable to the Commissioners does not pay the same when demanded, the Commissioners or their lessee, or any person authorised by the Commissioners or their lessee to collect the same, may seize and detain the article in respect of which the same is payable, or any other article in the market belonging to the person liable to pay the same or under his charge; and if the toll, stallage, or rent, and the reasonable charges of the seizure and detention, and of the keeping and maintaining of the article seized, is not paid, in case of perishable articles seized forthwith, and in case of other articles seized within four days from the time of seizure, the Commissioners or their lessee may forthwith, or on the expiration of those four days (as the case may be), sell the article seized, and out of the money arising thereby may pay and retain the toll, stallage, or rent and the charges aforesaid, and those of the sale, returning the overplus (if any) to the owner of the article seized, or such toll, stallage, or rent may be recovered in any court of competent jurisdiction.

Settlement of disputes as to tolls.

233. If any dispute arises concerning any toll, stallage, or rent, or the charges of keeping or selling any distress, such dispute shall be determined by a justice, who, on application made to him, shall determine the same, and make such order therein and award such costs to either party as he thinks proper, and in default of payment on demand of the money so awarded, and of the costs, the same shall be levied by distress.

Articles to be weighed if requested by buyer.

234. Every person selling or exposing or offering for sale, by weight or measure, any article in any market shall, if required so to do by the buyer, cause the same to be weighed or measured at one of the weighing houses or places of the Commissioners, and if any person refuses on demand to comply with such requisition he shall be liable to a penalty not exceeding forty shillings.

Penalty for refusal to weigh, &c.

235. If any person appointed by the Commissioners to weigh or measure any articles sold in any market refuses or neglects to weigh or measure any article when required, he shall be liable to a penalty not exceeding forty shillings.

Carts to be weighed at one of the machines erected by the Commissioners.

236. The driver of any cart laden with any article brought within the improvement district for sale or delivery therein shall, at the request of the buyer of such article or his agent, or of the seller thereof or his agent, take such cart with or without the loading thereof to the nearest weighing machine for carts provided by the Commissioners, and shall permit the same to be weighed, and if such cart is weighed with its load the driver shall, if required, take it, after its load has been discharged, to the weighing machine for carts

A.D. 1870.

provided by the Commissioners nearest to the place of discharge, and permit it to be re-weighed without its load; and if any driver is for the purposes aforesaid required to take a cart a greater distance than half a mile, including the going to and returning from such machine respectively, the owner of the cart shall be paid for every horse used in drawing it 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 the cart to be weighed before the driver shall be obliged to take it to be weighed.

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

237. If the driver of any such cart, on being requested and having such payment made or tendered as aforesaid, does not take the cart to be weighed as herein-before directed, or refuses to assist in the weighing thereof, he shall for each offence be liable to a penalty not exceeding twenty shillings.

Penalty on drivers committing frauds in weighing.

238. If any driver of any cart weighed at any weighing machine provided by the Commissioners under this Act commits any of the following offences he shall be liable to a penalty not exceeding five pounds; (that is to say,)

If he at the time of the weighing knowingly has anything in or about the cart other than the proper loading thereof:

If he alters any ticket denoting the weight of the cart or its loading:

If he makes or uses, or is privy to the making or using of any ticket falsely stating the weight of the cart or of its loading:

If he after the weighing of the cart with its loading removes any part of the loading and afterwards disposes of or attempts to dispose of or represents the residue of such loading as being the full loading denoted by any such ticket:

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

If he is 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.

239. If the buyer or seller of any goods in any cart required to be weighed as aforesaid does anything to such cart or its loading whereby the true weight thereof respectively is altered before such weighing, he shall be liable to a penalty not exceeding five pounds.

Penalties for frauds committed by

240. The person for the time being appointed to keep any weighing machine for carts provided under this Act shall be liable to

a penalty not exceeding five pounds in each of the following cases (that is to say,)

If he wilfully neglects 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: — the machine keeper.

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

If he does 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 gives to any person a false ticket or account of the weight of such cart with or without the loading thereof:

If he commits any fraud concerning the weighing of any cart or the loading thereof, or makes any false representation of the weight of the same respectively.

Penalty on other parties committing frauds as to weighing.

241. If any person commits any fraud respecting the weighing or weight of any cart or the loading thereof, he shall be liable to a penalty not exceeding five pounds.

Prohibition of sale except by weight or number.

242. It shall not be lawful for any person to sell any article (except liquids) in any market of the improvement district otherwise than by weight (by the pound of sixteen ounces or some aliquot part thereof) or by number, and if any person acts in any respect in contravention of this section he shall for every such offence be liable to a penalty not exceeding one pound, and if any person is found using for any purpose in contravention of this section any measure, the superintendent of the market or other authorised officer of the Commissioners, or any peace officer, may seize and detain the same, and on conviction of the offender the same shall be forfeited to the Commissioners.

Seizure of false weights, &c.

243. If any person is found using any false scales, beam, weight, or measure, the superintendent of the market or other authorised officer of the Commissioners, or any peace officer, may seize and detain the same, and on conviction of the offender the same shall be forfeited to the Commissioners.

Forfeiture of articles left in market.

244. Every article brought into any market and left therein after the hour of closing (except such as are left in charge of the superintendent of the market) may be taken possession of by the superintendent, and if the same being of a perishable nature are not claimed within one hour after the closing, or not being of a perishable nature are not claimed within one month thereafter, then and in every such case the same may be sold by the Commissioners,

A.D. 1870.

who shall return the surplus proceeds of such sale after deducting any unpaid stallage, rent, or toll due in respect thereof, and the expenses of detention and sale, to the owner on demand, if such demand is made within one month after the sale, but if demand is not so made the proceeds of the sale shall be forfeited to the Commissioners.

Offences in market.

245. Every person who in any market commits any of the following offences shall for every such offence be liable to a penalty not exceeding two pounds, and the superintendent of the market or other officer authorised by the Commissioners, or any peace officer, may remove from the market and take into custody without warrant any person who within his hearing or view (as the case may be) commits any such offence, and every person so taken into custody shall be forthwith conveyed before a justice; (that is to say,)

Every person who makes use of any expression of cursing or swearing, or of any threatening, abusive, violent, offensive, obscene, or disgusting language:

Every person who is drunk and disorderly:

Every person who wilfully creates any obstruction:

Every person who loiters on any stall or bench or in any other part of the market buildings:

Every person who fights, quarrels, or makes any affray or disturbance:

Every person who commits or creates any nuisance:

Every person who wilfully damages or makes any mark on any wall with chalk, paint, or otherwise, or posts any bill or paper thereon:

Every person who wilfully breaks any window or light, or does any other damage to the property of the Commissioners.

Apprehension of persons treating animals cruelly.

246. If any person wantonly or cruelly tortures, beats, ill-treats, or abuses any animal in any market place or slaughter-house, any officer of the market, on view thereof, without any warrant other than this Act, may apprehend him and take him before a justice of the peace to be dealt with according to law.

Power to license slaughter-houses.

247. With respect to the licensing of slaughter-houses the following provision shall take effect; (namely,)

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

(2.) They may by order revoke or suspend the license for any slaughter-house when the same is a nuisance:

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

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

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

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

(7.) The Commissioners 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-houses provided or licensed by Commissioners.

248. It shall not be lawful for any person to slaughter for sale any cattle, or to dress for sale the carcase of any cattle, in any place within the improvement district other than a slaughter-house provided or licensed by the Commissioners, and if any person acts in any respect in contravention of the present enactment he shall be liable to a penalty not exceeding five pounds.

Power of entry to examine slaughter-houses.

249. The surveyor or other officer authorised by the Commissioners in this behalf may at all reasonable times, with or without assistants, enter into and inspect any slaughter-house, and may also enter into and inspect any place of business occupied by a butcher or meat salesman, in order to ascertain whether any cattle have been or are being slaughtered in contravention of this Act.

XI.—Public Baths and Wash-houses, &c.

Power to provide baths, &c.

250. The Commissioners may continue, maintain, and improve the wash-houses provided by them, and may (if they think fit) from time to time purchase by agreement any baths and wash-houses before or after the commencement of this Act established otherwise than by the Commissioners, and appropriate the same to the purposes of public baths and wash-houses, with such additions or alterations as they deem expedient, and may from time to time enlarge the same, and may from time to time erect or otherwise provide and may maintain buildings suitable for public baths and wash-houses, or either of them, with or without open drying grounds, and convert

A.D. 1870.

any buildings into such baths or wash-houses, and make any open bathing places, and alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite fittings, furniture, and conveniences; and the trustees of any baths and wash-houses established or provided by private subscriptions or otherwise may, with the consent of the majority of the committee or other persons by whom they were appointed trustees, sell the same to the Commissioners, or make over to them the management thereof, on such terms as may be agreed on.

Power to make bye-laws for regulation of baths, &c.

251. The Commissioners may from time to time make byelaws for all or any of the following purposes; namely,

With respect to public baths, wash-houses, and bathing places provided by them or under their management:

For securing that the baths and wash-houses and bathing places be under the due control of the officers and servants of the Commissioners, and for determining their duties:

For securing adequate privacy to persons using the baths, wash-houses, and bathing places, and providing security against accidents to persons using the bathing places:

For securing that men and boys above eight years old bathe separately from women and girls and children eight years old or under:

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances:

For determining the charges for the use of the baths, wash-houses, and bathing places.

With respect to public bathing on any part of the seashore within the improvement district:

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

For regulating the occupation of such stands of bathing machines, and apportioning the same temporarily among the owners of such machines for the time:

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

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

For ensuring that the bathing machines shall be kept clean and in a proper state of repair:

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 such prescribed limits.

Recovery of charges at wash-houses.

252. The officers and servants of the Commissioners may detain clothes brought to be washed or other goods of any person refusing to pay any charge to which such person is liable for the use of the wash-houses of the Commissioners, till full payment thereof is made, and in case such payment is not made within seven days after the same becomes due, may sell such clothes or goods or any of them, returning the surplus proceeds of such sale (after deducting the unpaid charge and the expenses of detention and sale), and any unsold articles, on demand, to the owner or the person by whom the same were brought to be washed.

Power to discontinue baths, &c.

253. Whenever any baths or wash-houses or bathing places established by the Commissioners, having been carried on for one year or upwards, are determined by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may discontinue the same or any part thereof, and sell or dispose of the same or any part thereof.

XII.—Police Regulations, &c.

Penalty on persons committing any offences enumerated.

254. Every person who in a street or elsewhere than in a street in the cases in that behalf in this section specified commits any of the following offences shall 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; (that is to say,)

Every person who, to the obstruction, annoyance, or danger of any resident or passenger in a street, exposes for show, hire, or sale (except in a market or market place, or fair lawfully appointed for that purpose), a horse or other animal, or exhibits in a caravan or otherwise a show or public entertainment, or shoes, bleeds, or farries a horse or animal (except in cases of accident), or cleans, dresses, exercises, trains, or breaks or turns loose a horse or animal, or makes or repairs any part of a cart or carriage (except in cases of accident where repair on the spot is necessary):

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

Every owner of a dog who suffers such dog to go at large, knowing or having reasonable ground for believing it to be in a

A.D. 1870.

rabid state, or to have been bitten by a dog or other animal in a rabid state:

Every person who, after public notice given by the chairman of the Commissioners 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 cattle, or dresses cattle, or any part thereof, except in the case of cattle overdriven, or having met with an accident, which for the public safety or other reasonable cause ought to be killed on the spot:

Every person who, occupying a blacksmith's, whitesmith's, or nailmaker's shop having a door or window or other opening fronting or opening into or towards a street, does not by good and close doors or shutters every evening not later than half an hour after sunset prevent the light from such shop shining into any street:

Every person who, to the obstruction, annoyance, or danger of any resident or passenger in any street, keeps any gaslight or other light flaring or unprotected, extending to or over any street:

Every person who discharges smoke or steam from a building (otherwise than from the top thereof) into a street, or who constructs or uses a steam pipe, flue, or funnel (not being the funnel of a locomotive engine), so that the condensed water or moisture must usually fall into a street:

Every person having the care of a cart or carriage who rides on the shafts thereof, or who without having sufficient reins, and holding the same, rides upon such cart or carriage, or on an animal drawing the same, or who is at such a distance from such cart or carriage as not to have due control over every animal drawing the same, or who is asleep while such cart or carriage is in motion, or who does not in meeting another cart or carriage keep his cart or carriage to the left or near side of the road, or who in passing another cart or carriage from behind does not keep his 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, cart, or carriage from passing him or any cart or carriage under his care:

Every person who at one time drives more than two carts, and every person who at one time drives two carts either whereof is drawn by more than one animal, and every person who at one time drives two carts and has not the last cart securely

fastened to the back of the first cart by a chain or rope not more than five feet long from each shaft of the last cart:

Each person who rides or drives furiously an animal, cart, or carriage:

Every person who causes a carriage, or a sledge, truck, or barrow with or without horses, or a beast of burden, to stand in a street longer than is necessary for loading or unloading goods or luggage, or for taking up or setting down passengers or other reasonable purpose (except hackney carriages and horses and other beasts of draught or burden standing for hire in a place appointed for that purpose by the Commissioners or other lawful authority), and every person who by means of a cart, carriage, sledge, truck, or barrow, or an animal, or other means, wilfully and unnecessarily interrupts a public crossing, or wilfully causes an obstruction in a street or public footpath or other public thoroughfare:

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

Every person who leads or rides an animal, or draws or drives a cart, carriage, sledge, truck, or barrow on a footway of a street, or fastens an animal so that it stands or can stand across or on such a footway:

Every person who places or leaves any furniture, goods, produce, wares, or merchandise, or any cask, tub, basket, pail, or bucket, or places or uses any standing place, stool, bench, stall, or show-board on the carriageway or footway of a street or so as to project thereover, 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 and is constructed in every respect to the satisfaction of the surveyor:

Every person who places, hangs up, or otherwise exposes to sale any furniture, goods, produce, wares, merchandise, matter, or thing whatsoever, so that the same projects or project into or over any such footway or beyond the line of any house, shop, or building at which the same is or are exposed, or who stands or places any person outside any shop, building, or ground at or on which the same is or are exposed in order to offer the same for sale or to invite purchasers for the same, so as in any such case to obstruct or incommode the passage of any person over or along such footway:

A.D. 1870.

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

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

Every person drunk in a street or other open or public place, either incapable of taking proper care of himself or guilty of riotous, disorderly, or indecent behaviour:

Every common prostitute or nightwalker loitering or importuning passengers for the purpose of prostitution:

Every person who wilfully and indecently exposes his person:

Every person who, by himself or his agent, publicly offers for sale or distribution or exhibits to public view any profane, indecent, or obscene book, handbill, card, paper, document, print, drawing, photograph, painting, or representation, or any book, handbill, card, paper, or document referring to any disease of a loathsome or secret kind, or who publicly sings any profane or obscene song or ballad, or uses any profane or obscene language:

Every person who writes or draws any profane, indecent, obscene, or offensive word, character, figure, or representation on any building, wall, fence, hoarding, or other erection anywhere in the improvement district:

Every person who, by himself or his agent, without the consent of the owner or occupier of a building, wall, fence, hoarding, or other erection anywhere in the improvement district, affixes thereto any posting bill or other paper, or by any writing or drawing or otherwise marks or disfigures the same, or with or without such consent affixes thereto any bill, paper, document, print, drawing, photograph, painting, or representation of an indecent or obscene character, or referring to any disease of a loathsome or secret kind:

Every person who in a street carries or conveys any dead cattle without having the same entirely covered over by a clean and decent sheet or other covering:

Every person who wantonly discharges a firearm, or throws or discharges any stone, snowball, or other missile, or makes a bonfire, or throws or sets fire to fireworks:

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

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

Every person who cleanses, hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slakes, 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 a 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 an upper window without sufficiently guarding the same against being blown or thrown down:

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

Every person who throws down goods, produce, wares, or merchandise out of an upper story of a warehouse, or of any other building used for any trade, manufacture, or business, and every person being the occupier of any warehouse or other such building out of which goods, produce, wares, or merchandise are or is so thrown down:

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

Every person who leaves open a vault or cellar, or the entrance from a street to a cellar or room underground, without a sufficient fence or handrail, or leaves defective the door, window, or other covering of a 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 or causes to be thrown or laid any offensive matter or thing on a street, or causes any offensive matter or thing to run from a manufactory, brewery, slaughter-house, butcher's shop, or dunghill into a street (but so that it shall not be deemed an offence for any person to lay or cause to be laid sand or other materials in a street in time of frost

A.D. 1870.

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 person laying or causing to be laid any such thing causes to be removed as soon as the occasion for it ceases):

Every person who keeps a pigsty near a street, and every person who so keeps swine anywhere in the improvement district as to be a nuisance.

Offensive or dangerous trades.

255. 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, or if established since the eighteenth day of July one thousand eight hundred and fifty-nine, shall not be carried on; and any dangerous business, trade, or manufacture shall not be newly established in any building or place in the improvement district without the consent of the Commissioners, and if any person offends against this section he shall be liable 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 Commissioners may from time to time make such byelaws with respect to any businesses, trades, or manufactures coming within this section as they think fit in order to prevent or diminish the noxious or offensive or dangerous effects thereof.

Mad dogs.

256. Any constable or other officer appointed by the Commissioners may destroy any dog or other animal within the improvement district reasonably suspected to be in a rabid state, or to have been bitten by any dog or other animal reasonably suspected to have been in a rabid state.

Power to seize and destroy diseased cattle.

257. If any animal comprised under the definition of cattle in this Act infected with or labouring under any infectious or contagious disease is exposed or offered for sale, or is brought or attempted to be brought through any street, any inspector, collector, or constable may seize such animal and cause the same to be inspected by two veterinary surgeons or other competent persons, and shall report such seizure to a justice, and such justice may, after hearing the evidence, either order such animal to be restored, or order the same, and also any pens, hurdles, crofts, litter, hay, straw, or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of: Provided always, that nothing in this section shall authorise a justice to make any such order in relation to any trucks or waggons used for the conveyance

of cattle on any railway, or to pens for animals on lands belonging to a railway company.

Prohibition as to diseased cattle.

258. If any person exposes or offers for sale, or brings or attempts to bring through any street, any animal comprised under the definition of cattle in this Act infected with or labouring under any infectious or contagious disease, knowing the same to be infected with or labouring under any such disease, he shall be liable to a penalty not exceeding twenty pounds.

Power to medical officer of health or inspector of nuisances to inspect any animal, &c.

259. 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 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 any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour appears to him to be diseased or unsound or unwholesome or unfit for the food of man, he may seize, take, and carry away the same, or direct the same to be seized, taken, and carried away by any officer, servant, or assistant, in order to have the same dealt with by a justice, and if it appears to the justice that any such animal or article is diseased or unsound or unwholesome or unfit for the food of man, he may order the same to be destroyed or so disposed of as to prevent such animal or article from being exposed for sale or used for such food; and the person to whom such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour belongs or did belong at the time of sale or of exposure for sale, or in whose possession or on whose premises the same 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 the parcel of fruit, vegetables, corn, bread, or flour so found, or at the discretion of the justice to imprisonment for any term not exceeding three months.

Power to maintain pounds.

260. The Commissioners may maintain their existing pounds, and from time to time erect and provide such other pounds for impounding cattle as they think proper and maintain the same.

Power to impound cattle suffered to stray.

261. If any cattle are found straying in any street, the owner thereof shall for each animal be liable to a penalty not exceeding five shillings, and any officer or person appointed by the Commissioners may impound such animal in any pound, and may detain the same there until the penalty and such charges as the Commissioners

A.D. 1870.

appoint for impounding, feeding, and keeping the same in pound, together with the amount of any damage caused by such animal, to be fixed by the Commissioners, are paid, and if the same are not paid within three days after the animal is impounded, the Commissioners may cause the animal to be sold after having given seven days notice of the intended sale by advertisement in some newspaper circulating in the improvement district, or by notice served on the owner, if known, and the charges aforesaid and those of the sale and notice, and the said penalty and damages, shall be defrayed by such sale, and the surplus (if any) shall be paid to the owner of the animal upon demand.

Penalty for pound-breach.

262. If any person releases or attempts to release any cattle from any pound where the same are impounded under the authority of this Act, or damages or destroys any such pound or any part thereof with intent to procure the unlawful release of such cattle, he shall be liable to a penalty not exceeding forty shillings, or in the discretion of the justice before whom he is convicted, to imprisonment, with or without hard labour, for any term not exceeding three months.

Penalty for injury to churches.

263. If any person injures or defaces any church, chapel, or other public building, or any tomb, monumental stone, or inscription in any churchyard or burial ground, or fixes up any bill or paper other than such as may be lawfully affixed thereto against any such building, or writes with chalk or any other matter thereon, he shall be liable to a penalty not exceeding five pounds.

Street musicians to depart when desired to do so.

264. Any householder personally or by his servant, or by any constable, may require any street musician or singer to depart from the neighbourhood of the house of such householder, and every person who sounds or plays upon any musical instrument or sings in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Regulation for preventing obstruction in streets during public processions, &c.

265. The chairman of Commissioners may from time to time make regulations for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets in times of holidays, public processions, public meeting, public rejoicings, or illuminations, and in cases when the streets are thronged or liable to be obstructed, and give directions to the constables for keeping order and for preventing any obstruction of the streets in the immediate neighbourhood of the town hall, police court, theatres, and other places of public resort, and if any person is guilty of any breach

of such regulations, or does not comply with the direction of any constable acting in pursuance thereof, he shall be liable to a penalty not exceeding five pounds.

Power to regulate route of carriages, &c. during divine service.

266. On the application of any minister, churchwarden, trustee, or officer of any church, chapel, or other place of public worship, the chairman of Commissioners may from time to time make orders for prescribing the route and conduct of persons driving any cart, carriage, or cattle during the hours of divine service on Sunday, Christmas Day, Good Friday, or any day appointed for public fast, humiliation, or thanksgiving, and any such order shall be printed or painted and fixed on some conspicuous place near such church, chapel, or other place of public worship, and if any person fails to comply in any respect with any such order he shall be liable to a penalty not exceeding forty shillings.

Waste land to be fenced.

267. If the owner or occupier of any vacant or waste land which is in a state to cause danger or a nuisance to the public allows the same to remain unfenced, or the fences thereof to remain out of repair, after the expiration of five days notice from the surveyor, the Commissioners may cause the same to be fenced, or may cause the fences to be repaired, and the expenses thereby incurred shall be recoverable from such occupier or owner as damages.

Dangerous places to be repaired or enclosed.

268. With respect to the repairing or enclosing of dangerous places, the following provisions shall take effect; namely,

(1.) If any building, wall, structure, or other thing, or any well, coalpit, shaft, used or disused, excavation, or reservoir, pond, or dam of water, or any land or place, is in the opinion of the Commissioners, for want of sufficient repair, protection, or enclosure, dangerous to the occupiers thereof, or of the neighbouring buildings or lands, or to the passengers along any street or footpath, the Commissioners may order the owner within the period in the order prescribed to repair, protect, or enclose the same so as to prevent any danger therefrom:

(2.) If after service of the order on the owner, the directions or the order are not complied with within the prescribed period, the owner shall be liable to a penalty not exceeding twenty pounds, and in that case, and also if the owner is not known or cannot after due inquiry be found, the Commissioners may cause such works as they think proper to be done for effecting such repair, protection, or enclosure, and the expenses thereof shall be payable by the owner:

A.D. 1870.

(3.) If such owner can be found within the improvement district, and if on demand of the expenses aforesaid he neglects or refuses to pay the same, then such expenses may be levied by distress, and any justice may issue his warrant accordingly:

(4.) If such owner cannot be found within the improvement district, or sufficient distress of his goods and chattels within the improvement district cannot be made, the Commissioners, after giving twenty-eight days notice of their intentions to do so by posting a notice in a conspicuous place on or near such building, thing, or place, may take possession of the same, provided such expenses are not paid or tendered to them within the said twenty-eight days, making compensation to the owner of such building, thing, or place, but deducting out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of such building, thing, or place:

(5.) If any such building, wall, structure, or other thing, or any part thereof, is pulled down by virtue of the present section, the Commissioners may sell the materials thereof, or of so much of the same as is pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building or other thing, and the Commissioners shall restore any overplus arising from sale to the owner on demand:

(6.) Nevertheless the Commissioners, 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 herein-before given to them for compelling the payment of the whole of the said expenses:

Provided always, that the provisions of this section shall not apply to any railways, harbours, docks, or timber ponds which are the property of the North-eastern Railway Company.

XIII.—Public Houses, &c.

Regulations respecting coffee shops, &c.

269. If any person, not being a licensed victualler or person licensed to sell beer by retail to be drunk on the premises, or licensed to keep a refreshment house under the Act of the session of the twenty-third and twenty-fourth years of Her Majesty, chapter twenty-seven, has or keeps any house, shop, room, cellar, or vault,

or place of public resort wherein ready-made tea or coffee, cooked victuals, provisions, liquors, or refreshments of any kind is or are sold or consumed, whether the same is or are kept or retailed therein or procured elsewhere, and permits drunkenness or other disorderly conduct, or suffers any unlawful game or any gaming therein, or permits prostitutes, reputed thieves, drunken or idle and disorderly persons or persons of notoriously bad character to meet together and remain there, he shall be liable to a penalty not exceeding five pounds, and any constable may at any time enter into any such house, shop, room, cellar, vault, or place, the owner or keeper whereof has been within twelve months before such entry convicted of any such offence as aforesaid; and if any such owner or keeper, or any person in his employment, in such case refuses to allow, or does not on application allow, such constable so to enter, every person so offending shall be liable to a penalty not exceeding forty shillings.

Keepers of cookshops, &c. making internal communications with public-house.

270. If any person makes or uses, or allows to be made or used, any internal communication between any house, shop, room, or place of public resort licensed for the sale of wine, spirits, beer, or other exciseable articles and any house, shop, room, or place not so licensed, he shall be liable to a penalty not exceeding ten pounds for every day that such communication is open.

Places for dancing, music, and other public entertainments.

271. For the regulation of places for public dancing or music or other public entertainment of the like kind the following provisions shall take effect; namely,

(1.) No house, room, garden, or other place shall be kept or used for public dancing, music, or other public entertainment of the like kind without a license for all or some of those purposes first obtained from the justices acting in or for the improvement district:

(2.) Such justices may, under the hands of a majority of them assembled at any special sessions convened by fourteen days previous notice, grant licenses to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or some of the purposes aforesaid, upon such terms and conditions, and subject to such restrictions as they by the respective licenses determine, and every license shall be in force for one year:

(3.) Such justices may from time to time at any such special session aforesaid transfer any such license to such person as they think fit:

A.D. 1870.

(4.) Each person shall in each case give seven days notice to the clerk of the justices of his intention to apply for any such license, or for the transfer of any such license :

(5.) Any house, room, garden, or place kept and used for public dancing, music, or other public entertainment of the like kind without such license first obtained shall be deemed a disorderly house, and the person occupying or rated as the occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept and used for any of the purposes last aforesaid :

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid an inscription in large capital letters in the words following : "Licensed in pursuance of Act of Parliament :"

(7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except between the hours stated in the license :

(8.) The affixing and keeping up of such inscription as aforesaid and the limitation of the hours of opening shall be inserted in and made conditions of every such license, and in case of any breach of either of those conditions the person committing the breach shall be liable to a penalty not exceeding five pounds, and such license shall be liable to be revoked by the order of any two justices.

Penalties on brothel keepers, &c.

272. If any person keeps or acts or assists in the management of a brothel or other disorderly house, room, or other place, he shall be liable to a penalty not exceeding ten pounds, or in the discretion of the justice before whom he is convicted to be imprisoned, with or without hard labour, for any term not exceeding one month.

XIV.—Hackney and Stage Carriages, Porters Carts, Porters and Drivers.

Power to license hackney carriages and porters carts and drivers.

273. The Commissioners may from time to time license such number of hackney carriages and porters carts to ply for hire within the improvement district, and such number of persons to act as drivers thereof respectively, as they think fit.

Prohibition of use of carriages, &c. without license.

274. If the proprietor of or any person interested in any carriage or cart permits it while unlicensed to be used as a hackney carriage or porter's cart plying for hire, or if any person is found driving for hire or standing or plying for hire with any carriage or cart while

it is unlicensed, he shall be liable to a penalty not exceeding forty shillings.

Prohibition of unlicensed persons acting as drivers.

275. If any person while unlicensed acts as driver of a licensed hackney carriage or licensed porter's cart, or if any licensed driver lends his license or parts with the possession of it, or fails to produce it when required by any justice, or by any hackney carriage inspector, or by any constable, or if the proprietor of a hackney carriage or porter's cart employs an unlicensed person as driver thereof, he shall be liable to a penalty not exceeding forty shillings.

Power to make bye-laws as to hackney carriages and porters carts and drivers.

276. The Commissioners may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For regulating the mode of application for and the issuing of licenses for hackney carriages and porters carts, and the drivers thereof, and the fees to be paid for licenses (not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period), and the form and contents of licenses, and the registering thereof, and of matters relative thereto, and the duration of licenses, and the conditions on which the same are to be held, or may be revoked or suspended:

For regulating the conduct of the proprietors and drivers of hackney carriages and porters carts in their several employments, and determining whether such drivers shall wear any and what badge, and for regulating the hours within which they may exercise their calling:

For the numbering and identifying of hackney carriages and porters carts, and for regulating the manner in which the numbers are to be displayed:

For regulating the number of persons to be carried by any hackney carriage, and in what manner such number is to be shown on such carriage, and for requiring the driver to carry that number or any less number, and for regulating what number of animals is to draw any hackney carriage or any porter's cart, and the kind and condition of such animals, and the placing of a check string to any such carriage, and the holding of the same by the driver, and how such carriages are to be furnished or provided:

For punishing misconduct of drivers of hackney carriages and porters carts in refusing or neglecting to drive as required, and for preventing the carrying in or upon hackney carriages of dead bodies or of persons having any infectious, contagious,

A.D. 1870.

or loathsome disease, and for preventing persons being carried in or upon hackney carriages without the consent of the hirers:

For fixing the stands of hackney carriages and porters carts, and the distance to which they may be compelled to take passengers and goods, not exceeding seven miles beyond the boundary of the improvement district:

For fixing the fares for time and for distance to be paid for hackney carriages and for porters carts, and for securing the due publication thereof, and for regulating deposits of money in addition to fares for carriages or carts kept waiting by the hirers:

For securing the safe custody and re-delivery of property accidently left in any hackney carriage or porter's cart, and fixing the charges to be paid in respect thereof.

Penalty for fraudulent use of numbers, &c.

277. If any person fraudulently or with intent to deceive does either of the following things; namely,

(1.) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Commissioners to be affixed to any licensed hackney carriage or licensed porter's cart:

(2.) Affixes or carries on his person any badge, figure, or number to resemble any badge, figure, or number appointed by the Commissioners to be carried by a licensed driver:

he shall be liable to a penalty not exceeding forty shillings.

Agreement for less than fare binding on driver.

278. If the proprietor or driver of a licensed hackney carriage or licensed porter's cart or any person on his behalf agrees beforehand with any hirer thereof to take for any job a sum less than the fare allowed by byelaw, but exacts or demands for such job more than the sum agreed on, he shall be liable to a penalty not exceeding forty shillings.

Agreement for more than fare not binding on hirer.

279. An agreement made with the driver of or any person having or pretending to have the care of any hackney carriage or porter's cart for the payment of more than the fare allowed by byelaw shall not be binding on the person making the same, who may, notwithstanding such agreement, refuse on discharging such carriage or cart to pay any sum beyond the fare allowed by byelaw, and if any person actually pays to any such driver in pursuance of any such agreement or otherwise any sum exceeding the fare to which the driver is entitled, he may, on complaint made against the driver before a justice, recover back such sum, and moreover the driver shall be liable to a penalty not exceeding forty shillings, and in

default of repayment by such driver of such excess of fare or the payment of such penalty the justice may commit him to prison for any time not exceeding one month, unless the excess of fare and the penalty are sooner paid.

Agreement for discretionary distance.

280. If the proprietor or driver of any hackney carriage or any person on his behalf agrees with any person to carry by such carriage persons not exceeding in number the number allowed to be carried by it for a distance to be in the discretion of such proprietor or driver, and for a sum agreed on, but the distance for which he carries such persons is less than that for which they are entitled to be carried for the sum agreed on according to the fares allowed by byelaw, he shall be liable to a penalty not exceeding forty shillings.

Penalty for demand of excessive fares.

281. If any proprietor or driver of a hackney carriage or porter's cart is convicted of taking as a fare a greater sum than that allowed by byelaw he shall be liable to a penalty not exceeding forty shillings, which 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, in addition to the penalty and costs, and such overcharge shall be returned to the party aggrieved.

Drivers not to act without consent of proprietors, &c.

282. It shall not be lawful for any person authorised by the proprietor of any hackney carriage or porter's cart to act as driver thereof to suffer any other person to act as driver thereof without the consent of the proprietor thereof, or for any person, whether licensed or not, to act as driver of any such carriage or cart without the consent of the proprietor thereof, and if any person offends in any respect against the present enactment he shall be liable to a penalty not exceeding forty shillings.

Penalty on driver for misconduct, &c.

283. If the driver of or any person having or pretending to have the care of any hackney carriage or porter's cart is intoxicated while driving, or by wanton and furious driving or by any other wilful misconduct injures or endangers any person in his life, limbs, or property, he shall be liable to a penalty not exceeding five pounds.

Penalty on driver for obstructing streets, &c.

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

A.D. 1870.

Proceedings where carriages, &c. left in street.

285. If the driver of any hackney carriage or porter's cart leaves it in any street or at any place of public resort or entertainment, whether it is hired or not, without some one proper to take care of it, any constable may drive it away and deposit it and the animal harnessed thereto at some neighbouring livery stable or other place of safe custody, and such driver shall for every such offence be liable to a penalty not exceeding twenty shillings, and in default of payment thereof and of the expenses of the taking and keeping of the carriage or cart and animal, the same, with the harness belonging thereto or any of them, shall be sold by order of a justice, and after payment out of the produce of such sale of the amount of the penalty and of all costs and expenses, as well of the proceedings before the justice as of the taking, keeping, and sale aforesaid, the surplus, if any, of such produce shall be paid to the proprietor of the carriage or cart.

Liability of proprietor to compensation for damage done by driver.

286. Where any hurt or damage is caused to any person or property by the driver of any hackney carriage or porter's cart let to hire, the justice before whom the driver is convicted may order that the proprietor of the carriage or cart do pay such sum, not exceeding five pounds, as appears to the justice reasonable compensation for such hurt or damage, and every proprietor who pays any such compensation may recover the same from the driver.

Endorsement of conviction of driver on license.

287. Where any licensed driver complained of is adjudged guilty of the offence alleged against him, the justice before whom he is convicted shall make an endorsement on his license stating the offence and the amount of the penalty inflicted.

Compensation, &c. to driver acquitted.

288. If the driver of a hackney carriage or porter's cart is summoned or brought before any justice to answer any complaint or information concerning any offence alleged to have been committed by him against this Act or any byelaw under it, and the complaint or information is withdrawn or quashed or dismissed, or the driver is acquitted of the offence charged against him, the justice may order the complainant or informant to pay to the driver such compensation for his loss of time in attending the justice concerning the complaint or information as to the justice seems reasonable, and in default of payment of such compensation the justice may commit the complainant or informant to prison for any time not exceeding one month, unless the same is sooner paid.

Recovery of fare.

289. If any person refuses to pay on demand to any proprietor or driver of any hackney carriage or porter's cart the fare to which he is entitled, the same may be recovered with costs before a justice as a penalty.

Penalty for injury to carriage or cart.

290. If any person using any hackney carriage or porter's cart wilfully injures the same he shall be liable to a penalty not exceeding five pounds, and shall also pay to the proprietor of the carriage or cart reasonable satisfaction for the damage sustained, and such satisfaction shall be ascertained by the justice before whom the conviction is had, and may be recovered by the same means as the penalty.

Power to make bye-laws as to omnibuses, carts, &c.

291. The Commissioners may from time to time make byelaws for all or any of the purposes following; (that is to say,)

For regulating omnibuses and stage carriages in the streets, and the conduct of the drivers and conductors thereof, and for preventing the overcrowding thereof, and touching the number and fitness of the animals to be employed to draw the same:

For requiring owners of carts used in the streets to place their names, descriptions, and addresses conspicuously on their carts:

For prohibiting any person from acting as driver of any cart on which the owner's name, description, and address are not so placed.

Power to make bye-laws as to porters and drovers.

292. The Commissioners may from time to time make byelaws for all or any of the purposes following; (that is to say,)

For licensing porters (that is to say, persons following the business of carrying errands, messages, parcels, or luggage for hire) and drovers (that is to say, persons offering themselves to lead or drive cattle for hire), and for charging any fee not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period, and for regulating the conduct of porters and drovers in their employments, and determining whether porters and drovers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For fixing the stands of porters and drovers, and the distance to which they may be compelled to go in the exercise of their calling, not exceeding in the case of porters three miles, and in the case of drovers twenty miles, beyond the boundary of the improvement district:

For fixing the fares, as well for time as for distance, to be paid to porters and drovers, and for securing the due publication of such fares:

For securing the safe custody and re-delivery of any property accidentally left with porters or drovers, and fixing the charges to be paid in respect thereof:

A.D. 1870.

And in any such byelaws the Commissioners may (if they think fit) adopt and apply to porters and drovers, mutatis mutandis, any of the provisions of this Act relative to drivers of hackney carriages and porters carts, so far as the same are applicable.

XV.—Fire.

Power to provide fire brigade stations, &c.

293. The Commissioners may continue and maintain their fire brigade stations and engine houses and other offices and buildings connected with the fire brigade establishment, and may from time to time enlarge the same, and purchase by agreement or take at a rent any buildings or lands for fire brigade stations, engine houses, and firemen's dwellings and other buildings and lands necessary for fire brigade purposes, with all proper conveniences, and appropriate for those purposes and alter and enlarge any buildings or lands for the time being vested in them, and repair and furnish and fit up any such buildings.

Power to provide fire engines, firemen, &c.

294. The Commissioners may continue and maintain, and from time to time provide such fire engines, water buckets, pipes, water carts, fire escapes, and other implements for use in case of fire, and such horses for drawing such engines and water carts, and employ such persons as superintendents and firemen, on such terms, and allow them such wages, and such rewards for exertion in case of fire, and make such byelaws for the government of the fire brigade establishment of the improvement district, as they think fit.

Discharged firemen or servants may be turned out of possession of houses.

295. Where any fireman or other person discharged from the fire brigade establishment continues to occupy any building provided for the purposes of that establishment after one week's notice in writing from the Commissioners to quit and deliver up the possession thereof, any justice may, on proof of such notice, by warrant authorise any constable to enter upon such building and remove such fireman or other person and his family and his and their goods and chattels therefrom, and deliver the possession thereof to the Commissioners, and any constable may proceed according to the warrant.

Power to enter and break open premises in case of fire.

296. Any constable or any fireman, officer, or other person appointed by the Commissioners may enter, and if necessary break into, any building in the improvement district being or reasonably supposed to be on fire, or any building or lands adjoining or near thereto, without the consent of any owner or occupier thereof respectively, and may do all such acts and things as he may deem necessary for extinguishing fire in any such building, or for protecting the same, or rescuing any person or property therein from fire.

Power to send fire engines, &c. out of improvement district.

297. The Commissioners may send any fire engine and any part of the fire brigade establishment beyond the improvement district to extinguish fire, and the Commissioners may recover the expenses of sending the same from any person on whose property any such engine or part of the fire brigade establishment is employed for the extinguishment of fire.

Penalties as to chimneys on fire.

298. If any person wilfully sets on fire any chimney he shall be liable to a penalty not exceeding five pounds, and if any chimney takes fire accidentally the occupier of the building or the part thereof to which such chimney belongs shall be liable to a penalty not exceeding ten shillings, unless he proves to the satisfaction of the justice before whom the case is heard that the fire was in nowise owing to omission, neglect, or carelessness of himself or his servant.

Restriction on making of fireworks, &c.

299. If any person makes within the improvement district lucifer matches, or any combustible article in the manufacture of which gunpowder or detonating powder is used, in any place other than in a detached building, or in any case nearer than one hundred yards to any street or dwelling-house, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding ten pounds for every day during which the offence continues after the time when the first penalty of ten pounds is incurred.

Execution of licensing powers as to gunpowder, petroleum, &c.

300. For the better execution of the provisions of the following Acts; namely,

The Gunpowder Act, 1860, and any Act for the time being in force amending the same:

The Act of the session of the twenty-fifth and twenty-sixth years of Her Majesty (chapter sixty-six), "for the safe keeping of "petroleum," and any Act for the time being in force amending the same:

the following provisions shall have effect; (that is to say,)

(1.) Any license granted under the last-mentioned Acts or any of them may be suspended or revoked when and as the Commissioners think fit:

(2.) Every such license shall be under the hand of the clerk of the Commissioners:

(3.) For every such license the Commissioners may charge a fee not exceeding one guinea:

(4.) The powers conferred on the Commissioners by the last-mentioned Acts or any of them or by this Act in relation thereto may be executed by a committee of the Commissioners appointed according to the provisions of this Act.

A.D. 1870.

XVI.—Burials.

Power to continue cemetery.

301. The Commissioners shall, subject to the provisions of this Act, continue and maintain a cemetery in and upon the land described in the seventh schedule to this Act (in this Act referred to as the cemetery).

Prevention of burials elsewhere within the improvement district.

302. It shall not be lawful to use any place within the improvement district as a place of burial other than the cemetery continued by this Act, and if any person uses or knowingly suffers to be used any place as a place of burial in contravention of this enactment, every such person shall be guilty of a misdemeanor.

Commissioners may make or widen roads to cemetery.

303. The Commissioners on any land belonging to them may make any new roads to the cemetery, or widen or improve any existing roads thereto they think fit.

Sewers, drains, &c.

304. The Commissioners shall make all necessary and proper sewers and drains in and about the cemetery for draining and keeping the same dry.

Penalty for allowing water to be fouled.

305. If the Commissioners at any time cause or suffer to be brought or to flow into any stream, canal, reservoir, aqueduct, pond, or watering place any offensive matter from the cemetery, whereby the water therein shall be fouled, they shall forfeit for every such offence the sum of fifty pounds, and that penalty with full costs of suit may be recovered by any person having right to use the water fouled by such offensive matter in any of the superior courts by action, but shall not be recoverable unless sued for during the continuance of the offence, or within six months after it has ceased, and in addition to the said penalty (and whether such penalty is recovered or not), any person having right to use the water fouled by such offensive matter may sue the Commissioners in an action on the case in any court of competent jurisdiction for any damage specially sustained by him by reason of the water being so fouled, or if no special damage be alleged, for the sum of ten pounds for each day during which such offensive matter is brought or flows as aforesaid after the expiration of twenty-four hours from the time when notice of the offence is served on the Commissioners by such person.

Cemetery to be enclosed.

306. Every part of the cemetery shall be securely enclosed and fenced with walls or other sufficient fences of the height of seven feet at the least.

Cemetery, &c. to be kept in repair.

307. The Commissioners shall keep the cemetery and the buildings and fences thereof in complete repair and in good order and condition.

Commissioners may build chapels, &c.

308. The Commissioners on any land which they are authorised to use for the purposes of the cemetery may build such chapels for the performance of the burial service as they think fit, and may lay out and embellish the grounds of the cemetery as they think fit.

Regulations for ensuring decency and solemnity.

309. The Commissioners shall make regulations for ensuring that all burials within the cemetery are conducted in a decent and solemn manner.

Power to appoint grave-diggers, &c.

310. The Commissioners may appoint grave-diggers and other servants necessary for the care and use of the cemetery, and may pay them such wages and allowances as they think fit, and may remove them or any of them at their pleasure.

Commissioners to enclose portion for burial purposes and let remainder.

311. The Commissioners from time to time may set apart and enclose such portions of the cemetery for purposes of burial as they deem sufficient, and may let such portion of the lands as from time to time remains unappropriated to those purposes, or any part thereof, on lease or by parol for any term not exceeding three years, at such rent and on such terms as to the Commissioners shall seem proper, and may renew such lease or parol letting from time to time as may be expedient for not more than three years.

Part of cemetery to be set apart for Established Church.

312. A part or parts of the cemetery approved by the bishop of the diocese for the time being shall be set apart and consecrated for burial according to the rites of the Established Church, and the fees and expenses attending such consecration shall be paid by the Commissioners.

Burial of persons not members of Church of England.

313. The Commissioners may set apart the whole or a portion of that part of the cemetery which is not set apart for burials according to the rites of the Established Church as a place of burial for the bodies of persons not being members of the Established Church, and may allow such bodies to be buried therein under such regulations as the Commissioners appoint.

Consecrated ground to be defined.

314. The Commissioners shall define by suitable marks the consecrated and unconsecrated portions of the cemetery.

Commissioners not to dispose of land used for burials.

315. The Commissioners shall not sell or dispose of any land which shall have been consecrated or used for the burial of the dead, or make use of such land for any purpose except such as is authorised by this Act.

Chapels on consecrated and unconsecrated parts.

316. On such portion of the land set apart for burial purposes as is consecrated for burial according to the rites of the Established Church the Commissioners shall continue a chapel for the performance of the burial service according to the rites of such Church, and on some portion of the cemetery set apart for burial purposes (not

A.D. 1870.

being the consecrated part) they shall continue a chapel for the use of persons who may desire the performance of burial services or religious rites differing from the rites of the Established Church.

Chaplain of cemetery.

317. The minister for the time being of the district church of Christ Church, West Hartlepool, shall in person or by his curate or curates officiate as chaplain in the consecrated part of the cemetery aforesaid, and the Commissioners shall (except as in this Act provided) pay to such chaplain in respect of every corpse, not being that of a poor person whose assessment to the rate for the relief of the poor at his death shall not exceed the sum of five pounds, interred in the part of the cemetery set apart for burials according to the rites of the Established Church, the sum of seven shillings and sixpence as his fee, and the sum of two shillings and sixpence only if such corpse shall be that of such poor person as aforesaid; and the Commissioners shall, on the burial of every body within the consecrated part of the cemetery, pay to the clerk of the said district church such sum, if any, as the Commissioners shall think proper; but the Commissioners shall not be bound or liable to pay any fees to the said chaplain in respect of any corpse interred in the consecrated part of the cemetery, over which the incumbent of any parish or ecclesiastical district from which such corpse shall be brought for interment (other than the ecclesiastical district of Christ Church, West Hartlepool) shall, under the provision herein-after contained, perform or cause to be performed the burial service.

In case the minister of West Hartlepool declines the office of chaplain, another chaplain to be appointed.

318. In case the minister for the time being of the district church of Christ Church, West Hartlepool, at any time refuses or declines to act as chaplain to the cemetery, the Commissioners may appoint a chaplain, and the chaplain appointed under this section shall be entitled to the same fees as are by this Act before directed to be paid to the chaplain; but the minister for the time being of the district church of Christ Church, West Hartlepool, shall not be entitled to receive such fees unless he accepts the office of chaplain to the cemetery, and the chaplain appointed under this section shall be appointed and shall act subject and according to the following provisions; namely,

(1.) The Commissioners shall from time to time, with the approval of the bishop of the diocese, appoint a clerk in holy orders of the Established Church to officiate as chaplain in the consecrated part of the cemetery, and such chaplain shall be licensed by and be subject to the jurisdiction of the said bishop, and the said bishop shall have power to revoke any such license and to remove such chaplain for any cause which appears to him reasonable:

(2.) The chaplain shall, when required, unless prevented by sickness or other reasonable cause, perform the burial service over all bodies brought to be buried in the consecrated part of the cemetery which are entitled to be buried in consecrated ground according to the rites and usage of the Established Church.

Account of fees to be kept and amount thereof paid to chaplain.

319. The Commissioners shall cause an account to be kept of all the persons buried within the consecrated part of the cemetery, distinguishing those who were poor persons within the meaning of this Act from other persons, and such account shall at all reasonable times be open to the inspection of the said chaplain and of every incumbent within the improvement district, and the Commissioners shall on the twenty-fifth day of March and the twenty-ninth day of September in every year, or within one month after each of the days, deliver to the said chaplain and to every such incumbent an account of the fees due to him in respect of such burials, and pay over to him the amount thereof, and in default of the Commissioners making such payments within the time limited as aforesaid, the said chaplain and every such incumbent or their respective executors or administrators may recover the same fees, with full costs of suit, against the Commissioners in any court of competent jurisdiction.

Reserving rights of incumbent.

320. The Commissioners shall pay in respect of every corpse interred in the part of the cemetery set apart for burial according to the rites of the Established Church to the incumbent and parish clerk of any parish or ecclesiastical district from which such corpse shall have been removed for burial (other than the ecclesiastical district of Christ Church, West Hartlepool) the same fees as such incumbent and parish clerk would have been entitled to receive if such corpse had been buried in the parish or ecclesiastical district of which he is the incumbent or parish clerk in respect of such interment: Provided that no such incumbent shall be entitled to receive any such fees unless he shall (and for that purpose he is hereby empowered so to do) perform or cause to be performed over such deceased person, by some clergyman of the Established Church whom he may from time to time appoint, the burial service according to the rites of the Established Church.

Other clergymen of the Established Church may be allowed to officiate.

321. Any clerk in holy orders of the Established Church, not being prohibited by the bishop nor under ecclesiastical censure, at the request of the executor of the will of any deceased person or any other person having the charge of the burial of the body of any deceased person, and with the consent of the chaplain for the time being of the cemetery, or, if there be no chaplain, with the consent

A.D. 1870.

of the bishop, may perform the said burial service over such body in the consecrated part of the cemetery.

Clerk for consecrated part.

322. The Commissioners may, with the consent of the chaplain for the time being, from time to time appoint a clerk to assist in performing the service for burials in the consecrated part of the cemetery, and allow to such clerk such stipend as they think proper, and they may remove such clerk at their pleasure.

Registration of burials in consecrated portion.

323. All burials in the consecrated part of the cemetery shall be registered in register books to be provided by the Commissioners and kept for that purpose by the chaplain, according to the laws in force by which registers are required to be kept by the rectors, vicars, or curates of parishes or ecclesiastical districts in England, and such register books, or copies or extracts therefrom, shall be received in all courts in evidence of such burials, and copies or transcripts thereof shall be from time to time sent to the registrar of the Ecclesiastical Court of the bishop of the diocese in which the cemetery is situated, to be kept with the copies of the other register books of the parishes within his diocese; and the said register books, so far as respects searches to be made therein and copies and extracts to be taken therefrom, shall be subject to the same regulations as are provided by an Act passed in the seventh year of the reign of His late Majesty, intituled An Act for registering Births, Deaths, and Marriages in England, so far as such regulations relate to register books of burials kept by any rector, vicar, or curate.

Bodies when interred not to be removed without lawful authority.

324. No body buried in the consecrated part of the cemetery shall be removed from its place of burial without the like authority as is by law required for the removal of any body buried in the churchyard belonging to a parish church.

Commissioners may allow any burial service to be performed in dissenting chapels.

325. The Commissioners may allow, in any chapel built within the unconsecrated part of the cemetery, a burial service to be performed according to the rites of any church or congregation other than the Established Church by any minister of such other church or congregation duly authorised by law to officiate in such church or congregation, or recognised as such by the religious community or society to which he belongs.

No burials under or close to chapels.

326. No body shall be buried in any vault under any chapel of the cemetery or within fifteen feet of the outer wall of any such chapel.

Parts of the cemetery may be set apart for

327. The Commissioners may set apart such parts of the cemetery as they think fit for the purpose of granting exclusive rights of burial therein, and they may sell, either in perpetuity or for a

limited time, and subject to such conditions as they think fit, the exclusive right of burial in any parts of the cemetery so set apart, or the right of one or more burials therein, and they may sell the right of placing any monument or gravestone in the cemetery, or any tablet or monumental inscription on the walls of any chapel or other building within the cemetery.

exclusive burial.

Monumental inscriptions.

328. The Commissioners shall cause a plan of the cemetery to be made upon a scale sufficiently large to show the situation of every burial place in all the parts of the cemetery so set apart, and in which an exclusive right of burial has been granted, and all such burial places shall be numbered, and such numbers shall be entered in a book to be kept for that purpose, and such book shall contain the names and descriptions of the several persons to whom the exclusive right of burial in any such place of burial has been granted by the Commissioners, and no place of burial with exclusive right of burial therein shall be made in the cemetery without the same being marked out in such plan, and a corresponding entry made in the said book, and the said plan and book shall be kept by the clerk of the Commissioners.

Plan and book of reference to be kept and be open to inspection.

329. A register of all such grants shall be kept by the clerk to the Commissioners, and within fourteen days after the date of any such grant an entry or memorial of the date thereof, and of the parties thereto, and also of the consideration for such grant, and also a proper description of the ground described in such grant so as the situation thereof may be ascertained, shall be made by the said clerk in such register, and such clerk shall be entitled to demand such sum as the Commissioners think fit, not exceeding the prescribed sum, or if no sum be prescribed two shillings and sixpence, for every such entry or memorial, and the said register may be perused at all reasonable times by any grantee or assignee of any right conveyed in any such grant upon payment of the prescribed sum, or if no sum be prescribed the sum of one shilling, to the clerk of the Commissioners.

Register of grants to be kept.

330. The exclusive right of burial in any such place of burial shall, whether granted in perpetuity or for a limited time, be considered as the personal estate of the grantee, and may be assigned in his lifetime or bequeathed by his will.

Rights of burial, &c. to be assignable, &c.

331. Such assignment made in the lifetime of the assignor shall be by deed duly stamped, in which the consideration shall be duly set forth.

Form of assignment.

332. Every such assignment shall, within six months after the execution thereof if executed in Great Britain or Ireland, or within

Assignments to be registered.

A.D. 1870.

six months after the arrival thereof in Great Britain or Ireland if executed elsewhere, be produced to the clerk of the Commissioners, and an entry or memorial of such assignment shall be made in the register by the clerk of the Commissioners in the same manner as that of the original grant, and until such entry or memorial no right of burial shall be acquired under any such memorial, and for every such entry or memorial the clerk shall be entitled to demand such sum as the Commissioners think fit, not exceeding the prescribed sum, or if no sum be prescribed two shillings and sixpence.

Probates of wills to be registered.

333. An entry or memorial of the probate of every will by which the exclusive right of burial within the cemetery is bequeathed, and in case there be any specific disposition of such exclusive right of burial in the said will, an entry of such disposition, shall within six months after the probate of such will be made in the said register in the same manner as that of the original grant, and until such entry no right of exclusive burial shall be acquired under such will, and for every such entry or memorial the clerk of the Commissioners shall be entitled to demand such sum as the Commissioners think fit, not exceeding the prescribed sum, or if no sum be prescribed two shillings and sixpence.

Vaults to be kept exclusively for purchasers of exclusive right.

334. No body shall be buried in any place wherein the exclusive right of burial shall have been granted by the Commissioners, except with the consent of the owner for the time being of such exclusive right of burial.

No such grant to give right of burial in consecrated ground to certain persons.

335. No such grant as aforesaid shall give the right to bury within the consecrated part of the cemetery the body of any person not entitled to be buried in consecrated ground according to the rites and usage of the Established Church, or to place any monument, gravestone, tablet, or monumental inscription respecting any such body within the consecrated part of the cemetery.

Power to remove monuments improperly erected.

336. The Commissioners may take down and remove any gravestone, monument, tablet, or monumental inscription which shall have been placed within the cemetery without their authority.

Bishop to have power to object to monumental inscriptions in consecrated part of cemetery.

337. The bishop of the diocese and all persons acting under his authority shall have the same right and power to object to the placing and to and procure the removal of any monumental inscription within the consecrated part of the cemetery as he by law has to object to or procure the removal of any monumental inscription in any church or chapel of the Established Church, or the burial ground belonging to such church or chapel or any other consecrated ground.

Charge for interments may be made.

338. In addition to the powers of sale of exclusive rights of burial conferred by this Act, the Commissioners may demand and take such sum of money as they from time to time think reasonable for the right, privilege, or permission of single interment in any vault, catacomb, or other place of burial constructed in or upon such cemetery, not being under any chapel of the cemetery or within fifteen feet of the outer wall of any such chapel, or for any right, privilege, or permission of single interment in the open ground of such cemetery, and such sum of money shall be recoverable by the Commissioners or their clerk or collector, by plaint or action in any court of competent jurisdiction: Provided always, that the rate or scale of charge, exclusive of the payments to incumbents of parishes or ecclesiastical districts and to parish clerks in respect of burials in the consecrated parts, shall be the same in the consecrated and unconsecrated parts of the cemetery, and shall not exceed the sums following; (that is to say,)

For any corpse interred in a vault, catacomb, or brick grave the sum of four pounds:

For every other corpse the sum of one pound ten shillings.

Penalty for damaging the cemetery.

339. If any person wilfully destroys or injures any building, wall, or fence belonging to the cemetery, or destroys or injures any tree or plant therein, or daubs or disfigures any wall thereof, or puts up any bill therein or on any wall thereof, or wilfully destroys, injures, or defaces any monument, tablet, inscription, or gravestone within the cemetery, or does any other wilful damage therein, he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on persons committing nuisances in the cemetery.

340. If any person plays at any game or sport, or discharges firearms, save at a military funeral, in the cemetery, or wilfully and unlawfully disturb any persons assembled in the cemetery for the purpose of burying any body therein, or commits any nuisance within the cemetery, he shall for every such offence be liable to a penalty not exceeding five pounds.

Power to provide premises for the reception of the dead previous to interment.

341. The Commissioners may, if they think fit, provide and fit up rooms or premises in which corpses may be received, and decently and carefully kept previous to interment, and make byelaws with respect to the management of and charges for the use of such rooms and premises, and the Commissioners may on proper application, and subject to such regulations, and at such rates and charges as shall be prescribed by any such byelaws, make all necessary or proper arrangements for the decent and economical interment of any corpse therein received.

A.D. 1870.

Power to remove corpses to premises for the reception of the dead.

342. If it appears to the satisfaction of the Commissioners that in any lodging-house, dwelling-house, cellar, outhouse, or other building within the limits of this Act, where a corpse is lying, there is no proper accommodation for keeping such corpse previously to interment, or that there is reason to apprehend any injurious effects from the same, they may cause such corpse to be removed to any of such rooms or premises provided for the reception of the dead as aforesaid, there to be received and decently and carefully kept previously to interment, and for such purpose any officer of police or other person appointed by the Commissioners may enter any such lodging-house, dwelling-house, cellar, outhouse, or other building, and do or assist in doing all matters and things necessary for the purposes aforesaid, and in the event of access to such lodging-house, dwelling-house, cellar, outhouse, or other building for any such purpose being refused, any two justices may, on application of the Commissioners or any officer or other person appointed by the Commissioners, grant if necessary a warrant for forcibly entering the same.

XVII.—Execution of Works generally.

Power to execute works, &c. in default of person liable.

343. Whenever by this Act or any byelaw thereunder, or any notice or order of the Commissioners, any work, act, or thing is required to be done by any owner, occupier, or other person, and default is made therein, or if any such work, act, or thing is improperly or insufficiently done, the Commissioners may cause such work, act, or thing to be executed, re-executed, or done (as the case may require), and also whenever any work, act, or thing is by this Act, or by any such byelaw, notice, or order as aforesaid, prohibited being done, and it nevertheless is done, the Commissioners may remove, abate, or alter the work, act, or thing so done, and the expenses incurred by the Commissioners in any such case or incidental thereto shall be repaid to them by the person making default in the execution or doing of, or improperly or insufficiently or unlawfully executing or doing such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by this Act or any such byelaw.

Power to enter and inspect.

344. The Commissioners by their officers and servants may at all reasonable times in the daytime, and after twenty-four hours notice to the occupier of the premises, or if there is no occupier, to the owner, from time to time enter upon any building or lands for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examination as may be

necessary to ascertain whether the provisions of this Act or of any byelaw thereunder have been complied with, or of carrying into execution any of the powers contained in this Act or in any such byelaw, without being deemed trespassers or liable to any action, indictment, or other proceeding on account thereof.

Penalty on occupiers opposing execution of Act.

345. In case the occupier of any building or lands prevents the owner thereof from carrying into effect in respect thereof any of the provisions of this Act, or of any byelaw thereunder, then, after notice of this provision given by the owner to the occupier, any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute all such works with respect to such building or lands as may be necessary for carrying into effect the provisions of this Act or of any such byelaw, and if after the expiration of ten days from the service of such order the occupier continues to refuse to permit the owner to execute any such work, he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds, and during the continuance of such refusal the owner 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.

346. Whenever default is made by the owner of any building or lands in the execution of any work by or by virtue of this Act or any byelaw thereunder required to be executed by him, the occupier of such building or lands may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be repaid to the occupier by the owner, and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

Power to keep materials, &c.

347. The Commissioners may from time to time provide and may keep such materials as they think requisite for enabling them to execute any works which they are by this Act authorised or required to execute.

XVIII.—Recovery of new Street and other Expenses.

Recovery of new street and other expenses from owners and others.

348. All new street expenses and all other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, or from the occupier of any building or lands, or from any other person, shall, if not paid on demand, be recoverable by the Commissioners, with interest thereon from the expiration of one month after such demand, at a rate to be determined by the Commissioners, not exceeding five pounds per centum per annum, either as a debt from such owner or from such occupier,

A.D. 1870.

or from such other person (as the case may be), in any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or of such occupier, or of such other person (as the case may be), and any justice may issue his warrant accordingly.

Parties aggrieved by proceedings of Commissioners as to recovery of certain expenses may appeal to the Secretary of State.

349. Whenever any new street or other expenses are charged by the Commissioners on the owners or occupiers of buildings or lands, and any such owner or occupier shall deem himself to be aggrieved thereby, he may address a memorial to one of Her Majesty's Principal Secretaries of State, stating the grounds of his complaint, and the said 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 Commissioners, and if the Commissioners shall have proceeded to recover such expenses the said Secretary of State may, if he shall think fit, direct the said Commissioners to pay to the person so proceeded against such sum as he may consider to be a just compensation for the loss, damage, or grievance thereby sustained by him.

Expenses to be a charge on lands as if mortgaged.

350. All new street expenses and other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, with such interest thereon as by this Act or any such byelaw is provided for, shall be a charge on such building or lands in priority to any incumbrance or charge on or affecting the same.

Power to enter into possession, &c. where owner fails to pay his proportion of new street or other expenses.

351. If the owner of any building or lands by this Act charged with any new street or other expenses fails, for the space of six months after the same become recoverable from him, to fully pay the same, with all interest thereon, or if any such owner is or becomes bankrupt, or is after diligent inquiry unknown to the Commissioners, or cannot be found by them, then and in every such case, and as often as the same happens, the Commissioners (by way of additional remedy, and whether any action or suit or other proceeding against such owner has been brought by them or not,) may, on or at any time and from time to time after the expiration of one month from service of a notice to such owner of their intention to put in force the powers of the present section, proceed as follows; namely,

(1.) The Commissioners may enter into receipt of, and demand and receive from tenants and occupiers and persons liable, the rents and profits of such building or lands, and in case of nonpayment may use all or any such lawful remedies by way of distress or otherwise for recovering and obtaining payment of the same or any part thereof as may be

used by landlords in ordinary cases, and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the building or lands, and the tenants, occupiers, and persons liable shall pay the rents and profits to the Commissioners, and the receipt of the treasurer or of any officer of the Commissioners appointed in that behalf shall be and shall alone be an effectual discharge for the same:

(2.) Where any such building or lands is or are unoccupied or unproductive at the time when the Commissioners would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any), or at any time afterwards while the claim of the Commissioners is unsatisfied, then and in every such case, and as often as the same happens, the Commissioners may enter into possession of the building or lands, and may occupy, enclose, and use the same or any part thereof:

(3.) The Commissioners may from time to time by deed demise for any term not exceeding ten years any such unoccupied or unproductive building or lands, or any part thereof, and receive the rents and profits thereof, as if they were the owners thereof, and every such demise shall vest the legal estate in possession in the building or land in the lessee for the term granted.

Application of rents and profits received.

352. All rents and profits received in respect of any such building or lands as aforesaid shall be applied in the manner and in the order following; (namely,)

(1.) There shall be paid thereout all taxes, rates, assessments, expenses of repairs, chief rents, and other outgoings properly payable by the owner in respect of the building or lands, and all expenses incurred by the Commissioners in relation thereto by reason or in consequence of the failure of the owner thereof to pay any new street expenses or other expenses as aforesaid:

(2.) There shall be retained on behalf of the Commissioners the amount which the owner is at the time of the commencement of such receipt by the Commissioners liable to pay on account of new street or other expenses, and interest in respect of the same or any other buildings or lands in the same or any other street:

(3.) The surplus (if any) shall be paid to the owner, his representatives or assigns.

A.D. 1870.

Right of Commissioners to rents to exclude that of owner, &c.

353. Whenever the Commissioners so enter into receipt of the rents and profits, or into possession of any such building or lands, then for and in respect of the period during which their claim against the owner for new street or other expenses is unsatisfied, as well after the termination of that period as during its continuance, the owner of the building or lands, and the owner of any chief rent issuing thereout, shall not have any right to receive any rents or profits of the building or lands, or have any interest therein, except under the provisions of this Act directing the application of rents and profits received by the Commissioners, and for and in respect of the period aforesaid, as well after its termination as during its continuance, every or any such right shall, as against any lessee of the building or lands, or other person taking through or under the Commissioners, be by virtue of this Act absolutely extinguished.

Saving for special contracts as to expenses of works.

354. Nothing in this Act shall alter the liabilities respecting the payment of any expenses made payable or recoverable by this Act, or any byelaw thereunder, of any owner and occupier as between themselves, under any special contract relative thereto made before or after the commencement of this Act.

Power to allow time for repayment of new street expenses, &c.

355. When any new street or other expenses are to be repaid by the owners or occupiers of buildings or lands, the Commissioners may by resolution allow to the owners or occupiers, or any of them, time for the repayment thereof or of any part thereof, and may order the same or any part thereof to be repaid, either in one sum or by such instalments as the Commissioners think fit, with interest for the principal money from time to time remaining unpaid after such rate as the Commissioners determine, but all sums so remaining due, notwithstanding that the Commissioners agree so to allow time, shall from time to time at the expiration of the several times allowed be recoverable from the respective owners and occupiers for the time being, both present and future, in succession one after another, as the same would have been recoverable from the original owner or occupier if no such time had been allowed, and with respect to any such instalment the time limited by this Act or otherwise for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due.

Persons having partial interests may raise expenses by mortgage.

356. All owners of buildings or lands being tenants for life only, and all committees of lunatics, and all trustees seised, possessed of, or entitled to any estate or interest, either at law or equity, in any buildings or lands for or on behalf of any person or charity, may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any new street or other expenses

which the owners of such buildings or lands for the time being are liable to pay, and the expenses of making such charge, and for securing the repayment of such sum, with interest, may mortgage such buildings or lands to any person advancing such sum, but so that the principal money due on any such mortgage shall be repaid within twenty years.

Same rules to apply as to works previous to Act.

357. With respect to any new street or work begun or executed by the Commissioners before the commencement of this Act, the provisions of this Act relative to new street and other expenses shall apply in every such case as if such new street or work was begun after the commencement of this Act, and all notices given and proceedings taken before the commencement of this Act with a view to the beginning or execution of any such street or work, or to the recovery of the expenses thereof, shall be as effectual to all intents as if the same had been given or taken in accordance with the provisions of this Act, and all such notices and proceedings may after the commencement of this Act be acted on and continued as if they had been given and taken under this Act.

XIX.—Lands.

Purchase of lands.

358. Except with respect to lands shown on the deposited plans and described in the deposited book of reference, the regulations contained in section seventy-five of the Local Government Act, 1858, shall be observed with respect to the purchase of lands by the Commissioners for the purposes of this Act, and shall apply and have effect as if the Commissioners were a local board acting under that Act for the improvement district as their district, and as if the purposes of this Act were purposes of that Act, and the costs, charges, and expenses in that section provided for shall become a charge on the improvement fund created by this Act.

Power to agree for easements, &c.

359. The Commissioners may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege (other than a right or privilege of water) in, over, affecting, or belonging to lands, at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

A.D. 1870.

Power to grant building leases of land near street, &c.

360. In case any lands acquired by the Commissioners before or after the commencement of this Act for the purpose of any park or new street for the time being authorised to be made by the Commissioners are not laid into and made part of the park or street, or where any lands are taken by the Commissioners for providing space for the erection of buildings adjoining to or near any street or improvement, the Commissioners, when and as they think fit, may convey or demise for any term of years such lands or any parts thereof to any persons agreeing to erect thereon or any parts thereof erections and buildings of such rate or class of buildings, and upon such plan and elevation, and of such height, and with such storeys, and with such yards or gardens as the Commissioners think proper, and the Commissioners may (if they think fit) take any fine for any such conveyance or lease, and may (if they think fit) reserve any rent in any such conveyance or lease, and every such conveyance or lease shall contain a covenant for the payment of any rent thereby reserved, and such other covenants on the part of the grantee or lessee as the Commissioners think reasonable, and may contain a clause in the nature of a condition of re-entry on nonpayment of any rent thereby reserved or nonperformance of the covenants on the part of the grantee or lessee therein contained.

Power to make agreements as to building leases, &c.

361. The Commissioners may if they think fit from time to time enter into any agreement for such a conveyance or lease on such terms and conditions as they think fit, and on making a conveyance or lease in pursuance thereof may alter the amount of the rent agreed to be reserved, and may apportion the same and make separate leases of any parts of the lands comprised in the agreement as they think fit, and may alter or rescind any such agreement, and the Commissioners may accept any reconveyance or the surrender of any lease for the purpose of making separate conveyances or leases of the same lands in parcels at apportioned rents, or another conveyance or lease of the same lands under different covenants or otherwise, in all respects as they think fit.

Sale of land subject to building leases, &c.

362. The Commissioners as and when they think fit, and either before or after any such conveyance or lease is granted, may sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning the lands) of such erections and buildings, except such as have been otherwise disposed of under this Act, either altogether or in parcels by public auction or by private contract, for such price as the Commissioners think reasonable, and subject to such stipulations and provisions for

the enjoyment thereof, and as to the nature of the erection and buildings which are to be at all times erected thereon, and to such stipulations as to the title to be produced to the hereditaments sold as the Commissioners think fit, and the Commissioners shall at the request and expense of each purchaser, on payment of his purchase money, by deed convey and assure the lands purchased by him, with the erections and buildings thereon and the appurtenances, to the purchaser, his heirs and assigns, or as he directs, free from incumbrances, except the building conveyance, lease, or agreement of or concerning the same made under this Act.

Power to sell without previous grant of building lease.

363. The Commissioners, if they think it expedient, may from time to time sell and dispose of, in manner herein-before directed, any such lands as aforesaid without having previously made or agreed to make any conveyance or lease thereof, and convey and assure the same to the purchaser thereof for such price, and upon, under, and subject to such covenants and agreements on the part of the purchaser with respect to the rate or class of the erections and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto as the Commissioners think fit.

Sales to be made within limited time.

364. The Commissioners shall, before or at any time within fifty years after the completion of the park or street for the purposes whereof any lands are acquired, sell or dispose of and convey such parts of those lands as are not wanted for the purposes of the same park or street or of any other park or street for the time being authorised to be made by the Commissioners.

Power to sell, &c. lands not wanted.

365. Subject to the other provisions of this Act the Commissioners may from time to time sell, lease, exchange, or otherwise dispose of any building or lands or any parts thereof vested in them at the commencement of this Act or acquired by them under this Act, and not wanted for the purposes thereof, and make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Application of purchase money of land.

366. Any purchase money received on any sale of land and any money received for equality of exchange by the Commissioners under this Act shall be distinguished as capital in the accounts of the Commissioners, and shall be applied exclusively for purposes for which money borrowed under this Act is applicable, or in discharge of money so borrowed, and to the extent of any money so applied the borrowing powers of the Commissioners shall be extinguished.

A.D. 1870.

XX.—Improvement Fund and Rates and Highway Rates.

Improvement fund.

367. For the purposes of this Act there shall be a fund called the improvement fund, and with respect thereto the following provisions shall have effect; (namely,)

(1.) From and after the commencement of this Act there shall be paid to the treasurer of the Commissioners, and by him on receipt carried to the improvement fund, all such rents and profits of lands as are under this Act or otherwise for the time being receivable by the Commissioners or any officer thereof as such, and all such money as belongs or is payable to the Commissioners or any officer thereof as such (except money borrowed under the authority of this Act or received from highway rates), including the following particulars; namely,

All money in the hands of the treasurer of the Commissioners at the commencement of this Act:

All money from time to time payable for new street or other expenses, purchase money, or consideration for and fines on land sold, leased, exchanged, or disposed of by the Commissioners under this Act, tolls, rents, and stallages, sums received by the Commissioners for the sale or other disposal of sewage, fees for licenses, and fines and penalties payable to the Commissioners:

But this enumeration of certain particulars shall not restrict the generality of the description before given in the present provision:

(2.) Out of the improvement fund there shall be paid all the expenses of the Commissioners, except such as are under this Act payable out of highway rates:

(3.) In case the improvement fund is at any time more than sufficient to pay the expenses payable thereout, the surplus thereof shall be applied under the direction of the Commissioners for the public benefit of the inhabitants or improvement of the improvement district.

Power to levy improvement rate.

368. In case the improvement fund is at any time insufficient to pay the expenses payable thereout, the Commissioners shall from time to time, annually or oftener as and when they think fit, make an estimate as correctly as may be of the amount in addition to the improvement fund which will be sufficient to pay those expenses. Every such estimate shall show the amount sufficient for the payment of such of the said estimated expenses as relate to the making or maintaining of sewers and to lighting the streets (except the

road from West Hartlepool to Seaton Carew when the same shall be made), and providing and keeping in repair for that purpose lamp-posts, burners, pipes, and other apparatus, which expenses are referred to in this Act as separate expenses, and the amount sufficient for the payment of the remainder of such estimated expenses in this Act referred to as general expenses, and shall distinguish the sums respectively charged for the payment of separate expenses in the original district and in the additional district, and shall further show the value of the property assessable in each of the said districts. The Commissioners shall raise the amount required to pay the said expenses by means of a rate to be called the improvement rate, and as between the original district and the additional district the Commissioners shall apportion the amount to be raised by such improvement rate in each of the said districts so that there shall only be raised in each district the money required for separate expenses in such district, and so much of the money required for general expenses as is chargeable upon the same. The amount chargeable upon each district of the money required for general expenses shall be ascertained and fixed by the Commissioners, having regard to the value of the property assessable thereto in such district. The Commissioners shall, annually or oftener as and when they think fit, make, assess, and levy the improvement rate necessary to raise in each district the amount apportioned and ascertained by the Commissioners in manner aforesaid, but not exceeding in any year two shillings and sixpence in the pound on the rateable value of the property assessable thereto, according and subject to the following provisions; (that is to say,)

(1.) They shall make, assess, and levy the improvement rate on the occupiers of all such kinds of property as by the laws in force for the time being are assessable to any rate for the relief of the poor, according to the rateable value of such property:

(2.) The occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, or as a public railway, dock, timber pond, or harbour, shall be assessed in respect of the same in the proportion of one fourth part only of the rateable value thereof, and the Hartlepool Gas and Water Company shall be assessed in respect of their mains and pipes within the improvement district in the same proportion only:

(3.) The occupier of any dwelling-house which is or shall be erected within such portion of the additional district defined by this Act as is situate on the east side of the

A.D. 1870.

railway in the township of Seaton Carew shall be assessed in respect of the said rate in the proportion of one third part only of the rateable value of such dwelling-house, until such part of the public carriage road authorised by section 112 of this Act as is intended to be made within the said additional district shall be so made and opened for public use and lighted.

Partial exemption of manufactories in manufacturers district.

369. For the purposes of this Act so much of the additional district as is described in the eighth schedule to this Act shall be deemed the manufacturers district, and works, buildings, and property in that district, not being dwelling-houses or property assessable under this Act to the improvement rate in the proportion of one fourth only of the rateable value thereof, and being respectively of a rateable value of fifty pounds per annum or upwards, shall be deemed manufactories, and with respect thereto the following provisions shall have effect; (that is to say,)

(1.) Until the rateable value of the property in the manufacturers district other than manufactories amounts to five thousand pounds per annum, the occupier of any manufactory shall be assessed to the improvement rate in respect of the same in the proportion of one fourth part only of the rateable value thereof:

(2.) When the rateable value of the property in the manufacturers district other than manufactories amounts to five but does not amount to seven thousand pounds per annum, the occupier of any manufactory shall be assessed to the improvement rate in respect of the same in the proportion of one half part only of the rateable value thereof:

(3.) When the rateable value of the property in the manufacturers district other than manufactories amounts to seven but does not amount to ten thousand pounds per annum, the occupier of any manufactory shall be assessed to the improvement rate in respect of the same in the proportion of three fourths part only of the rateable value thereof:

(4.) When the rateable value of the property in the manufacturers district other than manufactories amounts to or exceeds ten thousand pounds per annum, then and thenceforth the occupiers of all manufactories shall be assessed to the improvement rate on the full rateable value thereof.

Produce of rate to be carried to improvement fund.

370. All money levied by means of the improvement rate shall be paid to the treasurer, and shall be carried to and shall form part of the improvement fund, and shall be applied accordingly.

A.D. 1870.

Power to levy highway rate.

371. The Commissioners from time to time may make a rate to be called the highway rate, not exceeding in any year two shillings and sixpence in the pound on the rateable value of all kinds of property within the original district or within the additional district liable to be rated to the highway rate by virtue of the Act of the fifth and sixth years of the reign of King William the Fourth, chapter fifty, and no one highway rate shall exceed one shilling, subject to the following qualification; (that is to say,)

The Commissioners shall apply all money levied in either district by means of any such highway rate to the purposes to which the same may be lawfully applied within such district, and shall not by way of highway rate levy in any one district any more money than is required for the purposes aforesaid in such district: Provided always, that the expenses required for making or maintaining the said road from West Hartlepool to Seaton Carew shall be raised by means of such highway rate as aforesaid, to be assessed and charged upon the two districts in proportion to the value of the property assessable thereto in each district respectively.

Limitation of amount of rates.

372. Notwithstanding anything in this Act contained the rates leviable under the provisions of this Act as improvement rate and highway rate within the improvement district shall not in any one year together exceed the sum of four shillings in the pound upon the net annual value of the property assessable thereto within the district.

Rates may be prospective or retrospective.

373. The Commissioners may make any rate prospectively in order to raise money to pay expenses to be incurred after the making of the rate, or retrospectively in order to raise money to pay expenses incurred within six months before the making of the rate, whether before or after the commencement of this Act.

Power to rate owner instead of occupier in cases described, and to compound.

374. The owner instead of the occupier of the property shall be rated in the following cases; (namely,)

(1.) Where the rateable value of the property rated does not exceed the sum of ten pounds per annum:

(2.) Where buildings or lands are let to weekly or monthly tenants:

(3.) Where buildings are let in separate apartments:

(4.) Where the rents become payable or are collected at any shorter period than quarterly:

Where the owner is so rated instead of the occupier, the Commissioners shall from time to time compound with the owner for the payment of any of the rates under this Act on such reduced estimate,

A.D. 1870.

not being less than two thirds of the annual rateable value, as they think reasonable, and the amount of such composition shall be recoverable as rates under this Act, and such composition shall be the same to each owner, and shall be paid whether the property is occupied or not: Provided always, that where the owner is so rated instead of the occupier in respect of property the rateable value of which does not exceed the sum of ten pounds per annum, then and in such case, but not in any of the other cases mentioned in this section, every payment of a rate by such owner shall be deemed a payment of the rate by the occupier for the purpose of qualifying such occupier in respect of the payment of rates to vote at any election of Commissioners under this Act.

Value of property to be ascertained according to poor rate.

375. Subject to the other provisions of this Act, for the purposes of this Act the rateable value of property shall on every occasion of a rate being made be the rateable value thereof according to the then next preceding assessment for the relief of the poor within the improvement district.

Power for Commissioners, &c. to inspect parish rate books.

376. The Commissioners may cause all or any of the books or assessments of rates for the relief of the poor within the improvement district to be produced before them, and may cause a copy thereof or of any part thereof to be taken without payment, and if any person in whose custody or power any such book or assessment is, fails when required to attend the Commissioners therewith, or to permit the Commissioners to cause to be taken a copy thereof or any part thereof, he shall be liable to a penalty not exceeding fifty pounds.

Assessment to rates in case of unoccupied premises.

377. If at the time of the making of any improvement or highway rate any premises in respect of which the rate is made are unoccupied, such premises shall be included in the rate, but the rate shall not be charged on 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 has 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 is in 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 ceases to be owner or 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, he shall be liable to pay only such part of the

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

rate as is in proportion to the time during which he continues to be such owner or occupier; and in every such case if any person afterwards becomes owner or occupier of the premises during part of the said period, he shall pay such part of the rate as is 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.

If poor rates considered an unfair criterion a valuation to be made.

378. If at any time the rate for the relief of the poor is in the judgment of the Commissioners an unfair criterion by which any rates under this Act should be made, they may cause a valuation to be made of all or any part of the rateable property within the improvement district by some competent person, and any rate under this Act shall, as to the property comprised in such valuation, be made upon such valuation.

Power to valuer to enter and examine lands, &c. for purposes of valuation.

379. For the purpose of every such valuation, the person appointed for making the same, together with his assistants, may at all reasonable times, until the same is completed, enter, view, and examine, survey, and admeasure all and every part of the property to be valued, and do any act or thing necessary for making such valuation, but any valuation made previously to the appointment of such person, if tendered to him, and if in his judgment a just and true valuation, may be used by him.

Form of rate.

380. Every improvement, highway, or other rate made under the authority of this Act shall be fairly transcribed in a book, and shall be sealed with the common seal of the Commissioners, and no allowance, publication, or other formality whatever other than such as is expressly prescribed by this Act shall be requisite to the validity of any such rate.

Owner may be rated without stating his name.

381. Where the name of any owner liable to be so rated is not after diligent inquiry known to the officer of the Commissioners by whom the rate book is made, it shall be sufficient to rate such owner in the rate book as the owner of the property to be rated by the designation of "the owner," without stating his name.

Notice of rate to be given.

382. Notice of every rate made under this Act having been made, and of the place where the rate is deposited, shall be given by the Commissioners by placard posted on or near the door of their office, and by advertisement in a newspaper published in the improvement district within seven days next after the rate is made, but it shall not be necessary in any case to prove that such notice has been given.

A.D. 1870.

Rate to be open to inspection of ratepayers.

383. Immediately after any rate is made, the same shall be open to the inspection of any person rated at all seasonable times, and any such person may take copies of or extracts from such rate without payment, and if the person having the custody of such rate does not permit any person rated to take such copies or extracts, he shall be liable to a penalty not exceeding five pounds.

Power to amend rates.

384. The Commissioners may from time to time amend any rate by inserting therein the name of any person who ought to have been rated, or who since the making thereof has become liable to be rated, or by striking out the name of any person who ought not to have been rated, or by increasing or reducing the sum at which any person is rated, or by making such other alterations therein as will make such rate conformable to this Act, and no such alteration shall be held to vitiate the rate or render it less operative, but any person shall have the same right to appeal from any such amendment as he would have had if the matter of amendment had appeared in the rate originally made, and with respect to him the amended rate shall be considered to have been made at the time when he 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 newly inserted as aforesaid, the rate shall not be payable by him until seven days after notice of the amendment given to him.

Persons aggrieved by inequality of rate may apply to Commissioners.

385. If any person thinks himself aggrieved by any rate on the ground of inequality, unfairness, or incorrectness in the valuation of any rateable property included therein, he may at any meeting of the Commissioners held at any time within six weeks after the publication of the rate, on giving six days notice to the Commissioners, apply for relief to the Commissioners, and the Commissioners, if they think such person aggrieved, may give such relief as to them seems reasonable.

Rates may be recovered by action or distress.

386. If any person fails to pay the amount due by him in respect of any rate, the Commissioners may recover the amount, with the costs and expenses, by proceeding in any court of competent jurisdiction, or any justice may, on the application of the Commissioners, summon such person to appear before him or any other justice, at the time to be mentioned in the summons, to show cause why the rate due from him should not be paid, and in case sufficient cause for the nonpayment of such rate is not shown, the same, with such costs as to the justice seems reasonable, may be levied by distress, and such justice may issue his warrant accordingly: Provided that if sufficient distress cannot be found within the improve-

ment district whereon to levy the said rate and costs, and it so appears upon oath before a justice of any other 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 is unsatisfied, shall be levied off the last-mentioned goods and chattels as if the defaulter had been assessed in the last-mentioned county or jurisdiction.

Rate made for a certain period to be apportioned.

387. When any rate is made for a particular period, and the owner or occupier rated ceases to be the owner or occupier of the property in respect whereof he is rated before the end of such period, he shall only be liable to pay the proportion of the rate for the time during which he continued owner or occupier, and if any other person becomes the owner or occupier of the property during any part of such period such person shall only be liable to pay the proportion of the rate for the time during which he holds or occupies the property, and the same may be recovered from him as if he had been originally rated.

Recovery of rates from persons removing.

388. In case any person quits or is about to quit any rated property before he has paid all rates due from him, and fails to pay the same on demand, the collector or any constable may by warrant under the hand of a justice (which warrant a justice is hereby authorised and required to grant without issuing any previous summons to such person upon proof to his satisfaction of such removal or intended removal, or that there is reason to suspect the same,) distrain the goods and chattels of such person and sell the same, rendering the overplus (if any), after having deducted the reasonable expenses attending such distress and sale, together with the rates so due, to the owner of such goods and chattels upon demand.

Rate books to be evidence.

389. The books of the Commissioners shall be received as evidence of rates made by the authority of this Act.

Commissioners may divide improvement district.

390. The Commissioners from time to time may divide the improvement district into sub-districts, and may order that any improvement or highway rate shall be levied by assessments to be made for sub-districts, and for the purpose of ascertaining the limits of such sub-districts the Commissioners shall cause a plan to be prepared and kept in their office, in which the limits of this Act and the boundaries of the divisions and subdivisions of each sub-district shall be distinctly marked, and may from time to time erect bound stones or posts for better ascertaining and preserving those boundaries.

A.D. 1870.

XXI.—Borrowing Powers.

General borrowing power.

391. The Commissioners may from time to time borrow at interest on the security of the property of the Commissioners and the improvement fund and improvement rates and highway rates, or any of those securities, so much money as they deem necessary for defraying the expenses of the execution by them of this Act, and may mortgage their property and the improvement fund and improvement rates and highway rates to secure repayment thereof with interest accordingly, but the exercise of this power shall be subject to the following regulations:

(1.) Such money shall not be borrowed except for permanent works or for the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, or without the approval of the Secretary of State:

(2.) The money so borrowed shall not (except as in this Act provided) at any time exceed in the whole the assessable value for one year of the premises assessable within the district:

(3.) The money may be borrowed for such time not exceeding thirty years as the Commissioners, with the sanction of the Secretary of State, determine in each case:

And where the Commissioners borrow any money for the purpose of defraying expenses in respect whereof they have determined a part only of the improvement district to be liable, they shall, as between the ratepayers of the improvement district, make good as far as they can the money so borrowed as occasion requires out of a rate levied in that part only of the improvement district.

Extension of borrowing powers in certain cases.

392. Where the Commissioners contribute to purchase or execute works of sewerage and water supply or other permanent works, or propose to contribute to purchase or execute such works, and the cost of such works exceeds or is estimated to exceed one year's assessable value of the premises assessable, or within the district in respect of which the money for such works may be borrowed, they may present a petition to the Secretary of State praying for powers to borrow or re-borrow for such works on mortgage under this Act an amount not exceeding two years assessable value of the premises assessable as aforesaid, to be repaid within such period not exceeding fifty years as they, with the sanction of the Secretary of State in each case, determine, and the Secretary of State may direct inquiry on such petition and issue a provisional order thereupon, and take steps for the confirmation of any such provisional order by Act of Parliament.

Protection of lenders from inquiry.

393. A person lending money to the Commissioners shall not be bound or entitled to inquire as to the observance by them of any provisions of this Act, or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Power to re-borrow.

394. If the Commissioners pay off any part of any money borrowed by them under this Act or under any former Act, and remaining unpaid at the commencement of this Act, otherwise than by means of instalments or a sinking fund, they may re-borrow the same, and so from time to time.

Application of money borrowed.

395. All money borrowed under this Act shall be appropriated to purposes for which it is authorised to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended, and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment.

Saving for existing charges.

396. Nothing in this Act shall prejudicially affect any charge on the property of the Commissioners, and the improvement rates and highway rates or any of them, by way of annuity, mortgage, or otherwise, subsisting at the commencement of this Act, and every annuitant, mortgagee, or incumbrancer, or person for the time being entitled to the benefit of any such charge shall have the same priority of charge, and all the like rights and remedies in respect of the property subject to his charge, as if this Act had not been passed, and all such charges created before the commencement of this Act shall, during the subsistence thereof, have priority over any mortgage granted under this Act.

Regulations as to mortgages.

397. With respect to mortgages made under this Act, the following provisions shall have effect; (namely,)

(1.) Every mortgage shall be by deed under the corporate seal of the Commissioners:

(2.) The mortgagees and their respective representatives and assigns shall, in proportion to the sums secured, be creditors on the property mortgaged to them respectively, equally one with another, without preference by reason of priority of date or otherwise:

(3.) A register of the mortgages shall be kept by the clerk of the Commissioners, and within fourteen days after the date of each mortgage an entry of the number and date thereof, and of the names of the parties thereto with their additions, shall be made in the register, which may be perused at all reasonable times by any person interested in any mortgage without payment.

A.D. 1870.

Transfers of mortgages.

398. With respect to transfers of mortgages made under this Act, the following provisions shall take effect; (namely,)

(1.) Any person entitled to a mortgage may transfer his interest therein to any other person by deed:

(2.) Within thirty days after the date of every such deed of transfer it shall be produced to the clerk to the Commissioners, who shall cause an entry thereof to be made in a registry of transfers of mortgages, on payment of a sum not exceeding five shillings, and after such entry every such transfer shall entitle the transferee, his representatives and assigns, to the full benefit of the original mortgage in all respects (including the power of transfer), and any person having made such a transfer shall not have power to release or discharge the mortgage transferred, or any money thereby secured.

Repayment of money borrowed on mortgage.

399. With respect to the repayment of money borrowed on mortgages made under this Act, the following provisions shall take effect; (namely,)

(1.) The Commissioners may, if they think proper, fix a period for such repayment, and in that case they shall cause such period to be inserted in the mortgage, and on the expiration thereof the principal sum with the interest accrued thereon shall, on demand, be paid to the person entitled to receive the same, and if a place of payment is not inserted in the deed the payment shall be made at the office of the Commissioners:

(2.) If a time is not fixed in the mortgage deed for such repayment, the person entitled to receive such money may at any time after the expiration of twelve months from the date of such deed demand payment of the principal money thereby secured and interest, on giving six months previous notice for that purpose, and in the like case the Commissioners may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by the Commissioners shall be given personally to the person entitled as aforesaid, or left at his residence, or if he is unknown to the Commissioners or cannot be found after diligent inquiry such notice shall be given by advertisement in the London Gazette:

(3.) If the Commissioners give notice of their intention to pay off any mortgage at a time when the same may be lawfully paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless on

demand of payment made pursuant to such notice, or at any time thereafter, the Commissioners fail to pay the principal and interest due at the expiration of notice:

(4.) In order to discharge the principal money borrowed or continued as a charge under this Act the Commissioners shall every year appropriate out of the improvement fund a sum equal to one fiftieth part of the amount originally borrowed on the security of that fund, and shall either apply the same as an instalment in discharge of a proportionate part of principal money so borrowed, or apply the same for a sinking fund to be from time to time invested in the purchase of exchequer bills or other Government securities, and to be increased by accumulation in the way of compound interest or otherwise, until the same is of sufficient amount to pay off the principal debts or some part thereof which the Commissioners think ought then to be paid off, at which time the same shall be so applied in paying off the same:

(5.) Whenever the Commissioners are able to pay off one or more of the mortgages payable, but are not able to pay off the whole of the same class, they shall decide by lot the order of payment among that class, and shall cause a notice signed by the clerk of the Commissioners to be given to the persons entitled to the money to be paid off according to such decision, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon at a place to be specified at the expiration of six months from the date of such notice.

Power for mortgagees to obtain a receiver.

400. With respect to a receiver the following provisions shall take effect; (namely,)

(1.) If within thirty days after the interest accruing upon any mortgage made under this Act has become payable, and after demand thereof in writing the same is not paid, the mortgagee may (without prejudice to his right to sue for the same) require the appointment of a receiver:

(2.) If within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing the same is not paid, with all interest due in respect thereof, the mortgagee (without prejudice to his right to sue for such principal money and interest) may, if his debt amounts to one tenth of the whole amount for the time being due on mortgages made under this Act

A.D. 1870.

alone, or if his debt does not amount to the said one tenth, then in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid, together with his, amount to the said one tenth, require the appointment of a receiver:

(3.) Every application for such a receiver shall be made to two justices, who may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the income producing the improvement fund until such interest or until such principal and interest (as the case may be), with all costs (including the charges of receiving the income), be fully paid, and thenceforth all such income, or such part thereof as the justices order, shall be paid to the receiver so appointed, and the money so paid shall be so much money received to the use of the person on whose behalf the receiver is appointed, and after such interests and costs, or such principal, interest, and costs, have been fully paid, the powers of the receiver shall cease.

Accounts open to mortgagees.

401. The books of account of the Commissioners shall be open at all reasonable times to the inspection of the mortgagees of the Commissioners, with liberty to take extracts therefrom, without payment.

XXII.—Byelaws.

Regulations as to byelaws.

402. With respect to byelaws to be made by the Commissioners under this Act, the following provisions shall take effect; (namely,)

(1.) Nothing in this Act shall authorise the Commissioners to make any byelaw repugnant to law or to this Act:

(2.) All byelaws shall be reduced into writing and be under the common seal of the Commissioners:

(3.) The Commissioners may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted:

(4.) Penalties under byelaws shall be recoverable as penalties under this Act are recoverable:

(5.) Any byelaw shall not take effect until it is allowed by one of Her Majesty's Principal Secretaries of State (who may allow or disallow the same as he thinks proper), and any such byelaw shall not be allowed unless notice or inten-

tion to apply for allowance of the same is given by placards posted in some public places within the improvement district not less than one month before the making of such application; and for one month at least before such application a copy of the proposed byelaw shall be kept at the office of the Commissioners, and be open during office hours thereat to the inspection of the ratepayers of the improvement district without payment, and the clerk of the Commissioners shall furnish a copy thereof or of any part thereof to every ratepayer applying for the same on payment of sixpence for every hundred words in such copy, or if the proposed byelaw has been printed by the Commissioners, then at such reasonable price not exceeding twopence for each copy as the Commissioners direct:

(6.) All byelaws when allowed shall be printed, with the date at which they are made, and the clerk of the Commissioners shall keep a printed copy thereof at the office of the Commissioners, and all persons may at all reasonable times inspect such copy without payment, and the Commissioners shall cause to be delivered a printed copy signed by the clerk of the Commissioners of all byelaws for the time being in force to every person applying for the same, on payment by him of any sum not exceeding one shilling and sixpence for every such copy, and a printed copy signed by the clerk of the Commissioners of the byelaws for the time being in force relative to any particular subject to every person applying for the same, on payment by him of any sum not exceeding threepence for every such copy:

(7.) Proper extracts from the byelaws painted or placed on boards shall be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Commissioners think fit:

(8.) A printed copy of byelaws dated and purporting to be allowed as aforesaid, and to be signed by the clerk of the Commissioners, shall be primâ facie evidence of the existence and of the due making and allowance of such byelaws, without proof of the signature of the clerk of the Commissioners.

Existing byelaws continued for a time.

403. Any byelaws made under any enactment 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.

A.D. 1870.

XXIII.—Settlement of Disputes; Arbitration.

Settlement of disputes as to compensation, &c.

404. Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount there is not provided for, such amount shall in case of dispute be ascertained and determined by two justices not being Commissioners, and such justices may take the advice of any surveyor or architect or other person skilled in the matter, and where the mode of recovery for any compensation, damages, costs, charges, or expenses is not provided for, the same shall be recovered before two justices not being Commissioners, and in either case any justice upon the application of either party may summon the other party and any witness to appear before two justices at a time and place to be named in such summons, and on the appearance of the parties, or in the absence of either of them on proof of due service of the summons, such two justices shall hear and determine the matter and shall award such sum and make such order as to the matter in dispute or otherwise as they think just, and if the amount awarded or ordered by them to be paid is not paid by the person liable to pay the same within fourteen days after demand, such amount may be recovered by distress and sale of the goods and chattels of such person, and such justices or either of them or any other justice may issue his warrant accordingly, or the amount may be recovered in any court of competent jurisdiction.

Mode of arbitration.

405. Except as expressly otherwise provided in this Act, sections 25 to 37 inclusive of the Lands Clauses Consolidation Act, 1845, shall apply for the determination of any question directed by this Act to be determined by arbitration.

XXIV.—Quarter Sessions.

Appeal in cases of summary conviction against orders of justices or against rates, &c.

406. In any of the following cases; (namely,)

(1.) Where on any summary conviction or adjudication under this Act, in respect of any offence punishable by pecuniary penalty or by imprisonment, the penalty adjudged to be paid (inclusive of any costs) exceeds three pounds, or the term of imprisonment adjudged exceeds one month, or the conviction or adjudication is had before or made by one justice only:

(2.) Where any adjudication under this Act other than such an adjudication as aforesaid, or any order or determination under this Act is made by any justice or justices, or any order or determination is made by the Commissioners:

(3.) Where any rate is made by the Commissioners, but in cases where application for relief is authorised to be made to the Commissioners, then only after such application:

any person who thinks himself aggrieved by such conviction, adjudication, order, or determination, or by any rate or anything included in or omitted from any rate, may appeal to the next court of quarter sessions holden not less than twenty-one days after the day whereon such conviction, adjudication, order, determination, or rate is made, subject and according to the following provisions; (that is to say,)

(1.) Within seven days after the last-mentioned day, and twelve clear days at least before such sessions, the appellant may give notice in writing of the appeal, and of the matter and ground thereof, to the complainant or the party in whose favour the adjudication, order, or determination is made, or whose interest is immediately affected thereby (as the case may be), and also in case of an appeal against a rate to the Commissioners:

(2.) Within three days after giving such notice the appellant may enter into a recognizance with two sufficient sureties before a justice, in such sum as the justice thinks fit, conditioned to try the appeal and abide the judgment of the court thereon, and pay any costs awarded by the court, and in case he is in custody to appear personally at the sessions; or,

(3.) Where the appeal is against a conviction imposing only a pecuniary penalty, or against an adjudication for the payment of money, the appellant may deposit with the clerk of the justice before or by whom the conviction or adjudication is had or made such sum of money as the justice thinks sufficient to cover the amount of the penalty or money adjudged to be paid, with the costs of the conviction or adjudication of the appeal:

(4.) On such notice being given, and such recognizance being entered into or such deposit being made, the appellant shall be liberated if in custody:

(5.) The court of quarter sessions, on proof of such notice and recognizance or deposit, shall in a summary way hear and determine the appeal, or else shall (if they think fit) adjourn the hearing thereof to a subsequent session:

(6.) The court by their order on the appeal may affirm or quash the conviction, adjudication, order, or determination appealed against, or may mitigate any forfeiture or penalty, or may order any money paid or levied to be returned, or may

A.D. 1870.

dismiss the appeal, or make such other order therein, with or without costs to either party, as seems just, and may (if necessary) issue process for enforcing their judgment:

(7.) Where any such deposit as aforesaid is made, and the conviction or adjudication is affirmed or the appeal is dismissed, the court may order the amount of the penalty or other money adjudged to be paid, together with the costs of the conviction or adjudication and of the appeal, to be paid out of the deposit, and the residue thereof (if any) to be returned to the appellant, and in any other case shall order the deposit to be returned to the appellant:

(8.) Where on appeal a conviction is quashed, the proper officer shall forthwith endorse on the conviction a memorandum that it has been so quashed, and wherever any copy or certificate of such conviction is made a copy of the memorandum shall be added thereto, which shall be sufficient evidence of the conviction having been quashed in all cases where a copy or certificate would be sufficient evidence of the conviction:

(9.) In an appeal against a rate the court by their order may affirm the rate or may amend the rate, or may give relief to any person rated by inserting therein or striking out therefrom any name or altering any sum therein without quashing the rate, or may quash the rate and order a new rate to be made, and in any such appeal the court shall have the like power of awarding costs to be paid by or to any party, and of compelling payment thereof, as they for the time being have for awarding and compelling payment of costs in an appeal against a rate for the relief of the poor.

The provisions of this section shall apply to the Commissioners when they think themselves aggrieved by any such conviction, adjudication, order, or determination, and shall apply to the Commissioners when appellants, save only that it shall not be requisite for the Commissioners to enter into any recognizance or make any deposit of money.

XXV.—Miscellaneous Provisions.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

407. Penalties and forfeitures under this Act, and expenses and money recoverable under this Act in a summary manner, shall be recovered subject and according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty (chapter forty-three), "to facilitate the performance of the duties of the "justices of the peace out of sessions within England and Wales

" with respect to summary convictions and orders," and of any Act for the time being in force amending or substituted for the same. A.D. 1870.

Punishment of abettors, &c.

408. Where the doing of any act or thing is made punishable by this Act or by any byelaw thereunder, any person causing or procuring such act or thing to be done, or aiding or abetting therein, shall be punishable in like manner.

Penalties on repetition of offences.

409. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permits, and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

Proceedings when offender refuses to state his name.

410. If any person charged with any offence against this Act, or any byelaw thereunder, refuses to disclose his name, all the necessary proceedings may be had and carried on against him for the recovery of any penalty, forfeiture, or damage imposed or incurred by the description of his person and of the offence committed, without stating his name, or if one only of his names is known, all such necessary proceedings may be had and carried on against him by such name only.

Evidence of previous conviction.

411. The justice before whom any person is convicted of any offence may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officer among the records of the court, and on the prosecution of any person for any subsequent offence a copy of such conviction, certified by the proper officer of the court or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

Damages and charges in cases of dispute to be settled by justices.

412. Where any damages or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges, in case of dispute respecting the same, may be settled and determined by the justice before whom any offender is convicted, and may be levied by distress.

Saving for indictments, &c.

413. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings, or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

A.D. 1870.

Extent to which occupier liable in default of owner.

414. Where under the provisions of this Act any money is in default of payment thereof by the owner of any building or lands recoverable from the occupier thereof, the occupier shall be liable from time to time to the extent of the amount of the rent for the time being due from him to such owner, or of the proportion of rent in respect of any current period (the burden of proving which amount shall be on the occupier), but only as from the service on the occupier of a demand of payment of rent to the Commissioners and notice not to pay the same to the owner, and every such occupier shall be entitled to deduct any money paid by him (together with all costs, charges, and expenses incurred by him in respect of the payment thereof to the Commissioners, or in respect of the recovery thereof by the Commissioners) out of the rent due or becoming due from him to such owner.

Regulation as to distress.

415. With respect to distress, the following provisions shall have effect; (namely,)

(1.) Any number of names and sums may be included in any warrant of distress obtained by the Commissioners for any of the purposes of this Act, and may be stated either in the body of the warrant or in a schedule thereto, and may be for a balance remaining unpaid or for an agreed instalment due:

(2.) Any justice who issues a warrant of distress may order that the costs of the proceedings for the recovery of the sum or sums for which the distress is ordered be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and where there are more persons than one shall be apportioned by the justice, and shall be included in the warrant of distress for the recovery of such sum or sums:

(3.) Every constable shall, upon being required by a collector or other officer of the Commissioners, aid in making a distress or sale pursuant to any such warrant, and in default of so doing shall be liable to a penalty not exceeding five pounds:

(4.) Any distress under this Act shall not be deemed unlawful nor shall the party making the same be deemed a trespasser on the ground of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any subsequent irregularities in the prosecuting of such distress.

A.D. 1870.

Power to order prosecutions, &c.

416. The Commissioners may direct any prosecution or proceeding against any person for any offence against this Act, or any matter arising under this Act.

Application of penalties.

417. Where any penalty or forfeiture is inflicted on the Commissioners, the amount thereof shall (except where otherwise provided by this Act, or otherwise ordered by the justice or justices before whom the same is recovered, who are hereby empowered to order accordingly,) be paid to the overseers of the poor of the township of Stranton, to be applied in aid of the poor rate of that township, and all other penalties and forfeitures inflicted under this Act shall be paid to the Commissioners.

Proceedings not to be quashed for want of form or removable by certiorari.

418. Any order, verdict, rate, assessment, judgment, conviction, or any proceeding touching or concerning any offence against this Act, or against any byelaw thereunder, shall not be quashed or vacated for want of form only, or be removable by certiorari or otherwise into any of the superior courts.

Validity of warrants of commitment.

419. A warrant of commitment on any conviction shall not be held void by reason of any defect therein, if it is therein alleged that the person therein named has been convicted, and there is a good conviction to sustain the same.

Justices, &c. not disqualified from acting.

420. Except as expressly otherwise provided, any person shall not be disqualified or disabled to act as justice of the peace, coroner, juror, or otherwise in any matter arising under or in relation to this Act, by reason of his being a ratepayer in the improvement district or liable to any payments under this Act, or a Commissioner.

Accounts of receipts and disbursements.

421. The Commissioners shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this Act, and of the several purposes for which such sums of money shall have been received and paid, which books shall at all reasonable times be open to the inspection of any of the Commissioners, and any mortgagee or other creditor of the Commissioners, without fee or reward, and the Commissioners and persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same, and any clerk or other person having the custody of the said books who shall not on any reasonable demand of any Commissioner, mortgagee, or creditor as aforesaid, permit him to inspect the said books or to take such copies or extracts as aforesaid, shall be liable to a penalty not exceeding five pounds for every such offence.

A.D. 1870.

Statement of accounts.

422. The Commissioners shall cause their accounts to be balanced in each year to a period not less than one month before the annual general meeting at which they are to be produced as after mentioned, and fourteen days at the least before such meeting the Commissioners shall cause a full and true statement and account to be drawn out of the amount of all rates or assessments made, and of all contracts entered into, and of all moneys received and expended by virtue of this Act during the preceding year, and also of all debts then owing by the Commissioners, and they shall cause such statement and account to be printed, and shall allow the same to remain for inspection at the office of the Commissioners, and every creditor on the rates and assessments by this Act authorised to be made, and every person paying any such rate or assessment, or any person acting on behalf of any such creditor or ratepayer, may at all reasonable times inspect such statement and account, and compare the same with the books and documents relating thereto in the possession of the Commissioners, and the clerk shall, on demand, furnish a printed copy of the said statement and account to every such creditor and ratepayer without fee, and fourteen days at the least before to the meeting for examining and settling such account the Commissioners shall give public notice of such intended meeting, stating in such notice that the said statement and account are printed, and lie at the office of the Commissioners ready for the inspection of the creditors and ratepayers, or other parties interested.

Accounts to be settled at annual meeting.

423. The accounts of the Commissioners so balanced as aforesaid, together with the said statement and account, shall be produced at the annual meeting of the Commissioners or at some adjournment thereof, at which meeting all creditors and ratepayers and other persons interested may be present, and the accounts shall be then finally examined and settled by the Commissioners, and if the same be found just and true they shall be allowed by the Commissioners and certified accordingly under the hand of the chairman of such meeting, and after such accounts have been so allowed and signed by such chairman, and also by the auditor as herein-after provided, the same shall be final in regard to all persons whomsoever, unless an appeal be prosecuted against such accounts as in this Act provided.

Provisions as to audit of accounts.

424. With respect to the audit of accounts, the following provisions shall apply:

(1.) The accounts of the receipts and expenditure of the Commissioners shall be audited and examined once in every year,

as soon as can be after the twenty-fifth day of December, by the auditor of accounts relating to the relief of the poor for the union in which the district is situate, unless such auditor is a Commissioner under this Act, in which case such accounts shall be audited by such auditor of any adjoining union as may from time to time be appointed by the Commissioners:

Power of allowance, disallowance, and surcharge.

And any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same upon the person making or authorising the making of the illegal payment, and shall certify the same to be due from such person, and upon application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made; and

Disallowances may be removed by certiorari into Court of Queen's Bench.

any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said court in the same manner and subject to the same conditions as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor, and the said court shall have the same powers with respect to allowances, disallowances, and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors; or in lieu of such application any person so aggrieved may appeal to one of Her Majesty's Principal Secretaries of State, who shall have the same powers in the case of the appeal as are possessed by the Poor Law Board in the case of appeals against allowances, disallowances, and surcharges by the said Poor Law auditors:

Appeal against disallowances.

As to recovery of disallowances.

(2.) Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the treasurer of the Commissioners within fourteen days after the same shall have been so certified, unless there be an appeal against the decision, and if such sum shall not be so paid and there be no such appeal, the auditor shall recover the same from the person against whom the same shall have been certified to be due by the like process and with the like powers as in the case of sums certified upon the audit of the poor rate accounts, and shall be paid by the Commissioners all such costs and expenses, including a reasonable compensation for his loss of time incurred by

A. D. 1870.

him in such proceedings, as shall not be recovered by him from such person:

Power to auditor to require production of books.

(3.) For the purpose of any audit of accounts under this Act, every auditor may by summons in writing require the production before him of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before him at any such audit, or any adjournment thereof, and to make and sign a declaration as to the correctness of the same, and if any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury; and such auditor shall, in respect of each audit, be paid out of the improvement rate levied under this Act such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as the Commissioners from time to time appoint, together with his expenses of travelling to and from the place of audit:

Notice of audit.

(4.) Before each audit of accounts under this Act, the Commissioners shall, after receiving from the auditor the requisite appointment, give twenty days notice of the time and place at which the same will be made by advertisement in some one or more of the public newspapers circulated in the district; and a copy of the accounts to be audited, together with all rate books, account books, deeds, contracts, accounts, bills, vouchers, and receipts mentioned or referred to in such accounts, shall be deposited in the office of the Commissioners and be open during office hours thereat to the inspection of all persons interested for seven days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same without fee or reward, and the production of the newspaper containing such notice shall be deemed to be sufficient proof of the notice of audit on any proceedings whatsoever:

(5.) Within fourteen days after the completion of the audit the auditor shall report upon the accounts audited and examined, and shall deliver such report to the clerk of the Commissioners, who shall cause the same to be deposited in the office of the Commissioners, and shall publish an abstract of such accounts in some one or more of the newspapers circulated in the district. Report of auditor.

Annual account to be transmitted to clerk of peace.

425. The Commissioners shall every year cause an annual account in abstract to be prepared, showing the total receipt and expenditure of all funds levied by virtue of this Act for the year ending on the day down to which their accounts have been made up for the said annual meeting, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified by the chairman of the Commissioners and also by the auditor thereof, and shall send a copy of the said account free of charge to the clerk of the peace for the county of Durham on or before the thirty-first day of January then next, or within one month after the same has been duly audited, which account shall be open to the inspection of the public at all reasonable hours on payment of the sum of one shilling for every such inspection, and if the Commissioners shall omit to prepare and transmit such account as aforesaid they shall be liable for every such omission to a penalty not exceeding twenty pounds.

Power to Commissioners to enter into contracts.

426. The Commissioners may enter into contracts with any persons for the execution of any works directed or authorised by this Act to be done by the Commissioners, or for furnishing materials or for any other things necessary for the purposes of this Act, and every such contract for the execution of any work shall be in writing, and shall specify the work to be done, and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof, and the power hereby granted to the Commissioners to enter into contracts may lawfully be exercised as follows; (that is to say,)

Any contract which if made between private persons would be by law required to be in writing and under seal the Commissioners may make in writing under their common seal, and in the same manner may vary or discharge the same:

Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith, the Commissioners may make in writing signed by the Commissioners or any two of their number acting

A.D. 1870.

by the direction and on behalf of the Commissioners, and in the same manner may vary or discharge the same;

Any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing, the Commissioners or any two of them acting by the direction and on behalf of the Commissioners may make by parol only without writing, and in the same manner may vary or discharge the same:

And all contracts made according to the provisions herein contained, being duly executed by the persons contracting to perform the works therein comprised respectively, shall be effectual in law, and shall be binding on the Commissioners and all other parties thereto, their successors, heirs, executors, or administrators, as the case may be, and in case of default in the execution of any such contract, either by the Commissioners or by any other party thereto, such actions or suits may be maintained thereon, and damages and costs recovered by or against the Commissioners or the other parties failing in the execution thereof, as might have been maintained and recovered had the same contracts been made between private persons only.

Notice to be given of contracts to the amount of 100*l.* or upwards.

427. Before any contract to the amount of one hundred pounds or upwards shall be entered into by the Commissioners, ten days notice at the least shall be given in some one of the newspapers circulating within the limits of this Act, expressing the purpose of such contract, and inviting any person willing to undertake the same to make proposals for that purpose to the Commissioners, and the Commissioners shall accept the proposal which upon a view of all the circumstances shall appear to them to be most advantageous, and shall take security for the due and faithful performance of every such contract.

Commissioners may compound for breach of contract.

428. The Commissioners may compound with any party who has entered into any such contract or against whom any action or suit has been brought for any penalty contained in any such contract or in any bond or other security for the performance thereof, or on account of any breach or non-performance of any such contract, bond, or security, for such sums of money or other recompense as the Commissioners may think proper.

Commissioners not personally liable.

429. A Commissioner by being party to or executing in his capacity of Commissioner any contract or other instrument on behalf of the Commissioners, or otherwise lawfully executing any of the powers given to the Commissioners, shall not be subject to be sued or prosecuted either individually or collectively by any person whomsoever, and the bodies or goods or lands of the several Com-

missioners shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as Commissioners, and the Commissioners respectively, their heirs, executors, and administrators, shall be indemnified out of the rates and other moneys coming to the hands of the Commissioners by virtue of this Act for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them.

Power to Commissioners to appoint clerk and other officers.

430. The Commissioners may from time to time appoint and employ a treasurer, clerk, officer of health, collector, assessor, and all such other officers to assist in the execution of this Act as they think necessary and proper, and from time to time remove any of such officers and appoint others in the room of such as are removed, or die, resign, or discontinue their offices, and may pay such salaries and allowances to those officers respectively as the Commissioners think reasonable.

Offices of clerk and treasurer not to be held by same person.

431. The same person shall not be appointed to the offices both of clerk and of treasurer, and if any person being the clerk or the partner of such clerk or in the service of such clerk or of his partner accepts the office of treasurer, or if any person being the treasurer or the partner of such treasurer or in the service of such treasurer or of his partner accepts the office of clerk, he shall forfeit the sum of one hundred pounds, and any person may sue for the same by action in any of the superior courts, and shall on recovery thereof be entitled to full costs of suit.

Officer taking fees, &c.

432. If any officer employed by the Commissioners exacts or accepts on account of anything done by virtue of his office, or in relation to the matters to be done under this Act, any fee or reward other than the salary or allowances allowed by the Commissioners, or is in anywise concerned or interested in any bargain or contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and shall forfeit the sum of fifty pounds, and any person may sue for the same by action in any of the superior courts, and shall on recovery thereof be entitled to full costs of suit.

Security from officers.

433. Before any person, whether treasurer, collector, or other officer, intrusted by the Commissioners with the custody or control of money by virtue of his office, shall enter upon such office, the Commissioners shall take sufficient security from him for the faithful execution thereof.

A.D. 1870.

Collectors to pay over to treasurer.

434. Every collector appointed or employed by the Commissioners by virtue of this Act to collect any rates shall, within seven days after he receives any money on account of any such rates, pay over the same to the treasurer of the Commissioners to their account, and the receipt of such treasurer for money so paid shall be a sufficient discharge to the collector; and every such collector shall, in such time and in such manner as the Commissioners direct, deliver to them true and perfect accounts in writing under his hand of all money received by him and of all money paid by him to the said treasurer by virtue of this Act, and also a list of the names of all persons who have neglected or refused to pay any rate or money owing by them, with a statement of the money due from them respectively.

Officers to account.

435. Every collector and other officer appointed or employed by the Commissioners by virtue of this Act shall from time to time, when required by the Commissioners, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all money received by him on behalf of the Commissioners, and such account shall state how and to whom and for what purpose such money has been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such payments, and every such officer shall pay to the Commissioners, or to any person appointed by them to receive the same, all money which shall appear to be owing from him upon the balance of such accounts.

Summary recovery against parties failing to account.

436. If any such collector or other officer fails to render such accounts as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for five days after being thereunto required he fails to deliver up to the Commissioners, or to any person appointed by them to receive the same, 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 Commissioners, then on complaint thereof being made to a justice such justice shall summon such officer to appear before two or more justices at a time and place to be set forth in such summons to answer such charge, and upon the appearance of such officer, or upon proof that such summons was personally served upon him or left at his last known place of abode, such justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer, and if it appears, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any money of the Commissioners is in the hands of such officer, or owing by him to the Commissioners, such justices

may order such officer to pay the same, and if he fail to pay the amount it shall be lawful for such justices to grant a warrant to levy the same by distress and sale, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same be sooner paid.

Officers refusing to account.

437. If any such officer summoned as aforesaid refuses to make out such account in writing, or to produce and deliver to the justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power belonging to the Commissioners, such justice may commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the Commissioners.

Officers about to abscond.

438. Provided always, that if any Commissioner, or other person acting on behalf of the Commissioners, makes oath that he has good reason to believe upon grounds to be stated in his deposition, and that he does believe, that it is the intention of any such officer as aforesaid to abscond, the justice before whom the complaint is made may, instead of issuing his summons, issue his warrant for bringing such officer before such two justices as aforesaid, but no person executing such warrant shall keep such officer in custody longer than twenty-four hours without bringing him before some justice, and the justice before whom such officer may be brought may either discharge such officer if he think there is no sufficient ground for his detention, or order such officer to be detained in custody so as to be brought before two justices at a time and place to be named in such order, unless such officer give bail to the satisfaction of such justice for his appearance before such justices to answer the complaint of the Commissioners.

Proceedings against officers not to discharge sureties.

439. No such proceeding against or dealing with any such officer as aforesaid shall deprive the Commissioners of any remedy which they might otherwise have against any surety of such officer.

Persons entering into certain contracts with Commissioners not disqualified as members of Commissioners.

440. Any person entering into any contract with the Commissioners for a sale or lease of lands, or a loan of money on mortgage or otherwise to the Commissioners, shall not thereby be disabled from being, continuing, or acting as a Commissioner or as an officer or servant of the Commissioners, or incur any penalty by reason of such contract, or of his being, continuing, or acting as a Commissioner or such officer or servant, but a Commissioner concerned by himself or any partner in any such contract shall not take

A.D. 1870.

any part in any vote, proceeding, or discussion at a meeting of the Commissioners relative thereto.

Validity of meetings of Commissioners.

441. Until the contrary is proved, every meeting of the Commissioners or of any committee of the Commissioners shall be deemed to have been duly convened and held, and all Commissioners attending such meeting shall be deemed to have been duly qualified.

Continuance of officers and servants.

442. All the officers and servants of the Commissioners in office at the commencement of this Act, and employed in the execution of any Act which this Act repeals or makes to cease to apply to the improvement district, shall continue to be the officers and servants of the Commissioners according to the nature and tenure of their appointments and employments respectively.

Penalty for obstructing persons employed in execution of Act.

443. If any person obstructs, assaults, hinders, or molests any Commissioner or any officer or servant of the Commissioners acting under this Act or any byelaw thereunder, in the execution of his duty, or in the execution of any of the powers, authorities, works, matters, or things to be exercised or done under this Act or any such byelaw, he shall be liable to a penalty not exceeding five pounds.

Penalty on pulling down notice boards.

444. If any person destroys, pulls down, injures, or defaces any placard or notice issued and put up by or under the direction of the Commissioners, or any notice of the position of a fireplug, or any board provided by the Commissioners on which any byelaw or part of a byelaw of the Commissioners is painted or placed, he shall be liable to a penalty not exceeding five pounds.

Penalty on occupier refusing to give name of owner.

445. If on request made on behalf of the Commissioners the occupier of any property refuses or wilfully omits to disclose or wilfully misstates the name of the owner of such property, any justice may summon such occupier to appear at the time and place mentioned in such summons before such justice or before some other justice, and if such occupier refuses or neglects to attend at the time and place mentioned in the summons, or if he attends and does not show good cause or excuse to the justice for his refusal, omission, or misstatement, such justice may, on proof (in case of the neglect or refusal to attend as aforesaid) of the due service of the summons, or on such attendance, impose a penalty upon such occupier not exceeding five pounds.

Form and service of notices, &c. by Commissioners.

446. Any notice, order, resolution, declaration, requisition, consent, demand, or other instrument made, given, delivered, or served under this or any other Act or any byelaw by the Commissioners may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the clerk or of the

surveyor or other proper officer, according to the subject of the particular document, being affixed thereto in print or writing on behalf of the Commissioners; and it shall be sufficient in all cases where any such notice, order, resolution, declaration, requisition, consent, demand, or other instrument is required to be given to or served upon the owner or occupier of any property to address such notice, order, resolution, declaration, requisition, consent, demand, or other instrument to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the notice, order, resolution, declaration, requisition, consent, demand, or other instrument is given or served, without further name or description, and any such notice, order, resolution, declaration, requisition, consent, demand, or other instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and any notice, order, resolution, declaration, requisition, consent, demand, or other instrument so addressed as last aforesaid may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several houses or buildings concerned), and any such notice, order, resolution, declaration, requisition, consent, demand, or other instrument may be served upon any owner, occupier, or other person either personally or by sending the same through the post in a registered letter, addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which such notice, order, resolution, declaration, requisition, consent, demand, or instrument is given or served, or if the building is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix such notice, order, resolution, declaration, requisition, consent, demand, or instrument, or a copy thereof, upon some conspicuous part of such building.

Service of notice on Commissioners.

447. Any notice to or demand on the Commissioners under this Act may be served on the Commissioners by being delivered to their clerk, or by being sent through the post in a registered letter directed to their clerk, in which latter case service shall be deemed to be effected on the Commissioners on the day on which such letter would be delivered in the ordinary course of post.

Hours for notices, &c.

448. Where by this Act it is required that any notice or other instrument be left at the office of the Commissioners, the same shall be left there within the usual office hours observed thereat, and in

A.D. 1870.

the absence of express provision in this Act, the Commissioners may from time to time by byelaw direct the delivery of notices and other instruments required by this Act to particular officers of the Commissioners, and appoint the times and places of such delivery.

Plans to be property of Commissioners.

449. All plans and other documents which in pursuance of this Act or of any byelaw made thereunder are left at the office of the Commissioners, or delivered to any officer of the Commissioners, shall become and be the property of the Commissioners.

Books and papers of Commissioners on death of officers, &c.

450. In case of the death of any officer or servant of the Commissioners or of his becoming bankrupt before he has delivered up all books, papers, writings, and other things in his custody, as such officer or servant, or relating to the execution of this Act, no interest whatever in such books, papers, writings, and things or any of them shall pass to or vest in his representatives or assignees, as the case may be.

Proof of debt in bankruptcy.

451. If any person against whom the Commissioners have any claim or demand become bankrupt, the clerk to the Commissioners, in all proceedings in relation to the estate of such bankrupt, may represent the Commissioners and act in their behalf in all respects as if such claim or demand had been the claim or demand of such clerk and not of the Commissioners.

Plaintiff not to recover without notice or after tender of amends.

452. A plaintiff shall not recover in any action to be commenced against the Commissioners, or any officer of the Commissioners or other person aiding or assisting them or him, for anything done or intended to be done in pursuance or under the authority of this Act, if tender of sufficient amends has been made to him or to his attorney, by or on behalf of the defendant, before the commencing of such action, and in case no such tender has been made the defendant in any such action may, by leave of the court after action brought, at any time before issue joined, pay into court such sum of money as he thinks fit, whereupon such proceeding, order, and judgment shall be had, made, and given in and by such court as in actions where the defendant is allowed to pay money into court.

Forms in schedule authorised.

453. The forms given in the ninth 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.

Savings from effect of repeals, &c.

454. Notwithstanding any enactment, repeal, or other thing in this Act contained—

(1.) The incorporation of the Commissioners by this Act shall be deemed to operate to all intents by way of continuance of

the corporation of the West Hartlepool Improvement Commissioners by the Improvement Act of 1854, and the body corporate of the Commissioners under this Act shall be deemed to all intents identical with the body corporate of the Commissioners under that Act, and the Commissioners shall continue and be seised, possessed of, and entitled to all rights, interests, and property of or to which the body corporate of the Commissioners under the Improvement Act of 1854 is at the commencement of this Act seised, possessed, or entitled, as if this Act had not been passed:

(2.) All acts, works, matters, and things before the commencement of this Act done or commenced under the powers and authorities of the Acts by this Act wholly or partially repealed or made to cease to apply to the improvement district, or any of them, or under any other Act or authority, and which are at the commencement of this Act good, valid, and available, or in progress, 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, and may be continued and completed as if this Act had not been passed:

(3.) All actions, suits, prosecutions, or other proceedings by or against the Commissioners 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, or the said resolution, may be continued, commenced, or prosecuted by or against the Commissioners as if this Act had not been passed:

(4.) All mortgages and other securities granted under any Act repealed by this Act may be transferred as if this Act had not been passed, and the form of transfer given in the ninth schedule to this Act may be used for that purpose, with such variations as circumstances may require:

(5.) All rates and rents at the commencement of this Act due or accruing due to the Commissioners may from and after the commencement of this Act be collected and recovered by the Commissioners 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:

A.D. 1870.

And any repeal by this Act of any enactment shall not affect the past operation of the enactment repealed, or any right, title, obligation, or liability acquired or accrued thereunder before the commencement of this Act.

Saving for general rights and remedies of Commissioners.

455. Nothing in this Act shall take away or abridge any right, power, authority, privilege, exemption, or benefit which the Commissioners have or may enjoy independently of this Act or of any Act repealed by this Act.

General saving of rights.

456. Save as otherwise expressly enacted, nothing in this Act or the Acts incorporated herewith shall repeal, vary, or alter any of the powers and provisions contained in the several Acts relating to the North-eastern Railway Company, the Hartlepool Gas and Water Company, the mayor and burgesses of the borough of Hartlepool, and the Hartlepool Port and Harbour Commissioners, or take away, impeach, abridge, restrain, alter, prejudice, or affect any powers, rights, authorities, privileges, or advantages whatsoever of or belonging to the North-eastern Railway Company, the Hartlepool Gas and Water Company, the mayor and burgesses of the borough of Hartlepool, and the Hartlepool Port and Harbour Commissioners respectively, or any or either of them, or of or belonging to any person claiming under them or any or either of them; but saving and reserving to them and every of them and to all persons claiming under them and every or any of them all such powers, rights, authorities, privileges, and advantages as they or any of them possessed, had, exercised, or enjoyed before the passing of this Act, or as they or any of them could or might have possessed, had, exercised, or enjoyed if this Act had not been passed.

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

457. The Commissioners shall cause copies of this Act, with an index to the contents thereof in each copy, to be printed by the Queen's printers, and to be at all times after the expiration of one month from the commencement of this Act kept in the office of the clerk to the Commissioners, open to inspection of any person on payment of a fee not exceeding one shilling, and to be at all times as aforesaid sold at that office to all persons applying for the same at a price not exceeding two shillings and sixpence; and if at any time the Commissioners fail to comply with the requisitions of this section they shall 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.

Commissioners to report.

458. The Commissioners shall make an annual report, in such form and at such time as the Secretary of State from time to time thinks fit to direct, of all works executed by them during the

preceding year, and of all sums received and disbursements made under and for the purposes of this Act, and publish the same in some newspaper circulating in the district, and shall send a copy to the Secretary of State.

Costs of Act.

459. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne by the Commissioners, and shall be paid by them out of the improvement fund or out of money borrowed under this Act.

The SCHEDULES to this Act.

THE FIRST SCHEDULE.

Part I.—Acts repealed.

The Local Government Supplemental Act, 1866, No. 3, as far as it relates to West Hartlepool.

17 & 18 Vict. c. 41.—The West Hartlepool Improvement Act, 1854.

Part II.—Acts to cease to apply to Improvement District.

The Public Health Act, 1848.

The Public Health Supplemental Act, 1849.

The First Public Health Supplemental Act, 1852.

The Local Government Act, 1858, except sections 77 to 81 inclusive.

23 & 24 Vict. c. 64.—An Act to make further provision for the expenses of Local Boards of Health and Improvement Commissioners acting as burial boards.

Local Government Act (1858) Amendment Act, 1861.

The Local Government Act Amendment Act, 1863.

THE SECOND SCHEDULE.

Limits of Act, otherwise the Improvement District.

Part I.—*The Original District.*

So much of the township of Stranton, including the town of West Hartlepool, as is included within a dotted line coloured red on a plan thereof, signed in duplicate by the Right Honourable Edward Pleydell Bouverie, member of Parliament, and one part whereof is deposited in the Private Bill Office of the Honourable House of Commons, and the other part whereof is deposited with the clerk of the peace for the county of Durham.

Part II.—*The Additional District.*

All the lands, houses, buildings, roads, works, and property which are or may be comprised or situated within the boundaries or limits shown by a line tinted red on the plan, and deposited in the office of the Commissioners, the same being the following; that is to say, a line commencing at the New Burn, being the south-eastern boundary of the original district, thence running in a

southerly direction along the beach at high-water mark of ordinary spring tides to the point of junction with the north-eastern boundary of the district of the Seaton Carew Local Board of Health, thence running in a westwardly direction along the northern boundary of the said district of the Seaton Carew Local Board up to and through the railway arch, thence along the north fence of two fields in the occupation of Christopher Hill, and numbered respectively 66 and 64 on the Ordnance plan, and continuing thence in a westwardly direction across three fields in the occupation of the said Christopher Hill, and numbered respectively 36, 35, and 33 on the said Ordnance plan, and also across a garth or garden in the occupation of John Coates, and numbered 54 on the said Ordnance plan, as far as the south-west angle of a public-house called the Traveller's Rest, and in the occupation of the said John Coates, thence running for a distance of 80 feet across the high road leading from West Hartlepool to Stockton-on-Tees as far as the south-east corner of Brockey Moor Lane, and in a north-westwardly direction, thence in a westwardly direction along the south boundary fence of Brockey Moor Lane, and as far as the point on the said south boundary fence which is directly opposite the south-west corner of a field in the occupation of the said Christopher Hill, and numbered 304 on the said Ordnance plan, thence running in a northerly direction along the west fence of the said last-named field for a distance of 1,400 feet, and passing through two fields also in the occupation of the said Christopher Hill and of John Fairlamb Thompson respectively, and numbered respectively 303 and 267 on the said Ordnance plan, thence running in a westwardly direction for a distance of 90 feet along the fence dividing two fields in the occupation of John Owen, and numbered respectively 265 and 268 on the said Ordnance plan, thence again running in a northerly direction for a distance of 780 feet along the fence dividing two fields in the occupation of the said John Owen, and numbered respectively 264 and 268 on the said Ordnance plan, thence running in a westwardly direction a distance of 190 feet along the fence dividing two fields in the occupation of the said John Owen, and numbered respectively 264 and 263 on the said Ordnance plan, thence again running in a northerly direction a distance of about 2,350 feet across four fields in the occupation of the said John Owen, and numbered respectively 263, 221, 220, and 171 on the said Ordnance plan, and also through a field in the occupation of William Sotheran, and numbered 170 on the said Ordnance plan, until it joins the New Burn at the southern boundary of the district, at present under the jurisdiction of the said Commissioners, and from the last-named point down to the beach at high-water mark of ordinary spring tides the boundary line will be the present south boundary line of the original district.

A.D. 1870.

THE THIRD SCHEDULE.

NAMES OF FIRST COMMISSIONERS.

Edward Turnbull.
James Tweedy.
Thomas Furness.
John Magoris.
Ralph Ward Jackson.
George Pyman.
William Steadman Leng.
Stevenson Lee.
Robert Lauder.
Charles Townshend Casebourne.
William Hunton Fisher.
William Donaldson Mothersdale.
Isaac Robinson.
John William Richardson.
Robinson Murray.

THE FOURTH SCHEDULE.

SCALE OF VOTING FOR COMMISSIONERS.

I. Every owner of property which is rated under this Act shall be entitled to vote according to the following scale:

If the property in respect of which he is entitled to vote be rated upon a rateable value of less than fifty pounds, he shall have one vote:

If such rateable value amount to fifty pounds and be less than one hundred pounds, he shall have two votes:

If it amount to one hundred pounds and be less than one hundred and fifty pounds, he shall have three votes:

If it amount to one hundred and fifty pounds and be less than two hundred pounds, he shall have four votes:

If it amount to two hundred pounds and be less than two hundred and fifty pounds, he shall have five votes:

And if it amount to or exceed two hundred and fifty pounds, he shall have six votes.

II. Every occupier or ratepayer, not being the owner of property which is rated under this Act, shall be entitled to vote according to the following scale:

If the property in respect of which any occupier is entitled to vote be rated upon a rateable value of less than fifty pounds, he shall have one vote:

If such rateable value amount to fifty pounds and be less than one hundred pounds, he shall have two votes:

If it amount to one hundred pounds and be less than one hundred and fifty pounds, he shall have three votes:

If it amount to one hundred and fifty pounds and be less than two hundred pounds, he shall have four votes:

If it amount to two hundred pounds and be less than two hundred and fifty pounds, he shall have five votes:

And if it amount to or exceed two hundred and fifty pounds, he shall have six votes.

THE FIFTH SCHEDULE.

Regulations as to Lodging Houses.

Cubical contents of rooms.

I. The number of persons who may occupy a room for sleeping in shall be determined by the cubical contents of the room in the manner following:— If the room be used only as a sleeping room, there shall not be more than one person (the term "person" to include man, woman, or child) to every three hundred cubical feet of air contained in such room. If the room be used both as a sleeping room and a day room, then there shall not be more than one person to every six hundred cubical feet of air contained in such room. And no room the ceiling of which is less than two feet above the level of the footpath or roading immediately adjoining, and no room used as a kitchen or scullery, and no room not lighted and ventilated directly from the exterior, and no room in the roof of the house not furnished with an open fire-place or flue for ventilating, shall be permitted to be occupied as a sleeping room, unless it be specially certified by a legally qualified medical practitioner or one of the inspectors of lodging-houses of the improvement district as in his opinion fit to be so occupied without danger to the health of the occupants.

Certain rooms not to be used as sleeping rooms.

Houses to be registered.

II. Every house or part of a house which is let in lodgings or occupied by members of more than one family shall, if required by the Commissioners by a notice in writing served by their inspector, be distinguished by a number to be placed above the principal entrance thereto to the satisfaction of the inspector, and shall be registered by such inspector in a book to be kept for that purpose, in the form appended to these regulations, specifying the name of the occupier, the name of the owner, and the number and cubical contents of the air space of each room within such house or part of a house, and it shall be incumbent upon the said occupier to keep a certificate of such registration as aforesaid (under the hand of the inspector, who is required to furnish such certificate), which certificate shall specify the number and date of such registration, with the contents of the air space of such rooms, and shall be produced on demand to such inspector or his deputy, or any person authorised by the Commissioners.

Inspection of houses.

III. The lodging-house inspectors, or any one or more of them, or such other persons as may be specially appointed for the purpose by the Commissioners, may, between the hours of six o'clock in the morning and ten o'clock in the evening, enter and inspect any house or part of a house which is let in lodgings or occupied by members of more than one family, for the purpose of ascertaining the state and condition thereof, and whether these regulations are observed and kept or otherwise, and may further enter into such house or part of a house at any other time with the order of any magistrate having jurisdiction within the improvement district, which order the magistrate is authorised to give upon information being laid before him by the inspector, that he the inspector suspects that some one or more of the regulations herein contained is or are contravened in or about such house or part thereof.

Obstruction to inspectors.

IV. No person shall obstruct or hinder such inspectors or any of them in the execution of their duties.

Ventilation.

V. Every room to be occupied as a sleeping room shall have means provided to the reasonable satisfaction of the inspector for adequate ventilation; such means to be kept always in an efficient state and to be used as frequently as possible, and at least once a day.

Cleanliness.

VI. The walls, floors, furniture, bedding, and utensils shall be at all times kept in a thoroughly clean and wholesome condition.

Limewashing.

VII. The passages, rooms, and other premises shall, when required by the inspector, be limewashed twice at least in the year, in the months of March and September, and at any other time appointed by such inspector.

Occupation of sleeping rooms.

VIII. Persons of opposite sexes shall not occupy the same sleeping apartment, except married persons, or parents and their children under fourteen, or other children under ten years of age.

Regulations as to cases of fever.

IX. In case of fever or any other infectious or contagious disease occurring in any such house or room as aforesaid, the keeper of such house or room shall forthwith give notice thereof to the inspector, so that he may inspect the same, and if he shall see fit he shall cause the provisions of sections 22 and 23 of the Sanitary Act, 1866, to be put in force with reference to such house or rooms or the articles contained in it, or if necessary shall also cause the provision of clause 26 of the said Act to be put in force with reference to the removal of persons sick of infectious disorders.

Deaths.

X. In case of any death taking place in any such house or room as aforesaid, the inspector may if he see fit take measures for the putting in force of section 27 of the Sanitary Act, 1866.

Privy accommodation.

XI. A privy, or such other accommodation as the inspector shall determine to be necessary, shall be provided for the use of any such house or room. The situation, dimensions, materials, and construction of every such privy, or other accommodation, shall be subject to the approval of the borough surveyor. And for every twelve persons a separate privy or other accommodation shall be provided. The privy or other accommodation shall be kept in clean and proper order.

Water supply.

XII. There shall be a proper supply of pure water conveniently accessible (to the satisfaction of the Commissioners) to each house or room as aforesaid, and proper accommodation for washing.

Drainage.

XIII. The drains, sewers, and grids shall be properly trapped so as to prevent the effluvia coming up from the sewers or cesspools, and shall be kept clean and in good order in all respects.

Paving.

XIV. The yards and areas of every house as aforesaid shall be properly paved, so as to effectually take off all waste water.

Sleeping rooms to be furnished with sufficient bedsteads, &c.

XV. Each room occupied as a sleeping apartment shall be furnished with bedsteads and sufficient bedding for the number of lodgers authorised to be in such room.

Repairs of floors, walls, &c.

XVI. The floors, walls, and ceilings of every house or part of a house which is let in lodgings or occupied by members of more than one family shall be kept

in proper repair and thoroughly dry and free from damp, and the roof thereof in proper repair and condition by the owner.

Persons to attend Commissioners or committee meetings.

XVII. The person letting such house or part of a house shall attend any meeting of the Commissioners, or the sanitary committee thereof, to which he shall be summoned by letter or notice left at least three clear days beforehand at the house referred to, to answer any complaint made against him in respect of neglect of these regulations, and shall forthwith carry out such order as he may receive from the Commissioners or sanitary committee, made with a view to bring his house into conformity therewith.

Power to prohibit house to be used as a lodging-house.

XVIII. If at any time after it has been registered any such house or part of a house has, in the opinion of the sanitary committee, become unfit to be occupied in lodgings, the committee may prohibit such house or part of a house from being used as a lodging-house, and the person in whose name the place has been registered shall, within seven days after receiving notice of such prohibition, cease to use such house or part of a house as a lodging-house, and such house or part of a house shall not be again let in lodgings until the same has been put into proper condition and made fit for the reception of lodgers to the satisfaction of the sanitary committee, and until the same is registered.

Regulations not to apply to houses rated at fifteen pounds, without notice, except as beer-houses, &c.

XIX. None of the foregoing regulations shall apply to any house, or the owner or the occupier thereof, (unless such house be used as a beer-house, wine shop, refreshment house, or coffee shop, in which case they shall apply,) the rateable value whereof according to the last rate for the time being for the relief of the poor amounts to fifteen pounds or upwards, unless and until the Commissioners give a notice in writing to such owner or occupier declaring that such house shall from a date to be named in such notice be and continue subject to such regulations, and from and after such date such house and the owner or occupier thereof shall be accordingly subject to such regulations.

Penalty for breach of regulations.

XX. Any person, whether as owner or occupier of any house or part of a house which is let in lodgings or occupied by members of more than one family, who shall offend against any of the foregoing regulations, shall be liable to a penalty not exceeding forty shillings for any one offence, with an additional penalty not exceeding ten shillings for every day during which default in obeying such regulations may continue.

Interpretation.

XXI. Any room used during both day and night as a sleeping room shall be understood as a "day room." The person who receives the rents either on his own account or as agent to the owner, or as clerk or servant to such agent, shall be deemed to be the owner, and so long as his name stands on the register as owner or receiver of rents, such register shall be at all times received as proof of such ownership. The term "inspectors" or "inspector" includes all or any persons or person appointed by the Commissioners under or for the purposes of the Sanitary Act, 1866, or for carrying into effect these regulations.

A.D. 1870.

FORM ABOVE REFERRED TO.

Entry_____ No._____

No._____ house or room.

Registered occupier_____

Owner_____

Registered to accommodate_____ persons.

In Room No. 1.	In Room No. 2.	In Room No. 3.	In Room No. 4.	In Room No. 5.	In Room No. 6.	Total.

Dated this_____ day of_____ 18 .

_____ *Inspector.*

THE SIXTH SCHEDULE.

General Market Tolls.

Shops.

	£	s.	d.
From the occupier of every enclosed shop, whether for the sale of butcher's meat, game, poultry, fish, cheese, vegetables, fruit, flowers, plants, provisions, china, glass, earthenware, baskets, hardware, books, pictures, toys, or other commodities, articles, or things,—			
If taken by the year, or for any period not less than one quarter - - - - - per year	8	0	0
When any enclosed shop is let by the week, or for any term less than a week, for such week or less term - - -	0	4	0

Stalls or Benches.

From the occupier of every stall or bench for the sale of any such commodities, articles, or things as above named,—			
If taken by the year, or for any period not less than one quarter, for each double stall - - - per annum	6	0	0
For every single stall - - - - per annum	4	0	0
Where any such stall or bench is let by the week, or for any term less than a week,—			
For each double stall, for such week or less term - -	0	3	6
For each single stall, for such week or less term - - -	0	2	0

	£	s.	d.
For every basket, hamper, tub, tray, or parcel of any of the above-named commodities, articles, or things exposed or offered for sale otherwise than in any shop or upon any stall taken under the general list of tolls and rents, there shall be charged for each and every day in the week the toll or charge of - - -	0	0	3
For every sale by auction of any goods, wares, or commodities, the charge per day - - - - - - -	0	10	0

Uncovered Market.

Earthenware and glass, or other like commodities, when set out for sale upon the ground, or on any cart, waggon, stall, or bench (including the space occupied by such cart, waggon, stall, or bench), when not covering more than 40 superficial feet - -	per day	0	1	0
Exceeding 40 and not exceeding 60 feet - - -	„	0	1	6
Exceeding 60 and not exceeding 75 feet - - -	„	0	2	0
Exceeding 75 and not exceeding 90 feet - - -	„	0	2	6
For every additional 10 feet - - - -	„	0	0	2

Hay and Straw.

For each cartload of hay, straw, grass, or vetches exposed for sale, if drawn by one horse - - - -	per day	0	1	6
If drawn by two horses - - - -	„	0	1	9
If by waggon - - - - -	„	0	2	0

Caravans, Shows, &c.

For every show, caravan, carriage, vehicle, apparatus, or other article used for exhibition or amusement, each separate carriage or article - - - - - -	per day	0	3	0

Cattle Market.

For every bull, cow, heifer, ox, or steer - - - -	0	0	6
For every calf - - - - - - -	0	0	3
For every five of sheep and lambs, or less number - - -	0	0	3
For every pig - - - - - -	0	0	2

Weighing Goods and Commodities.

For weighing any article, not exceeding the sum each time of -	0	0	2

Slaughter-house Tolls.

For every bull, ox, cow, steer, heifer, or other beast - -	0	1	0
For every calf - - - - - - -	0	0	6
For every sheep or lamb - - - - -	0	0	4
For every hog or pig - - - - - -	0	0	6

A.D. 1870.

THE SEVENTH SCHEDULE.

Lands for Cemetery.

A field or piece or parcel of land in the township of Stranton, formerly in the possession of Ralph Ward Jackson, Thomas Wilde Powell, and Robinson Watson, bounded on the south side thereof by a highway leading from Stranton to Throston and Hart in the county of Durham, and on the east side or end by a highway leading from Stranton aforesaid to Hartlepool, and the eastern end of which field is situate about three hundred and thirty yards to the west of a certain water reservoir belonging to the Hartlepool Gas and Water Company.

THE EIGHTH SCHEDULE.

The Manufacturers District.

All the lands, houses, buildings, roads, works, and property which are or may be comprised or situated within the boundaries or limits following; (that is to say,) the northern boundary of the manufacturers district shall be the same as the southern boundary of the original district; the southern boundary shall be the same as the southern boundary of the additional district; the eastern boundary shall be the same as the eastern boundary of the additional district; and the western boundary shall be as follows; (that is to say,) a line drawn from that point of the southern boundary of the original district where the bridge on the highway leading from West Hartlepool to Stockton-on-Tees crosses the New Burn, and thence along the southern and eastern boundary of the said highway as far as the north-west corner of a field in the occupation of William Waldon, numbered 231 on the Ordnance plan, thence along the west fence of the said field, thence along the west fence of another field in the occupation of the said William Waldon, numbered 294 on the said Ordnance plan, thence for a length of 120 feet along the west fence of a field now in the occupation of Walters Bainbridge, and numbered 293 on the said Ordnance plan, thence in a straight line for a distance of 370 feet across the said last-named field until it joins again the west fence of the said field, and thence continuing in a southerly direction through three fields in the occupation of Walters Bainbridge, and numbered respectively 23, 24, and 22 on the said Ordnance plan, and through one field in the occupation of Christopher Hill, and numbered 36 on the said Ordnance plan, till it joins the southern boundary of the additional district at a point distant 897 yards from the centre of the North-eastern Railway Company's line of railway between West Hartlepool and Stockton-on-Tees.

THE NINTH SCHEDULE.

No. 1.

FORM OF VOTING PAPER.

WEST HARTLEPOOL.—*Voting Paper for the Improvement District.*

Name of the Persons voted for as Commissioners.	Christian Name and Surname of Voter.	Description of Property.	Number of Votes.	
			As Owner.	As Occupier.

I vote for the persons named in the above list as Commissioners for the Improvement District.

(Signed)

Here the name of the voter should be written.

No. 2.

FORM OF ORDER FOR SEWERING, PAVING, &c.

West Hartlepool Improvement Act, 1870.

The day of 18 .

It is resolved and ordered by the West Hartlepool Improvement Commissioners that on or before day of 18 , the following streets [*A.* Street] [*B.* Street] *be freed from obstruction, sewered, drained, levelled, flagged, paved [*or* macadamised] and otherwise completed* at such levels, with such inclinations, and with such sewers and drains of such dimensions as are shown on the plans and sections deposited in the office of the surveyor, and with the materials and in the manner herein-after specified; namely,

[*Here specify nature of material, &c.*]

Clerk.

* *If the order is for sewering, draining, and levelling only, omit the words between the asterisks* * *, and insert instead thereof the following, namely,* "be sewered, drained, and levelled."

A.D. 1870.

No. 3.

FORM OF NOTICE FOR EXECUTION OF WORKS, &c.

West Hartlepool Improvement Act, 1870.

The West Hartlepool Improvement Commissioners hereby give you notice that you are ordered and required, on or before the day of 18 ,* to execute and do the works and things hereunder specified.

Dated this day of 18 .

Surveyor.

To *X.Y.* of

[*Here specify the works, &c. required.*]

* *Insert here, where the nature of the notice so required,* "not later than the hour of o'clock in the noon."

No. 4.

FORM OF NOTICE OF INTENTION OF COMMISSIONERS TO EXECUTE WORKS, &c.

West Hartlepool Improvement Act, 1870.

The West Hartlepool Improvement Commissioners hereby give you notice that they intend to execute and do the works and things hereunder specified.

Dated this day of 18 .

Surveyor.

To *X.Y.* of

[*Here specify the works, &c. intended.*]

No. 5.

FORM OF WARRANT OF AUTHORITY FROM JUSTICE.

West Hartlepool Improvement Act, 1870.

I *A.B.* Esquire, one of Her Majesty's justices of the peace for the county of Durham, hereby authorise you [*here specify the act authorised*], for doing which this shall be your warrant.

Dated this day of 18 .

[*C.D.*]

To *L.M.* [constable, *&c.*].

No. 6.

FORM OF AUTHORITY FROM COMMISSIONERS.

West Hartlepool Improvement Act, 1870.

The West Hartlepool Improvement Commissioners hereby authorise you [*Here specify the act authorised.*]

Dated this day of 18 .

Clerk.

To *L.M.* [constable, *&c.*].

No. 7.

FORM OF ORDER AS TO UNDERGROUND DWELLINGS.

West Hartlepool Improvement Act, 1870.

The West Hartlepool Improvement Commissioners hereby give you notice that they order and require that the occupation as a separate dwelling of the cellar [*or* vault *or* underground room] hereunder specified, be from the expiration of one calendar month from the service hereof on you discontinued.

Dated this day of 18 .

Clerk.

To *X. Y.* of

[*Here specify cellar, &c.*]

No. 8.

FORM OF DECLARATION OF HIGHWAY.

West Hartlepool Improvement Act, 1870.

The day of 18 .

It is resolved and declared by the West Hartlepool Improvement Commissioners that the following street, namely, [*A.* Street] is a public highway.

Clerk.

No. 9.

FORM OF RATE BOOK.

An Assessment to the Improvement Rate under the West Hartlepool Improvement Act, 1870, for the Improvement District of West Hartlepool in the county of Durham, made the day 18 .

Number of the Rate.	Name of the Person rated.		Description of Property.	Situation of Property.	Rateable Value.	Amount of Rate at in the pound.
	Occupier.	Owner.				

Signed by me this day of 18 .

Clerk.

A.D. 1870.

No. 10.

Form of Notice of Rate.

West Hartlepool Improvement Act, 1870.

The West Hartlepool Improvement Commissioners hereby give notice that an improvement rate has this day been made, and that the book in which the same is written is deposited in the office, at the office of the Commissioners.

Dated this day of 18 .

Clerk.

No. 11.

Form of Warrant of Distress for Recovery of Water Rents, Improvement Rates, &c.

County of Durham (to wit):

To the West Hartlepool Improvement Commissioners [and to their collectors of improvement rates, *or as the case may be*], and to all constables.

These are in Her Majesty's name to command you to levy the sum of by distress of the goods and chattels of *A.B.* of being the amount [*or* being the balance remaining unpaid of the amount, *or* being an agreed instalment due of the amount, *as the case may be*] of improvement rates [*or as the case may be*] accrued due from him to the said Commissioners up to the day 18 , and if the same is not paid within the space of days next after such distress by you taken, together with the reasonable charges of taking and keeping the same, that then you do sell the goods and chattels by you distrained, and out of the money arising from such sale that you do retain the said sum and also your reasonable charges of taking, keeping, and selling the said distress, rendering to the said *A.B.* the overplus on demand; and if sufficient distress cannot be found of the goods and chattels of the said *A.B.* whereon to levy the said sum, that then you do certify the same to me, together with this warrant, to the end that such further proceeding may be had thereon as to the law doth appertain.

Given under my hand and seal the day of one thousand eight hundred and .

No. 12.

Form of Mortgage.

West Hartlepool Improvement Act, 1870.

Mortgage No. £

By virtue of the above-mentioned Act the West Hartlepool Improvement Commissioners, in consideration of pounds paid to them by *A.B.* of grant to him, his executors, administrators, and assigns, the improvement fund and improvement rates of the improvement district, and the property of the Commissioners, to hold until the said sum of be repaid

to him or them with interest at the yearly rate of in the A.D. 1870.
hundred, by equal half-yearly payments on the day of
and the day of in every year from the day of
the date hereof [*if required, the principal to be repaid on the day of at the option of either party*], and all payments to be made at the office in West Hartlepool of the treasurer of the Commissioners.

Given under the seal of the Improvement Commissioners this day of one thousand eight hundred and .

No. 13.

FORM OF TRANSFER OF MORTGAGE.

West Hartlepool Improvement Act, 1870.

I *A.B.* of in consideration of pounds paid to me by *C.D.* of transfer to him, his executors, administrators, and assigns, the mortgage numbered under the above-mentioned Act for pounds and interest at the yearly rate of in the hundred, granted on the day of by the West Hartlepool Improvement Commissioners [*or if the transfer be by endorsement* the within-written security], and all my right and interest in and under the same.

As witness my hand and seal this day of one thousand eight hundred and .

No. 14.

FORM OF GRANT OF RIGHT OF BURIAL.

By virtue of the West Hartlepool Extension and Improvement Act, 1870, we the West Hartlepool Improvement Commissioners, in consideration of the sum of to us paid by of , do hereby grant unto the said the exclusive right of burial [*or* the right of burying bodies, *as the case may be*] [*or* the right of placing a monument, tablet, or gravestone] in [*here describe the ground intended for the exclusive burial, or for placing a monument, tablet, or gravestone, as the case may be, so as to identify the same, and if a place of exclusive burial add* numbered on the plan of the cemetery of the said Commissioners], to hold the same to the said in perpetuity [*or the period agreed upon*] for the purpose of burial [*or as the case may be*].

Given under our common seal this day of in the year of our Lord .

No. 15.

FORM OF ASSIGNMENT OF RIGHT OF BURIAL.

I *A.B.* of in consideration of the sum of paid to me by *C.D.* of do hereby assign unto the said *C.D.* the exclusive right of burial in [*here describe the place*], and numbered on the plan

A.D. 1870.

of the cemetery of the West Hartlepool Improvement Commissioners, which was granted to me [*or* unto *A.B.* of] in perpetuity [*or as the case may be*] by the said Commissioners, by a deed of grant bearing date the day of , and all my estate, title, and interest therein, to hold the same unto the said *C.D.* in perpetuity [*or as the case may be*, for the remainder of the period for which the same was granted by the said Commissioners], subject to the conditions on which I held the same immediately before the execution thereof.

Witness my hand and seal this day of .

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1870.