



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxxxi.

An Act to enable the Local Board of Health for the Township of *Darlington* to supply Gas and Water within their District, and to purchase the Works of the *Darlington* Gas and Water Company; to establish and regulate Markets and Slaughter-houses, and a public Park; to construct Sewage Works, and raise Money; and for other Purposes. [24th *July* 1854.]

WHEREAS an Act was passed in the Fourth Year of the Reign of King *George* the Fourth, Chapter 3, intituled *An Act for lighting, cleansing, watching, and otherwise improving the Town and Borough of Darlington in the County of Durham*, (herein-after called the Improvement Act,) whereby certain Commissioners were appointed to put in force the Powers thereby granted for lighting, cleansing, watching, and improving the said Town, and were empowered to construct Gasworks, and to light with Gas the public and private Lights in the said Town: And whereas, under or by virtue of a Provisional Order of the General Board of Health, dated the First Day of *August* One thousand eight hundred and fifty, and confirmed by "The Public Health Supplemental Act, 1850 (No. 3)," a Local Board of Health

[*Local.*]

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Health

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Health (herein-after called "the Local Board") was constituted for the Town and District (herein-after called "the District") comprised within the Boundaries of the Township of *Darlington* in the County of *Durham*: And whereas by the said Provisional Order some of the Provisions of the Improvement Act were repealed, but the Powers and Provisions thereof enabling the said Commissioners to erect Gasworks, and to supply with Gas the public and private Lights within the said Town, were transferred to and vested in the said Local Board: And whereas, under "The Public Health Act, 1848," (herein-after called "The Public Health Act,") the Local Board are authorized to supply Water within their District for the Purposes of the Public Health Act, and for private Use: And whereas by "The *Darlington* Gas and Waterworks Act, 1849," "The *Darlington* Gas and Water Company" (herein-after called "the Company") were incorporated, and were authorized to supply with Gas and Water the Town and Borough of *Darlington* and certain Places in the Suburbs thereof and adjacent thereto: And whereas the Company have constructed Gasworks and Waterworks for the Purposes in the said Act mentioned, and they now supply the District with Gas and Water: And whereas the Powers now vested in the Local Board for supplying Gas and Water within the District could be carried into execution with great Benefit to the Inhabitants of the said District if the Gasworks and Waterworks of the Company were vested in the Local Board; and the Company are willing to sell, and the Local Board are willing to purchase, the whole of the Gasworks, Mains, and Pipes of the Company, and so much of their Waterworks, Mains, and Pipes as are used for the Supply of the District with Water; and it is expedient that the Local Board should be enabled to purchase the said Undertakings, and that further Powers should be granted to them for supplying the District with Gas and Water: And whereas the Sewage of the District is valuable for agricultural and other Purposes, and it would be beneficial to the Inhabitants if the Local Board were authorized to construct Reservoirs and Works for the Collection, Reception, and Preparation of such Sewage, and also for distributing the same: And whereas it would be advantageous to the Inhabitants of the Town if a new Street were formed from the East End of *Tubwell Row* to the Street called *Priestgate* in *Darlington*: And whereas it is expedient that the Local Board should have additional Powers granted to them for establishing, maintaining, and regulating a public Park for the Health and Recreation of the Inhabitants of the District, and for making proper Approaches thereto: And whereas certain Tolls, called the "Town End Tolls," taken in the Markets and Fairs held in the District, are very prejudicial to the Trade of the Town, and it is expedient that they should be extinguished, and it would be attended with Advantage to the Inhabitants if the Local Board were authorized to purchase the existing Market Place, Shambles, Shops, and Town Hall, and the Rights now vested in the Lord of the Manors in the District and his Lessees, and other
Persons,

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Persons, of holding and regulating Markets and Fairs in the District, and of taking Tolls therein, and all other Rights connected therewith, and if the Local Board were authorized to establish and regulate Markets and Fairs and Slaughter-houses, and to erect a new Market House, and to improve the Town Hall and Shambles and other Public Buildings, and to take Tolls and Rates for the Use thereof, and to purchase and regulate the present Public Baths in the said Town: And whereas, in order to carry the said several Objects into effect, it is necessary that the Local Board should be enabled to raise further Rates and Sums of Money than can be raised in the District under the Public Health Act: And whereas it is expedient that certain Provisions of "The Towns Improvement Clauses Act, 1847," and of "The Towns Police Clauses Act, 1847," in the said Provisional Order mentioned, and directed to be in force within the District in so far as the same were consistent with "The Public Health Act, 1848," should be amended, and be in all respects extended and made applicable to the said District: And whereas the several Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. That in citing or referring to this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Darlington* Local Board Act, 1854." Short Title.

II. That this Act shall commence and have effect on and from the Fourth *Monday* next after the passing thereof. Commencement of Act.

III. That the Limits of this Act for the Distribution of Sewage shall extend to and include the several Parishes, Townships, extra-parochial and other Places of *Darlington, Blackwell, Cockerton, Archdeacon-Newton, Great Aycliffe, School Aycliffe, Barmpton, Brafferton, Great Burdon, Coatham-Mundeville, Coatsaw Moor, High Coniscliffe, Low Coniscliffe, Carlbury, Gainford, Denton, Dinsdale, Haughton-le-Skerne, Headlam, Heighington, Houghton-le-side, Hurworth, Killerby, Middleton Saint George, Morton Palms, Neasham, Piersebridge, Sadberge, Sockburn, Summerhouse, Walworth, and Whessoe*, all in the County of *Durham*; and the Limits of this Act for all the other Purposes thereof shall extend to and include the whole of the District of the Township of *Darlington* (herein-after referred to as the District), and all the Lands and Places within the same; and such District shall for all Purposes be deemed and taken to be the Town of *Darlington*. Limits of Act.

IV. That

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8 & 9 Vict.
c 18. incor-
porated.

IV. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Same Mean-
ing to Words,
&c., in incor-
porated Acts
and this Act.

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

Local Board
to execute
Act.

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

Local Board
may appoint
a Gas and
Water Com-
mittee and
other Com-
mittees.

VII. That for the more conveniently carrying this Act and the several Powers thereof into execution it shall be lawful for the Local Board and they are hereby empowered to appoint out of their own Body, from Time to Time, a Committee to be called "The Gas and Water Committee," and also such other Committees, consisting in every Case of such Number of Persons as the Local Board shall think fit, to manage, transact, and carry into effect all or any of the Matters and Purposes which the Local Board are hereby directed or authorized expressly or by reference to do, execute, or to perform, and to fix the Quorum of such Committees, which Committees shall have such Discretion, and so many of the Powers and Authorities by this Act given to or reposed in the Local Board, as the Local Board shall think proper to delegate to such Committees.

Quorum of
Committee.

VIII. That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment, but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members (if any) fixed by the Local Board, and if no Quorum be fixed unless Three Members be present; and 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 Chair-
man

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man shall have a Casting Vote in addition to his Vote as a Member of the Committee.

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

Minute Books of Gas and Water Committees to be open to Inspection.

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

Local Board to appoint Officers.

XI. That from and immediately after the Commencement of this Act it shall be lawful for the Local Board to purchase, and it shall be lawful for the Company, and they are hereby required, within Three Months after the Commencement of this Act, to sell to the Local Board, for such Consideration and to be paid or secured in such Manner as may be agreed upon between the Company and the Local Board, all the Houses, Lands, Plant, and Effects of the Gas Undertaking of the Company, and also such of the Reservoirs, Filtering Beds, Engines, Mains, and Pipes, and other Works belonging to the Water Undertaking of the Company, as are now used by the Company for the Supply of the District with Water, and it shall be lawful for the Company to convey and transfer the Gasworks, Waterworks, Mains, Pipes, and Property so agreed to be sold or transferred to the Local Board unto the Local Board, or as they shall direct; and the Receipt of any Three Directors for the Money or Securities agreed to be paid or given for the Purchase or Transfer of such Works and Premises shall be a good and sufficient Discharge for the Moneys or Securities therein expressed to be received, and the Local Board shall not be bound to see to the Application of the Moneys then paid, or of any Moneys to be subsequently paid upon or in respect of any such Securities.

Local Board authorized to purchase and the Company to sell the said Works.

XII. That the Directors for the Time being of the Company shall stand possessed of the Sum of Money which shall be paid by the Local Board

Application of Purchase Money for

[Local.]

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Board

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Gas and
Waterworks.

Board for the Purchase of the Gasworks and Waterworks of the Company, upon trust to pay and discharge thereout all the Debts and pecuniary Liabilities of the Company which shall then have been incurred and remain unpaid, and to divide and distribute the Residue of the said Sum between the several Persons who shall be Holders of Shares in the Company, their respective Executors, Administrators, or Assigns, rateably and in proportion to the Number of their respective Shares, and to the Sums paid in respect thereof, as herein-after mentioned.

Upon Execu-
tion of Con-
veyance by
the Com-
pany, their
Works to
vest in the
Local Board.

XIII. That immediately upon the Execution by the Company of a Deed of Conveyance under their Common Seal of their Gasworks and Waterworks, Plant, Main Pipes, and Property, to the Local Board, all the Gasworks and Waterworks, Mains, Pipes, and Property comprised in or expressed to be conveyed or transferred by such Conveyance, shall, by virtue of this Act, become absolutely vested in the Local Board for all such or the like Estate or Interest as the Company were seised or possessed of or entitled to therein at the Date of such Conveyance and the Local Board shall have all such and the same Powers for the Recovery of any Gas and Water Rents, and other Moneys so transferred to them, as the Company would have had if no such Transfer thereof had been made, and such Conveyance shall be deemed a Deed for the Purposes of "The Public Health Act, 1848."

Local Board
to be liable
to the Acts
of the Com-
pany in
respect of the
Works so
vested in
them.

XIV. That when and so soon as the said Gasworks and Waterworks shall have become vested in the Local Board, the Local Board shall be liable for any Acts done or left undone by the Company in relation to the Works so vested in the Local Board, in the same Manner and to the same Extent as the Company were or would have been liable in respect thereof if this Act had not been passed.

Upon Gas-
works being
vested in
Local Board
Provisions of
10 & 11 Vict.
c. 15. to be
incorporated.

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

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

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

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

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

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

With respect to Access to the Special Act;

Shall,

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

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

Power to Local Board to break up Streets without Notice.

XVII. That when and so soon as the Gasworks Undertaking of the Company shall have become vested in the Local Board, it shall be lawful for the Local Board to manufacture Gas, and to light the Streets within the District, and also to supply with Gas the Inhabitants of the District, upon such Terms as shall be agreed upon between the Local Board and the Persons supplied with Gas, and to sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas in such Manner as the Local Board may think proper; but all the Powers for those Purposes vested in the Local Board under the said recited Act, 4 *George IV.* Chapter 3, shall thereupon cease and determine, and the said Act shall thereupon be repealed.

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

XVIII. That, subject to the Provisions of this Act, it shall be lawful for the Local Board from Time to Time to construct and maintain such Gasworks and Apparatus and such Buildings, with Approaches thereto, upon any Lands belonging to the Local Board, or hereby authorized to be vested in them, and to do all such other Acts as they shall think necessary for supplying the District within the Limits of this Act with Gas.

Power to construct Works.

XIX. That, subject to the Provisions of this Act, it shall be lawful for the Local Board to lay any Pipe, Branch, or other Apparatus, from any Main or Branch Pipes into or through or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Power to lay Pipes for lighting Buildings.

XX. That it shall not be lawful for the Local Board to demand and receive for Gas supplied by them by Meter any Sum exceeding the Sum of Six Shillings for every One thousand Cubic Feet of Gas so supplied by Meter.

Maximum Price to be charged for Gas supplied by Meter.

XXI. That

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Upon Water-works being vested in Local Board, Provisions of 10 & 11 Vict. c. 17. extended to this Act.

XXI. That immediately upon any Part of the Waterworks Undertaking of the Company becoming vested in the Local Board, the Powers of the Company to supply Water for public or private Purposes within the District shall cease; and all the Clauses and Provisions of "The Waterworks Clauses Act, 1847," with respect to the following Matters, that is to say,

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

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

With respect to the Supply of Water to be furnished by the Undertakers;

With respect to the Communication Pipes to be laid by the Undertakers;

With respect to the Communication Pipes to be laid by the Inhabitants;

With respect to Waste or Misuse of the Water supplied by the Undertakers;

With respect to the Provisions for guarding against fouling the Water of the Undertakers; and

With respect to the Payment and Recovery of the Water Rates:

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

Power for Local Board to supply Water.

XXII. That, subject to the Powers and Provisions of this Act, the Local Board may, by means of the Waterworks so to be purchased by and vested in them, collect and store Water, and may supply Water within the District, and may sell and dispose of the Water, as they from Time to Time think fit: Provided always that the Water so supplied shall be constantly laid on under Pressure, except when it may be necessary temporarily to turn off the same for the Purpose of executing Works in any Part of the District.

What shall be domestic Purposes.

XXIII. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle, or for Horses or washing Carriages, where such Horses or Carriages are kept for Hire or belong to Common Carriers or Dealers in Horses, or a Supply of Water for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

XXIV. That

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XXIV. That the Local Board shall, when the said Waterworks of the Company shall have become vested in them, and at all Times thereafter, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Local Board shall be laid, or of any Person who, under the Provisions of this Act or any Act incorporated herewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses at the Rates hereinafter specified; (that is to say,)

Rates at which Water is to be supplied for domestic Purposes.

Where the annual Value of such Dwelling House shall be under Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds :

Where the annual Value of such Dwelling House shall be Twenty Pounds and under Forty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings :

Where the annual Value of such Dwelling House shall be Forty Pounds and upwards, at a Rate *per Centum per Annum* not exceeding Six Pounds :

If there be a Watercloset or a private Bath or Baths in such Dwelling House, then in addition to the Rates above specified the following Rates shall be payable; (that is to say,)

If there be a Watercloset.

Where the annual Value of such Dwelling House shall be Ten Pounds and under Twenty Pounds, the Sum of Six Shillings for One such Watercloset, and Six Shillings for One such Bath, and the Sum of Four Shillings for each additional Watercloset or Bath :

Where the annual Value of such Dwelling House shall be Twenty Pounds and under Forty Pounds, the Sum of Eight Shillings for One such Watercloset, and Eight Shillings for One such Bath, and the Sum of Four Shillings for each additional Watercloset or Bath :

Where the annual Value of such Dwelling House shall be Forty Pounds and upwards, the Sum of Ten Shillings for One such Watercloset, and Ten Shillings for One such Bath, and the Sum of Four Shillings for each additional Watercloset or Bath :

Provided that, with respect to Houses under Ten Pounds of annual Value, a Supply for domestic Purposes shall be held to include a Supply for a Watercloset.

XXV. Provided always, That, notwithstanding anything herein contained, it shall and may be lawful for the Local Board from Time to Time to lessen or altogether remit the said Rates and Charges for supplying Waterclosets with Water, or for supplying any Hospitals, Infirmaries, or other Public Buildings devoted to charitable Purposes within the District.

Power to Local Board to remit Charges in certain Cases.

XXVI. That the Local Board shall not be bound to supply any Water-closet, or the Apparatus, Cisterns, or Pipes connected therewith, or Water

Houses to be supplied under cer-

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tain Regula-
tions.

for domestic Purposes, unless the Cisterns, Pipes, and Cocks necessary for such Supply shall be constructed of such Strength and on such Principle as shall, at the Time such Pipes and Cocks are laid down, be required by the Local Board and be necessary to resist the Pressure by this Act required to be maintained in the Mains and Pipes of the Local Board, and be used so as to prevent the Waste or undue Consumption of the Water of the Local Board, and the Return of foul Air and other noisome or impure Matter into the Pipes belonging to or connected with the Mains or Pipes of the Local Board.

Water for
other than
domestic
Purposes to
be supplied
by Agree-
ment.

XXVII. That it shall be lawful for the Local Board to supply any Person with Water for other than domestic Purposes for such Remuneration, and upon such Terms and Conditions, as shall be agreed upon between the Local Board and the Persons desirous of having such Supply of Water.

Charges for
Water for
flushing
Sewers, &c.,
to be paid out
of General
District
Rate.

XXVIII. That the Local Board shall yearly and every Year charge the General District Rate or Rates of the District with a reasonable Price for the Water to be supplied by them for flushing Sewers, watering Streets, for supplying Public Baths and Washhouses, extinguishing Fires, and other sanitary Purposes within the District, and shall pay over the Sum so charged to the Water Account.

Penalty for
using Water
for other
than domes-
tic Purposes
without
Agreement.

XXIX. That every Person using for other than domestic Purposes any Water supplied by the Local Board, and not having previously agreed with the Local Board for a Supply for such other Purposes, and every Person having agreed with the Local Board for a Supply of Water for any other than domestic Purposes, and using for any Purposes other than the Purposes so agreed on the Water so supplied by the Local Board, shall respectively for every such Offence forfeit and pay to the Local Board any Sum not exceeding Five Pounds.

Power to
turn off
Water in
certain
Cases.

XXX. That if any Person supplied with Water by the Local Board wilfully do, or cause or knowingly permit to be done, anything in contravention of the Provisions of this Act, with respect to the Waterworks or the Supply of Water, or wilfully neglect to do anything which under those Provisions ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Water of the Local Board, the Local Board may turn off the Water supplied by them to such Person, and cease to supply Water to such Person, until the Act complained of be remedied, and any Penalty incurred thereby be paid.

Power to
make Reser-
voirs, Sew-
ers, and new
Streets.

XXXI. And whereas Plans and Sections of the intended Reservoirs, Tanks, and Approaches, Sewers, new Street, and Works, and Duplicates thereof, together with a Book of Reference to the said Plans, have been deposited

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deposited with the Clerk of the Peace for the said County of *Durham*: Be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Local Board, under the Powers of this Act, to make and maintain the Reservoirs and Tanks and such of the Main Sewers and new Streets delineated on the said Plans as are herein-after described, with all proper Approaches and Works and Conveniences to be connected therewith, in the Situations and Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for such Purposes.

XXXII. That the Reservoirs, Tanks, and Approaches, Main Sewers, and new Street, by this Act authorized, are the following; (that is to say,) Sewage Works, and new Street, as herein specified.

A Reservoir or Tank, with an Engine House, Engine, Wells, Shafts, Tunnels, Drifts, and all necessary Buildings, Machines, Conveniences, and other Works connected therewith, in a Field in the Township and Parish of *Darlington* belonging to *John Church Backhouse* Esquire, and in the Occupation of *George Raper*, *Joseph Forster*, and *Edward Thomas Pease*, or some or One of them, for the Purpose of receiving Part of the Sewage or Drainage of the District:

A Road leading from a public Street in the said Township, called *Park Street*, to the said Reservoir or Tank:

A Road leading from and out of a public Highway in the said Township where a Road or Way called *Park Lane* joins the same, along the said Lane called *Park Lane*, and through Lands respectively belonging to *John Beaumont Pease* Esquire, and to the said *John Church Backhouse*, to the said Reservoirs or Tanks:

A Main Sewer commencing at the said intended Reservoir or Tank, and passing thence into, along, and through the Lands belonging to the said *John Church Backhouse* and *John Beaumont Pease*, into and along the said Lane called *Park Lane*, and passing thence along the public Highway through the Town of *Darlington*, and along the Turnpike Road leading from *Darlington* aforesaid to *Gainford* in the said County, and terminating at or near the Village of *High Coniscliff* in the said County:

A Main Sewer commencing from and out of the said last-mentioned Main Sewer in a public Street or Place called *Park Gate*, in *Darlington* aforesaid, and passing thence along the public Highway leading from *Darlington* aforesaid to *Yarm*, and terminating at or near the *Fighting Cocks* otherwise called the *Middleton and Dinsdale* Station of the *Stockton and Darlington* Railway, which said Reservoirs or Tanks, Main Sewers, and Roads, will be situate or pass

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pass in or through the several Parishes, Townships, and Extra-parochial Places following, or some of them, that is to say, *Darlington, Blackwell, High Coniscliffe, Low Coniscliffe, Haughton-le-Skerne, Morton Palms, Dinsdale, and Middleton Saint George*, all in the said County of *Durham* :

A new Line of Street commencing at or near the East End of a certain Street or Place called *Tubwell Row* in *Darlington*, and proceeding thence in a Northerly Direction to and terminating in a certain other Street in *Darlington* called *Priestgate*, the whole of which said new Street will be situate in the said Township and Parish of *Darlington*.

Power to lay down Service Pipes for Distribution of Sewage.

XXXIII. That it shall be lawful for the Local Board, from Time to Time, as they shall think it expedient or necessary so to do, to make and construct sufficient Drains and Pipes, communicating with the Main Sewers, Reservoirs, and Tanks, or some or One of them, for the Purpose of collecting and preparing the Sewage of the said District, and of distributing the same for agricultural and other Purposes within the said District, and also within the surrounding Parishes, Townships, extra-parochial and other Places of *Blackwell, Cockerton, Archdeacon Newton, Great Aycliffe, School Aycliffe, Barmpton, Brafferton, Great Burdon, Coatham Mundeville, Coatsaw Moor, High Coniscliffe, Low Coniscliffe, Carlbury, Gainford, Denton, Dinsdale, Haughton-le-Skerne, Headlam, Heighington, Houghton-le-Side, Hurworth, Killerby, Middleton Saint George, Morton Palms, Neasham, Pierse Bridge, Sadberge, Sockburn, Summerhouse, Walworth, and Whessoe*, or some of them, all in the County of *Durham*: Provided always, that it shall not be lawful for the Local Board to lay any Pipes for the Supply of Sewage in any private Lands without the previous Consent of the Occupier of such Lands, or to supply such Sewage otherwise than by Agreement with the Persons requiring such Supply.

Certain Provisions of 10 & 11 Vict. c. 17. extended to Sewage Works.

XXXIV. That the several Clauses and Provisions of the Waterworks Clauses Act, 1847, with respect to the Construction of the Act and any Act incorporated therewith, and with respect to the breaking up of Streets for the Purpose of laying Pipes, shall, so far as the same are applicable, apply to the Sewage Works by this Act authorized, and the Powers thereby conferred may be exercised by the Local Board for all or any of the Purposes connected with the Collection and Distribution of Sewage within the Limits by this Act authorized.

Power to collect and prepare and sell Sewage, and recover Rates.

XXXV. That it shall be lawful for the Local Board, by means of the Works authorized by this Act, and of any Sewage Works which have been or may be made by them under the Powers of "The Public Health Act, 1848," to collect the Sewage Refuse and Filth of the District, and to prepare and manufacture the same for agricultural and other Purposes, in

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in either a liquid or a solid State, and to supply and sell and dispose of such Sewage, and the Products thereof, to such Persons, in such Manner and upon such Terms as the Local Board and the Persons taking such Sewage shall agree, and any Sum payable by any Person to the Local Board for Sewage supplied by them may be recovered by the Local Board by the same Ways and Means, and in the same Manner, as any Gas Rates or Water Rates may be recovered under this Act.

XXXVI. That the Local Board may from Time to Time contract with any Person for the Sale or Disposal to him of the Sewage Refuse or Filth vested in the Local Board, or of which they may dispose, for such Period and on such Terms and Conditions as to the Manufacture thereof into Manure, and as to the Payments to be made to the Local Board, whether fixed or depending on the Amount of Profit arising from the Manufacture and Sale thereof, and as to the making or providing of any Buildings, Works, or Conveniences for receiving, storing, manufacturing, or distributing of such Sewage Refuse, Filth, or Manure, or as to the Expense of lifting the same, or the deodorizing thereof, as the Local Board may from Time to Time think fit.

Local Board may contract for Sale and Manufacture of Sewage.

XXXVII. Provided always, That the Local Board shall not enter into any such Contract on any Terms which might render the Local Board liable as Partners with any such Person: Provided also, that any such Contract shall not be made for more than Twenty-one Years, or be from Time to Time renewed for any longer Term than Seven Years.

But not so as to involve the Board in a Partnership.

XXXVIII. That it shall be lawful for the Local Board, subject to the Provisions of the "Gasworks Clauses and Waterworks Clauses Acts, 1847," to lay down and maintain Pipes, Drains, Tunnels, and Conduits, in, along, and across any Turnpike Roads, Highways, Streets, Canals, Railways, and public, private, and other Passages within the said Districts for the Conveyance or Supply of Gas and Water, and for the Conveyance or Distribution of Sewage, and also, subject to the Provisions of these last-mentioned Acts, to open and break up all such Streets, Highways, or Roads within the Limits of the said Districts respectively as it may be necessary to open or break up for effecting the Purposes of this Act, or any of them.

Power to lay down Pipes for Gas or Water.

XXXIX. That nothing in this Act contained shall take away or prejudice any of the Powers for constructing Sewage Works and Drains now vested in the Local Board under "The Public Health Act, 1848," but it shall be lawful for the Local Board, under such Powers, to make and maintain, in connexion with the Sewers and Works by this Act authorized, all such Sewers and Drains as they might have made under the said Act if this Act had not been passed.

Powers vested in Local Board not to be prejudiced.

[Local.]

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XL. That

The Darlington Local Board Act, 1854.

Period for
Completion
of Reser-
voirs and
Sewers and
Street.

XL. That the said Reservoirs, Tanks, Main Sewers, and new Street respectively, shall be completed within Six Years after the passing of this Act, and on the Expiration of that Period the Powers of the Local Board for making the said Reservoirs, Tanks, Main Sewers, and Streets respectively shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

Power to
purchase
Property as
in Sched.
(A.)

XLI. That, subject to the Provisions of this Act and of the Acts incorporated herewith, it shall be lawful for the Local Board to enter upon, purchase, and take compulsorily from the Owners, Lessees, and Occupiers thereof, all or any of the Lands, Town Hall, and Shops under the same, Shambles, the Rights of holding Markets and Fairs, Market Tolls, Fair Tolls, Manorial Rights, and other Property described in the Schedule (A) to this Act annexed; and such Lands, Town Hall, Shops, Shambles, Markets and Fairs, Market and Fair Tolls, Manorial Rights, and other Property, when so purchased by the Local Board, shall be held by them for the Benefit of the District of the Township of *Darlington*, and shall be retained and exercised or sold and disposed of for such Benefit, in such Manner as the Local Board shall from Time to Time think proper.

Compensa-
tion to be
made to
Messieurs
Allan for any
Injury to
their Pro-
perty.

XLII. Provided always, That if by the Exercise of any of the Powers authorized or permitted by this Act the Lands and Hereditaments of *William Allan of Blackwell Grange* in the County of *Durham*, Esquire, or of *Robert Henry Allan of Blackwell Hall* in the said County, Esquire, situate in the Parish of *Darlington* in the same County, shall be taken or injuriously affected, Compensation shall be made in respect thereof from Time to Time to the said *William Allan* and *Robert Henry Allan* respectively, their respective Heirs, Sequels in Right and Assigns, Lessees and Tenants, and to the Owner or Owners for the Time being of the same Lands and Hereditaments, by the Local Board of Health, their Successors and Assigns, and the Amount of such Compensation shall, in case of any Difference about the same, be ascertained and settled in the Manner provided by "The Lands Clauses Consolidation Act, 1845," in respect of Cases of disputed Compensation.

Power to
extinguish
the Town
End Tolls.

XLIII. That when the Right to the Market and Fair Tolls shall have become vested in the Local Board it shall be lawful for them to cease to collect the several Tolls called the Town End Tolls, and to extinguish the same.

10 & 11 Vict.
c. 14. incor-
porated.

XLIV. That "The Markets and Fairs Clauses Act, 1847," shall be incorporated with this Act.

When Mar-
kets vested
in Local

XLV. That when and so soon as the Right of holding the Markets and Fairs within the District shall have become vested in the Local Board,

The Darlington Local Board Act, 1854.

Board, the said Markets and Fairs shall be subject to the Control of the Local Board and the Provisions of this Act, and the Local Board may, by Agreement with the Owners, Lessees, and Occupiers thereof, purchase any Lands within the District for the Sites of new Market Places, and may upon such Lands make such covered or other Market Places, and Places of holding Fairs, and provide such Market Houses and other necessary Buildings and Conveniences as the Local Board may think necessary for the Sale of such Provisions, Goods, and other marketable Commodities, and Cattle and other Animals, as the Local Board may from Time to Time think fit to permit to be sold therein respectively.

Board, the same to be under their Control.

XLVI. That as soon as the Local Board shall have provided a new Place for holding any of the existing Markets and Fairs, they may cause such Markets and Fairs to be removed to, and to be thereafter held in, the new Market Place so provided by the Local Board.

Removal of Markets.

XLVII. That, subject to the Powers and Provisions of this Act, the Local Board from Time to Time may maintain and regulate the existing and new Markets in the District for supplying the Inhabitants of the District and the Neighbourhood thereof with such Cattle, Provisions, Goods, and other marketable Commodities as the Local Board from Time to Time think fit to allow to be brought and sold therein, and may maintain and regulate the Fairs held in the District in such Manner as they from Time to Time think proper, and may appoint such Places in the District, and Times for the holding of such Markets and Fairs respectively, as they from Time to Time think proper.

Local Board to maintain and regulate Markets and Fairs in Darlington.

XLVIII. That the Local Board may from Time to Time provide such Slaughter-houses as may from Time to Time be sufficient for the slaughtering of Cattle for the Supply of the District and the Neighbourhood thereof, and such Slaughter-houses shall be deemed Part of the Market Places.

Slaughter-houses.

XLIX. That the Local Board may from Time to Time demand and take from any Person occupying or using any Stand, Stall, Shed, Place, or Convenience in any Market Place or Fair from Time to Time under their Regulation by virtue of this Act, or the Buildings or Ground connected therewith, or bringing into such Market Place or Place for a Fair, Buildings, or Ground, any marketable Commodity specified in the Schedule (B.) to this Act annexed, such Tolls as the Local Board may from Time to Time appoint, not exceeding the Tolls specified in that Schedule.

Market Tolls as in Sched. (B.)

L. That the Local Board may from Time to Time demand and take from any Person bringing into any Cattle Market or Cattle Fair from Time

Tolls for Cattle Market as in Schedule (C.)

The Darlington Local Board Act, 1854.

Time to Time under their Regulation by virtue of this Act, any Cattle or other Live Stock specified in the Schedule (C.) to this Act annexed, such Tolls as the Local Board from Time to Time appoint, not exceeding the Tolls specified in that Schedule.

Weighing
and measur-
ing Tolls as
in Sched.
(D.)

LI. That the Local Board from Time to Time may demand and take for the weighing or measuring of any Article sold or brought for Sale by Weight or Measure in any Market Place or Place for a Fair from Time to Time under their Regulation, or the Buildings or Ground connected therewith, from any Person having such Article weighed or measured at the Weighing Houses or Weighing Places provided by the Local Board, any Tolls not exceeding those specified in the Schedule (D.) to this Act annexed.

Tolls for
weighing
Carts as in
Sched. (E.)

LII. That the Local Board may from Time to Time demand and take for the weighing of Carts, from the Person requiring the same to be weighed, such Tolls as the Local Board from Time to Time appoint, not exceeding those specified in the Schedule (E.) to this Act annexed.

Slaughter-
house Tolls
as in Sched.
(F.)

LIII. That the Local Board from Time to Time may demand and take from any Person slaughtering Cattle in any Slaughter-house belonging to the Local Board any Tolls not exceeding those specified in the Schedule (F.) to this Act annexed.

Collection of
Tolls.

LIV. That the several Tolls from Time to Time may be demanded and taken by the Local Board, and by the Officers and Servants of the Local Board and their Lessees respectively.

Tolls payable
for succes-
sive Occupa-
tions on same
Day, &c.

LV. That the several Tolls payable with respect to the Occupation or Use of any such Convenience shall be payable not only by the original Taker or Occupier thereof for 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.

Leases of
Stalls, &c.

LVI. That the Local Board may from Time to Time let any of the Stands, Stalls, Sheds, Places, or other Conveniences in the Market Places and Places for Fairs from Time to Time under their Regulation by virtue of this Act, to any Person, for any Term not exceeding Three Years, at such Rents and on such Terms and Conditions as are mutually agreed on.

Assignment
of same.

LVII. That the Lessee of any such Stand, Stall, Shed, Place, or other Convenience, his Executors, Administrators, and Assigns, with the Consent of the Local Board, may assign the same for the Residue of his Term.

LVIII. That,

The Darlington Local Board Act, 1854.

LVIII. That, subject to the Provisions of this Act in that Behalf, the Local Board may from Time to Time, if and when they think fit, maintain, improve, extend, enlarge, and repair the Buildings now used as a Town Hall, and allow the Use thereof for such public Purposes and on such Terms and Conditions as the Local Board may from Time to Time think fit.

Powers to improve Town Hall, Court House, &c.

LIX. That it shall be lawful for the Local Board to establish and maintain public Baths and Washhouses, with all proper Conveniences, within the District, and to demand and take Rates or Duties for the Use thereof, and also to purchase a certain Tract of Land situate in the said Parish of *Darlington*, commonly called or known by the Name of *Poor Howden's*, and now in the Occupation of the said Local Board or their Under-tenant, and to form and maintain thereon a Park for public Pleasure and Recreation, and it shall be lawful for the Local Board to lay out, plant, and maintain the said Park, and all necessary Roads, Footpaths, and Bridges in and through the same, and to purchase by Agreement, and make, fence off, and maintain a Footpath from the Eastern End of the said Park to and into the public Footpath called *Park Lane*, and along the said last-mentioned Footpath to and into the Highway leading to the *York, Newcastle, and Berwick* Railway Station at *Darlington*, and for the Purposes of such Footpaths and of other Approaches to the Park to purchase by Agreement any Rights of Way over the said *Park Lane* Footpath, or any Lands which the Local Board may think it expedient to purchase, take, or use, for an Approach to and from the said Park.

Power to establish public Baths and Washhouses, and a public Park.

LX. That all the Gasworks, Waterworks, Markets and Fares, Town Hall, Shambles, Shops, Baths, Lands, Tolls, Manorial Rights, and other Rights and Property which may be purchased or acquired by the Local Board under the Powers of this Act, shall be vested in and held by the Local Board and their Successors in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate.

Works and Lands acquired under this Act to be vested in the Local Board as a Body Corporate.

LXI. That the Local Board may from Time to Time, when and as often as Occasion requires, and according to the Powers, Provisions, and Limitations of "The Public Health Act, 1848," make and levy a General District Rate, to be called "The Improvement Rate," for defraying the Charges and Expenses of executing the several Works by this Act authorized to be executed by the Local Board, and of otherwise carrying the Powers of this Act into execution: Provided always, that the Local Board shall not, for these Purposes, levy in any One Year a greater Rate than One Shilling in the Pound upon the annual Rental of the District, according to the Assessment of the Property within the District to the Relief of the Poor.

Power for levying Improvement Rates for Expenses of executing Act by Local Board.

[*Local.*]

33 Y

LXII. That

The Darlington Local Board Act, 1854.

Improve-
ment Rates
may be col-
lected with
General Dis-
trict Rates.

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

Certain
Sections of
10 & 11 Vict.
c. 16. respect-
ing Mort-
gages incor-
porated.

LXIII. That the Sections of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, except the Section numbered 84, shall be incorporated with and form Part of this Act, and shall be applicable to the Local Board and to their Mortgages under the Provisions of this Act.

Amount to
be borrowed
by Local
Board for
Purposes of
Gas and
Water.

LXIV. That the Local Board may from Time to Time, under the Authority of this Act, borrow at Interest on Mortgage of their Gasworks and Waterworks, and of the Gas and Water Rates, and of the Improvement Rates, or of any of such Securities, either together or separately, all such Sums as they may from Time to Time think requisite for the Purposes of their Gasworks and Waterworks Undertakings, not exceeding in the whole the Sum of Fifty-nine thousand Pounds.

Amount to
be borrowed
for Purpose
of Sewage.

LXV. That the Local Board may from Time to Time, under the Authority of this Act, borrow at Interest on Mortgage of the Sewage Works, and of the Revenue arising from the Supply of Sewage and of the Improvement Rate, or of either of such Securities, either together or separately, all such Sums as they may from Time to Time think requisite for the Purposes of the Sewage Works by this Act authorized, not exceeding in the whole the Sum of Nineteen thousand Pounds.

Amount to
be borrowed
for Markets
and other
Purposes.

LXVI. That the Local Board may from Time to Time, under the Authority of this Act, borrow at Interest on Mortgage of the Markets, Fairs, Baths, Washhouses and other Works, and of the Markets and Fairs Tolls, and other Revenue of the Local Board arising therefrom, and of the Improvement Rates, or of any of such Securities, either together or separately, all such Sums as they may from Time to Time think requisite for all or any of such Purposes or Works, and for the other Purposes of this Act, not exceeding in the whole the Sum of Fourteen thousand Pounds.

Limit of
Amount to
be borrowed
for Purposes
of this Act.

LXVII. Provided always, That the Local Board shall not at any Time, under the Authority of this Act, borrow any Sum exceeding the Amount from Time to Time estimated to be sufficient for each or all of the above Purposes, but this Provision shall not affect the Security of any Mortgagee under this Act.

LXVIII. Provided

The Darlington Local Board Act, 1854.

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

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

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

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

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

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

LXXIV. That the Local Board shall keep distinct and proper Accounts of their Receipts, Credits, Payments, and Liabilities, under and for the Purposes of this Act, under such Names as they think proper, and may from Time to Time apportion between any Two or more of the Accounts as they think reasonable any Item not attributable exclusively to One Account. Accounts of Local Board.

LXXV. That

The Darlington Local Board Act, 1854.

Application
of Revenue
from Gas-
works and
Waterworks.

LXXV. That the Local Board shall apply all Gas and Water Rates and other Revenue from Time to Time received by them under this Act in respect of the Gasworks and Waterworks of the Local Board, as follows :

Firstly, in Payment of the Expenses of and incidental to the Management and Maintenance of the said Works :

Secondly, in Payment of the Interest on all the Moneys from Time to Time borrowed by the Local Board on the Credit of the said Works :

Thirdly, in setting apart from Time to Time, from and after the 1st Day of *January* 1861, such Sums as, with the Interest to accrue thereon, will in the Period of Thirty-five Years from that Day be sufficient to pay off such Debt and all the Moneys so borrowed :

Fourthly, in carrying into execution the Powers of this Act in relation to the Supply of Gas and Water in the District, and in Payment of any Charges or Expenses for the Time being payable out of the General District Rate, or otherwise for the public Benefit of the Inhabitants and the Improvement of the District.

Application
of Revenue
from Sewage
Works.

LXXVI. That the Local Board shall apply all Sewage Rates, and other Revenue from Time to Time received by them under this Act in respect of the Sewage Works of the Local Board, as follows :

Firstly, in Payment of the Expenses of and incidental to the Management and Maintenance of the said Sewage Works :

Secondly, in Payment of the Interest on all the Monies from Time to Time borrowed by the Local Board on the Credit of the said Sewage Works :

Thirdly, in setting apart from Time to Time from and after the 1st Day of *January* 1861 such Sums as, with the Interest to accrue thereon, will in the Period of Thirty-five Years from that Day be sufficient to pay off such Debt and all the Monies so borrowed :

Fourthly, in carrying into execution the Powers of this Act in relation to the Supply of Sewage in the District, and in Payment of any Charges or Expenses for the Time being payable out of the General District Rate or otherwise for the public Benefit of the Inhabitants and the Improvement of the District.

Application
of Revenue
from Mar-
kets, Fairs,
Baths, &c.

LXXVII. That the Local Board shall apply all Rates and other Revenue from Time to Time received by them under this Act in respect of the Markets, Fairs, Baths, Wash-houses, and other Works, (except Gas and Water and Sewage Works,) of the Local Board, as follows :

Firstly, in Payment of the Expenses of and incidental to the Management and Maintenance of the said Markets, Fairs, Baths, Wash-houses, and other Works (except Gas and Water and Sewage Works) :

Secondly,

The Darlington Local Board Act, 1854.

Secondly, in Payment of the Interest on all the Monies from Time to Time borrowed by the Local Board on the Credit of the said Markets, Fairs, Baths, Wash-houses, and other Works, (except Gas and Water and Sewage Works,) or any of them :

Thirdly, in setting apart from Time to Time, from and after the 1st Day of *January* 1861, such Sums as, with the Interest to accrue thereon, will in the Period of Thirty-five Years from that Day be sufficient to pay off such Debt and all the Monies so borrowed :

Fourthly, in carrying into execution the Powers of this Act in relation to the Markets, Fairs, Baths, Wash-houses, and other Works, (except Gas and Water and Sewage Works,) and in Payment of any Charges or Expenses for the Time being payable out of the General District Rate or otherwise for the public Benefit of the Inhabitants and the Improvement of the District.

LXXVIII. That the Local Board shall apply all Monies from Time to Time received by them in respect of the Improvement Rate and other Revenue of the Local Board under this Act as follows : Application of Improvement Rate.

Firstly, in Payment of the Expenses of and incidental to the raising, levying, and recovering the said Rates, and of the borrowing of Monies under the Powers of this Act :

Secondly, in Payment of the Interest on any Monies from Time to Time charged on the Improvement Rate :

Thirdly, in setting apart from Time to Time the Sums by this Act required to be set apart as a Sinking Fund for paying off the Principal Sums charged on the said Rate :

Fourthly, in carrying the Powers of this Act into execution.

LXXIX. That the Amount of any Rate made by the Local Board under "The Public Health Act, 1848," or any Act supplemental thereto, or this Act, may, if they think fit, be such Amount as in their Judgment will be sufficient to raise or discharge, not only the Sum in respect of which the Rate is made, but also such a Sum as will meet the Expenses, or what is in their Judgment a due Proportion of the Expenses, incurred and to be incurred in and about making and recovering the Rate. Amount of Rate to include Expenses of recovering it.

LXXX. That, notwithstanding the Rates hereby granted, the Local Board may, under the Powers and Provisions of "The Public Health Act, 1848," and any supplemental Act, make all such General and Special District and other Rates for the Purposes of such Acts or any of them not specially provided for in this Act, as if the Powers of making Rates hereby granted had not been conferred on such Local Board. Not to affect Powers of Local Board under Public Health Act.

LXXXI. That whenever any Person neglects to pay any Rate or Sum due under this Act, or otherwise, to the Local Board, and the Rate or As to Recovery of Sums not
 [Local.] 33 Z Sum

The Darlington Local Board Act, 1854.

exceeding
Fifty
Pounds.

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

As to Reco-
very of
Moneys by
Local Board.

LXXXII. That all Rates and Sums due to the Local Board on any Account whatsoever under this Act or otherwise howsoever, and all Costs, Damages, Penalties, and Expenses by this Act directed to be paid to them respectively, may be made or levied and recovered in the same Manner in all respects as any other Rates or Monies payable to the Local Board under "The Public Health Act, 1848," may be made, levied, or recovered respectively.

Application
of Penalties

LXXXIII. That every Penalty imposed by this Act shall be paid to the Treasurer of the Local Board, and shall be carried by him to the Credit of the District Fund Account.

Authentica-
tion of
Notices.

LXXXIV. That any Summons, Demand, or Notice, or other such Document under this Act, or the Public Health Act, may be in Writing or Print, or partly in Writing and partly in Print, and if the same require Authentication by the Local Board the Signature thereof by the Clerk or Chairman of the Local Board shall be a sufficient Authentication.

Contracts for
Supply of
Water not to
disqualify
Councillors
or Members
of Local
Board.

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

Certain
Clauses of
10 & 11 Vict.
cc. 34. and
89. incorpo-
rated with
this Act.

LXXXVI. That all the Clauses of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

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

With respect to laying out new Streets ;

With respect to naming the Streets, and numbering the Houses ;

With respect to improving the Line of the Streets and removing Obstructions ;

With respect to ruinous or dangerous Buildings ;

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

So

The Darlington Local Board Act, 1854.

So much of the Provisions with respect to the Prevention of Nuisances as is contained in the Sections numbered respectively in the Copies of that Act printed by Her Majesty's Printers, 104 to 106, both inclusive ;

With respect to the Prevention of Smoke ;

The Provisions with respect to the Construction of Houses for Prevention of Fire ;

With respect to supplying Buildings with fresh Air ;

With respect to Slaughter-houses ;

With respect to public Bathing Places and Drying Grounds ;

With respect to Clocks ; and

With respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices ;

And also all the Clauses of "Town Police Clauses Act, 1847," with respect to the following Matters, that is to say,

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

With respect to the Appointment and the Powers, Duties, and Privileges of Constables ;

With respect to Obstructions and Nuisances in the Streets ;

With respect to Fires ;

With respect to Places of public Resort ;

With respect to Hackney Carriages ;

With respect to Byelaws ; and

With respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices ;

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act ; and the Expression "The Commissioners," whenever used in the "Towns Improvement Clauses Act, 1847," or the "Town Police Clauses Act, 1847," shall be construed to mean the Local Board.

Interpreta-
tion of
Terms.

LXXXVII. That the Local Board may give Notice to the Occupier of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Door or Window Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection, erected or placed after the passing of this Act against or in front of any House or Building within the Limits of this Act ; and such Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Local Board, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty of Twenty Shillings for every Day during which such Obstruction

Future Pro-
jections of
Houses &c. to
be removed
on Notice.

The Darlington Local Board Act, 1854.

Obstruction shall be continued; and the Local Board in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall be paid by the Occupier so making Default, and shall be recoverable as Damages: Provided always, that, except in the Case in which such Obstruction or Projection was made or put up by the Occupier, such Occupier shall be entitled to deduct the Expense of removing the same from the Rent payable by him to the Owner of the House or Building.

Coverings
for Cellar
Doors to be
made by
Occupier.

LXXXVIII. That when any Opening is made in any Pavement or Footpath within the Limits of this Act, as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Occupier of such Vault or Cellar of Iron or such other Materials and in such Manner as the Local Board shall direct; and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault or Cellar; and if such Occupier do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering contrary to the Directions of the Local Board, or if he do not keep the same, when properly made, in good Repair, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty of Forty Shillings for every Day during which such Offence shall be continued.

Penalty on
Neglect.

Liability to
Rates not to
disqualify
Justices.

LXXXIX. And whereas many of the Privies in use within the District are so situate or constructed that they are an Annoyance to the Occupiers of the adjoining or neighbouring Houses, and it is expedient that the same should be remedied: And whereas Doubts are entertained as to the Powers of the Local Board under "The Public Health Act, 1848," in other Cases to require Waterclosets to be made in lieu of Privies: Be it therefore enacted, That if at any Time upon the Report of the Surveyor or Inspector of Nuisances, or Officer of Health, it appear to the Local Board that the Privy belonging to or used by the Occupiers of any House, whether built before or after the Commencement of this Act, is an Annoyance to the Occupiers of the adjoining or neighbouring Houses, or in the Opinion of such Officer of Health is injurious to the Health of the Persons residing in the immediate Neighbourhood thereof, or that any new Houses in the course of Construction or to be hereafter built ought to be supplied with Waterclosets instead of Privies, it shall be lawful for the Local Board to give Notice in Writing to the Owner or Occupier of such existing or new House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to provide a sufficient Watercloset for every such House, and if such Notice be not complied with the Local Board may, if they shall think fit, cause to be constructed a sufficient Watercloset to every such House, and do such other Works in relation thereto as the Case may require, and the Expenses incurred by them in so doing shall be recoverable by them from the Owners
in

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in a summary Manner, or by Order of the Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in manner provided by the Public Health Act for the Recovery of such Expenses.

XC. That a Person shall not be incapable of acting as a Justice in the Execution in any respect of this Act by reason of his being interested in any Contract under this Act for a Supply of Gas or Water, or being liable under this Act to the Payment of any Toll, Rate, or other Money.

Liability to Rates not to disqualify Justices.

XCI. That the Local Board may from Time to Time make such Byelaws as to them shall seem meet for regulating the Use of the public Park, and the Approaches to the same, and the Buildings therein, and for the good Rule and Government of the District, and for the Prevention and permanent Suppression and Remedy of all such Nuisances therein as are not already punishable by any Act of Parliament in force within the District; and may from Time to Time, as they shall think proper, repeal or alter any such Byelaws, and may impose such Penalties as they shall think proper, not exceeding in any Case the Sum of Five Pounds, for the Breach of any such Byelaws: Provided always, that such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby shall be sought to be recovered to order the whole or Part only of such Penalty to be paid.

Power to Local Board to make Byelaws.

XCII. That no Byelaw which shall be made by the Local Board under the Authority of this Act (except such as relate solely to the Officers or Servants of the Local Board and the Management of their own Business) shall be valid or binding, unless the same be made and published, and submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, in the Manner prescribed by "The Public Health Act, 1848," with reference to Byelaws made by the Local Board under the Powers of that Act.

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

XCIII. And whereas by "The Public Health Act" it is directed that One Third of the Number of the Local Board elected for the whole or any Part of a District shall go out of Office on such Day in each Year subsequently to that of the First Election as shall be appointed by the Provisional Order relating to the District: And whereas by the said Provisional Order relating to the said District of *Darlington* it is directed that One Third in Number of the Local Board shall go out of Office on the Day after the Expiration of a Year from the Day appointed by any Act of Parliament confirming the Order for the First Election of the said Local Board, but no Provision is made for the Retirement from Office of the Members of the said Board in any Year subsequent to the first: Be it therefore enacted, That One Third in Number of the Local

Amending the Provisional Order as to the Rotation of the Members of the Local Board.

[Local.]

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Board

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Board shall go out of Office on the Twenty-sixth Day of *September* next, being the Day on which such Number of the said Board ought to retire from Office, and on the Twenty-sixth Day of *September* in the following and every subsequent Year One Third in Number of the said Local Board shall go out of Office ; but in case in any Year the Day so appointed shall fall on a *Sunday*, or on a Day appointed for a Public Fast or Thanksgiving, then such One Third shall go out of Office on the Day following.

Mode of
supplying
occasional
Vacancies in
Local Board.

XCIV. That if any Member of the Local Board die or resign or be or become disqualified, or cease to be a Member of the Board from any other Cause than that of going out of Office by Rotation, the Local Board, if they think fit, may within Six Weeks from the happening of such Vacancy elect another Member in his Place; and every Member 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.

Saving
Rights of
Local Board.

XCV. That, except as is by this Act expressly provided, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, or Privileges of the Local Board, or of the Bishop of *Durham*.

Expenses of
Act.

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

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SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

PARISH OF DARLINGTON IN THE COUNTY OF DURHAM.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The ancient and customary Market, and Fair Tolls, Stallage Tolls, Town End or Street End Tolls, and other Tolls and Dues connected with the Markets or Fairs, and payable to the Lord Bishop of Durham, as Lord of the Manors, or in right of his See and Bishopric within the Town, Borough, and Township of Darlington.	The Lord Bishop of Durham.	William Backhouse, Edmund Backhouse, Henry Pease, Joseph Whitwell Pease, Joseph Forster, and George Hinde, as Trustees for the Proprietors of the Darlington Tolls.	Robert Meggison the elder.
The Markets, Fairs, and Right of holding Markets and Fairs within the said Town, Borough, and Township.	Ditto - - -	Ditto.	
The Town Hall, and the News-room and Entrance, and Offices, Cellars, and Warehouses in and under the same.	Ditto - - -	Ditto . . .	The said Trustees of the Darlington Tolls, the Subscribers to the Darlington News-room, Robert Addison, the Electric Telegraph Company, Robert Emmett, Matthew Errington, Thomas Johnson, Jeremiah Tunstall, Ralph Stamp, Robert Meggison the elder.
The Fish and Butchers Shambles.	Ditto - - -	Ditto - - -	The Trustees of the Darlington Tolls.
The Market Cross and Market Place within the said Town, Borough and Township, and the Soil and Freehold of the several public Streets and Thoroughfares within the Township of Darlington (including the Market Place), and the Rights of the Lord Bishop of Durham, as Lord of the several Manors of the Borough of Darlington, and of Bondgate in Darlington, upon, in, under, and over the same.	Ditto - - -	Ditto - - -	The Public.

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SCHEDULE (B.)

Market Tolls.

From the Occupier of each Butcher's Stall, according to the Size and Dimensions of the same, (videlicet,) for each Superficial Square Foot thereof:

If the Stall and Passage in front thereof be covered over from the Weather:

If taken by the Year, not exceeding the Sum of Six Shillings and Eightpence:

By the Half Year, not exceeding the Sum of Three Shillings and Fourpence:

By the Quarter, not exceeding the Sum of One Shilling and Eightpence:

If otherwise taken or occupied, for each Market Day or other Day in the Week, One Penny Three Farthings.

If the Stall and Passage in front thereof be not covered over as above:

If taken by the Year, not exceeding the Sum of Six Shillings:

By the Half Year, not exceeding Three Shillings:

By the Quarter, not exceeding One Shilling and Sixpence:

If otherwise taken or occupied, for each Market Day or other Day in the Week, One Penny Halfpenny.

From the Occupier of each Stand for Vegetables raised above the Ground, with progressive Steps or Benches, according to the Size and Dimensions of the same, (videlicet) for each Superficial Square Foot thereof:

If the Stand and Passage in front be covered over from the Weather:

If taken by the Year, not exceeding Five Shillings:

By the Half Year, not exceeding Two Shillings and Sixpence:

By the Quarter, not exceeding One Shilling and Threepence:

If otherwise taken, for every Market Day or other Day in the Week, not exceeding One Penny Halfpenny:

If the Stand and Passage in front be not covered over as above:

If taken by the Year, not exceeding Four Shillings:

By the Half Year, not exceeding Two Shillings:

By the Quarter, not exceeding One Shilling:

If otherwise taken or occupied, for each Market Day or other Day in the Week, not exceeding One Penny.

For the Occupier of each other Stand or Bench, according to the Size and Dimensions of the same, (videlicet,) for each Superficial Square Foot thereof:

If the Stand or Bench and the Passage in front thereof be covered over from the Weather:

If taken by the Year, not exceeding Five Shillings:

By the Half Year, not exceeding Two Shillings and Sixpence:

By the Quarter, not exceeding One Shilling and Threepence:

If otherwise taken, for each Market Day or other Day in the Week, not exceeding One Penny Halfpenny:

If

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If the Stand or Bench and Passage in front thereof be not covered over as above:

If taken by the Year, not exceeding Four Shillings:

If by the Half Year, not exceeding Two Shillings:

By the Quarter, not exceeding One Shilling:

If otherwise taken, for each Market Day or other Day in the Week, not exceeding One Penny.

From the Occupier of each Compartment or Space on the Surface of the Ground, according to the Size and Dimensions of the same, (*videlicet*,) for each Superficial Square Foot thereof:

If the Compartment or Space and the Passage adjoining the same be covered over from the Weather:

If taken by the Year, not exceeding Three Shillings and Tenpence:

By the Half Year, not exceeding One Shilling and Elevenpence:

By the Quarter, not exceeding Elevenpence Halfpenny:

If otherwise taken, for each Market Day or other Day in the Week, not exceeding One Penny.

If the Compartment or Space and the Passage adjoining the same be not covered over as above:

If taken by the Year, not exceeding Three Shillings:

By the Half Year, not exceeding One Shilling and Sixpence:

By the Quarter, not exceeding Ninepence.

If otherwise taken, for each Market Day or other Day in the Week, not exceeding Three Farthings.

From every other Person exposing any Article, Matter, or Thing for Sale in the said Markets, and not occupying any Stall, Stand, or Bench, or any defined Compartment or Space on the Surface of the Ground:

If the Spot on which the said Person shall stand be covered over from the Weather:

For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, not containing more than One Bushel, not exceeding One Penny Halfpenny:

For every additional Half Bushel, Three Farthings.

If the Spot be not covered over as above:

For every Basket, Hamper, Parcel, or Quantity of such Article, Matter or Thing, not containing more than One Bushel, not exceeding One Penny:

For every additional Bushel, One Halfpenny.

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SCHEDULE (C.)

Tolls for the Cattle Market.

- For every Horse, Mare, or Gelding, brought or exposed for Sale, Fourpence :
- For every Colt, Filly, or Foal, Twopence :
- For every Bull, Steer, Cow, or Heifer, Twopence :
- For every Calf, One Penny :
- For every Mule or Ass, One Penny ;
- For every Sheep or Lamb, One Halfpenny ;
- For every Swine or Hog, One Penny :
- For every Sucking Pig, One Halfpenny.

SCHEDULE D.
Weighing and Measuring Tolls.

- For weighing every Piece of Meat or Thing weighing not more than Twenty Pounds Avoirdupois, One Halfpenny :
- For weighing every Piece of Meat or Thing weighing more than Twenty Pounds and not exceeding Two hundred and forty Pounds, One Penny :
- And so in proportion for any greater or smaller Number, and One or more.

SCHEDULE E.
Tolls for weighing Carts.

- For every Cart with its Load less than One Ton, Threepence ;
- For every Cart with its Load more than One Ton, Fourpence ;
- For every Waggon, of whatever Weight, Sixpence.

SCHEDULE (F.)
Slaughter-house, House Tolls.

- For every Bull, Cow, Ox, or Bullock, One Shilling :
- For every Calf, Sixpence :
- For every Sheep or Lamb, Threepence ;
- For every Hog or Pig, Fourpence ;
- For every other Beast, One Shilling.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.