



## CHAPTER I.

An Act to empower the Corporation of the Borough of South Shields to apply for an increase of Aldermen and Councillors to construct Street Tramway Quay and other Works to make better provision for the health and good government of the Borough and for other purposes.

A.D. 1896.

[2nd July 1896.]

**W**HEREAS the borough of South Shields in the county of Durham is a municipal borough subject to the Acts relating to municipal corporations and a county borough within the meaning of the Local Government Act 1888 and is under the government of the mayor aldermen and burgesses of the borough (herein-after referred to as "the Corporation") who acting by the council are also the urban sanitary authority for the district of the borough:

And whereas certain Local Acts and Orders mentioned in the First Schedule to this Act have from time to time been passed made and confirmed and are still wholly or partially in force within the borough which Acts and Orders are in this Act referred to collectively as "the former Acts" and each of them separately as an Act or Order of the year in which the same was passed:

And whereas it is expedient to empower the Corporation to apply to Her Majesty in Council for an increase of the numbers of the aldermen and councillors of the borough and the said council to make such increase:

And whereas it is expedient that the Corporation be empowered to make and maintain the new streets and street extensions widenings and improvements herein-after mentioned:

And whereas by the Order of 1881 the Corporation were authorised to construct and maintain wholly within the borough the street tramways therein described and under the Orders of 1881 and 1883 have constructed certain of such tramways and it is

A.D. 1896. expedient that the Corporation be authorised to construct and maintain the additional street tramways herein-after mentioned :

And whereas the said existing tramways are used with animal power only but subject to certain conditions may with the consent of the Board of Trade be used with steam or mechanical power and it is expedient that provision be made for the user thereof (subject as aforesaid and with the like consent) with cable or electrical power and that the provisions as to motive power be the same with respect to both the existing tramways and the tramways constructed under the authority of this Act :

And whereas it is expedient that the Corporation be authorised in certain events and under certain conditions to run carriages on their tramways and to take tolls therefor :

And whereas it is expedient that the Corporation be authorised to construct a new quay as in this Act appears :

And whereas the Corporation pursuant to the Act of 1861 acquired the quay therein mentioned and it is expedient that they be empowered to extend such quay (herein-after referred to as "the Mill Dam Quay") :

And whereas it is expedient that the Corporation be authorised to acquire and establish fish and other quays :

And whereas the Corporation are owners of part of certain lands occupied and used by them for the purpose of a staith and for the collection of and dealing with refuse but are lessees only of the residue of such lands and it is expedient that they be empowered to acquire the freehold or reversion of the lands so held by them on lease :

And whereas it is expedient that the Corporation be authorised to acquire the sea water baths of the Victoria Sea Water Baths Company (South Shields) Limited :

And whereas it is expedient that the powers of the Corporation with respect to the spread of infectious diseases and sanitary matters be amended and extended and that better provision be made with reference to streets buildings drains and recreation grounds within and generally for the good government and improvement of the borough :

And whereas it is expedient that the Corporation be authorised to borrow as in this Act provided and that further powers be conferred upon them with respect to the repayment of loans and to other matters connected with the finances of the borough :

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

And whereas estimates have been prepared by the Corporation of the cost of executing the powers of this Act in connexion with the following matters and such estimates are as follows:—

A.D. 1896.

	£
For and in connexion with street works -	132,000
For and in connexion with tramways -	24,054
For and in connexion with the new quay -	2,500
For and in connexion with the Mill Dam Quay -	7,000

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the twelfth day of September one thousand eight hundred and ninety-four after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Shields Daily Gazette and Shipping Telegraph a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund borough rate and other funds and rates under the control of the council:

And whereas that resolution was published twice in the said Shields Daily Gazette and Shipping Telegraph and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the fourth day of February one thousand eight hundred and ninety-five being not less than fourteen days after the deposit of the Bill for this Act in the Offices of the Houses of Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and plans showing the lands to be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Durham and are in this Act respectively referred to as the deposited plans sections and book of reference:

A.D. 1896. — May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the South Shields Corporation Act 1896.

Act divided into parts.

2. This Act is divided into parts as follows (that is to say) :—

Part I.—Preliminary.

Part II.—Aldermen and councillors.

Part III.—Street works.

Part IV.—Tramways.

Part V.—Quays.

Part VI.—Lands.

Part VII.—Sands and seashore.

Part VIII. Parks and recreation grounds.

Part IX.—Streets and buildings.

Part X.—Infectious diseases and sanitary.

Part XI.—Street advertisements.

Part XII.—Police and miscellaneous byelaws.

Part XIII.—Hackney carriages.

Part XIV.—Fires &c.

Part XV.—Common lodging-houses.

Part XVI.—Licensing.

Part XVII.—Financial provisions.

Part XVIII.—Miscellaneous provisions.

Incorporation of enactments.

3. The following enactments (that is to say) :—

The Lands Clauses Acts ;

Section 3 (Interpretation of terms) Section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 ; and

The Harbours Docks and Piers Clauses Act 1847 ; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof ;

so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act :

Provided that in the construction for the purposes of this Act of the Harbours Docks and Piers Clauses Act 1847 the word " pier " shall mean quay and the expression " harbour-master " shall mean

quay-master and for other than customs purposes a vessel shall be deemed to be within the limits of the quay when moored at or approaching near the quay for the purpose of mooring thereat and goods shall be deemed to be within the limits of the quay when they are lying on any part of the quay or lands of the Corporation adjacent thereto and used in connexion therewith : A.D. 1896.

Provided also that the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act shall apply only to the Street Works Nos. 4 and 17 and the tunnel or subway in connexion with the said Work No. 17 by this Act authorised as if such works were therein referred to instead of "the railway" and the prescribed limits shall be fifty yards from every or any part of the respective works but such provisions shall not apply to any railway or lands owned or occupied by the North Eastern Railway Company.

4. In this Act unless the subject or context otherwise requires— Interpretation.
- "The borough" means the municipal borough of South Shields ;
  - "The council" means the council of the borough ;
  - "The town clerk" "the treasurer" "the medical officer of health" "the surveyor" "the accountant" "the chief constable" and "the inspector of nuisances" respectively mean the town clerk the treasurer the medical officer of health (including any person duly authorised temporarily to act as medical officer of health) the surveyor the accountant the chief constable and the inspector of nuisances of the borough ;
  - "The town hall" means the town hall of the borough ;
  - "The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough ;
  - "District fund" and "general district rate" mean respectively the district fund and the general district rate of the borough ;
  - "The gas company" means the South Shields Gas Company ;
  - "The water company" means the Sunderland and South Shields Water Company ;
  - "The Public Health Acts" means the Public Health Act 1875 and any Act amending the same ;
  - "The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act amending the same or otherwise relating to municipal corporations in England ;
  - "The Vagrancy Acts" means the Vagrancy Acts 1824 and 1873 ;
  - "Street works" means the new streets street extensions street widenings and tunnel or subway and works connected therewith respectively by this Act authorised ;

A.D. 1896.

- “The tramways” means the tramways authorised by this Act;
- “Quay works” means the new quay and the extension or widening of the Mill Dam Quay by this Act authorised;
- “Seashore” means and includes so much of the seashore foreshore and sands within the borough as abut on the North Sea or the River Tyne;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;
- “Dairy” includes any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale;
- “Dairyman” includes any cowkeeper purveyor of milk or occupier of a dairy milk store or milk shop;
- “Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part over any house building or structure which or any part of which sky sign shall be visible against the sky from any point in any street and includes all and every part of any such post pole standard framework or other support. The expression “sky sign” shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any building structure or erection of any kind or on or over any street but shall not include (i.) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement or (ii.) Any sign or any board frame or other contrivance securely fixed to or upon the top of any wall or parapet of any building or the cornice or blocking course of any wall or to the ridge of a roof. Provided that such board frame or contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to or against or on which it is fixed or supported or (iii.) Any such word letter model sign device signal or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street other than a station approach or street belonging to or maintained by a railway company;

The expression "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock corporation stock annuity rentcharge rent or other security (not being in any case a security transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain except the Corporation or of any other local authority within section 34 of the Local Loans Act 1875;

The expression "Corporation Stock" means stock created and issued by the Corporation under and in accordance with the provisions of Part V. of the Public Health Acts Amendment Act 1890;

"Daily penalty" means a penalty for each day on which any offence is continued after conviction therefor:

Words and expressions to which meanings are assigned by the Public Health Act 1875 or the Electric Lighting Act 1882 have in this Act the same respective meanings unless the subject or context otherwise requires:

Words to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction:

Provided that for the purposes of this Act in the enactments incorporated with this Act the expression "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

5. This Act except where otherwise expressed or implied shall apply exclusively to the borough. Limits of Act.

6. This Act shall be carried into execution by the Corporation acting by the council. Act to be executed by Council.

## PART II.—ALDERMEN AND COUNCILLORS.

7.—(1.) If a majority of the whole of the council of the borough agree to petition and that council thereupon petition the Queen for an increase of the number of the aldermen and councillors of the borough it shall be lawful for Her Majesty by Order in Council to increase the number of such aldermen and councillors and to apportion such councillors among the wards of the borough and to make such other provisions as appear to Her said Council to be necessary or proper for carrying such purposes into effect. Provision for increasing numbers of aldermen and councillors.

A.D. 1896.

(2.) Such petition shall be referred to a Committee of the Lords of Her Majesty's Privy Council provided that one month at least before the petition is taken into consideration by the said Committee notice thereof and of the time when it will be so taken into consideration shall be published in the London Gazette and otherwise as the said Committee direct for the purpose of making it known to all persons interested.

(3.) The expenses of and incidental to any proceedings under this section including the remuneration of any commissioner appointed for the purposes of this section at the rate of five guineas for every day he is employed and including the travelling and other expenses of such commissioner shall be defrayed by the Corporation out of the borough fund by order of the council of the borough.

(4.) Notwithstanding anything herein contained or anything done hereunder all the provisions of the Municipal Corporations Acts shall continue to apply to and within the borough.

### PART III.—STREET WORKS.

Power to  
make street  
works.

8. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the street works herein-after described together with all necessary approaches retaining walls piers abutments tunnels subways arches sewers drains goits culverts and other works and conveniences connected therewith or incident thereto (that is to say):—

Work No. 1.—A widening of Roman Road on the east side thereof commencing on the south side of Military Road and terminating at the north side of Beacon Street:

Work No. 2.—A widening of Chapter Row on the south side thereof commencing at St. Hilda's Lane and terminating at Waterloo Vale of Chapter Row on the north side thereof commencing at the Market Place and terminating at a point 50 yards measured in an easterly direction along the north side of Chapter Row from its junction with the Market Place of West Keppel Street on the south side thereof commencing at Waterloo Vale and terminating at the cross street adjoining the Court Buildings on the west side of these buildings:

Work No. 3.—A widening of the cross street on the west side of the Court Buildings on the west side thereof commencing at West Keppel Street and terminating at Park Street:

Work No. 4.—An extension of West Keppel Street 40 feet wide commencing at the east end of West Keppel Street passing under the South Shields branch of the North Eastern Railway



and terminating in Keppel Street at the junction of Keppel Street with William Street :

Work No. 5.—A widening of Commercial Road on the west side thereof commencing at Brewery Lane and terminating at the junction of Tiney Street with Commercial Road :

Work No. 6.—A widening of Dean Lane on the north side thereof commencing at the west side of Imeary Street and terminating at a point 56 yards measured in an easterly direction from the east corner of Wawn Street and Dean Lane also of Dean Lane on the south side thereof commencing at a point about 45 yards measured in a westerly direction from the junction of the west side of Sunderland Road with the north side of Dean Lane and terminating at a point about 55 yards measured in an easterly direction from the line of and opposite to the east side of Wawn Street :

Work No. 7.—A widening of Church Way on the south side thereof and of Station Road on the east side thereof commencing at the westernmost pillar of St. Hilda's Church gates in Church Way and terminating at a point in Station Road measured 39 yards in a northerly direction from the north corner of Coronation Street :

Work No. 8.—A new footway 20 feet wide commencing at the west end of Ellesmere Street and terminating at the junction of Fairless Bank with Heron Street :

Work No. 9.—An extension of Bath Street 40 feet wide commencing at the east side of Baring Street and terminating at the west side of Roman Road :

Work No. 10.—A widening of Roman Road on the west side thereof commencing at the north side of the extended portion of Bath Street at the east end thereof and terminating at the south side of Fairless Street :

Work No. 11.—A widening of Ocean Road on the north side thereof commencing at a point about 24 yards measured in an easterly direction from the east corner of Mile End Road and terminating at Wesley Street :

Work No. 12.—A widening of Ocean Road on the south side thereof commencing at a point opposite to and in a line with the west side of James Mather Terrace and terminating at a point about 75 yards measured in a westerly direction from the junction of the west side of Woodbine Street with the south side of Ocean Road :

Work No. 13.—An extension of James Mather Terrace 40 feet wide commencing at Ocean Road at its junction with Work

A.D. 1896.

No. 12 and terminating at the back street between Ocean Road and Denmark Street :

Work No. 14.—A widening of Mile End Road on the west side thereof commencing at the southernmost pillar of the Mile End Road entrance to the South Shields Railway Station and terminating at King Street :

Work No. 15.—A widening of Fowler Street on the west side thereof commencing at the south side of King Street and terminating at the north side of Thomas Street :

Work No. 16.—A widening of Corstorphine Town on the east side thereof commencing at the junction of Corstorphine Town with Commercial Road and terminating at Thornton Street :

Work No. 17.—A new street 40 feet wide commencing at Corstorphine Town at a point 30 yards measured in a northerly direction from the north corner of Thornton Street at its junction with Corstorphine Town passing under St. Hilda's Waggon Way and the South Shields branch of the North Eastern Railway by means of the tunnel or subway by this Act authorised and terminating at the junction of Corbridge Street and Railway Street :

Work No. 18.—A widening of Thrift Street on the west side thereof commencing at the Market Place and terminating at Deer's Lane of Thrift Street on the east side thereof and of Long Row on the east side thereof commencing at Harding's Bank and terminating at the junction of Long Row with Heron Street :

Work No. 19.—A widening of Wapping Street on the south-east side thereof commencing at Heron Street and terminating at the foot of Long Bank :

Work No. 20.—A widening of Shadwell Street and Pilot Street on the south side thereof commencing at Long Bank and terminating at the steps leading up from Pilot Street into Military Road at the north end of Baring Street.

Power to make tunnel or subway in connexion with Work No. 17.

9. Subject to the provisions of this Act the Corporation in connexion with the said Work No. 17 may make and maintain in the line and situation and according to the level shown on the deposited plans and sections a tunnel or subway under the St. Hilda's Waggon Way and the South Shields branch of the North Eastern Railway together with all necessary piers abutments sewers drains goits culverts and other works and conveniences.

Power to deviate in execution of street works.

10. In executing the street works the Corporation may deviate laterally from the lines thereof to any extent not exceeding the

limits of lateral deviation shown on the deposited plans but so that no part of the work be constructed outside such limits and with regard to new streets may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet.

A.D. 1896.

11. The Corporation may in connexion with the execution of the street works and as part of the works to be executed under the powers of this Act make all such alterations of the levels of any existing street as may be necessary or proper for making a convenient access to such street from or junction between such street and any street formed by the execution of any of the street works doing as little damage as possible and in making such alterations of levels the Corporation may interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in such drain or sewer. The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Power to alter existing streets to make convenient connexions with street works.

12. The powers of this Act with respect to the purchase and acquisition otherwise than by agreement of lands owned or occupied by the North Eastern Railway Company for the purposes of the Street Works Nos. 4 and 17 by this Act authorised and with respect to the making and maintaining of those works shall unless with the previous consent of the North Eastern Railway Company (hereinafter called "the railway company") in writing under their common seal be exercised only subject to and in accordance with the following provisions :—

For protection of the North Eastern Railway Company in respect of street works.

(1.) The Corporation shall not without the previous consent of the railway company in writing under their common seal take use enter upon or interfere with any of the lands railways or other works or property belonging to the railway company except only so far as shall be necessary for the purpose of making and maintaining the said Works Nos. 4 and 17 in accordance with the provisions of this Act :

(2.) With respect to any land of the railway company which the Corporation are for the purposes of the said works by this Act authorised to use enter upon or interfere with the Corporation shall not purchase or take the same but the Corporation may purchase and take and the railway company may and shall to the extent of their interest therein sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Corporation might purchase and take the same :

(3.) The tunnels or subways under the railway company's railway by this Act authorised in connexion with the said Works

A.D. 1896.

Nos. 4 and 17 shall be constructed only in such manner within the limits of deviation shown on the deposited plans and according to such plans drawings specifications and mode of construction as shall be previously reasonably approved of by the engineer for the time being of the railway company Provided always that if the engineer of the railway company shall for the period of two months neglect to signify his approval or disapproval or shall unreasonably disapprove of such plans drawings specifications or mode of construction then the said works shall be constructed according to plans sections and specifications to be submitted to and approved by an engineer to be agreed upon or in default of agreement to be appointed by the Board of Trade at the request either of the railway company or the Corporation :

- (4.) The Corporation shall take all possible precautions in the execution of their works to prevent any interference with the free and uninterrupted and safe use of the railways and other works belonging to the railway company :
- (5.) The Corporation shall bear and on demand pay to the railway company the expense of the employment by the railway company during the execution of any work affecting any railway or other works of the railway company of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and signalling the same with reference to and during the execution of any such work of the Corporation and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of the Corporation or any of their contractors with reference thereto or otherwise :
- (6.) If by reason of the execution of any of the works or any proceedings of the Corporation or the failure of any such works or any act or omission of the Corporation or of their contractors or of any person in the employ of the Corporation or of their contractors or otherwise any railway or other works of the railway company shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do then the railway company may make good the same and recover the reasonable expense thereof with full costs against the Corporation in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic of or upon any such railway or other works of the railway

company by reason of any of the matters or causes aforesaid the Corporation shall pay to the railway company all costs and expenses to which the railway company may be put as well as full compensation to be recoverable with full costs by the railway company from the Corporation in any court of competent jurisdiction :

(7.) The Corporation shall at all times maintain the said tunnels or subways in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the railway company and if and whenever in the opinion of the said engineer the Corporation fail so to do the railway company may make and do in and upon as well the lands of the Corporation as their own lands all such works and things as the railway company reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Corporation and in default of full repayment may be recovered with full costs by the railway company from the Corporation in any court of competent jurisdiction Provided that the Corporation and the railway company may enter into and carry into effect any agreement for the execution by the railway company of the Street Works Nos. 4 and 17 by this Act authorised so far as they will affect the railway of the railway company and as to the undertaking by the railway company for such consideration as may be agreed of all or any of the liabilities and obligations imposed by this section upon the Corporation with respect to the maintenance and repair of such works or any of them :

(8.) Any difference which may arise between the Corporation and the railway company under this section or as to the true intent and meaning thereof or the mode of giving effect thereto shall be from time to time determined by a single arbitrator and in accordance with the provisions of the Railways Clauses Consolidation Act 1845.

**13.** Notwithstanding anything shown on the deposited plans and sections of Work No. 19 the Corporation shall not enter upon take or use the buttress No. 2 in the parish of Jarrow formerly used as a part of and for the purposes of the railway company's Stanhope and Tyne Railway And nothing in this Act contained with reference to the said Work No. 19 or the Work No. 18 shall prejudice or affect the rights (if any) vested in the railway company in respect of their said Stanhope and Tyne Railway.

For further protection of the North Eastern Railway Company.

**14.** The Corporation shall not execute any work under the provisions of this part of this Act which would affect any main or

For the protection of the gas

A.D. 1896.  
company  
and water  
company.

pipe or apparatus of the gas company or of the water company except in accordance with and subject to the provisions of section 153 of the Public Health Act 1875.

PART IV.—TRAMWAYS.

Power to  
make  
tramways.

15. Subject to the provisions of this Act the Corporation may make form lay down use and maintain wholly in the borough the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers channels junctions turntables turnouts crossings passing places stables carriage-houses sheds buildings works and conveniences connected therewith (that is to say) :—

Tramway No. 1.—A tramway 1 mile 4 furlongs and 5·60 chains in length commencing by a junction with the existing tramway at the junction of Fowler Street Mile End Road Ocean Road and King Street and proceeding along Fowler Street Westoe Lane Dean Lane and Laygate Lane and terminating by a junction with the existing tramway opposite the end of Frederick Street :

Provided that Tramway No. 1 shall be laid as a single line except between the following points where it may be laid as a double line (that is to say) :—

From a point 0·18 chains north-west of the junction of Keppel Street with Fowler Street to a point 0·70 chains south-east of the junction of Catherine Street with Fowler Street ;

From a point 0·25 chains north-west of the junction of Thomas Street with Fowler Street to a point 1·85 chains south-east of the junction of Bent House Lane with Fowler Street ;

From a point 0·20 chains north-west of the junction of Erskine Road with Westoe Lane to a point 1·30 chains north-west of the junction of Wharton Street with Westoe Lane ;

From a point 1·20 chains south-east of the junction of Hyde Street with Westoe Lane to a point at the junction of Chichester Road with Westoe Lane ;

From a point 2·15 chains south-east of the junction of Osborne Terrace with Westoe Lane to a point 1·30 chains south-east of the junction of Stainton Street with Westoe Lane ;

From a point 2·40 chains south-east of the junction of George Potts Street with Westoe Lane to a point at the junction of Ada Street with Dean Lane ;

From a point 0·25 chains north-east of the junction of Imeary Street with Dean Lane to a point 3·15 chains south-west of the said junction;

From a point 0·65 chains west of the junction of Marsden Street with Dean Lane to a point 1·80 chains east of the junction of Byron Street with Dean Lane;

From a point 1·05 chains west of the junction of Milton Street with Dean Lane to a point in Laygate Lane 2·65 chains north-west of the junction of Dean Lane with Laygate Lane;

From a point 1·50 chains north-west of the North Eastern Railway Company's level crossing to a point 0·15 chains south-east of the junction of Dixon Street with Laygate Lane;

From a point 0·50 chains south-east of the junction of Princes Street with John Williamson Street with Laygate Lane to a point 1·50 chains north-west of the junction of Adelaide Street with Laygate Lane:

**Tramway No. 1A.**—A single line 0·90 chains in length commencing by a junction with Tramway No. 1 in Fowler Street 0·55 chains south from the commencement of Tramway No. 1 and terminating by a junction with the existing tramway in King Street 0·55 chains west of the junction of Tramway No. 1 with the existing tramway:

**Tramway No. 1B.**—A single line 0·65 chains in length commencing by a junction with Tramway No. 1 in Laygate Lane 1·05 chains in a south-easterly direction from the termination of Tramway No. 1 and terminating in Green Street by a junction with the existing tramway 0·50 chains north of the centre of an imaginary line drawn across Green Street from the west corner of Green Street to the east corner of the same:

**Tramway No. 2.**—A tramway 3 furlongs 3·92 chains in length commencing by a junction with the existing tramway at the junction of Fowler Street Mile End Road Ocean Road and King Street and proceeding along Mile End Road and terminating at a point in that road opposite Green's Sailor Boys' Home 1·20 chains south of the junction of Mile End Road with Military Road:

Provided that Tramway No. 2 shall be laid as a single line except between the following points where it may be laid as a double line (that is to say):—

From a point 0·65 chains north of the junction of Ingham Street with Mile End Road to a point 1·30 chains north of the junction of Bath Street with Mile End Road;

A.D. 1896.

From a point 0·85 chains north of the junction of Morton Street with Mile End Road to a point 1·70 chains north of the junction of Hedley Street with Mile End Road;

From a point 1·10 chains south of the junction of Ladies' Walk with Mile End Road to the termination of Tramway No. 2:

Tramway No. 2A.—A single line 0·80 chains in length commencing by a junction with Tramway No. 2 0·60 chains northward of the commencement of Tramway No. 2 and terminating by a junction with the existing tramway in King Street 0·45 chains west of the junction of the existing tramway with Tramway No. 2:

Tramway No. 3.—A tramway 1 mile 3 furlongs 0·18 chains in length commencing by a junction with Tramway No. 1 in Laygate Lane 1·20 chains north-west of the junction of Dean Lane Laygate Lane and Stanhope Road and proceeding across Dean Lane along Stanhope Road Boldon Lane Hudson Street and Slake Terrace and terminating by a junction with the existing tramway 1·05 chains north-east of the termination of the existing tramway:

Provided that Tramway No. 3 shall be laid as a single line except between the following points where it may be laid as a double line (that is to say):—

From the commencement of Tramway No. 3 to a point 1·05 chains south of the junction of Gordon Street with Stanhope Road;

From a point 1·65 chains south of the junction of Albany Street with Carrick Road to a point 4·50 chains southward of the said point;

From a point in Stanhope Road 2 furlongs 3·30 chains from the commencement of Tramway No. 3 to a point 4·50 chains from the said point;

From a point in Stanhope Road 1·75 chains north-east of a point opposite to the centre of southernmost entrance to the West End Park to a point 2·75 chains south-west of the southernmost entrance to the West End Park;

From a point in Stanhope Road 5 furlongs 3·60 chains from the commencement of Tramway No. 3 to a point in Stanhope Road 4·50 chains south-west of the first-named point;

From a point 8·00 chains north-east of the junction of Olive Street with Stanhope Road to a point 4·50 chains south-west of the said point;



From a point 3·10 chains south-west of the junction of Olive Street with Stanhope Road to a point 2·35 chains north of the junction of Stanhope Road with Boldon Lane ;

From a point 4·20 chains north of the junction of Stanhope Road with Boldon Lane to a point opposite the line of the south side of the Boldon Lane entrance to the Tyne Dock railway station ;

From a point 1·25 chains measured in a northerly direction from the line of the abutments of the north side of the road bridge over Boldon Lane to a point 4·35 chains north of the said point ;

From a point 4·05 chains south of the junction of Lord Nelson Street with Hudson Street to a point four chains north of the said point ;

From a point 0·40 chains north of the junction of Dock Street with Hudson Street to the point of termination of Tramway No. 3 :

**Tramway No. 4.**—A tramway 6 furlongs 4·42 chains in length commencing in Laygate Lane by a junction with the existing tramway 0·45 chains in a north-easterly direction from the junction of Tramway No. 1 with the existing tramway and proceeding along Frederick Street Reed Street South Eldon Street St. Mary's Terrace Dean Lane South Shields Road and Slake Terrace and terminating by a junction with the existing tramway at a point 1·90 chains from the point where a line drawn along the south wall of the Tyne Dock Hotel and continued would intersect the existing tramway :

Provided that Tramway No. 4 shall be laid as a single line except between the following points where it may be laid as a double line (that is to say) :—

From a point 0·50 chains in a southerly direction from the commencement of Tramway No. 4 to a point in Frederick Street 4·50 chains south of the said point ;

From a point 2 chains north of the junction of Walpole Street with Frederick Street to a point 4·20 chains south of the said point ;

From a point in Frederick Street 2·10 chains north of the junction of Reed Street with Frederick Street to a point in Reed Street 1·65 chains west of the junction of Frederick Street with Reed Street ;

From a point in Reed Street 1·60 chains east of the junction of Reed Street with South Eldon Street to a point in South Eldon Street 5·40 chains south of the said junction of Reed Street with South Eldon Street ;

A.D. 1896.

From a point 4·30 chains south of the junction of Gilbert Street with South Eldon Street to a point 4·50 chains south-west of the said point ;

From a point 3·40 chains north-east of the point of intersection of the centre line of the North Eastern Railway with the centre line of Tramway No. 4 to a point 4 chains south-west of the said point ;

From a point 4·15 chains from a point opposite the east end of St. Mary's Terrace to a point in Dean Lane 2·10 chains south-west of the first-named point ;

From a point 2·87 chains north-east of the termination of Tramway No. 4 to the said termination of Tramway No. 4.

Gauge of tramways.

**16.** The tramways shall be constructed on a gauge of three feet six inches :

Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to the carriages used on the tramways but no engine or carriage used on such tramways shall exceed six feet in width.

Period for completion of tramways.

**17.** If the tramways 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 to the Corporation for making and completing the tramways or otherwise in relation thereto shall cease except as to so much of the tramways respectively as is then completed.

Authorising cables and electricity on tramways made and authorised.

**18.** The meaning of the expression mechanical power wherever used in the Order of 1881 is hereby extended so as to include cables and electricity.

Incorporation of sections of the Order of 1881.

**19.** The following sections of the Order of 1881 (that is to say) :—

Section 10 (Provisions as to construction of tramways) ;

Section 11 (As to rails of tramways) ;

Section 12 (Penalty for not maintaining rails and road in good condition) ;

Section 14 (Additional crossings &c. may be made where necessary) ;

Section 15 (Temporary tramways may be made where necessary) ;

Section 16 (Application of road materials excavated in construction of works) ;

Section 17 (Tramways not to be opened until certified by Board of Trade) ;

Section 18 (Carriages may be moved by animal steam or mechanical power) ;

- Section 19 (Penalty for using steam or mechanical power contrary to Order or regulations);
- Section 20 (Byelaws);
- Section 21 (As to recovery of penalties);
- Section 22 (Amendment of the Tramways Act 1870 as to byelaws by local authority);
- Section 23 (Orders and byelaws to be signed &c.);
- Section 24 (Traffic upon tramways);
- Section 25 (Lessees not bound to carry animals goods &c.);
- Section 26 (Provisions as to carriage of animals goods &c.);
- Section 27 (Heavy traffic between 8 a.m. and 8 p.m.);
- Section 28 (Corporation may use tramways for sanitary purposes);
- Section 29 (Tolls and charges);
- Section 30 (Passengers' luggage);
- Section 31 (Cheap fares for labouring classes);
- Section 32 (Payment of tolls);
- Section 33 (Periodical revision of tolls);
- Section 34 (As to user of tramways and tolls thereon when open to be used by the public);
- Section 35 (Tolls if tramways open to be used by the public);
- Section 36 (Servants of the promoters to ride in carriages &c. free of charge);
- Section 37 (Certain provisions of the Tramways Act 1870 as to licensees extended to persons using the tramways when open to the public);
- Section 38 (Carriages or horses unfit for use may be removed);
- Section 39 (Power to enter into agreements with respect to traffic &c.);
- Section 40 (Provisions as to arbitration);
- Section 43 (Saving for general Acts);

shall as extended by this Act so far as the same are applicable in that behalf and are not varied by or inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways by this Act authorised and in construing the said sections of the said Order for the purposes of this Act the word "Order" shall mean this Act the word "promoters" shall mean the Corporation and in sections 29 32 and 33 of and in Schedule B. to the said Order the word "toll" shall mean "rates."

20. For the protection of the North Eastern Railway Company (in this section called "the railway company") the following provisions shall at all times unless otherwise agreed between the

For the protection of the North Eastern

A.D. 1896. railway company and the Corporation apply and have effect (that is to say) :—

Railway  
Company  
in respect of  
tramways.

(1.) The provisions of section 7 (For protection of the North Eastern Railway Company) of the Order of 1881 shall so far as the same are applicable in that behalf extend and apply to the construction maintenance and use of Tramway No. 1 by this Act authorised across the railway of the railway company where it crosses Laygate Lane on the level as if such provisions were re-enacted in this Act and made expressly applicable to the said tramway and as if the expression "this Act" had been substituted therein for the expression "this Order" and the expression "the Corporation" for the expression "the promoters" :

(2.) Where any tramway by this Act authorised is laid along a road over which any railway or works of the railway company are carried by means of a bridge the Corporation shall so construct and maintain the same and any apparatus as a motive power in connexion therewith as not to injuriously affect the said bridges or the approaches thereto or the works of the railway thereon or thereunder and in the event of any injury being occasioned to such bridges approaches or works or any part or parts thereof respectively by the construction of such tramways or apparatus under the same whether such injury occur either during or after the construction of or in maintaining such tramways or apparatus the railway company may at the expense of the Corporation restore such bridges approaches and works or the part or parts which may be injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall recoup to and indemnify that company against all sums costs and expenses which they may pay or be put to in restoring such bridges approaches and works in manner aforesaid or by reason of any impediment or obstruction to the traffic on the railway occasioned by such injury and that company may recover from the Corporation all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt :

(3.) Any difference which may arise between the Corporation and the railway company touching anything to be done or the reasonableness of any charges or in any manner in connexion with this section shall (unless otherwise provided by this section) be settled by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870 and such lastly mentioned section shall unless otherwise provided

by this section apply to all differences arising between the Corporation and the railway company touching all matters and things done or omitted to be done by either the Corporation or the railway company under the provisions of this section.

A.D. 1896.

**21.** The lessees of or other the person or persons working or using the Tramways Nos. 1 2 3 and 4 by this Act authorised and the Corporation if and so long as they work those respective tramways under the provisions of this Act may if the Board of Trade should so determine and so far as may be necessary for the proper working of the said Tramways Nos. 1 and 2 as a continuous line and of the said Tramways Nos. 3 and 4 also as a continuous line run over and use with their engines horses carriages officers and servants with respect to the said Tramways Nos. 1 and 2 such portion of the existing tramways of the Corporation in King Street and Ocean Road as lies at the junction of the said Tramways Nos. 1 and 2 with the said existing tramways and with respect to the said Tramways Nos. 3 and 4 such portion of the said existing tramways as lies in Slake Terrace and all stations sidings junctions turntables turnouts and conveniences connected with such portions respectively upon such terms and conditions and on payment of such tolls as may be agreed on between the Corporation and the lessees of the said existing tramways or as failing agreement may be settled by an arbitrator to be appointed by the Board of Trade.

Power to run over existing tramways.

**22.** If the Corporation are unable to demise their tramways authorised by the Order of 1881 or by this Act or any of such tramways upon such terms as in the opinion of the Board of Trade will yield to the Corporation an adequate rent therefor the Board of Trade may grant a licence to the Corporation to work such tramways and the Corporation may thereupon work the same and may provide such plant materials and things as may be requisite or convenient therefor and in such case the several provisions hereinbefore contained relating to the working of the said tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Corporation :

Corporation may in certain cases work tramways.

Provided that if at any time during such working by the Corporation any person make to the Corporation a tender in writing to take a lease of and to work the said tramways for such period (not being less than seven years unless the Corporation shall otherwise agree) at such rent and upon such terms and conditions as shall in the opinion of the Board of Trade be adequate and proper and such person at the same time offer to purchase the horses cars engines machines and fixed and movable tramway plant of the Corporation not included in such lease at a price to be fixed unless otherwise

A.D. 1896. agreed on between such person and the Corporation by a competent valuer to be appointed by the Board of Trade then upon payment of such price the Corporation shall demise the said tramways to such person at such rent and upon such terms and conditions and the powers of the Corporation to work the said tramways shall cease and determine and all moneys paid to the Corporation on such purchase shall be applied in repayment of moneys borrowed by the Corporation for the purpose of providing the plant materials and things for working the said tramways.

Fares not to be raised on Sundays or holidays.

**23.** It shall not be lawful for the Corporation or their lessees or any company or person working or using the tramways to take or demand on Sunday or on any bank or other public holiday any higher rates or charges than those levied by them on ordinary week days.

Provisions for protection of the Postmaster-General.

**24.** In the event of any of the tramways of the Corporation authorised by the Order of 1881 or by this Act being worked by electricity the following provisions shall have effect:—

(1.) The Corporation or their lessees or any company or person owning or working any of the tramways of the Corporation (who are herein-after in this section included in the expression "the Corporation") shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3.) (A.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(B.) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :

(4.) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(5.) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the

A.D. 1896.

Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in the like manner as if the Corporation or their agents were a company within the meaning of that Act :

31 & 32 Vict.  
c. 119.

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid.

Carrying of  
mails.

**25.** The Conveyance of Mails Act 1893 shall extend and apply to the existing tramways of the Corporation as if those tramways had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three Provided that the Postmaster-General shall not require the Corporation to perform any services with respect to such existing tramways until after the expiration of the subsisting leases thereof.

Provisions  
as to use of  
electric  
power.

**26.** The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :—

(1.) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2.) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :

(3.) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and



which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

- (4.) The Corporation using electric power contrary to the provisions of this Act or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Corporation in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Corporation to cease to use electric power and thereupon the Corporation shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :
- (5.) The Corporation shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Corporation shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon

A.D. 1896.

the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Corporation and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the cost of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes:

(7.) The expression "the Corporation" in this section shall include their lessees and the licencees and any person owning working or running carriages over any tramway of the Corporation.

For the further protection of the gas company and the water company.

**27.** For the protection of the gas company and the water company respectively the following provisions shall have effect (that is to say):—

(1.) In this section the expression tramway work includes all rails channels cuts grooves boxes electric lines or other work used or intended to be used for the purpose of moving by mechanical power (including cables steam compressed air and electricity) any engine carriage or truck on any tramway for the time being of the Corporation and the expressions "gas pipe" and "water pipe" include all mains pipes syphons valves and apparatus of the said respective companies in any street and all communication or service pipes whether belonging to the gas company or to the water company or to any persons supplied with gas or water by the said respective companies:

(2.) The provisions of sections 30 and 32 of the Tramways Act 1870 shall extend and apply to and in relation to the making forming laying down maintaining repairing renewing or removing of any tramway work:

(3.) The Corporation shall comply with such reasonable requirements as may be made by the engineers of the gas company and the water company respectively for protecting from injury any gas pipe or water pipe and for securing access thereto :

(4.) Where the Corporation find it necessary to undermine but not to alter the position of any gas pipe or water pipe they shall to the reasonable satisfaction of the engineer of the gas company or the water company as the case may require temporarily support the same in position during the execution of the tramway work and provide before completion thereof a proper foundation for such gas pipe or water pipe where undermined :

(5.) If any difference arise between the Corporation and either of the said companies touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer or other fit person to be appointed on the application of either of the parties in difference by the Board of Trade and the expenses of the reference shall be borne as he shall direct.

#### PART V.—QUAYS.

**28.** Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the following works (that is to say) :—

Power to make quay works.

(1.) A new quay having a frontage of 127 feet or thereabouts towards the west and the River Tyne :

(2.) An extension or widening of 56 feet or thereabouts of the existing Mill Dam Quay throughout its length on the north-western or River Tyne side thereof.

**29.** Subject to the provisions of this Act in constructing the quay works the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans but so that no part of the work shall extend beyond such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet :

Power to deviate in construction of quay works.

Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by that Board.

A.D. 1896.

For protec-  
tion of Tyne  
Improve-  
ment Com-  
missioners.

**30.** For the protection of the Tyne Improvement Commissioners in the construction of the quay works the following provisions unless otherwise agreed in writing between the Corporation and such Commissioners shall have effect (that is to say):—

- (1.) The limits of deviation in respect of the new quay by this Act authorised shall be restricted to the face line of such quay shown on the deposited plans and as regards the return walls at the north and south ends respectively of such quay shall be as follows (that is to say) A line at right angles to the face of the said quay commencing at a point about ten feet southward of the point marked G on the deposited plans and terminating at the face of the existing quay wall on the south side of the Penny Pie Stairs and a line commencing at a point about five feet southward of the point marked F on the deposited plans and terminating at the face of the existing quay wall at the north boundary of Moore's glass works :
- (2.) The limits of deviation in respect of the extension or widening by this Act authorised of the existing Mill Dam Quay shall be restricted to the lines of quay wall and return quay walls shown on the deposited plans :
- (3.) The face and return quay walls of the said new quay and said extension or widening of the existing Mill Dam Quay respectively shall all be of sufficient strength and depth to allow a depth to be dredged immediately alongside of not less than twelve feet below the level of low water of ordinary spring tides increasing to twenty feet at a distance of fifty feet from the face of the quay in each case :
- (4.) The Corporation shall before commencing any of the quay works submit to the Tyne Improvement Commissioners for their approval plans and sections showing the work or works proposed to be executed and the mode of execution and none of such works shall be carried out until the details and mode of construction have been approved by the said commissioners and except on the usual conditions on which the sanction of such commissioners is granted in respect of similar works affecting the River Tyne.

For the pro-  
tection of  
the Tyne  
General  
Ferry  
Company.

**31.** During the construction of the works for the extension and widening of Mill Dam Quay by this Act authorised the Corporation shall afford to the public going to and from the steamers of the Tyne General Ferry Company every reasonable facility of access.

Period for  
completion  
of quay  
works.

**32.** If the quay works shown on the deposited plans 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 to the Corporation for making and completing such works or otherwise in

relation thereto shall cease except as to so much thereof as is then completed. A.D. 1896.

**33.** The Corporation may from time to time make and maintain in connexion with the quay works shown on the deposited plans or any of those works all necessary and proper approaches retaining walls piers abutments wharves shipping and landing places stairs slips pay-houses sheds cranes sluices works and other conveniences. Power to make subsidiary works.

**34.** The Corporation may also in connexion with the quay works shown on the deposited plans or any of those works erect and maintain upon any land belonging to them adjoining the said quay works warehouses offices and other buildings. Power to erect additional buildings.

**35.** Section 11 of the Act of 1861 shall be read and have effect as if the words "erect other buildings" therein extended to the erection of buildings for River Tyne Police for Customs House for River Tyne Port Sanitary Authority and for other like purposes and the erection by the Corporation before the passing of this Act of buildings for such purposes is hereby sanctioned confirmed and legalised and all expenditure properly chargeable to capital account made by the Corporation before the passing of this Act for the purposes of such erection out of the moneys borrowed by them under section 30 of the Act of 1861 for Mill Dam Quay purposes is hereby sanctioned and legalised and all moneys so applied to such expenditure shall be deemed to have been borrowed for the Mill Dam Quay purposes under the authority of the said section 30. Amendment of section 11 of Act of 1861 and sanction of certain buildings erected.

**36.** The following sections (relating to the existing Mill Dam Quay) of the Act of 1861 (that is to say):— Incorporation of sections of Act of 1861 relating to existing Mill Dam Quay.

Section 11 (Power of Corporation to pull down buildings) as amended by this Act;

Section 15 (Recovery of penalties and damages);

Section 17 (Corporation to appoint meters weighers and other officers);

Section 18 (Powers for the Corporation to dredge bed of River Tyne);

Section 19 (Penalty for obstructing river in front of quay);

Section 20 (Powers of quay-masters not to interfere with jurisdiction of harbour-master);

Section 21 (Legal quay to be approved by the Treasury &c.);

Section 22 (Goods landed at quay to be exempt from one half of import dues imposed by 13 & 14 Vict. c. lxiii.);

Section 23 (Power to Tyne Improvement Commissioners to inspect books and accounts);

Section 24 (Powers to demise lands &c. and make regulations with respect to buildings);

A.D. 1896.

Section 25 (Rates to be taken for vessels using the quay as in Schedule A. Rates on goods shipped or unshipped at the quay as in Schedule B.);

Section 26 (Exemption of vessels in Her Majesty's service &c. from rates);

Section 27 (Additional rate for vessels using quay beyond eight days);

Section 28 (Rates for weighing machines cranes &c.);

Section 29 (Corporation to keep separate accounts);

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to—

(1.) The new quay by this Act authorised;

(2.) The existing Mill Dam Quay as from time to time extended under the powers of this Act:

And in construing the said sections for the purposes of this Act the word "quay" shall mean the said new quay or the existing Mill Dam Quay as from time to time so extended as circumstances shall require.

As to provision of fish quays.

**37.** The Corporation may from time to time purchase by agreement or provide upon any land for the time being belonging to them and not required for the purpose for which it was acquired or upon any land to be by them acquired for the purpose by agreement under the powers of this Act fish and other quays and may maintain the same and may in connexion with any such quays from time to time provide and maintain all necessary and proper approaches retaining walls piers abutments wharves shipping and landing places stairs slips buildings warehouses offices pay-houses sheds cranes sluices works and other conveniences Provided that nothing in this section shall exempt the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such land and provided that the Corporation shall not appropriate or use for any of the purposes of this section any land acquired by them for any other purpose except with the sanction of the Local Government Board and under such conditions as they may prescribe.

For the use of any such quays buildings warehouses sheds or cranes the Corporation may charge such reasonable tolls dues rates and other payments as they may from time to time fix subject to the approval of the Board of Trade and such charges shall in addition to any other remedy be recoverable as a civil debt summarily or by action in any court of competent jurisdiction.

Works below high-water mark not to be

**38.** The Corporation shall not under the powers by this part of this Act conferred upon them construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating

therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this part of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

A.D. 1896.  
commenced  
without  
consent of  
Board of  
Trade.

**39.** If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation under the powers of this part of this Act on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Survey of  
works by  
Board of  
Trade.

**40.** If a work constructed by the Corporation under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Abatement  
of work  
abandoned  
or decayed.

#### PART VI.—LANDS.

**41.** The Corporation may enter upon take and use all or any part of the lands following shown on the deposited plans and described in the deposited book of reference (that is to say):—

Power to  
purchase  
lands.

(1.) For the purpose of the street works the lands shown on the deposited plans in connexion therewith and which they may require for the purposes thereof respectively;

A.D. 1896.

- (2.) For the purpose of the new quay the lands shown on the deposited plan in connexion therewith and which they may require for the purpose thereof;
- (3.) For the purpose of the Mill Dam Quay extension the lands shown on the deposited plan in connexion therewith and which they may require for the purpose thereof;
- (4.) For the purposes of the staith erected by the Corporation in Shadwell Street and Mile End Road and of the collection and dealing with refuse a piece of land in Shadwell Street;
- (5.) For the purpose of sea water baths a piece of land in Pier Parade:

Provided that nothing in this Act shall authorise the Corporation otherwise than by agreement to purchase acquire interfere with take away prejudice or affect all or any of the rights of the Tyne Improvement Commissioners as lessors under an indenture made the ninth day of August one thousand eight hundred and eighty-three between the said commissioners and the South Shields Salt Water Baths Company Limited now the Victoria Sea Water Baths Company (South Shields) Limited of the piece of land in Pier Parade the leasehold interest in which the Corporation are by this section authorised to acquire for the purpose of sea water baths.

Correction  
of errors &c.  
in deposited  
plans and  
book o  
reference.

42. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices not being members of the council for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Durham and a duplicate thereof shall also be deposited with the parish clerk of the parish of Jarrow and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Period for  
compulsory  
purchase of  
lands.

43. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.



**44.** And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

A.D. 1896.  
 Owners may be required to sell parts only of certain lands and buildings.

**45.** The Corporation shall except so far as a Secretary of State may otherwise direct cause the remains of any person interred or deposited in any portion of the burial ground of St. Hilda which they may take for street works under the powers of this Act to be removed and interred under the superintendence of the medical officer of health in some consecrated burial ground wherein burials may legally take place and shall cause any monuments and tombstones in any such portion of the burial ground so taken to be removed to and fixed or re-erected in such last-mentioned burial ground Provided that the heirs executors administrators relations or friends of any person whose remains shall be interred or deposited in the said portion of the burial ground so taken may if they so prefer (at the cost of the Corporation such cost not to exceed ten pounds in each case) and under such superintendence as aforesaid remove the remains of such person to any burial ground wherein burials may legally take place and remove the monument or tombstone erected to the memory of such person to any place they may think fit.

Removal of bodies from burial ground.

**46.** And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject

Corporation empowered or may be required to underpin or otherwise strengthen houses near works.

A.D. 1896. As herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1.) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2.) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the town clerk:
- (3.) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade:
- (4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5.) The cost of the reference shall be in the discretion of the referee:
- (6.) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:
- (7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and

occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof: A.D. 1896:  
—

(8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act :

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :

(10.) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

**47.** The Corporation may during the execution and for the purposes of any works by this Act authorised from time to time temporarily break up stop up divert and interfere with any street (including in that expression any road highway and thoroughfare) and may for any reasonable time prevent all persons other than any person in the employ of the gas company or the water company and acting in the execution of their duty and other than persons bonâ fide going to or returning from any house in the street from passing along and using the same. Temporary  
stoppage of  
streets.

**48.—(1.)** The Corporation shall not under the powers by this Act granted purchase or acquire in any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until— Restrictions  
on displacing  
persons of  
labouring  
class.

(A.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

A.D. 1896.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire :

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7.) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the

preparation and carrying into effect of such scheme were one of the general purposes of that Act: A.D. 1896.

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(9.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

**49.**—(1.) The Corporation may for any of the purposes of this Act (in addition to lands which they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole ten acres and any easement right or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) which shall be deemed necessary by the Corporation but the Corporation shall not deal with such lands so as to create a nuisance or permit such land to be so dealt with. Power to acquire additional lands by agreement.

(2.) The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

**50.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions Power to take easements &c. by agreement. ]

A.D. 1896. of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Corporation may use their own lands for purposes of Act.

51. The Corporation may subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Act any lands for the time being vested in them as a municipal or urban sanitary authority and not required for the purposes for which the same were acquired but nothing in this section shall authorise the Corporation to create or permit any nuisance or to alter vary annul or affect any covenants or provisions contained in any lease or conveyance made to them by the Ecclesiastical Commissioners for England or their predecessors in title.

Power to retain sell &c. lands.

52. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in lands acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands.

53. So long as any properties remain to be acquired or works to be constructed by the Corporation under the authority of this Act and for the acquisition of which they have under this Act powers unexercised for the borrowing of money the Corporation may so far as they consider necessary and to the extent of such unexercised borrowing powers apply moneys received by them on re-sale or by leasing or letting as aforesaid in the purchase of properties so remaining to be acquired or in the construction of such works but as to moneys so received and not so applied the same shall be distinguished as capital in the accounts of the Corporation and shall

be applied in discharge of any moneys borrowed by the Corporation under this Act and shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed and that the borrowing powers of the Corporation by this Act authorised shall be reduced to the extent of the amounts applied in the purchase of properties or the construction of works under the provisions of this section. A.D. 1896.

**54.** Nothing in this part of this Act shall be taken to dispense with the consent of the Local Government Board to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which the consent of the Board would have been required if this Act had not been passed. As to consent of Local Government Board to sale &c. of lands.

#### PART VII.—SANDS AND SEASHORE.

**55.** Every part of the seashore shall for the purposes of the Vagrancy Acts be deemed to be a public place and shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:— Seashore to be deemed a street for certain purposes.

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

Every common prostitute or night-walker loitering and importing passengers for the purpose of prostitution;

Every person who wilfully and indecently exposes his person;

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

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire;

Every person who throws or lays any dirt litter or ashes or night soil or any carrion fish offal or rubbish on any street.

**56.** The Corporation may from time to time for the prevention of danger obstruction nuisance or annoyance to persons using the seashore make byelaws for all or any of the following purposes (that is to say):— Corporation may make byelaws as to user of seashore.

For regulating the erection or placing or continuance on the seashore or on any part or parts thereof of any booths tents

A.D. 1896.

sheds shooting galleries stands and stalls (whether fixed or movable) or vehicles for the sale or exposure of any article or thing or any shows exhibitions performances swings roundabouts switchback or other railways or other erections vans photographic carts or other vehicles whether drawn or propelled by animals or persons or steam or other motive power and the playing of any games on the seashore or any part or parts thereof and generally for regulating the user of the seashore for such purposes as shall be prescribed by such byelaws ;

For regulating the selling and hawking of any article commodity or thing on the seashore ;

For regulating the user of the seashore or any part thereof for riding and driving ;

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

Provided that the provisions of this section or of any byelaws thereunder shall not apply to any lands of the Tyne Improvement Commissioners without their consent or to that portion of the seashore which lies to the west of the new sea road and is in lease to the Harton Coal Company Limited unless and until the Corporation becomes owners in possession thereof.

Provisions as to bathing.

**57.** The Corporation may from time to time make byelaws—

- (1.) For appointing and limiting the places on the seashore from which persons of each sex may bathe without using a bathing machine and for prohibiting the use for bathing without using a bathing machine of any other places on the seashore ;
- (2.) For the preservation of decency and order at public bathing places on the seashore ; and
- (3.) For regulating the hours during which bathing may take place from public bathing places on the seashore and for prohibiting the use of such places except during the hours so fixed and may by such byelaws prescribe the use of decent and sufficient bathing garments.

Power to make byelaws for the protection of bathers.

**58.** The Corporation may from time to time make byelaws requiring the owner or lessee of any bathing machine to provide or employ boats boatmen and attendants and to provide life saving apparatus for the purpose of ensuring the safety of bathers and prescribing the qualifications of such boatmen and attendants and the Corporation may employ and pay boatmen for the purpose of protecting persons whilst bathing.

This part of Act not to apply to lands of Ecclesiastical Commissioners without their consent.

**59.** The provisions of this part of this Act or of any byelaws thereunder shall not apply to the lands of the Ecclesiastical Commissioners for England without their consent.



## PART VIII.—PARKS AND RECREATION GROUNDS.

A.D. 1896.

**60.** The marine parks shall be deemed to be parks or places of public resort or recreation to which all the provisions of the Public Health Acts and this Act are applicable as fully as if the same had been purchased by the Corporation under the powers of the Public Health Act 1875.

Removing doubts as to power to regulate marine parks.

**61.** The Corporation during times of frost may for the purpose of protecting ice for skating on all or any part of any lake or piece of water in any park or place of public resort or recreation enclose such parts of such parks and places as may be necessary to effect such purpose and charge for admission to any part so enclosed.

Power to enclose lakes &c. for skating and to charge admission.

**62.**—(1.) The Corporation may from time to time set apart portions of any park or place of public resort or recreation for the time being belonging to or held by them for cricket football archery and other games but so that the same shall be open to the public when not in use for such games and the Corporation may make bye-laws for regulating the use of the portions of the park or place so set apart.

Power to set apart places for games and to regulate same and skating and boat sailing.

(2.) The Corporation may make byelaws for regulating skating and for preserving order during the sailing of model yachts upon any lake or piece of water in any such park or place of public resort or recreation.

**63.** The Corporation may provide swings gymnasium apparatus and apparatus for games and recreation for the use of the public frequenting the parks and places of public resort or recreation for the time being belonging to or held by the Corporation and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such swings or apparatus on such terms and conditions as they think proper.

Power to provide apparatus for games.

**64.** The Corporation may from time to time pay or contribute towards the payment of a band of music to perform in any park or place of public resort or recreation for the time being belonging to or held by the Corporation as they may prescribe and the Corporation may enclose an area within which such band shall play and may make byelaws for regulating the time and place for the playing of the band the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band. Provided that the payments or contributions of the Corporation for or towards such band shall be paid out of the general district rate and shall not in any one year exceed

Band of music.

A.D. 1896. an amount which would be produced by a rate of one eighth of a penny in the pound on the assessable value of the borough to the general district rate.

Chairs and seats for public use.

**65.** The Corporation may from time to time place or authorise any person or persons to place seats or chairs in any street park recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make bye-laws for regulating the use of seats and chairs and for preventing injury or damage thereto.

Corporation may erect buildings &c.

**66.** The Corporation may in any public park garden or recreation ground belonging to them or under their control and management maintain erect and maintain furnish and equip refreshment and reading rooms pavilions and other buildings and conveniences which may be required or convenient for the purposes of such park garden or recreation ground and the public resorting thereto and may charge for admission to such reading rooms pavilions or other buildings or conveniences or any of them or in respect of the use thereof or of any part or parts thereof respectively and may remove any such rooms pavilions buildings and conveniences which are no longer required or convenient for the purposes aforesaid :

Provided that the Corporation shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Power to Corporation to let refreshment rooms &c.

**67.** The Corporation may let any refreshment rooms with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Corporation may think fit.

Corporation may let pavilions &c.

**68.** The Corporation may from time to time let any such pavilions or other buildings for the purposes of particular meetings or entertainments.

Application of moneys received from admission to public recreation grounds &c.

**69.** The moneys (if any) received from the admission of any persons to any public park gardens or recreation ground belonging to the Corporation or under their control and management or any reading room assembly room pavilion or building or from the letting of any refreshment rooms or other buildings or from the letting of any apparatus for playing at games shall after providing for the maintenance of such parks gardens and recreation grounds or any of them be carried to the district fund.

70. The Corporation may from time to time appoint officers for securing the observance of this part of this Act and of the byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose.

A.D. 1896.  
Power to Corporation to appoint officers.

PART IX.—STREETS AND BUILDINGS.

71. The deposit with the Corporation of any plan of any street or building may be declared by the Corporation null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):—

Deposit of plan may be declared void after certain interval.

As to plans deposited after the passing of this Act within three years from the date of such deposit;

As to plans deposited before the passing of this Act within three years from the passing of this Act:

And when any such deposit shall have been declared null and void a fresh notice and deposit shall unless the Corporation otherwise determine be requisite.

72. The Corporation may make byelaws with reference to the retention by them of drawings plans elevations sections specifications and written particulars descriptions or details deposited with the Corporation in pursuance of any enactment for the time being in force in the borough or any byelaw thereunder respectively.

Byelaws as to plans deposited with the Corporation.

73. The Corporation may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto. The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Power to vary position or direction of new streets.

74. Where any street is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the said line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

Corporation may define future line of streets.

A.D. 1896.

The Corporation may and if required so to do by the owner purchase the land lying between any such line as aforesaid and the centre of the street and the same when purchased shall vest in the Corporation as part of the street.

Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept. All compensation under this section shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Intersecting streets.

**75.** No new street shall be laid out more than two hundred yards in length unless there shall be at every interval of two hundred yards of such length an intersecting street. Provided that in any case where this regulation cannot be enforced without considerable interference with property the Corporation shall be at liberty to waive or modify the above requirement as they may deem proper.

If such intersecting street is intended only as a back approach to houses and not to have therein the principal entrance to any house or to form the approach to any other street the Corporation shall not be at liberty to require such intersecting street to be more than twenty feet in width.

Power to define streets.

**76.** The Corporation may by order from time to time determine and declare the points or limits at or within which any street is to be taken as beginning and ending.

Continuations of existing streets to be deemed new streets.

**77.** Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street and shall be of the full width at the least of the street of which it shall be a continuation. Provided always that such new street shall in no case be of less width than that specified in the byelaws for the time being in force. Provided also

that this section shall not apply to or in the case of any continuation of any existing street the plan and section of which continuation have been approved of by the Corporation before the passing of this Act. A.D. 1896.

**78.** The owner or owners of any existing or future court yard or passage used in common by two or more occupiers (not being a public highway adopted and kept in repair by the Corporation) or of any part of such court yard or passage shall flag asphalt concrete or pave such court yard or passage or part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphalt concrete or paving and drain in good repair to the satisfaction of the Corporation and if any such owner or owners for one month after notice in writing from the Corporation fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners summarily. Courts &c.  
to be flagged.

**79.** The entrance to any court not being a highway repairable by the inhabitants at large to which good and sufficient access is not otherwise provided shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Corporation in writing. Entrances to  
courts &c.  
not to be  
closed &c.  
without con-  
sent of  
Corporation.

Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**80.** No building shall be erected (without the consent in writing of the Corporation) in any existing court on any land on which a building shall not be standing at the commencement of this Act and when in any existing court any buildings shall be burnt or pulled down to or below half the front thereof such building shall unless the Corporation consent otherwise in writing be entirely pulled down and removed and shall not without such consent be rebuilt. Existing  
courts not to  
be rebuilt.

Except in cases where the owner is prohibited by existing byelaws from erecting a building on any land in a court the Corporation shall make compensation to the owner and occupier of such land for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt or of no building being erected as the case may be and in case of dispute as to the amount of compensation to be made by the Corporation under this section

A.D. 1896. the same shall be settled by arbitration in manner provided by the Public Health Acts.

Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Injury to streets by excavation to be made good.

**81.** If the footway or carriageway of the street is injured by or in consequence of any building work or surface excavation on or under such footway or carriageway or on or under lands adjoining thereto the Corporation may repair or replace the footway or carriageway so injured and may recover summarily as a civil debt or in any court of competent jurisdiction from the owner of the land on or under which the building work has been done or excavation has been made or from the person causing the injury as the Corporation may think fit all damages arising from such injury and all expenses incurred in such repair or replacement.

Crossings for horses or vehicles &c. over footways.

**82.** Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved footway so as to afford access to any premises from a street shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footway and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise.

If any person drives or permits or causes to be driven any horse cattle or vehicle across any kerbed or paved footway before such a communication has been made or on or along any part of any such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby occasioned and such penalty and damages shall be recoverable in like manner as penalties under this Act may be recovered.

Dangerous structures and projections.

**83.—(1.)** Whenever any structure or any part thereof or anything thereon or attached thereto or projecting therefrom is deemed by the surveyor to be in a state or position whereby public danger is or may be occasioned the surveyor shall give notice under his hand to the owner or occupier of such structure or to both of them requiring such owner or occupier forthwith to take down remove repair or secure the same to the satisfaction of the surveyor.

(2.) In case the work required by the notice is not begun within forty-eight hours after the service thereof or is not completed to the satisfaction of the surveyor as soon as the nature of the case admits the surveyor may give information thereof to any justice who may thereupon issue his summons requiring such owner or occupier or both of them to appear before a court of summary jurisdiction.

(3.) In case it appears to the court that immediate public danger from such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid is to be apprehended the court may make an order authorising such surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be forthwith taken down removed repaired or secured.

(4.) In case it appears to the court that public danger is to be apprehended but that such danger is not immediate the court may make an order on such owner or occupier or both of them requiring him or them to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be taken down removed repaired or secured to the satisfaction of the surveyor within a period to be prescribed in such order :

In case such order is not obeyed within the period prescribed therein any person on whom such order has been made shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5.) The court may at any time after the end of the period prescribed in such order make an order authorising the surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be taken down removed repaired or secured as required by such order and the person or persons on whom such order has been made shall in addition to such penalty pay all the costs charges and expenses of and incidental to the execution of the order.

(6.) If the owner or occupier of any structure which the surveyor has deemed to be dangerous to the public cannot be found or does not appear after service of notice and summons as herein-before provided the court having cognizance of the matter may make an order authorising the surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be forthwith taken down removed repaired or secured and the costs charges and expenses thereof shall be paid by such owner or occupier as aforesaid.

**84.** Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall extend and apply to any crane hoist windlass lamp lamp-post lamp-iron sign

Prevention and removal of projections over streets.

A.D. 1896.

sign-board sign-post sign-iron show-board advertisement barber's pole flag pole or other pole pipe flag or banner or any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Public drinking fountains.

**85.** The Corporation may from time to time when and as they think it expedient put up and continue and from time to time remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Corporation may think fit but not against or in the immediate proximity of any private dwelling-house warehouse counting-house shop or other building or the fence or wall of any garden or pleasure ground except with the consent of the owner and occupier thereof and every person who shall wilfully use any water so gratuitously supplied elsewhere or otherwise than as herein-before mentioned or foul such water shall for every such offence be liable to a penalty not exceeding forty shillings which penalty may be recovered summarily by the Corporation or by the water company.

No buildings allowed till street defined.

**86.** No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

What to be deemed new buildings.

**87.** From and after the commencement of this Act—

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down or burnt down as to leave only the framework of the ground floor storey thereof;

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;

The re-conversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house;



The conversion of a dwelling-house into any other building not intended for human habitation ; A.D. 1896.

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only ; and

The roofing or covering over of an open space between walls or buildings ;

shall for all the purposes of this Act and the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a new building and the word "building" shall for all such purposes include an erection or building of a permanent character of whatever material constructed.

88. For the purposes of this part of this Act buildings shall be deemed to be in a street when they abut upon a street or when they have an access covered or uncovered to a street. Buildings abutting on streets.

89. No new building shall without the approval of the Corporation be erected on the side of any street not existing at the passing of this Act which shall exceed in height two thirds of the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street now existing or hereafter to be made be at any time subsequently increased without such approval as aforesaid so as to exceed such two thirds of the distance aforesaid In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite to the centre of the front of the building up to the top of the eaves of the roof or in the case of a flat roof to the top of the parapet facing the street. Height of buildings.

90. The owner of any oven used by any baker for the first time after the passing of this Act and of any furnace used by any tradesman or artificer for the first time after the passing of this Act shall construct a wall of not less than nine inches in thickness between the fire of the oven or furnace and the wall of the building in which such oven or furnace shall be and such wall shall be constructed above below and around the oven or furnace to the satisfaction of the Corporation. Ovens and furnaces to have protecting walls.

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

91. No building which was not at any time before the passing of this Act occupied as a dwelling-house shall be so occupied until the drainage thereof shall have been made and completed and a proper water supply shall have been laid on thereto nor until a Certificate that houses fulfil certain requirements.

A.D. 1896.

certificate shall have been granted by the surveyor to the owner that such house is in every respect in accordance with the byelaws and requirements for the time being in force. Provided that if the surveyor shall fail to give such certificate within seven days after a written application for it shall have been made to him by the owner of such building and shall not in the meantime have specified to the owner which of the aforesaid byelaws and requirements have not been complied with with respect to such building then such building shall be thenceforth deemed in every respect in accordance with the aforesaid byelaws and requirements and may be occupied as a dwelling-house and if any building shall be occupied contrary to the provisions of this section the owner of such building (if he shall occupy or shall allow to be occupied) and every person who shall wilfully and knowingly occupy such building as a dwelling-house shall be deemed to have committed an offence against the provisions of this section and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on occupiers refusing execution of Act.

**92.**—(1.) In case the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Act or under any byelaw made under the powers of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue 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.

(2.) If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully misstate the same he shall (unless he shall show a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

Exemption of Government property from building regulations.

**93.** There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or public.

services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service. A.D. 1896 .

**94.** Nothing in this part of this Act or in any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway. Exemption of buildings of railway companies.

PART X.—INFECTIOUS DISEASES AND SANITARY.

**95.** Any person taking or sending to any public wash-house or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from any infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Corporation or to the satisfaction of the medical officer of health and in default shall be liable to a penalty not exceeding forty shillings and the Corporation shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things. Disinfection of infected clothes &c.

**96.** Every person who shall knowingly place in or cause to enter into any public vehicle a person suffering from any infectious disease without previously notifying to the owner conductor or driver thereof that such person is so suffering shall be liable to the penalty imposed by section 126 of the Public Health Act 1875 for exposure of infected persons and things. Prohibition on placing infected persons in public vehicle.

**97.** It shall not be lawful for any owner or driver of a public vehicle used for the carrying of passengers at separate fares knowingly to convey or for any other person knowingly to place in any such public vehicle a person suffering from any infectious disease or for a person suffering from any such disease to enter any such vehicle and every person offending against this enactment shall for every such offence be liable to a fine not exceeding forty shillings. Prohibiting conveyance of infected persons in public vehicle.

**98.** If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer of health and shall cause such vehicle to be disinfected and if he fails so to do he shall be liable to a fine not exceeding five pounds and the owner or driver of such vehicle shall be entitled to recover in a summary manner from the person so conveyed by him or from the person causing that person to be so conveyed a sum sufficient to Driver &c. conveying infected person to give notice to medical officer of health &c.

'A.D. 1896. cover any loss and expense incurred by him in connexion with such disinfection. It shall be the duty of the Corporation when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering.

Dairymen to furnish lists of customers in certain cases.

**99.** Whenever it shall be certified to the Corporation by the medical officer of health that the outbreak or spread of infectious disease is in the opinion of such medical officer of health attributable to the milk supplied by any dairyman the Corporation may require such dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such dairyman shall furnish such list accordingly and the Corporation shall pay to him for such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

**100.** Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Medical officer may require dairymen to furnish lists of sources of their supply of milk.

**101.** If the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which he derives his supply of milk or from which he has derived his supply during the last six weeks and every such person failing to comply with

such request shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. A.D. 1896.

**102.** All dairymen supplying milk within the borough from premises whether within or beyond the borough shall notify to the Corporation all cases of infectious disease among persons engaged in or in connexion with their dairies and in default shall be liable to a penalty not exceeding forty shillings. Dairymen to notify infectious disease existing among their servants &c.

**103.** A person who knows himself to be suffering from any infectious disease shall not milk any animal or pick fruit and shall not engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings. Infected person not to carry on business &c.

**104.—(1.)** Where an inmate of any house shop workshop room or place is suffering from any infectious disease or where there is danger of infection in any house shop workshop room or place caused by any person so suffering who has ceased to be an inmate thereof the Corporation may issue an order that forthwith and until such order shall have been determined by another certifying such house shop workshop room or place free from infection the following regulations shall in respect of such house shop workshop room or place be observed:— Business not to be carried on in infected premises.

(a.) No person shall in any such house shop workshop room or place exercise any indoor occupation which necessitates the handling of any food clothing or article likely to communicate any infectious disease or to retain infection and intended for sale or for the use of persons belonging to another family :

(b.) No article of food intended for sale or for the use of persons belonging to another family shall be removed from such house shop workshop room or place and no bedding clothing or other articles liable to communicate any infectious disease or to retain infection shall be removed from such house shop workshop room or place without previous disinfection or without proper precautions (to the satisfaction of the medical officer of health) for the purpose of being disinfected or destroyed.

(2.) The Corporation shall make compensation to any person who shall have complied with the provisions of this section and who has thereby sustained loss but such compensation shall be in regard only of direct material and pecuniary loss and not in respect of any consequential loss or damage.

(3.) Any person who shall disobey or obstruct the execution of any order made by the Corporation under the foregoing provision

A.D. 1896.

or who shall wilfully offend against any of the foregoing provisions shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Section 124 of Public Health Act to apply to persons who cannot be isolated.

**105.** Section 124 of the Public Health Act 1875 shall extend and apply to all cases of persons suffering from any dangerous infectious disease and being in or upon any house or premises where such person cannot be effectually isolated so as to prevent the spread of the disease.

Protection against infected books in public libraries.

**106.** No person shall return to any public library any book which has to his knowledge been exposed to infection from any infectious disease until such book has been disinfected to the satisfaction of the medical officer of health or unless prior to the return of such book notice that it has been exposed to infection shall have been given to the librarian. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Milk of cow affected with tuberculosis &c. not to be sold.

**107.** Every dairyman who shall sell the milk of any cow to his knowledge affected with tuberculosis or milk (or parturient) fever shall be liable to a penalty not exceeding forty shillings.

Dairyman &c. to notify cases of tuberculosis.

**108.** Every dairyman occupying any dairy in or supplying milk in the borough shall notify to the Corporation all cases of tuberculosis or milk fever to his knowledge occurring in his dairy and in default shall be liable to a penalty not exceeding forty shillings.

Compensation to dairymen.

**109.** If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease the Corporation shall make compensation to him for any loss occasioned by such stoppage.

Compensation to nurses &c.

**110.** If any midwife or nurse shall at the request of the Corporation stop her employment as such for the purpose of preventing the spread of infectious disease the Corporation shall make compensation to her for any loss she may sustain by reason of such stoppage.

Principals of schools to furnish lists of pupils in certain cases.

**111.** Whenever any scholar who attends any school within the borough shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith send notice thereof to the medical officer of health and shall furnish to the Corporation at their request a list of the pupils attending thereat together with their addresses and in default thereof shall be liable to a penalty not

exceeding forty shillings The Corporation shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and after the rate of sixpence for every twenty-five pupils named therein. A.D. 1896.  
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**112.** It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough and any person offending against this enactment or exposing or depositing for sale within the borough a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings. Prohibition  
of blowing  
or stuffing  
carcases.

**113.** Any person who sends or deposits or permits to be sent or deposited for the purpose of sale or of preparation for sale any food intended for the use of man which is to his knowledge diseased or unfit for the food of man shall be liable to a penalty not exceeding twenty pounds. Penalty for  
sending  
diseased  
food.

**114.** Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 and found in the possession of any person was purchased by him from another person for the food of man and when so purchased was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be liable to the same fine as that imposed for an offence under the said section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said article he did not know and had no reason to believe that it was in such condition. Penalty on  
original  
vendor of  
unsound  
food.

**115.** Whenever the medical officer of health or surveyor has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke test to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings If the drains be found defective the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation. to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be Owners &c.  
to permit  
application  
of smoke  
test to  
drains.

A.D. 1896. — named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

Extending section 73 of Public Health Act 1875 to cellars not let or occupied for hire or rent.

**116.** The provisions of section 73 of the Public Health Act 1875 shall extend and apply to every person occupying or suffering to be occupied any cellar dwelling which does not conform with the requirements of section 72 of that Act although such cellar is not let or occupied or suffered to be occupied for hire or rent.

Byelaws as to level of ground floor of new buildings.

**117.** The Corporation may from time to time make byelaws for regulating the level at which the ground floor of any new building intended for human habitation is to be with reference to the adjoining ground.

Corporation may require old drains to be laid open for examination before communicating with sewers.

**118.** Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Corporation shall be made to communicate with any sewer of the Corporation the Corporation may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall have certified that such drain may be properly made to communicate with such sewer and the surveyor shall cause the ground to be closed and any damage done to be made good as soon as can be and the expense of the works shall be defrayed by the Corporation.

Reconstruction of drains to require approval of surveyor.

**119.** If any person intends to re-construct or alter the course of any drain communicating with any sewer of the Corporation he shall give notice of his intention to the surveyor and shall supply to him such plan and short description of the intended drain or work as the surveyor may require.

It shall not be lawful for any person to re-construct or alter the course of any drain as aforesaid except in accordance with the provisions of the byelaws relating to the drainage of new buildings.

Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Charge for emptying privies &c.

**120.** The Corporation may in addition to any other remedy make a reasonable charge on the occupier of the building to which a privy tub pail ash-pit closet or cesspool belongs or is appurtenant for the emptying or removal of any refuse rubbish or material other than house refuse.

Provision as to filling

**121.** If it shall appear to the Corporation by the report of the medical officer of health surveyor or inspector of nuisances that any



cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ash-pit or any well disused well or underground cistern belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ash-pit well or cistern to be filled up or removed and any drain communicating with such cesspool or receptacle to be effectually disconnected destroyed and taken away.

A.D. 1896.  
up cess-  
pools &c.

Where it appears that any such cesspool receptacle ash-pit well or cistern is used in common by the occupiers of two or more houses or parts of houses the notice for the filling up or removal of any such cesspool receptacle ash-pit well or cistern shall be served on the owners and on one or more of the occupiers of such houses and it shall not be necessary to serve such notice on all such occupiers.

If default is made in complying with the requisitions of a notice under this section the Corporation may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner or as private improvement expenses are recoverable under the Public Health Acts.

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**122.** After the passing of this Act it shall not be lawful for any person without the consent in writing of the Corporation (which consent they may give subject to such terms and conditions as they think fit) to construct any underground cistern for the reception or storage of water to be used for domestic purposes and any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any consent under this section shall be liable to a penalty not exceeding five pounds Provided that the water company shall not be bound to supply water to any such underground cistern.

Prohibition  
of under-  
ground  
cisterns.

**123.** Any cistern used for the supply of water for domestic purposes which is so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health shall be deemed to be a nuisance within the meaning of the Public Health Act 1875.

Extending  
nuisance under  
Public Health  
Act to under-  
ground cistern  
liable to con-  
tamination.

A.D. 1896.

Power to regulate level of ground floor in districts liable to floods.

Urinals to be attached to public-houses &c.

Corporation may provide lavatories.

Slaughtering prohibited except in Corporation slaughter-houses when provided.

Saving for Acts relating to animals &c.

**124.** The Corporation from time to time in any part of the borough liable to be flooded may by byelaw regulate the level of the ground floor of any new building in such part of the borough and any person who shall act in contravention of any such byelaw shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**125.** Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Corporation may order the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain upon or adjoining the premises in a position to be specified in the order a urinal or urinals to the satisfaction of the Corporation And the Corporation may order the owner of any buildings or lands to remove any urinal belonging or attached thereto which appears to them so situated or constructed as to be a nuisance or offensive to public decency and if any person fails to comply with any of the provisions of this section he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding twenty shillings.

**126.** Where the Corporation under the provisions of the Public Health Acts provide and maintain for public accommodation any sanitary conveniences they may if they think fit provide and maintain and make reasonable charges for the use of lavatories for public accommodation in connexion with such sanitary conveniences.

**127.** The Corporation shall within three years from the passing of this Act provide under the powers of the Public Health Acts adequate slaughter-houses and from and after the provision thereof and after the expiration of one month from the date of the publication by the Corporation in two local newspapers circulating in the borough of notice to that effect no person shall except with their consent slaughter in the way of trade any cattle horse sheep or pig within the borough except in such slaughter-houses and if any person acts in any respect in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds Provided always that the Corporation shall make compensation to the owner or occupier of any registered slaughter-house who shall be injuriously affected by the exercise of the prohibition in this section contained.

**128.** Nothing in or done under this Act shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any Act which may amend the same or of any order or licence of the

Board of Agriculture made or granted under any of the enactments repealed by the said Act of 1894 and remaining in force or to be made or granted under that Act or any Act which may amend the same or of any order regulation or licence of a local authority made or granted or to be made or granted under any such order of the Board of Agriculture or exempt any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament. A.D. 1896.

**129.** Public notice of this part of this Act save and except the sections the marginal notes whereof are as follows Penalty for sending diseased food Penalty on original vendor of unsound food Owners &c. to permit application of smoke test to drains Byelaws as to sewers &c. Corporation may require old drains to be laid open for examination before communicating with sewers Reconstruction of drains to require approval of surveyor Charge for emptying privies &c. Provision as to filling up cesspools &c. Power to regulate level of ground floor in districts liable to floods Corporation may provide lavatories Saving for Acts relating to animals &c. shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulated in the borough and by a notice affixed outside the town hall of the borough and as to the provisions thereof affecting dairymen owners and drivers of public vehicles and principals and persons in charge of schools by the distribution amongst such persons respectively of handbills containing an abstract of such provisions so far as they respectively affect such classes of persons respectively A copy of the newspaper containing the advertisement shall be conclusive evidence that public notice of this part of this Act has been duly given unless the contrary be proved and no objection to such notice shall be made after six months from the date of the advertisement. Public notice to be given of provisions of this part of Act.

PART XI.—STREET ADVERTISEMENTS.

**130.** It shall not be lawful to erect fix maintain or retain to upon or in connexion with any building or erection any sky sign whether now existing or not except with the licence in writing of the Corporation and under and subject to such terms and conditions as shall be therein prescribed and no licence shall be granted for a period exceeding two years: Regulations as to sky signs and advertising vehicles.

Provided that in any of the following cases a licence of the Corporation under this section shall become void namely:—

- (1.) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;

A.D. 1896.

- (2.) If any change be made in the sky sign or any part thereof;
- (3.) If the sky sign or any part thereof fall either through accident decay or any other cause;
- (4.) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof;
- (5.) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed:

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation and for the surveyor or in his absence any other duly qualified surveyor to take proceedings for the taking down and removal of the sky sign in the same manner with the same consequence as to recovery of expenses and otherwise in all respects as if it were a dangerous building within the meaning of section 75 of the Towns Improvement Clauses Act 1847.

It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit.

Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Provision  
as to hoards  
and other  
structures  
used for  
advertising  
purposes.

**131.**—(1.) Every hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Corporation.

(2.) It shall not be lawful after the passing of this Act to erect any hoard or similar structure to be used either wholly or partly for advertising purposes in or abutting on or adjoining any street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoard as the Corporation may determine.

(3.) The owner or other person using any hoard wall or other structure for advertising purposes whether erected before or after

the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Corporation and in the event of any nuisance being created in any street by reason of the falling off of any papers affixed for advertising purposes to such hoard wall or other structure shall forthwith remove and clear away such papers.

(4.) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5.) Any consent or condition made under this section may be under the hand of the town clerk or the surveyor.

PART XII.—POLICE AND MISCELLANEOUS BYELAWS.

**132.** 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 shall sound or play upon any musical instrument or sing 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.

Street musicians to depart when required to do so.

**133.** Any three or more persons assembled in any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Prohibition of persons assembling in streets for purpose of betting.

**134.** If two or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

Penalty on persons obstructing footway.

**135.** Any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Acts be deemed to be a public place.

As to unfenced grounds.

**136.** If any person exhibits any indecent show or exhibition in any street or in any place to which admission is obtained by payment of money or without payment of money he shall for every such offence be liable to a penalty not exceeding ten pounds.

Indecent shows &c.

A.D. 1896.

Lost  
property  
deposited  
may be sold  
if owner not  
found in  
twelve  
months.

**137.** All property left accidentally or found in any street market or public place or in any public vehicle pleasure boat or bathing machine and deposited at any police station or in any way placed in the custody of the Corporation or any of their officers shall if not claimed by and proved to belong to some person within twelve months from the date of the deposit be sold by the Corporation and the proceeds shall be carried to the credit of the borough fund Provided that the Corporation may award thereout to the person who deposited the property such reasonable sum as they think fit And the Corporation may make byelaws for securing the safe custody and re-delivery of such property and the reward to be paid to the finder.

For  
regulating  
the driving  
of cattle in  
the streets.

**138.** The Corporation may direct and prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the borough Provided that the streets which it shall be lawful for the Corporation so to prescribe shall not be such as to prevent the passage of cattle between any market and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such markets and railway station or other place as aforesaid and the Corporation shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals Provided also that any such directions shall only operate between the hours of eight in the morning and nine in the evening and shall not prevent the owner of any animals driving the same to his own premises and nothing in this enactment contained shall authorise the Corporation to interfere with the driving of any animals to any slaughter-house so long as the slaughtering therein of animals is lawful.

Any person who acts in contravention of any regulation direction or order of the Corporation to be made under this section shall be liable to a penalty of five pounds.

#### PART XIII.—HACKNEY CARRIAGES.

Powers of  
inspector of  
hackney  
carriages.

**139.** The inspector of hackney carriages or any person appointed by the Corporation in writing may from time to time examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed If any proprietor driver or conductor or other person shall obstruct or hinder such inspector or other person so appointed as aforesaid in the execution of his duties such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

**140.** The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation with respect to public vehicles shall be as fully applicable in all respects to public vehicles within the borough conveying passengers to or from any railway station within the borough as if such railway station were a public stand for public vehicles.

A.D. 1896.  
As to public vehicles taken at railway stations.

**141.** An occasional licence for a public vehicle may be granted by the Corporation to be in force for such day or days or other period less than one year as may be specified in the licence.

Provisions as to licences.

**142.** Every person who fraudulently or with intent to deceive does any of the following things (namely) :—

Penalty for fraudulent use of numbers and badges.

(1.) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any hackney carriage ;

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

(3.) Alters or erases whilst any licence granted by the Corporation in respect of any vehicle is in force any number painted thereon or affixed thereto by direction of the Corporation or any officer of the Corporation authorised in that behalf ;

(4.) Affixes or carries on his person any badge figure or number assigned by the Corporation or by any duly authorised officer of the Corporation to any other person ;

shall be liable to a penalty not exceeding forty shillings.

**143.** The Corporation may from time to time make byelaws for fixing the stand on which public vehicles of different classes and descriptions shall alone stand and for prohibiting a public vehicle of one class or description from using a stand appointed for public vehicles of another class or description.

Byelaws for fixing stands for public vehicles.

**144.** Nothing in the sections of this Act whereof the marginal notes are “As to public vehicles taken at railway stations” and “Byelaws for fixing stands for public vehicles” shall extend to or empower the Corporation in any way to interfere with any vehicle belonging to or hired or used by any railway company for conveying passengers and their luggage to or from any railway station or to or with the drivers or conductors thereof unless such vehicle plies for hire in like manner as an ordinary public vehicle or empower the Corporation to fix the site of the stand or starting place of any vehicle in any railway station or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

Exemption for carriages of railway companies.

A.D. 1896.

PART XIV.—FIRES &C.

Officer of fire brigade to have control of operations at fires.

**145.**—(1.) The chief constable or in his absence the inspector of the fire brigade of the Corporation or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the borough shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Corporation or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

(2.) The chief constable or in his absence such inspector or other officer in charge shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing any fire or for the safety or protection of life or property.

Power to police constable &c. to enter and break open premises in case of fire.

**146.** Any police constable acting under the orders of any of his superior officers and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the 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.

Firemen's cottages.

**147.** The Corporation may subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time erect on any land belonging to them and not specifically appropriated to other purposes such cottages as they think fit for the habitation of their firemen and may let the said cottages or any of them to such firemen on such terms and conditions at such rent or free from rent as the Corporation think fit.

PART XV.—COMMON LODGING-HOUSES.

Regulations as to common lodging-house keepers.

**148.** The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered



at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

A.D. 1896.

**149.** Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the Corporation be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all waterclosets and urinals shall be provided with a proper water supply laid on for flushing purposes. Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Corporation requiring him to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. The expression "sanitary conveniences" in this section includes urinals waterclosets earth-closets privies ashpits and any similar convenience.

Sanitary conveniences to be provided for inmates of common lodging-houses.

**150.** Every person who without being registered as required by section 77 of the Public Health Act 1875 shall keep a common lodging-house within the borough shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalties on unregistered common lodging-house keepers.

**151.** The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

Power to refuse registration of common lodging-house keepers.

**152.** Notwithstanding anything contained in section 88 of the Public Health Act 1875 where a common lodging-house keeper has been convicted of any offence against the provisions of the Public Health Acts or of this Act or of any byelaw made under the authority of any of the said Acts in respect of common lodging-houses the court before whom the conviction takes place may cancel the registration of such common lodging-house keeper.

Cancellation of registration of common lodging-house keepers.

**153.** Notice of the provisions of this part of this Act shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house.

Notice to common lodging-house keepers.

PART XVI.—LICENSING.

A.D. 1896.

Corporation  
may license  
porters &c.

**154.**—(1.) The Corporation may from time to time grant to any person whom they think fit a license to carry on the calling of luggage porter light porter public messenger or commissionaire and may demand and take for every such license any sum not exceeding one shilling for twelve months and in the like proportion for any shorter period not being less than three months.

(2.) Any such license may be granted on such terms and conditions as and be made liable to revocation or suspension in such cases and events as the Corporation may prescribe provided that notice of such terms and conditions and of such liability be attached thereto.

(3.) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the callings specified in this section he shall be liable to a penalty not exceeding twenty shillings.

Marine  
store  
dealers to  
be licensed.

**155.** No person shall carry on the business of a dealer in marine stores without a license from the Corporation authorising such person to carry on such business which license the Corporation shall have power of granting or refusing Provided that the applicant may appeal to a court of quarter sessions from a refusal of the Corporation to grant such license.

Names of  
marine  
store  
dealers to  
be painted  
on premises.

**156.** Every person licensed under this Act to carry on the business of a dealer in marine stores shall cause to be painted in capital letters not less than four inches in height and of a proportionate and proper breadth on the outside of the front of the house in which such business is in his license stated to be carried on and so that the same shall be at all times plainly legible the christian name and surname of such licensed person at full length together with the words "Licensed dealer in marine stores" and such person shall continue such name and words painted as aforesaid so long as he continues to carry on the said business upon the same premises.

Form of  
application  
for marine  
store  
dealer's  
license.

**157.** An application for any marine store dealer's license shall be in such form as the Corporation shall from time to time require and shall be signed by the applicant and shall specify the christian name and surname and place of abode of the applicant and the place where such business is proposed to be carried on.

Duration of  
marine  
store  
dealer's  
license.

**158.** Every marine store dealer's license shall be in force for one year only from the day of the date of such license or until the next general licensing day in case any such general licensing day be appointed by the Corporation as they are hereby authorised to do.

**159.** There shall be specified in every marine store dealer's license the true christian name and surname and place of abode of the applicant also the name of the street and the number of the house in which such business is or is intended to be carried on and the particular rooms or other parts of such house used or intended to be used for the purposes of such business.

A.D. 1896.  
Contents  
of marine  
store  
dealer's  
license.

**160.** For every marine store dealer's license and for every renewal thereof there shall be paid to the Corporation such sum not exceeding five shillings as the Corporation shall direct and the town clerk shall enter such licenses in a register to be provided and kept by the Corporation for that purpose.

Fee and  
registration  
of marine  
store  
dealer's  
license.

**161.** Whenever a person licensed under this Act to carry on the business of a dealer in marine stores changes his place of abode or the place of carrying on his said business or carries on the same in any other part of the house than that mentioned in his license as used for the purposes thereof he shall within twenty-four hours next after such change give notice thereof in writing signed by him to the town clerk specifying in such notice his new place of abode or his new house of business or the additional or other part of the house used for the purposes of the said business as the case may be and shall within three days after such change produce his license at the office of the town clerk who shall endorse thereon a memorandum specifying the particulars of such change.

Notice by  
marine store  
dealer of  
change of  
abode and  
of place of  
business.

**162.** Any person who commits any of the following offences (that is to say) :—

Penalty for  
carrying on  
business of  
marine store  
dealer  
without  
license and  
other  
offences.

(1.) Carries on the business of a dealer in marine stores without having obtained a license for such purpose ; or

(2.) Makes in any application for a license to carry on such business any statement knowing the same to be false ; or

(3.) Having obtained a license to carry on such business omits to cause his christian name and surname together with the words " Licensed dealer in marine stores " to be painted and continued as required by this Act ; or

(4.) Neglects or omits to give any notice by this Act required to be given to the town clerk by persons licensed to carry on such business or to produce his license to carry on such business as directed by this Act ;

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

**163.** Any license granted to a dealer in marine stores may be suspended or revoked by any court before whom the licensee is convicted of any offence which in the opinion of the court renders it expedient that such license should be suspended or revoked.

Marine  
store  
dealer's  
license may  
be sus-  
pended or  
revoked.

A.D. 1896.

[Ch. 1.] *South Shields Corporation Act, 1896.* [59 & 60 Vict.]

Commence-  
ment of pro-  
visions as to  
licensing  
marine store  
dealers.

Saving for  
ship  
chandlers  
and rope  
makers.

**164.** The provisions of this Act relating to the licensing of dealers in marine stores shall not come into force until the first day of January one thousand eight hundred and ninety-six.

**165.** Nothing in the provisions of this Act relating to the licensing of dealers in marine stores shall affect persons carrying on the business of a general ship chandler or that business and the business of a rope maker and who only occasionally deal in second-hand marine stores.

PART XVII.—FINANCIAL PROVISIONS.

Power to  
borrow.

**166.** The Corporation may from time to time independently of any other borrowing power borrow at interest the sums of money following (that is to say):—

On the security of the borough fund and borough rate—

- (A.) For paying the costs charges and expenses of this Act as defined by the section of this Act whereof the marginal note is “Costs of Act” one half of the sum requisite for that purpose;
- (B.) For tramways purposes twenty-four thousand and fifty-four pounds;
- (C.) For providing sea water baths including the purchase of the land in Pier Parade in this Act mentioned such sum as may be requisite for that purpose and as the Local Government Board may sanction:

On the security of the district fund and general district rate—

- (A.) For paying the costs charges and expenses of this Act as defined by the section of this Act whereof the marginal note is “Costs of Act” one half of the sum requisite for that purpose;
- (B.) For street works purposes including the purchase of lands therefor one hundred and thirty-two thousand pounds;
- (C.) For new quay purposes including the purchase of lands therefor two thousand five hundred pounds;
- (D.) For the extension or widening of the Mill Dam Quay including the purchase of lands therefor seven thousand pounds;
- (E.) For acquiring quays for fish and other quay purposes and purchasing lands for providing quays for fish and other quay purposes and for providing such quays such sum or sums as the Local Government Board may sanction;
- (F.) For providing a supply of sea water for the purposes of watering streets and flushing sewers such sums as the Local Government Board may sanction;
- (G.) For the purchase of lands for the purposes of the staith erected by the Corporation in Shadwell Street and Mile End Road

and of the collection and dealing with refuse such sum as may be requisite for that purpose and as the Local Government Board may sanction ;

(H.) For the erection under this Act of cottages for the habitation of their firemen such sum as may be requisite for that purpose and as the Local Government Board may sanction ;

(I.) For the purpose of the cemetery authorised by the Act of 1853 to be made and established such sum as the Local Government Board may sanction :

On the security of the revenue of the market buildings and markets and fairs in the borough and of the district fund and general district rate—

For town purposes as defined by the Act of 1861 such sum as the Local Government Board may sanction :

And in calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts :

Provided that any moneys to be borrowed under this section for the purpose of a cemetery shall for the purposes of section 49 of the Act of 1853 be deemed to be borrowed under that Act and provided that any moneys to be borrowed under this section for town purposes as defined by the Act of 1861 shall for the purpose of section 44 of the Act of 1861 be deemed to be borrowed under that Act.

**167.** Sections 66 and 67 of the Act of 1853 and section 32 of the Act of 1861 are hereby repealed.

Repeal of ss. 66 67 of Act of 1853 and s. 32 of Act of 1861.

**168.** The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act (that is to say) :—

Provisions of Public Health Act as to mortgages to apply.

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ;

Section 238 (Transfer of mortgages) ;

Section 239 (Receiver may be appointed in certain cases).

**169.** The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as “ the prescribed periods ”) following (that is to say) :—

Payment off of money borrowed.

As to moneys borrowed for paying the costs charges and expenses of this Act within five years from the date or dates of the borrowing of the same ;

A.D. 1896.

As to moneys borrowed for street works purposes within forty-five years from the date or dates of the borrowing of the same ;

As to moneys borrowed for tramways purposes within thirty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the new quay purposes or for the extension or widening of the Mill Dam Quay purposes within fifty years from the date or dates of the borrowing of the same ;

As to moneys borrowed under this Act with the sanction of the Local Government Board within such period as they may think fit to sanction.

Mode of  
payment off  
of money  
borrowed.

**170.**—(1.) The repayment of the moneys borrowed under and for the purposes of this Act and of the Acts of 1853 and 1861 shall be made within the prescribed periods either by equal annual instalments of principal or of principal and interest or by paying annually throughout the prescribed periods into the sinking fund to be created invested and applied as herein-after provided such several equal sums as will with accumulations by way of compound interest at a rate not exceeding three per centum per annum throughout the respective periods be sufficient to pay off those moneys respectively within those periods.

(2.) Provided that in case at any time the principal sums to be repaid are reduced by the application to such repayment of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys the payments to the sinking funds may be reduced to such extent and upon such terms as may be from time to time approved by the Local Government Board.

(3.) The Corporation may at any time apply the whole or any part of any loans fund or sinking fund in or towards the purchase and extinction of the securities for the repayment of which the fund is established Provided that they pay into the fund each year and accumulate at compound interest until the expiration of the full period allowed for repayment of the sum so paid off a sum equivalent to the interest which would have been produced by the loans fund or the sinking fund or the part of the loans fund or the sinking fund so applied at the rate per centum per annum on which the equal annual payments to the loans fund or the sinking fund are based.

(4.) If the Corporation at any time apply the whole or any part of any loans fund or sinking fund in or towards the purchase and extinction of securities at a premium any payments to such loans fund or sinking fund shall if required by the Local Government

Board be increased to such extent and upon such terms as may from time to time be approved by that Board. A.D. 1896.

(5.) The Corporation shall pending the application of any sinking fund in repayment of debt invest the same and the dividends interest and annual income thereof in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(6.) Provided always that if in any year the rate of income produced by the investments of any sinking fund falls short of the rate of accumulation on which the payments to the fund are based the Corporation shall forthwith make good such deficiency out of the rates or revenues liable to make the equal annual payments to the fund.

(7.) Provided also that in case in any year the rate of income received from the investments of any sinking fund is in excess of the rate of accumulation on which the payments to the fund are based any such excess may be applied by the Corporation in reduction of the other payments to the fund.

(8.) The first instalment or the first payment as the case may be to any sinking fund in respect of the moneys borrowed under the section of this Act whereof the marginal note is "Power to borrow" shall be paid or made within twelve months after the respective dates of borrowing.

**171.** It shall be lawful for the Corporation to invest any sinking fund provided or established by them under this Act or the former recited Acts in any statutory securities. Power to invest sinking fund in statutory securities.

**172.** If the Corporation pay off any moneys borrowed by them under this Act or under any Act mentioned in the First Schedule to this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid as regards moneys borrowed under this Act within the prescribed periods and as regards moneys borrowed under any Act mentioned in the said First Schedule within the period prescribed by that Act for the repayment of the moneys so borrowed and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing. Power to re-borrow.

**173.** A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any Protection of lender from inquiry.

A.D. 1896. of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Applica-  
tion of  
money  
borrowed.

**174.** Moneys borrowed by the Corporation under this Act shall be applied only for purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Annual  
return to  
Local  
Govern-  
ment Board  
with  
respect to  
sinking  
fund.

**175.** The town clerk shall within twenty-one days after the thirty-first day of March in any year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act or the Acts of 1853 and 1861 transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Corpora-  
tion not to  
regard  
trusts.

**176.** The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan



stands in the register book of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trust to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss mis-application or non-application of any of such money.

A.D. 1896.

**177.** Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee 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 revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Saving for existing charges.

**178.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of them as are to be paid out of borrowed moneys or with respect to which no other provision is made) shall be paid as follows (that is to say):—

Expenses of execution of Act.

- (1.) Out of the borough fund and borough rate—
  - (a.) Expenses incurred for municipal purposes;
  - (b.) Expenses incurred for tramways purposes;
- (2.) Out of the district fund and general district rate—
  - (a.) Expenses incurred for sanitary purposes;
  - (b.) Expenses incurred for street purposes;
  - (c.) Expenses incurred for quay purposes;
  - (d.) Expenses incurred for purposes of the part of this Act relating to parks and recreation grounds:

Out of the borough fund and borough rate or district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure think just expenses incurred for purposes not in this section expressly mentioned.

**179.**—(1.) The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in

Power to borrow under Local Loans Act 1875.

A.D. 1896. — manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time by this Act prescribed in that behalf.

(2.) All moneys paid into any sinking fund formed for the purpose of such discharge shall be invested or applied by the Corporation in the manner in which sinking funds are by this Act authorised to be invested or applied.

Extending  
time for  
paying off  
Mill Dam  
Quay loan  
under Act  
of 1861.

**180.** Whereas the Corporation borrowed (including moneys mentioned in the section of this Act whereof the marginal note is "Amendment of section 11 of the Act of 1861 and sanction of certain buildings erected") the whole of the sum of twenty thousand pounds which by section 30 of the Act of 1861 they were authorised to borrow for Mill Dam Quay purposes but the rates rents tolls and moneys leviabie by them in respect of such quay have not been sufficient to provide pursuant to sub-section (2) of section 37 of the said Act the sums required by section 36 of the same Act to be set apart and appropriated as a sinking fund for paying off the said borrowed moneys and there is a sum of eleven thousand and twenty pounds still owing by the Corporation in respect of such borrowed moneys And whereas the Corporation had on the thirty-first day of March last accumulated surplus revenue derived from stallages rents and tolls in section 44 of the Act of 1861 mentioned to the amount of four thousand one hundred and thirty-two pounds thirteen shillings and ninepence And whereas it is expedient that provision be made as in this section appears with respect to the paying off or making provision for paying off the sum still owing as aforesaid Be it therefore enacted as follows (that is to say) :—

(a.) The Corporation shall on the thirtieth day of September one thousand eight hundred and ninety-six pay and transfer the said sum of four thousand one hundred and thirty-two pounds thirteen shillings and ninepence aforesaid or the investments representing such sum to the credit of the said sinking fund and the same shall be held and dealt with by the Corporation as a portion of such sinking fund ;

(b.) Section 36 of the Act of 1861 shall be read and construed as if the following proviso had been added thereto (that is to say) " Provided also that if any sums so borrowed shall not have been paid off on or before the thirtieth day of September one thousand eight hundred and ninety-six then from and

“ after that date the sum to be set apart and appropriated  
 “ to the sinking fund as aforesaid shall in every year be not  
 “ less than one twenty-fifth part of the aggregate amount  
 “ of the sums which were not paid off on or before that date.”

A.D. 1896.

**181.** The Corporation may establish in manner herein-after provided a fund for the encouragement of thrift and with a view of providing a sum of money which in the event of retirement discharge or death of any person in the service of the Corporation who has contributed to the fund shall be available for himself or his representatives such fund to be called “ the thrift fund.”

Thrift fund.

The Corporation may prepare and approve by resolution a scheme or schemes for the establishment of the thrift fund and may determine in and by any such scheme the following matters and things or any of them (that is to say) :—

- (A.) What classes of persons shall be entitled to contribute to and participate in the benefit of the thrift fund and to what extent such contribution shall be payable by persons entering or who shall have entered the service of the Corporation after the passing of this Act and also upon what terms and conditions persons in the service of the Corporation at the passing of this Act shall on their own application be admitted to the benefit of the thrift fund ;
- (B.) The division of the persons contributing to and to be benefited by the thrift fund into two or more classes according to the amount of salary or according to such other conditions as the Corporation shall determine power being reserved by the scheme to remove any contributor from the one class to the other provided that no such removal shall place the contributor or his representative in a worse position than he would have occupied if the removal had not been made ;
- (C.) What (if anything) shall disqualify any person in the employ of the Corporation from becoming a contributor to the thrift fund and participating in the benefits thereof ;
- (D.) Under what circumstances any person having been a contributor to the thrift fund shall cease to continue a contributor and to be entitled to participate in the benefits thereof ;
- (E.) What proportion (if any) of his own contributions to the thrift fund and of the interest which shall have accrued thereon under the scheme any person having been but ceasing to be a contributor thereto shall be entitled to receive ;
- (F.) What proportion (if any) of the additions made by the Corporation to the thrift fund in respect of the contributions of any member shall be payable to the representatives of such

A.D. 1896.

- member in the event of his dying before he becomes entitled to any benefit under the scheme on resignation or retirement;
- (g.) The per-centage or proportion not exceeding without the consent of the Secretary of State two pounds ten shillings per centum of their salaries or wages which shall be payable to the thrift fund by the contributors;
- (h.) The age at which or other circumstances in which a person shall become entitled to benefit under any scheme so that no person not incapacitated by illness shall be entitled to benefit (except by way of return of his own contributions with interest under the next succeeding section of this Act) at a less age than sixty;
- (i.) The payment to a person entitled to benefit under any scheme either by way of a gross sum or by way of an annuity instead of such gross sum calculated at such rate of interest as may be defined by the scheme;
- (j.) The rate not exceeding three pounds ten shillings per centum at which interest whether simple or compound shall be calculated in respect of the moneys contributed to the thrift fund by the contributors and by the Corporation respectively;
- (k.) The future management and direction of the thrift fund and the number of and mode of appointment of the committee for administering and managing the same and the powers to be conferred upon the committee with respect to such administration and management and whether any and if so what persons other than members of the Corporation should form part of or be associated with the said committee for the purposes of the administration and management of the thrift fund or form a separate consultative committee to be elected by the contributors of the thrift fund and to define the functions and mode of election of such consultative committee;
- (l.) The securities upon which the moneys received on account of the thrift fund shall from time to time be invested Provided that such investment shall not be made in any mortgage bond debenture debenture stock corporation stock annuity rent-charge rent or other security of the Corporation or in securities transferable by delivery;
- (m.) And generally all such other matters and things in relation to the thrift fund as the Corporation shall deem fit and proper to form part of and to be included in such scheme.

Forfeiture  
of rights  
under  
scheme in  
certain  
cases.

**182.** Any scheme under this part of this Act shall contain the following provisions:—

- (1.) Any contributing member retiring bonâ fide from the service of the Corporation of his own accord before attaining the age

prescribed by the scheme (and not to escape dismissal for fraud dishonesty or misconduct involving pecuniary loss to the Corporation) shall be entitled to receive back the whole amount of his own contributions with such interest thereon as shall have accrued thereon under the scheme and shall have no further claim upon the thrift fund ;

- (2.) The representatives of any contributing member who not having been guilty of fraud dishonesty or misconduct involving pecuniary loss to the Corporation shall die before he becomes entitled to any benefit under the scheme on resignation or retirement shall be entitled to receive back the whole contributions of such member with such interest as shall have accrued thereon under the scheme and shall have no further claim upon the thrift fund except as may be provided by the scheme ;
- (3.) Any contributing member dismissed from the service of the Corporation for fraud or dishonesty or for misconduct involving pecuniary loss to the Corporation or retiring to escape dismissal for any of those causes shall at the discretion of the Corporation forfeit all or any part of his contributions and the interest thereon and lose all benefits from the thrift fund except such return (if any) as may at such discretion be made to him out of his own contributions and the interest thereon ;
- (4.) Any contributing member who shall become entitled to superannuation or shall be required to retire in consequence of any reduction of the number of persons in the service of the Corporation shall be entitled to payment as follows if by way of a gross sum the total amount of the contributions made by him to the fund and of the equivalent contributions made by the Corporation with interest thereon and if by way of an annuity such an amount as shall be determined by actuarial calculations to be of equal value to such gross sum as aforesaid.

**183.** The Corporation shall supply a copy of any scheme in force under this part of this Act at a price not exceeding sixpence to any officer or servant in the employ of the Corporation interested in the thrift fund or the representatives of any such officer or servant in case of death and shall supply gratuitously to every officer or servant or other person having an interest in the thrift fund a copy of the last annual balance sheet of the same for the time being.

Copies of  
scheme to  
be supplied.

**184.—(1.)** The Corporation shall at the end of each and every half year after the establishment of the thrift fund contribute thereto out of the rate or revenue upon which the salary or wages

Corporation  
to contribute  
to fund.

A.D. 1896. of each contributing member is or are respectively chargeable a sum equal to one third of the sum which during the same half year has been contributed thereto by such contributing member.

(2.) In the event of the moneys standing to the credit of the thrift fund being at any time inadequate for the payment to contributing members of the sums to which they will be entitled under the provisions of the scheme the amount of any deficiency shall from time to time be made good by the Corporation out of the borough rate or general district rate as the Corporation shall determine.

(3.) The Corporation may also pay out of the borough rate or general district rate or partly out of one and partly out of the other as the Corporation shall determine any salaries costs and expenses of the management and administration of the thrift fund and of and incidental to investments.

Scheme to be submitted to actuary.

**185.** Prior to the scheme coming into operation it shall be submitted by the Corporation to an actuary being a Fellow either of the Institute of Actuaries of Great Britain and Ireland or of the Faculty of Actuaries in Scotland to be appointed by the council with the approval of a Secretary of State and such actuary shall consider such scheme and report thereon as to its solvency or otherwise. In the event of such actuary reporting that in his opinion the scheme as a whole is a solvent one without recourse to the guarantee of the Corporation the scheme may come into operation but not otherwise.

Once in every five years after the commencement of the scheme it shall be submitted to an actuary to be appointed as aforesaid and in the event of such actuary recommending any modifications alterations or amendments therein such modifications alterations or amendments shall if approved by a Secretary of State be forthwith adopted by the Corporation. If upon such actuary's recommendations the Corporation are satisfied that any addition (specified by him) may be made to all annuities payable within the following period of five years without risk that a deficiency in the funds may at any future time be thereby caused they may direct such addition to be made in all annuities for such period.

There shall be paid to such actuaries such reasonable remuneration as may be agreed or in case of difference as may be fixed by a Secretary of State.

Contracts with assurance society.

**186.** It shall be lawful for the Corporation from time to time but without prejudice to the primary liability of the Corporation to enter into and carry into effect any contract with any company carrying on the business of life assurance for the undertaking by

such company of the liabilities of the Corporation under any scheme or schemes made under this part of this Act or any of them. A.D. 1896.

**187.** The provisions of sections 7 to 10 of the Provident Nominations and Small Intestacies Act 1883 shall (so far as applicable) extend and apply to the thrift fund and to the contributors thereto and to the Corporation as if the thrift fund were the funds of a registered trade union and the contributors to the thrift fund were members of a registered trade union and the Corporation were directors within the meaning of that Act. Certain provisions of Provident Nominations and Small Intestacies Act 1883 made applicable.

**188.** The Corporation shall not be bound to recognise or see to the execution of any assignment or of any trust (whether express implied or constructive) relating to any contributions of any contributing member to the thrift fund or the interest thereon or additions thereto but the receipt of the contributing member for the same or (if he is dead) of his legal personal representatives or the person or persons to whom the same may be paid under the authority of this Act shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any assignment thereof or any trust to which the same may be subject and whether or not the Corporation have had notice express implied or constructive of any such assignment or trust or of any charge or incumbrance upon any such contributions or the interest thereon or additions thereto or any part thereof respectively and the Corporation shall not be bound to see to the application of any money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application thereof. Corporation not to regard trusts or assignments.

**189.** The Corporation may from time to time appoint and pay one or more chartered accountants or members of the Incorporated Society of Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in addition to the auditors appointed under the Municipal Corporations Act 1882. Paid auditors.

**190.—(1.)** The Corporation may from time to time by resolution determine that any sum or sums which the school board for the borough (herein-after referred to as "the school board") may be by law authorised to borrow or re-borrow upon the security of any rates or funds and which the school board may be desirous of borrowing from the Corporation shall be lent by the Corporation accordingly. Power to lend to school board.

(2.) Any sum or sums which the Corporation shall resolve to lend as aforesaid may be raised either by the issue of Corporation stock or by borrowing or re-borrowing the same on mortgage of the borough fund and borough rate and the provisions of sections 236

A.D. 1896. to 238 of the Public Health Act 1875 shall apply to all money raised by borrowing on mortgage under this section.

(3.) The following provisions shall apply to moneys raised or borrowed for the purpose of loans to the school board :—

(a.) The sum shall be lent by the Corporation to the school board for a period not exceeding that for which the school board is authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined :

(b.) If any sum payable to the Corporation for principal in respect of any sum lent to the school board shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into the stock (redemption) fund as herein-after provided the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

(4.) The following provisions shall apply to moneys borrowed for the purpose of loans to the school board and not raised by the issue of stock :—

(a.) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the school board :

(b.) All sums received from the school board for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the borough fund :

(c.) All sums received from the school board for principal (except sums which are to be carried to the credit of the borough fund under the provisions of sub-section (3) (b) of this section) and all sums set apart out of the borough fund under that sub section shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the school board.



(5.) The following provisions shall apply to moneys raised by the issue of stock for the purpose of loans to the school board :— A.D. 1896.

(a.) All sums received from the school board for interest shall be paid into the stock (dividends) fund to be established in accordance with the regulations of the Local Government Board prescribed under the Public Health Acts Amendment Act 1890. Provided that if the sum received as interest from the school board is greater than the total sum required to be paid by the Corporation as dividends on the amount of stock issued to raise moneys for the purpose of loans to the school board the excess shall be carried to the borough fund :

(b.) All sums received from the school board for principal (except sums which are to be carried to the credit of the borough fund under the provisions of sub-section (3) (b) of this section) and all sums set apart out of the borough fund in pursuance of that sub-section shall be paid into the stock (redemption) fund to be established in accordance with the regulations of the Local Government Board prescribed under the Public Health Acts Amendment Act 1890.

(6.) If any doubt shall arise as to how much of any sum received by the Corporation from the school board is to be regarded as principal or interest the question shall be determined by the Local Government Board.

(7.) The town clerk shall within twenty-one days after the expiration of each year ending on the thirty-first day of March if during the twelve months next preceding the said thirty-first day of March any sum is payable to the Corporation in respect of moneys lent by them to the school board and raised otherwise than by the issue of stock or at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing for the year next preceding the making of such return the amounts which have been received from the school board for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this section and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding recovery of such penalty the making of the return shall be

A.D. 1896.

enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(8.) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to apply or invest as required by sub-section (4) (c) of this section any sum by that sub-section required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof or any interest thereof the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

PART XVIII.—MISCELLANEOUS PROVISIONS.

Under-takings &c. to bind successive owners.

**191.** Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding five pounds for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement and every intending owner or lessee of property shall be entitled upon application to information from the Corporation as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist.

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

**192.** Whenever default is made by the owner of any building or lands in the execution of any work required by any enactment or byelaw for the time being in force within the borough the occupier of such building or lands may with the approval of the Corporation cause such work to be executed and the expense thereof shall be repaid to such occupier by such owner or such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

Saving for special contracts between landlords and tenants.

**193.** Nothing in this Act shall alter the liabilities respecting the payment of any rates or 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.

**194.** In case the occupier of any house or part of a house prevents the owner thereof from carrying into effect in respect thereof any notice given by the Corporation then after notice of this provision given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by such notice to be done and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works 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.

A.D. 1896.  
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Penalty on occupier refusing execution of Act.

**195.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by the chief constable or any superintendent of police acting for or within the borough.

Informations by whom to be laid.

**196.** Where in any legal proceedings taken by or on behalf of the Corporation or the council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution of the council or of any committee of the council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the mayor or the town clerk shall be primâ facie evidence of such appointment authority or resolution and of the performance of all conditions precedent or necessary to the validity thereof without further proof of the holding of any meeting or the production of any minute book or other record or document.

Evidence of appointments authority &c.

**197.** In the case of any notice or other such document under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication and in the case of licenses and certificates granted by the Corporation under any general or local Act the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders

Authentica- tion and service of notices &c.

A.D. 1896. and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

General provisions as to byelaws.

**198.** All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions contained in sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority.

As to appeal.

**199.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding or revocation of any certificate license consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Corporation may in like manner appeal.

Offences against Act or byelaws to be prosecuted as if offences against the Public Health Act 1875.

**200.** Except as otherwise by this Act expressly provided all offences against the provisions of this Act or any byelaw made under the authority thereof may be prosecuted and all penalties or forfeitures which may be imposed for the breach of any such provisions or byelaws and the costs and expenses which may be incurred by the Corporation in the prosecution of any person offending against any such provision or byelaw may respectively be recovered and applied in the manner provided by sections 251 and 254 of the Public Health Act 1875 respectively as if such offences were offences against the said Act.

Penalties to be paid over to the treasurer.

**201.** All penalties recovered by the Corporation or any officer of the Corporation on their behalf whether under this Act or any of the former Acts or any byelaw thereunder shall be paid to the treasurer and subject to the provisions of the Police Act 1890 shall be carried by him as to penalties in connexion with sanitary purposes to the credit of the district fund as to penalties in connexion with municipal matters to the credit of the borough fund and as to all other penalties to such other fund as the Corporation direct.

Compensation &c. how to be determined.

**202.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining

the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts Provided that where any such compensation costs damages or expenses is or 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 compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

**203.** The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent.

Compensation may be in land &c.

**204.** 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 Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for indictments &c.

**205.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Judges &c. not disqualified.

**206.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by the Public Health Acts and the Municipal Corporations Acts or any of them and the Corporation may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Powers of Act cumulative.

**207.** The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall as amended by this Act extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Audit of accounts.

**208.—(1.)** The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for

Inquiries by and expenses

A.D. 1896.  
of Local  
Government  
Board.

giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2.) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Costs of  
Act.

**209.** All the costs charges and expenses preliminary to, and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation as to one half thereof out of the borough fund or borough rate and as to the other half out of the district fund and general district rate or out of moneys to be borrowed under this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1896.

**THE FIRST SCHEDULE.**

**LOCAL ACTS AND ORDERS.**

Regnal Year and Chapter.	Short Title.
16 & 17 Vict. c. lxxxiii. -	The South Shields Improvement Act 1853.
24 Vict. c. xxiii. -	The South Shields Improvement Amendment Act 1861.
44 & 45 Vict. c. cv. -	The South Shields Corporation Tramways Order 1881 confirmed by the Tramways Orders Confirmation (No. 1) Act 1881.
46 & 47 Vict. c. xciii. -	The South Shields Corporation Tramways (Amendment) Order 1883 confirmed by the Tramways Orders Confirmation (No. 4) Act 1883.
54 Vict. c. lii. -	The South Shields Electric Lighting Order 1891 confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1891.

**THE SECOND SCHEDULE.**

DESCRIBING HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS ONLY MAY BE TAKEN.

Work.	Numbers on Deposited Plans.	Work.	Numbers on Deposited Plans.
Street work No. 2	11.	Street work No. 12	7 8.
" " " 6	3.	" " " 13	14.
" " " 7	1.	" " " 14	2 4.
" " " 8	2 4 7 8 9 11.	" " " 16	1 2 3 5.
" " " 9	3 5 7.	New Quay -	3.
" " " 10	7 8 9.	Mill Dam Quay	1c 3.
" " " 11	1 2 3 4.	extension.	

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