



*The West Hartlepool Improvement Act, 1854.*

aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Short Title.

I. That this Act may be cited for all Purposes as "The *West Hartlepool Improvement Act, 1854.*"

Limits of Act.

II. That the Limits of this Act shall comprise so much of the Township of *Stranton* (including the Town of *West Hartlepool*) as is included within a dotted Line coloured Red on a Plan thereof signed in Duplicate by the Honourable *Edward Pleydell Bouverie*, Member of Parliament, and one Part whereof is deposited in the Private Bill Office of the Honourable the House of Commons.

Plan of Limits to be deposited with the Clerk of the Peace.

III. That within Two Months after the passing of this Act the other Part of the said Plan shall be deposited with the Clerk of the Peace for the County of *Durham*, who shall receive and retain it, and permit all Persons interested to inspect it, and make Copies and Extracts of and from the same, in like Manner, upon the like Terms, and under the like Penalty for Default as by the Act of the First Year of the Reign of Her present Majesty, Chapter 83, is provided with respect to the Documents therein specified.

Commissioners may divide the Limits into separate Districts.

IV. That it shall be lawful for the Commissioners to divide the Limits of this Act into Two Districts, to be called respectively "the Town District" and "the Rural District," and to subdivide such Districts into other separate Districts, and to order that any Rate shall be levied by Assessments to be made for separate and distinct Districts, and for the Purpose of ascertaining the Limits of such respective Districts the Commissioners shall cause a Plan or Plans to be prepared and kept in the Office of the Commissioners, in which the Limits of this Act and the Boundaries of the Divisions and Subdivisions of each District shall be distinctly marked; and the Commissioners may alter the Boundaries of such Divisions and Subdivisions from Time to Time, according as the Extension of Buildings or other Circumstances arise, which in the Judgment of the Commissioners may render such Alteration necessary or proper.

Commissioners may erect Bound Stones.

V. That the Commissioners may from Time to Time erect Bound Stones or Posts for the better ascertaining and preserving the Boundaries of the respective Districts comprised within the Limits of this Act.

10 & 11 Vict. c. 16. incorporated.

VI. That "The Commissioners Clauses Act, 1847," (except in so far as any of the Provisions thereof may be expressly altered by any of the Provisions

*The West Hartlepool Improvement Act, 1854.*

Provisions herein contained,) shall be incorporated with and form Part of this Act.

VII. That the Persons to be incorporated and qualified in the Manner herein-after provided shall be Commissioners for the Purpose of carrying this Act into execution, and such Commissioners for the Time being shall be elected for the whole of the District comprised within the Limits of this Act, and shall be a Body Corporate by the Name of "The *West Hartlepool* Improvement Commissioners," and by that Name shall have perpetual Succession and a Common Seal, and shall have Power to sue and be sued, and to take, purchase, and hold, sell and convey, Lands, Tenements, Hereditaments, Goods, Chattels, and other Property for any of the Purposes of this Act.

Incorporation of Commissioners.

VIII. That the Number of Commissioners shall be Twelve.

Their Number.

IX. That the First Commissioners shall be *Ralph Ward Jackson*, the Reverend *Henry Richard Ridley*, *Thomas Casebourne*, *Ralph Walker*, *Christopher Salmon*, *William Lisle*, *John Richardson*, *John Taylor*, *William Ramsey*, *Jacob Allison*, *William Waldon*, and *Cuthbert Emerson*.

First Commissioners.

X. That every Commissioner to be elected under the Provisions of this Act shall have the following Qualification, (that is to say,) he shall be of the Age of Twenty-one Years or upwards, and either a Resident within the Limits of this Act, and liable to be rated under the Provisions of the same for any Messuages, Lands, Tenements, or Hereditaments within the said Limits to the annual Value of Twenty Pounds or upwards, or (whether so resident or not) he shall be seized or entitled in possession, for his own Use and Benefit, of or to an Estate, legal or equitable, in Messuages, Lands, Tenements, or Hereditaments, of any Tenure whatsoever, within the Limits of this Act, the Owner or Occupier or Owners or Occupiers of which shall in respect thereof be liable to be rated as aforesaid to the annual Value of Thirty Pounds or upwards, or of or to the Rents and Profits thereof for his own Life, or for the Life or Lives of any other Person or Persons, or for a Term of Years either absolute or determinable on his own Life or on the Life or Lives of any other Person or Persons, of which Term not less than Thirteen Years shall be unexpired, or for any greater Estate or Interest.

Qualification of Commissioners.

XI. That every Owner of Land or Tenements within the Limits of this Act, whether rated or not, as herein-after in this Clause is mentioned, and every Person who and every Corporation or Company which shall be rated to the General Improvement Rate herein-after authorized to be levied, and shall, Seven Days at least before the Day of Election of the Commissioners, have paid all the said Rates which shall have become payable by him or them in respect of such General Improvement Rate, at any Time

Qualification of Voters.

*The West Hartlepool Improvement Act, 1854.*

Time previously to the Commencement of the Third Month before such Election, shall be entitled to vote at every Election of Commissioners under this Act according to the Scale of voting herein-after prescribed; and every Corporation or Company who shall be entitled to vote may nominate some Person to vote for such Corporation or Company at such Election, and such Person shall be entitled to vote accordingly; provided, that no Owner or Occupier of Land or Property in respect of which Rating under this Act is herein-after limited to One Fourth only of the full annual Value thereof shall be entitled to vote at such Election in respect of more than One Fourth of such Rating.

Owners as well as Rate-payers to have Votes.

XII. That in every Case of voting under this Act the Owner as well as the Ratepayer in respect of any Lands or Tenements shall be entitled to vote; and that, for the Purpose of ascertaining the Number of Votes to which each Owner shall be entitled, the aggregate Amount of the Assessment for the Time being of any Property belonging to such Owner within the Limits of this Act, or on any Person or Persons in respect of the same, to the General Improvement Rate herein-after authorized to be levied, shall be deemed to be the annual Value of such Property to such Owner; and where any such Owner shall be the *bonâ fide* Occupier of any such Property, he shall be entitled to vote as well in respect of his Occupation as of his being such Owner; provided, that nothing in this Clause contained shall in any Manner affect the Scale of voting or Limitation as to annual Value in relation to voting herein-before mentioned.

Scale of voting.

XIII. That the prescribed Scale of voting for the Election of Commissioners shall be as follows:

Every Owner of Property which shall be rated under this Act shall be entitled to vote according to the Scale of voting prescribed by "The Commissioners Clauses Act, 1847," herewith incorporated:

Every Occupier or Ratepayer, not being the Owner of the Property which shall be rated under this Act, shall be entitled to vote according to the following Scale:

If the Property in respect of which any Occupier is entitled to vote be rated upon a rateable Value exceeding Ten Pounds and less than Fifty Pounds, he shall have One Vote:

If such rateable Value amount to Fifty Pounds and be less than One hundred Pounds, he shall have Two Votes:

If it amount to One hundred Pounds and be less than One hundred and fifty Pounds, he shall have Three Votes:

If it amount to One hundred and fifty Pounds and be less than Two hundred Pounds, he shall have Four Votes:

If it amount to Two hundred Pounds and be less than Two hundred and fifty Pounds, he shall have Five Votes:

And if it amount to or exceed Two hundred and fifty Pounds, he shall have Six Votes.

XIV. That

*The West Hartlepool Improvement Act, 1854.*

XIV. That the Commissioners acting under the Powers of this Act shall hold their First General Meeting at some convenient Time and Place within the said Town of *West Hartlepool* within the Period of Six Months next after the passing of this Act, and shall then and there proceed to put this Act into execution.

First Meeting of Commissioners.

XV. That the prescribed Time for holding an annual Meeting of the Commissioners under this Act shall be the Third *Thursday* in the Month of *December* in each Year, and the first of such annual Meetings shall be held on the Third *Thursday* in the Month of *December* next after the passing of this Act.

Annual Meeting of Commissioners.

XVI. That on the Twenty-fifth Day of *March* in the Year following that in which this Act is passed One Third of the Commissioners shall go out of Office, and on the Twenty-fifth Day of *March* in the following Year another Third of the Commissioners shall go out of Office, and on the Twenty-fifth Day of *March* in the Year following the Remainder of the Commissioners shall go out of Office, and on the Twenty-fifth Day of *March* in every subsequent Year One Third of the Commissioners, being those who have been longest in Office, shall go out of Office; and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of the like Number of Commissioners in the Manner herein expressly or by Reference provided.

Rotation of Commissioners.

XVII. That the Twenty-fifth Day of *March* in the Year following that in which this Act is passed, and the Twenty-fifth Day of *March* in each succeeding Year, shall be the prescribed Day on which a Meeting shall be held for the Purpose of electing Commissioners from Time to Time in the Place of those who go out by Rotation; provided nevertheless, that when and so often as the Twenty-fifth Day of *March* shall fall on a *Sunday* or *Good Friday*, or a Day appointed for a General Fast or Thanksgiving, the following Day shall in all Cases be substituted.

Annual Meeting for Election of Commissioners.

XVIII. That the Commissioners shall and may, subject to the Provisions of this Act and the Acts incorporated herewith, cause to be paved, drained, lighted, cleansed, watched, watered, and otherwise improved and regulated the said Town of *West Hartlepool* and Township of *Stranton*, within the Limits of this Act, and shall be the Surveyors of Highways within the same, and as such shall have and exercise the entire Control and Management of all Highways, Foot Bridges, and Thoroughfares within the Limits of this Act, and shall keep the same in repair, and shall and may do all Acts, Matters, and Things for promoting the Health, Comfort, and Convenience of the Inhabitants of the said Town and Township, within the Limits of this Act, as they may deem or consider necessary, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts incorporated herewith.

General Power to Commissioners.

[*Local.*]

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XIX. That

*The West Hartlepool Improvement Act, 1854.*

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

XIX. That the Clauses of the "The Towns Improvement Clauses Act, 1847," herein-after specified, except in so far as any of the Provisions thereof may be altered by the Provisions herein contained, shall be incorporated with and form Part of this Act, (that is to say,) the Clauses—

With respect to the Construction of the said Towns Improvement Clauses Act, whether incorporated in whole or in part with any other Act, and of any Act incorporated therewith :

With respect to the Officers to be appointed by the Commissioners, or under any General Town Improvement Act, except Section VI., and so much of Sections VII. and XII. as requires that the Appointment of a Surveyor and Officer of Health, and the Discontinuance of such last-named Office, shall be made with the Approval of any other Person or Persons than the Commissioners :

With respect to taking Lands, and the Compensation to be made by the Commissioners for Damage done by them in execution of the Powers of the said Towns Improvement Act and this Act, except Section XX. :

With respect to making and maintaining the public Sewers, except so much of Sections XXIII. XXVII. and XXVIII. as relates to the Approval and Allowance of and Submission of Plans and Estimates to the Inspector, and except Section XXIX. :

With respect to the Drainage of Houses, except that the Words "Drain, Privy, or Cesspool" shall be substituted for the Word "Sewer" in Section XLVI. :

With respect to paving and maintaining the Streets, except Section L. :

With respect to laying out new Streets :

With respect to naming the Streets and numbering the Houses :

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

With respect to ruinous or dangerous Buildings :

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

With respect to Objections to the Works to be constructed by or subject to the Approval of the Commissioners :

With respect to cleansing the Streets :

Provided always, that the Sections numbered respectively LXXXVII. LXXXVIII. LXXXIX. XC. XCII. XCIV. XCV. XCVI. XCVII. and XCVIII. shall not extend to any Arable, Meadow, or Pasture Lands, Woodlands, Market Gardens or Nursery Grounds, or to any Building or Deposit thereon, or to any Roads or Footways intersecting the same respectively :

With respect to the Prevention of Nuisances :

Provided always, that if any of the Causes of Nuisance mentioned in Sections XCIX. C. CI. and CII. respectively shall arise or happen in any House, Building, or Premises which shall be unoccupied, and the  
Owner

*The West Hartlepool Improvement Act, 1854.*

Owner be unknown, or absent from the United Kingdom, or his Place of Abode be unknown, the Commissioners may affix any Notice required to be given to the Owner or Occupier of such House, Building, or Premises on some conspicuous Part of the Premises; and after the Expiration of the Period mentioned in such Notice (where Notice is required) the Commissioners may enter on the Premises, and do the several Matters and Things authorized to be done with respect to the Prevention of Nuisances, in the same Manner as if such Notice had been served on such Owner or Occupier; and if the Owner of such Premises shall for the Space of Two Years neglect or refuse to pay the Expenses of the Commissioners of and incident to such several Matters and Things, the Commissioners may, after the Expiration of Two Months Notice to that Effect affixed or placed on some conspicuous Part of such Premises, take possession of such Premises, and let the same, subject to the same Conditions and Restrictions as by this Act provided with respect to unoccupied or unproductive Property, and the Expenses of doing the several Matters and Things authorized to be done with respect to the Prevention of Nuisances, and of and incident to letting the Premises, may be deducted from the Rent of such Premises in the same Manner as the Expenses authorized to be deducted with respect to unoccupied or unproductive Property:

With respect to the Prevention of Smoke:

With respect to supplying Buildings with fresh Air:

With respect to Lodging Houses:

With respect to lighting the Town or District:

With respect to the Supply of Water, except so much of Section CXXI. as relates to the Approval by the Commissioners of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, and as relates to the local Inquiry therein directed to be made:

With respect to Slaughter-houses:

With respect to Things to be done by the Commissioners by Special Order, except Section CXXXIV., and except so much of Section CXXXVI. as requires the Concurrence or Approval of the Inspector:

With respect to Clocks:

With respect to Entry by Commissioners or their Officers in execution of the said Towns Improvement Clauses Act and this Act:

With respect to ensuring the Execution of the Works by the said Towns Improvement Clauses Act or this Act required to be done by the Owners or Occupiers of Houses or Lands:

With respect to the Rates by the said Towns Improvement Clauses Act directed to be made for Sewers, Drains, and Private Improvements, except Sections CLVIII. to CLX. both inclusive:

With respect to the Manner of making Rates authorized by the said Towns Improvement Clauses Act or this Act, except Section CLXVII.:

With

*The West Hartlepool Improvement Act, 1854.*

With respect to the Appeal to be made against any Rate :

With respect to the Recovery of Rates :

With respect to the Byelaws to be made by virtue of the said Towns Improvement Clauses Act or this Act :

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

Commissioners may execute Act without Approval of Inspector mentioned in 10 & 11 Vict. c. 34., and may appoint Surveyor.

XX. That the Commissioners may at all Times proceed in the Execution of this Act without the Approval of the Inspector mentioned in "The Towns Improvement Clauses Act, 1847," and as if no such Officer had been mentioned in that Act; and the Commissioners may appoint a Surveyor for the Purposes of this Act as and when they shall think fit, but it shall not be compulsory on them to make any such Appointment, and if they think proper they may at any Time or Times appoint the same Person to be Surveyor, and also to hold any other Office or Offices under this Act.

Purchase of Lands for opening new Streets.

XXI. That the Commissioners may agree with the Owners of any Houses or Lands within the Limits of this Act for the absolute Purchase thereof or of any Part thereof for the Purpose of opening any new Streets or Passages, or making any other convenient Communication, or of straightening, widening, or diverting any existing Streets, Ways, or Passages, and for any of the last-mentioned Purposes the Trustees, or Persons having the Management of any Road, or other Person to be benefited thereby, may and they are hereby empowered to contribute towards effecting such Purposes upon such Terms and to such Extent as shall be mutually agreed upon between the Commissioners and the Parties so contributing.

Regulating Width of new Streets.

XXII. That after the passing of this Act it shall not be lawful to form, set out, or build any new Street, Alley, Court, or public Passage within the Limits of this Act unless the same, being a Carriage Road, shall be at the least Thirty Feet wide, or not being a Carriage Road shall be at the least Ten Feet wide: Provided, that any Street, being a back Street, or abutting on the Backs of Houses, need not, although a Carriage Road, be of a greater Width than Fifteen Feet.

Owners of Courts and Passages to flag and drain same.

XXIII. That the Owner of any Court or Passage, or any Part of any Court or Passage, within the Limits of this Act, not being a public Thoroughfare, shall to the Satisfaction of the Commissioners sufficiently flag such Court or Passage, or such Part thereof of which he shall be the Owner, and lay with Stone an overground Drain or Channel at a proper Level through, over, or along the same, or through, over, or along such Part thereof as the Commissioners may require, and keep the Flagging of such Court or Passage, or of such Part thereof as aforesaid,

and



*The West Hartlepool Improvement Act, 1854.*

and also such Drain or Channel over the same, in good Repair, to the Satisfaction of the Commissioners; and the Owner of any such Court or Passage, or of any Part of any such Court or Passage, shall cause the Houses therein belonging to him to be sufficiently drained, where practicable, into an underground Sewer or Drain, and so to be kept and continued to the Satisfaction of the Commissioners.

XXIV. That if the Owner of any Court or Passage, or any Part of any Court or Passage, within the Limits of this Act, not being a public Thoroughfare, shall not within the Time and in such Manner as shall be directed by the Commissioners flag the same, or shall not lay with Stone such Drain or Channel as herein-before mentioned, or shall not cause his Houses in any such Court or Passage to be sufficiently drained, where practicable, into an underground Sewer or Drain, or in case any Owner shall not flag and keep in order the Footway opposite his Property in any Street to the Satisfaction of the Commissioners as aforesaid, then and in any such Case it shall be lawful for the Commissioners to flag such Court or Passage, or such Part of such Court or Passage, or lay with Stone such Drain or Channel, or to cause such Houses to be sufficiently drained as aforesaid, or flag and keep in order such Footways to be made and kept as aforesaid, and the Costs, Charges, and Expenses thereof or incidental thereto, which the Commissioners shall thereby sustain, incur, or pay, shall be repaid to them by the Occupiers of such Houses, Courts, or Passages, or Parts of such Courts or Passages, and of the Houses or Lands abutting on such Footpaths, and such Costs, Charges, and Expenses shall be recoverable from such Occupiers respectively to the Extent and in the Manner provided in "The Towns Improvement Clauses Act, 1847," with respect to Private Improvement Expenses, or the same may, at the Option of the Commissioners, be recoverable as Damages; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Expenses.

In case of Neglect of Owners, Commissioners may flag and drain Courts or Passages.

XXV. That the Owner or Occupier of any House or Building in any Street within the Town District shall cause the Water to be conveyed from that House or Building either by a Drain or Tunnel below the Surface of the Pavement or Footpath, or by an Iron Drain-gutter fixed in the Pavement or Footpath, and for that Purpose such Owner or Occupier may take up so much of the Pavement or Footpath as may be necessary, and lay down or fix such Drain or Tunnel, or Iron Drain-gutter, under the Direction of the Commissioners or their Surveyor, and all Damage which may thereby be occasioned shall be made good by such Owner or Occupier.

Underground Drains to be formed.

XXVI. That the Occupier of any House or Tenement from which any private Drain or House Drain now or hereafter issues into or is

Occupiers to repair and

[Local.]

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connected

*The West Hartlepool Improvement Act, 1854.*

cleanse  
private  
Drains and  
House  
Drains.

connected with any Sewer vested in the Commissioners shall from Time to Time cleanse and repair such private Drain or House Drain to the Satisfaction of the Commissioners, or in default thereof the Commissioners may cleanse and repair the same, and recover the Expense thereof from the Defaulter as Damages.

Commission-  
ers may pave  
and sewer  
Streets at  
the Expense  
of Owners.

XXVII. That if any Street or Part of a Street, either already or hereafter formed or set out, (not being a Street heretofore accepted by the Surveyors of Highways of the Township of *Stranton* as repairable by them or repairable by the Commissioners,) be not paved, flagged, levelled, drained, and sewered, or otherwise made good to the Satisfaction of the Commissioners, the Commissioners may cause such Street, or the Parts thereof not so paved, flagged, levelled, drained, and sewered, or otherwise made good, to be paved, flagged, levelled, drained, and sewered, or otherwise made good, in such Manner as they think fit; and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street, or such Parts thereof as have not been well and sufficiently paved, flagged, levelled, drained, and sewered, or otherwise made good, and such Expenses shall be recoverable from such Owners respectively as by this Act is provided with respect to Private Improvement Expenses; and when the whole of such Street shall have been paved, flagged, levelled, drained, sewered, or otherwise made good to the Satisfaction of the Commissioners, they shall by Writing under their Common Seal declare the same to be a public Highway, and thereupon the said Street shall become a public Highway, and shall for ever afterwards be repaired by the Commissioners, and such Declaration shall be entered among the Proceedings of the Commissioners.

Value of  
existing  
Sewers and  
Streets to be  
allowed for.

XXVIII. That in ascertaining the Proportion of the Expenses of sewerage, levelling, paving, flagging, draining, or channelling any Street or any Part thereof to be paid by any Owner or Occupier, the Value and Efficiency of any such Work theretofore done by such Owner or Occupier, or by any preceding Owner or any Occupier, and the Condition at the Time of the Work so done by the Commissioners of the Street or Part thereof by them sewered, levelled, paved, flagged, or channelled, shall be taken into consideration, and such Allowance as the Commissioners think just shall accordingly be made to such Owner or Occupier; and in case of Difference the Amount of such Allowance shall be determined by Two Justices.

Reserving  
existing  
Contracts.

XXIX. Provided always, That wherever any Party or Parties shall have entered into any Covenant, Contract, or Agreement with the Owner or Occupier of any Land, House, or Building within the Limits of this Act, such Covenant, Contract, or Agreement being in force at the Time of or at any Time after the passing of this Act, to sewer, level, pave, flag,  
drain,

*The West Hartlepool Improvement Act, 1854.*

drain, channel, maintain, or repair any Street, Road, or other Place within the Limits of this Act, such Party or Parties shall, at the Instance and Request of the Party or Parties with whom such Covenant, Contract, or Agreement has been made, or at the Instance and Request of the Commissioners, be bound and required to perform and fulfil such Covenant, Contract, or Agreement in every respect, and every Person shall be entitled to the Benefit of the Works or Things contracted to be done in as full and ample a Manner as if this Act had not passed; and the Commissioners, in assessing the Rates by this Act authorized, shall make a just Allowance or Abatement to every Person entitled to the Benefit of such Covenant, Contract, or Agreement; and in case of Dispute as to any of the Matters referred to in this Section the same shall be settled by the Determination of Two Justices.

XXX. That the Commissioners from Time to Time may cause the Sewage and Refuse of the Town District to be converted into Manure in such Manner, and may provide on any Lands vested in the Commissioners such Works and Conveniences for that Purpose, and may sell and dispose of the Sewage and Refuse, and the Products of such Conversion thereof, as they think fit, and may contract with any Persons for the Conveyance of such Sewage and Refuse or any Part thereof out of the Town District, or may contract with any Person for such Conversion, Sale, and Disposition, on such Terms and Conditions as the Commissioners think fit.

Conversion  
of Sewage  
into Manure.

XXXI. That it shall not be lawful for any Person (except with the Consent of the Commissioners) to build any House in any Court or Passage the Entrance into which shall not be Four Feet wide at the least, and be open for the Space of Fifteen Feet at the least in Height from the Ground upwards, from End to End, or to build Houses of more than Three Storeys in Height, exclusive of Cellars, fronting on any Street of less Width than Thirty Feet, to be made or laid out after the passing of this Act.

Houses not  
to be built  
in close  
Courts.

XXXII. That the Owner of any Land which may be vacant or unbuilt on adjoining to any Street within the Limits of this Act shall, to the Satisfaction of the Commissioners, sufficiently fence off from the adjoining Street such Land or such Part thereof whereof he shall be the Owner, with a good and substantial Fence of the Height of Four Feet at the least, and always afterwards keep such Fencing in good Repair, to the Satisfaction of the Commissioners; and if any such Owner of any such Land shall not sufficiently fence the same as aforesaid, or not keep the same Fencing in good Repair, to the Satisfaction of the Commissioners, within Fourteen Days next after Notice in Writing for that Purpose from the Commissioners or their Surveyor shall have been given to such Owner, or left for him at his usual or last known Place of Abode in *England*, or in case such Owner shall be unknown, or be out of *England*, shall have been

Owners of  
vacant Lands  
adjoining  
Streets to  
fence the  
same, and in  
default Com-  
missioners  
may fence  
the same,  
and charge  
Owners with  
the Expense.

affixed

*The West Hartlepool Improvement Act, 1854.*

affixed upon or to the Premises in respect of which the same shall be given, then and in any such Case it shall be lawful for the Commissioners to fence such Land, or such Part thereof as shall not have been so done pursuant to such Notice, and to charge such Owner with the Costs and Expenses thereof or incidental thereto; and all Costs, Charges, and Expenses which the Commissioners shall thereby sustain, incur, or pay, and shall so charge upon such Owner, shall, on Demand, be forthwith paid and refunded to the Commissioners by such Owner, and shall be recoverable by Distress and Sale of the Goods and Chattels of such Owner, and any Justice may issue his Warrant accordingly, or the same may be recoverable by Action or Plaint in any Court of competent Jurisdiction; or if such Owner be out of *England*, and the Land be unoccupied, the Commissioners may take possession of and let all or any Part of such Land, in like Manner as is herein-after provided with respect to unoccupied or unproductive Property, and for that Purpose shall have the like Powers in reference to letting as is herein-after provided with respect to such Property; and every Lease granted under this Section shall have the like Force and Effect as a Lease granted under the Powers of this Act with reference to unoccupied or unproductive Property; and the Rents of the Land leased under this Section shall be paid to the Commissioners, who shall thereout pay all such Costs, Charges, and Expenses as aforesaid, and all such Costs, Charges, and Expenses of and incidental to such Letting, and Receipt of the Rents, and after Payment thereof shall retain the Surplus (if any) of such Monies for the Owner of such Land, or his Assignees or other legal Representatives.

If Owners of unproductive Property neglect to pay Costs, the same may be let to defray Expenses.

XXXIII. That if any House, Building, or Land abutting on any Street or Part of any Street, not being a Highway repairable by the Inhabitants at large, which or any Part of which shall have been levelled, formed, paved, or flagged by the Commissioners, or if any House or Building or any other Hereditaments in respect of which any Drain or other Work shall have been constructed, done, made, or re-made by the Commissioners, and the Costs and Expenses of which are to be repaid to the Commissioners by the Owners thereof, in manner provided by this Act or any Act incorporated herewith, shall be unoccupied or unproductive, and the Owner thereof shall for the Space of Two Years neglect or refuse to contribute and pay his Proportion of the Costs, Charges, and Expenses of levelling, making, paving, or flagging such Street, or the Costs of constructing, doing, making, or re-making such Drain or other Work, and the same shall not have been recovered from the Occupier thereof, it shall be lawful for the Commissioners, at or after the Expiration of Two Months Notice to that Effect affixed or placed on any such House, Building, or Land, to take possession of any such unoccupied or unproductive House, Building, or Land, and to fence off and let the same or any Part thereof, by any Deed under their Common Seal, for such Term not exceeding Ten Years as shall be agreed upon between the intended Lessee

*The West Hartlepool Improvement Act, 1854.*

Lessee thereof and the Commissioners, and for the best yearly Rent which can be reasonably had or gotten for the same, and to appoint some Person to deliver the Possession of such House, Building, or Land to such Lessee; and every such Lease shall effectually vest the legal Estate in possession of the House, Building, or Land comprised therein in the Lessee therein named for the Term thereby expressed to be granted, and shall give such Lessee a good Title thereto against the Owner thereof; and the Rents of such House, Building, or Land shall be paid to the Commissioners, who shall thereout, in the first place, pay the Expenses of and incident to such fencing and letting, and in the next place pay the Sum due from such Owner for his Share of the Costs, Charges, and Expenses of levelling, making, paving, or flagging such Street, or constructing, doing, making, or re-making such Drain or other Work, and after Payment thereof shall retain the Surplus (if any) of such Monies for the Owner of such House, Building, or Land, or his Assignees or other legal Representatives.

XXXIV. That it shall be lawful for the Commissioners and they are hereby empowered, with the Consent of the Persons owning the same, to agree with such Owners for the Purchase of and to purchase any Houses, Buildings, or Lands which they may require for any of the Purposes of this Act or any Act incorporated herewith, and all subsisting Leases in any such Houses, Buildings, or Lands, and all Rentcharges, Annuities, Mortgages, or Incumbrances affecting any such Houses, Buildings, or Lands; and all other Estates or Interests in such Houses, Buildings, or Lands, of what kind soever, either for a Consideration in Money or by way of Exchange for any other Lands or Hereditaments for the Time being vested in the Commissioners, and not required for the Purposes of this Act; and the Commissioners shall have full Power to sell and convey any Property that may become vested in them, but which may not afterwards be wanted by them.

Power to purchase Houses, Buildings, and Lands, with Consent of Owners, &c.

XXXV. That it shall be lawful for the Commissioners to purchase or rent any Land for procuring or depositing Stone, Gravel, or other Materials for any of the Purposes of this Act from any Person willing to sell or let the same.

Power to purchase or rent Land for depositing Materials.

XXXVI. That "The Lands Clauses Consolidation Act, 1845," shall (save so far as the Provisions of such Act are expressly altered or varied by this Act) be incorporated with and form Part of this Act, and shall be construed as if the Expression "the Commissioners" had been inserted therein instead of the Expression "the Promoters of the Undertaking."

8 & 9 Vict. c. 18. incorporated.

XXXVII. That (except where by this Act or any Act incorporated therewith otherwise specially authorized) nothing in this Act or in the said "Lands Clauses Consolidation Act, 1845," contained, shall authorize the Commissioners to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

Lands not to be taken compulsory, except for certain Purposes.

[*Local.*]

7 H

XXXVIII. That

*The West Hartlepool Improvement Act, 1854.*

As to public  
Water-  
closets.

XXXVIII. That the Commissioners from Time to Time may make, alter, and remove, in and from such Places within the Town District as they think fit, any public Privies or Waterclosets, and may maintain and cleanse the same, and make such Regulations for the Use thereof, and the orderly Conduct of Persons resorting thereto, as the Commissioners think fit; and if any Person offend against any such Regulation, every Person so offending shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Certain Pro-  
visions of  
10 & 11 Vict.  
c. 17. incor-  
porated with  
this Act.

XXXIX. That the Clauses of "The Waterworks Clauses Act, 1847," with respect to the Construction of the Act and any Act incorporated therewith, and with respect to the breaking up of Streets for the Purpose of laying Pipes, shall be incorporated with and form Part of this Act; and the Expression "the Undertakers" in the said "Waterworks Clauses Act, 1847," shall in reference to this Act mean and include the Commissioners.

Power to es-  
tablish Baths  
and Wash-  
houses.

XL. That the Commissioners may, if they think fit so to do, establish public Baths and Wash-houses, and public open Bathing Places and Drying Grounds, and for that Purpose may exercise all or any of the Powers conferred by "The Towns Improvement Clauses Act, 1847," herewith incorporated, and the Expenses of carrying such Powers or any of them into execution shall be defrayed out of the Money herein-after authorized to be borrowed, and out of the General Improvement Rate to be levied and raised under this Act, and the Monies to be received and the Income derived from Baths, Wash-houses, and open Bathing Places and Drying Grounds.

Commis-  
sioners may  
supply Water  
for Baths  
and Wash-  
houses, and  
for Cleansing  
and Sanitary  
Purposes.

XLI. That it shall be lawful for the Commissioners to contract with any Party or Parties for the Use or Purchase, either partially or wholly, of any Springs, Streams, or other Waters, or the Right to use the same, and also any Tanks, Reservoirs, Cisterns, Pipes, and other Works, or any Interest therein, which may be suitable and convenient for the Purpose of supplying the said Town and Township or any Part thereof within the Limits of this Act with Water for Cleansing and Sanitary Purposes, flushing Sewers, watering the Streets, supplying public Baths and Wash-houses, and such other public Purposes as the Commissioners are by this Act and the Acts incorporated herewith authorized to effect, and for which a Supply of Water may be requisite, and to defray the Expenses of and incident to the procuring and establishing such Supply of Water out of the Money hereby authorized to be borrowed, and to defray the Expense of maintaining such Supply of Water out of the Rates and Charges hereby authorized to be levied and taken, and the Monies to be received for the Use of such public Baths and Wash-houses: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act, or supplying any Water therefrom, whether for public Purposes or private

*The West Hartlepool Improvement Act, 1854.*

private Use, the Commissioners shall give Notice in Writing to the *Hartlepool* Gas and Water Company, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks, or to supply any Water, whether for public Purposes or private Use, if and so long as the said Company shall be able and willing to lay on and supply Water, and shall, subject to the Provisions of the Act or Acts of Parliament relating to the said Company, on being required so to do, lay on and supply Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners, upon such Terms as shall be settled by Agreement between the said Company and the Commissioners, or if they cannot agree, upon such Terms as shall be settled by Arbitration in manner herein-after mentioned; and in case any Difference shall arise as to whether the Water which the said Company shall be or continue able and willing to lay on and supply is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the said Company are able and willing, or shall continue able and willing, to lay on and supply such Water, or the Terms upon which the same shall be laid on and supplied, or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration; and the Clauses of the Companies Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration, shall for the Purposes of this present Provision be incorporated with this Act.

XLII. That it shall be lawful for the Commissioners to acquire by Purchase a suitable Site within the Limits of this Act whereon to build and provide and for ever after to maintain and improve, as they shall think fit, a public Building or Buildings to be adapted and used for the following Purposes; (that is to say,) for a Town Hall, Market House, Meetings of the Inhabitants in Vestry, and other Parochial and General Meetings of the Inhabitants, such Building to comprise all suitable Rooms, Offices, Stalls, Weighing Machines, Weights, Measures, Standings, Conveniences, and Approaches which the Commissioners shall think proper and expedient; and the Commissioners are hereby empowered to set and let any Shops, Buildings, Offices, Stalls, Standing Places, and the Use of any Weighing Machines, Weights, Measures, and other Privileges and Accommodations, at or within the said Town Hall, Market House, and other Buildings, on such Terms and for such Rents, and also to receive such Charge and Charges for Admission thereto and the Use thereof, as to them shall seem fit and proper, and also further to permit, for Hire or otherwise, at any convenient Time or Times, the said Town Hall, Market House, and other Buildings to be used for Public Meetings or other Purposes, and to make and establish such Rules and Regulations for the due Management and Control of the same as they shall deem necessary and expedient: Provided always, that the Proceeds to arise from such Buildings

Power to  
provide a  
Town Hall,  
Market  
House, &c.

*The West Hartlepool Improvement Act, 1854.*

ings and Appurtenances shall, after paying the Expenses of maintaining the same, and Interest on any Money borrowed for the Construction of such respective Buildings and Appurtenances, be carried to the Sinking Fund herein-after provided for the Liquidation of the Money herein-after authorized to be borrowed, and after such Money shall have been paid such Proceeds shall be applied to any of the Purposes of this Act.

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

XLIII. That the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to the Byelaws to be made by the Undertakers, shall be incorporated with and form Part of this Act; and the Expression "the Undertakers" in the said Markets and Fairs Clauses Act shall mean the Commissioners.

Power to provide Slaughter-houses, and make Charges.

XLIV. That it shall be lawful for the Commissioners at any Time and from Time to Time to purchase or provide proper Sites, Buildings, or Places in such convenient Situations within the Limits of this Act as the Commissioners shall think proper for Slaughter-houses or for the slaughtering of Cattle, and to maintain the same, and to provide all proper Conveniences and Appurtenances connected therewith; and it shall be lawful for the Commissioners to demand and receive from the Persons using the said Slaughter-houses such Charges as the Commissioners may appoint, not exceeding the Charges specified in respect of the same in the Schedule (A.) annexed to this Act, and such Charges shall be paid before using the said Slaughter-houses.

When sufficient Slaughter-houses provided, Notice to be given.

XLV. That after sufficient Slaughter-houses are provided by the Commissioners, and are ready for public Use, the Commissioners shall give Notice that such Slaughter-houses are ready for public Use; and every such Notice shall be published by printed Handbills posted and circulated within the Town District.

Penalty for slaughtering elsewhere after Notice.

XLVI. That after the Expiration of Twenty-one Days from such Publication of such Notice any Cattle, Beast, or Swine shall not be slaughtered or dressed for Sale in any Place within the Town District other than One of those Slaughter-houses; and if any Person, after such Time, and so long as the Commissioners provide sufficient Slaughter-houses, slaughter or dress for Sale any such Cattle, Beast, or Swine in any Place within the Town District other than One of such Slaughter-houses, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Justices to decide whether sufficient Slaughter-houses are provided.

XLVII. That whenever any Question arises whether a sufficient Number of Slaughter-houses be provided by the Commissioners, such Question shall be determined by the Justices before whom such Penalty is sued for.

XLVIII. Pro-



*The West Hartlepool Improvement Act, 1854.*

XLVIII. Provided always, That it shall not be obligatory on any Officer of the Commissioners who finds any Cattle, or the Carcase or Part of the Carcase of any Beast, which appears unfit for the Food of Man, to seize and carry the same before any Justice, in order to the further Inspection or Examination thereof by competent Persons, but any such Officer may of his own Authority seize such Cattle, or such Carcase or such Part of a Carcase, and order such Inspection and Examination by competent Persons; and any Justice may thereupon make such Order in the Premises in the same Way and Manner as if such Inspection and Examination had been made under his Order.

Power for Officers to order Examination of bad Meat.

XLIX. That if any Butcher, Provision Dealer, or other Person exposes or offers for Sale in his Shop, Stall, Warehouse, or any Part of his Premises, or otherwise within the Limits of this Act, any unsound or unwholesome Meat, Fish, or other Provisions unfit for the Food of Man, every Person so offending shall for each Offence forfeit a Sum not exceeding Five Pounds, and such Meat, Fish, or other Provisions may be seized, carried away, and dealt with by any Officer of the Commissioners, in like Manner as by this Act is provided touching the seizing and Disposal of unsound Meat.

Penalty for exposing for Sale unsound Meat or Provisions.

L. That any Inspector or other Officer authorized by the Commissioners for that Purpose may at all Times in the Day, with or without Assistants, enter into and inspect any Knacker's Yard, House, or Place whatsoever kept or used for slaughtering Horses or other Animals not fit for the Food of Man, and any Building, Shed, Yard, or Place belonging thereto, to search and see the State and Condition thereof.

Officers may inspect Knackers Yards.

LI. That "The Town Police Clauses Act, 1847," shall be incorporated with and form Part of this Act.

10 & 11 Vict. c. 89. incorporated.

LII. That "The Cemeteries Clauses Act, 1847," (except Sections XXVII. XXVIII. XXX. XXXI. LX. and LXIII. thereof, and except in so far as any of the Provisions of the said Act may be altered by the Provisions herein contained,) shall be incorporated with and form Part of this Act, and shall be construed as if the Expression "the Commissioners" had been inserted therein instead of the Expression "the Company."

Certain Provisions of 10 & 11 Vict. c. 65. incorporated.

LIII. That the Commissioners shall and may, subject to the Provisions in this Act and the Acts incorporated herewith contained, make and maintain a Cemetery in and upon the Land mentioned and described in Schedule (B.) to this Act annexed, and may purchase the Land for that Purpose, with the Consent of the Owners, Lessees, and Occupiers thereof.

Power to construct Cemetery.

[*Local.*]

7 I

LIV. That

*The West Hartlepool Improvement Act, 1854.*

Cemetery to be enclosed.

LIV. That every Part of the Cemetery hereby authorized to be made shall be securely enclosed and fenced with Walls or other sufficient Fences of the Height of Seven Feet at the least.

Commissioners to set apart and enclose a sufficient Portion for Burial Purposes, and empowered to let the Remainder.

LV. And whereas it may not be deemed expedient by the Commissioners that the whole of the Lands hereby authorized to be taken for the Purposes of the Cemetery should at once be absolutely set apart and appropriated for the Interment of the Dead and for the Uses of a Cemetery: Therefore it shall be lawful for the Commissioners from Time to Time to set apart and enclose such Portions thereof for those Purposes as they shall deem sufficient, and to let such Portion or Portions of the said Lands as shall from Time to Time remain unappropriated to those Purposes on Lease or by Parol for any Term not exceeding Three Years to any Person or Persons, at such Rent or separate Rents and on such Terms as to the Commissioners shall seem proper, and to renew such Lease or Parol Letting from Time to Time as may be expedient, for not more than Three Years as aforesaid: Provided always, that it shall not be lawful for the Commissioners to erect or cause or permit to be erected on any Land taken for the Purposes of the Cemetery, and not used for such Purposes, any Building whatsoever.

Chapels to be simultaneously erected on consecrated and unconsecrated Parts of the Cemetery.

LVI. That on such Part or Portion of the Land which shall be first set apart as lastly aforesaid as shall be consecrated for the Burial of Persons according to the Rites of the Established Church the Commissioners shall erect a Chapel for the Performance of the Burial Service according to the Rites of such Church, and shall also, as near as Circumstances will permit, simultaneously with the Erection of such Chapel for the Performance of the Burial Service according to the Rites of the Established Church, erect on some Portion of the Cemetery first set apart as aforesaid (not being the consecrated Part) a Chapel for the Use of Persons who may desire the Performance of Burial Services or Religious Rites differing from the Rites of the Established Church.

Charge for Interments may be made.

LVII. That in addition to the Powers of Sale of exclusive Rights of Burial conferred by "The Cemeteries Clauses Act, 1847," it shall be lawful for the Commissioners to demand and take such Sum of Money as they shall from Time to Time think reasonable for the Right, Privilege, or Permission of single Interment in any Vault, Catacomb, or other Place of Burial constructed in or upon such Cemetery, not being under any Chapel of the Cemetery, or within Fifteen Feet of the outer Wall of any such Chapel, or for any Right, Privilege, or Permission of single Interment in the open Ground of such Cemetery, and such Sum of Money shall be recoverable by the Commissioners or their Clerk or Collector by Plaint or Action in any Court of competent Jurisdiction: Provided always, that the Rate or Scale of Charge, exclusive of the Payments to Incumbents of Parishes or Ecclesiastical Districts, and to Parish Clerks, in respect of Burials

*The West Hartlepool Improvement Act, 1854.*

Burials in the consecrated Parts, shall be the same in the consecrated and unconsecrated Parts of the Cemetery, and shall not exceed the Sums following; (that is to say,)

For any Corpse interred in a Vault, Catacomb, or Brick Grave, the Sum of Four Pounds :

For every other Corpse, the Sum of One Pound Ten Shillings.

LVIII. That such Part of the Cemetery authorized to be constructed by this Act as shall be approved by the Bishop of the Diocese for the Time being shall be set apart and consecrated for Burial according to the Rites of the Established Church, and the Fees and Expenses attending the Consecration of such Portion or Portions of the said Cemetery as shall be so consecrated shall be paid by the Commissioners out of the General Improvement Rates authorized by this Act.

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

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

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

LX. That the Minister for the Time being of the District Church of *Christ Church, West Hartlepool*, shall in Person, or by his Curate or Curates, officiate as Chaplain in the consecrated Part of the Cemetery aforesaid; and the Commissioners shall (except as herein-after provided) pay to such Chaplain, in respect of every Corpse, not being that of a poor Person whose Assessment to the Rate for the Relief of the Poor at his Death shall not exceed the Sum of Five Pounds, which shall be interred in the Part of the Cemetery set apart for Burials according to the Rites of the Established Church, the Sum of Seven Shillings and Sixpence as his Fee, and the Sum of Two Shillings and Sixpence only if such Corpse shall be that of such poor Person as aforesaid; and the Commissioners shall on the Burial of every Body within the consecrated Part of the Cemetery pay to the Clerk of the said District Church such Sum, if any, as the Commissioners shall think proper: Provided nevertheless, that the Commissioners shall not be bound or liable to pay any Fees to the said Chaplain in respect of any Corpse interred in the consecrated Part of the Cemetery over which the Incumbent of any Parish or Ecclesiastical District from which such Corpse shall be brought for Interment (other than the Ecclesiastical District of *Christ Church, West Hartlepool*,) shall under the Provision herein-after contained perform or cause to be performed the Burial Service.

Chaplain of Cemetery.

LXI. That in case the Minister for the Time being of the District Church of *Christ Church, West Hartlepool*, shall at any Time refuse or decline to act as Chaplain to the Cemetery, it shall be lawful for the Commissioners

In case the Minister of West Hartlepool declines

missioners

*The West Hartlepool Improvement Act, 1854.*

the Office of  
Chaplain,  
another  
Chaplain to  
be appointed.

missioners to appoint a Chaplain in manner prescribed by the said Cemeteries Clauses Act; and for the Purposes of this Section the Sections of the Cemeteries Clauses Act, numbered XXVII. XXVIII. XXX. and XXXI. shall be incorporated with this Act: Provided, that in lieu of a fixed Stipend the Chaplain to be appointed under this Section shall be entitled to the same Fees as are by this Act herein-before directed to be paid to the Chaplain; but the Minister for the Time being of the District Church of *Christ Church, West Hartlepool*, shall not be entitled to receive such Fees unless he shall accept the Office of Chaplain to the Cemetery.

Account of  
Fees to be  
kept, and  
Amount  
thereof paid  
to Chaplain.

LXII. That the Commissioners shall cause an Account to be kept of all the Persons buried within the consecrated Part of the Cemetery, distinguishing those who were poor Persons within the Meaning of this Act from other Persons, and such Account shall at all reasonable Times be open to the Inspection of the said Chaplain; and the Commissioners shall, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, or within One Month after each of the Days, deliver to the said Chaplain an Account of the Fees due to him in respect of such Burials, and pay over to him the Amount thereof, and in default of the Commissioners making such Payments within the Time limited as aforesaid the said Chaplain, or his Executors or Administrators, may recover the same Fees, with full Costs of Suit, against the Commissioners, in any Court of competent Jurisdiction.

Reserving  
Rights of  
Incumbents.

LXIII. That the Commissioners shall pay, in respect of every Corpse which shall be interred in the Part of the Cemetery set apart for Burial according to the Rites of the Established Church, to the Incumbent and Parish Clerk of any Parish or Ecclesiastical District from which such Corpse shall have been removed for Burial (other than the Ecclesiastical District of *Christ Church, West Hartlepool*), the same Fees as such Incumbent and Parish Clerk would have been entitled to receive if such Corpse had been buried in the Parish or Ecclesiastical District of which he is the Incumbent or Parish Clerk in respect of such Interment: Provided, that no such Incumbent shall be entitled to receive any such Fees unless he shall (and for that Purpose he is hereby empowered so to do) perform or cause to be performed over such deceased Person, by some Clergyman of the Established Church whom he may from Time to Time appoint, the Burial Service according to the Rites of the Established Church.

Power to  
provide Pre-  
mises for the  
Reception of  
the Dead  
previous to  
Interment.

LXIV. That the Commissioners may, if they shall think fit, provide and fit up Rooms or Premises in which Corpses may be received, and decently and carefully kept previous to Interment, and make Byelaws with respect to the Management of and Charges for the Use of such Rooms and Premises; and the Commissioners may, upon proper Application, and subject to such Regulations, and at such Rates and Charges

as

*The West Hartlepool Improvement Act, 1854.*

as shall be prescribed by any such Byelaws, make all necessary or proper Arrangements for the decent and economical Interment of any Corpse which may have been received into any of the Rooms or Premises provided in pursuance of this Enactment.

LXV. That if it shall appear to the Satisfaction of the Commissioners that in any Lodging House, Dwelling House, Cellar, Outhouse, or other Building within the Limits of this Act where a Corpse or Corpses shall be lying there shall be no proper and sufficient Means or Accommodation for keeping such Corpse or Corpses previously to Interment, or that there is Reason to apprehend any injurious Effects from the same, then it shall be lawful for the Commissioners to cause such Corpse or Corpses to be removed to any of such Rooms or Premises provided for the Reception of the Dead as aforesaid, there to be received, and decently and carefully kept previously to Interment; and for such Purpose it shall be lawful for any Officer of Police or other Person appointed by the Commissioners to enter any such Lodging House, Dwelling House, Cellar, Outhouse, or other Building, and to do or assist in doing all Matters and Things necessary for the Purposes aforesaid; and in the event of Access to such Lodging House, Dwelling House, Cellar, Outhouse, or other Building for any such Purpose being refused, any Two Justices may, on Application of the Commissioners or any Officer or other Person appointed by the Commissioners, grant, if necessary, a Warrant for forcibly entering the same.

Power to remove Corpses to Premises for the Reception of the Dead.

LXVI. That after the Cemetery shall be constructed under this Act, and the Part thereof to be appropriated for the Interment of the Dead according to the Rites of the Established Church shall be consecrated, it shall not be lawful to use any other Place within the Ecclesiastical District of *Christ Church, West Hartlepool*, as a Place of Burial; and if any Person use or knowingly suffer to be used any Place within the said District as a Place of Burial contrary to this Enactment, every such Person shall be guilty of a Misdemeanor.

For Prevention of Burials within the District of Christ Church, West Hartlepool.

LXVII. That if at any Time or Times it appear to the Commissioners that any Burial Place within the Limits of this Act is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Place of Public Worship within such Limits is dangerous to the Health of Persons frequenting the same, by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath or adjoining the same, and upon the Evidence of Two or more Surgeons or Physicians, or One Surgeon and One Physician, to that Effect, it shall be lawful for the said Commissioners, with the Consent in Writing of the Lord Bishop of the Diocese for the Time being, in the Case of any Church or Churchyard, or of One of Her Majesty's Principal Secretaries of State in the Case of any Meeting House or other Burial Ground, to make such Order and to do such other Acts and Things as may be necessary for preventing

Power to prevent Burials in Burial Grounds dangerous to Health.

[Local.]

7 K

venting

*The West Hartlepool Improvement Act, 1854.*

venting the Burial of any further Corpse in, within, or under the Ground, Church, or Place of Worship to which such Order may relate, except in so far as may be allowed by such Order; and whosoever, after Notice of such Order, buries, or causes, permits or suffers to be buried, any Corpse contrary to this Enactment, shall for every such Offence be liable to a Penalty of Twenty Pounds.

Cemetery to be subject to the Approval of the Secretary of State.

LXVIII. That any new Cemetery to be opened under this Act shall be subject to the Approval of One of Her Majesty's Principal Secretaries of State, and to any Regulations which may be made by such Secretary respecting Cemeteries under the Provisions of the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-four, or any General Act relating to Cemeteries.

Power to borrow Money on Mortgage.

LXIX. That it shall be lawful for the Commissioners, when and as they shall think fit so to do, to borrow at Interest, on Mortgage, upon such Terms as they shall think proper, any Sum or Sums of Money not exceeding in the whole the Sum of Thirteen thousand two hundred and fifty Pounds for or towards the Purpose of defraying the Expenses of preparing, obtaining, and passing this Act, and providing or obtaining Sites for and constructing and acquiring and maintaining the Baths and Wash-houses, Waterworks, Town Hall, Market House, Slaughter-houses, Cemetery, and the other public Buildings respectively herein-before authorized to be provided, made, and constructed, and the several Fittings, Matters, and Things in connexion therewith, or any of them; and it shall also be lawful for the Commissioners from Time to Time to borrow at Interest, on Mortgage, upon such Terms as the Commissioners shall think proper, any Sum or Sums of Money not exceeding in the whole the Sum of Thirteen thousand Pounds for all or any of the Purposes of this Act, other than those for which Money is herein-before specifically authorized to be borrowed; and it shall be lawful for the Commissioners to secure the Repayment of the Money respectively to be borrowed under this Section as aforesaid, and the Interest thereof, by Mortgage of the Sewer Rates, the General Improvement Rate, the Drainage Rates, the Rates in respect of Private Improvement Expenses, the Highway Rates, and the Rates, Rents, and Charges for Interments in the Cemetery, for the Use of the Baths and Wash-houses, Town Hall, Market House, and Slaughter-houses, and of all other (if any) the Rates, Rents, or Assessments by this Act granted, and of the several Works hereby authorized, and of any other Property which may belong to the Commissioners under or by virtue of this Act, or of any One or more of such several Subjects; and in the event of any Part of such Sum or Sums of Money being repaid by the Commissioners by any Means (except the Sinking Fund herein provided), it shall be lawful for them to reborrow the same, and so from Time to Time, but so nevertheless that there shall not be owing on the Securities by this Section authorized any more than the Sum of Twenty-six thousand  
two

*The West Hartlepool Improvement Act, 1854.*

two hundred and fifty Pounds in the whole at any One Time: Provided always, that before the Commissioners shall so borrow any Sum of Money they shall in their Resolution for borrowing the same specify for what Purpose such Money is required to be borrowed, and it shall not be lawful for the Commissioners to appropriate such Money to any Purpose other than that so specified; but nevertheless the Person lending such Money shall not be bound to see to the Application thereof.

LXX. That until the Revenue to arise from any Work or Building authorized to be constructed out of the said Sum of Thirteen thousand two hundred and fifty Pounds shall be sufficient to pay Interest on the Money borrowed for the Construction of such Work or Building, and to pay the Expenses of maintaining the same, it shall be lawful for the Commissioners to pay the Interest on such Money so borrowed as aforesaid out of the General Improvement Rate, and when the Revenue to arise from such Work or Building shall be more than sufficient to pay such Interest, and the Expenses of maintaining such Work or Building, the Balance of such Revenue shall be carried to the Sinking Fund.

Interest on Part of the Loan may be paid out of General Improvement Rate until Revenue sufficient.

LXXI. And in order to provide for the Recovery of the Arrears of Interest of any Mortgage to be made under any of the Provisions of this Act at the respective Times at which such Interest shall become due, be it enacted, That if such Interest or any Part thereof shall for Twenty-eight Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee may require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Arrears of Interest may be enforced by Appointment of a Receiver.

LXXII. And with respect to any Principal Money to be borrowed under the Provisions herein-before contained, be it enacted, That if such Principal Money be not paid within Six Months, and the Interest be not paid within Three Months after the same shall have become payable respectively, and after Demand thereof in Writing, the Mortgagee, if his Debt amount to the Sum of Five thousand Pounds, may alone, or, if his Debt do not amount to the Sum of Five thousand Pounds, may, in conjunction with other Mortgagees whose Debts being so in arrear after Demand as aforesaid shall, together with his, amount to the Sum of Five thousand Pounds, require the Appointment of a Receiver, by an Application to be made in the Manner provided by the "Commissioners Clauses Act, 1847;" and if a Receiver shall be appointed, and the Commissioners shall fail to levy a Rate, it shall be lawful for the Receiver to apply to the Justices in Petty Sessions assembled, and such Justices are hereby empowered and required to levy the Rates according to the Provisions of this Act, until such Time as the Mortgagee's Claim shall be liquidated, and such Rates so levied shall be as valid in every respect as if levied by the Commissioners.

Arrears of Principal Monies may be enforced by Appointment of a Receiver.

LXXIII. That

*The West Hartlepool Improvement Act, 1854.*

Sinking  
Fund to be  
provided.

LXXIII. That the Sum to be set apart and appropriated out of the respective Monies in the Hands of the Commissioners as a Sinking Fund, to be applied in paying off the respective Principal Monies which shall have been borrowed on Mortgage under this Act, shall be in each Year respectively not less than One Thirtieth Part of the respective Monies so borrowed.

Power to  
levy High-  
way Rate.

LXXIV. That it shall be lawful for the Commissioners from Time to Time to make a Rate, to be called the Highway Rate, not exceeding in any One Year Two Shillings and Sixpence in the Pound on the net annual Value of all Kinds of Property within the Limits of this Act liable to be rated to the Highway Rate by virtue of the Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Fifty; and no One Rate shall exceed One Shilling.

Application  
of Highway  
Rate.

LXXV. That all Monies which shall come to the Hands of the Commissioners from the Highway Rate shall be applied as follows:

Firstly, in maintaining and repairing the Highways within the Limits of this Act:

Secondly, in paying (but not out of Money borrowed) the Interest of all Monies borrowed for the Purpose of maintaining, altering, improving, and repairing the Highways within the Limits of this Act:

Thirdly, in setting apart and appropriating to the Sinking Fund (but not out of Money borrowed) so much as may be required for paying off the Principal Monies from Time to Time borrowed for the Purposes aforesaid relating to the Highways within the Limits of this Act:

Fourthly, in altering and improving the Highways within the Limits of this Act:

And lastly, in paying off all Principal Monies due in respect of Monies borrowed for the Purposes aforesaid relating to the Highways within the Limits of this Act.

Commission-  
ers may levy  
Rates.

LXXVI. That, in addition to the Highway Rate and the other Rates authorized by the Acts incorporated herewith, it shall be lawful for the Commissioners, once in every Year, or oftener if they think fit, to make One or more equal Rate or Rates, Assessment or Assessments, to be called "The General Improvement Rate," and to be signed by Five Commissioners, upon all Land, Estates, and Property of every Sort, Kind, and Description for the Time being liable to be rated to the Relief of the Poor within the Limits of this Act, for all the Purposes of this Act not herein or in the Acts incorporated herewith otherwise expressly provided for, but such Rates or Assessments shall not exceed in any One Year Two Shillings and Sixpence in the Pound.

LXXVII. That,



*The West Hartlepool Improvement Act, 1854.*

LXXVII. That, in addition to the other Mode provided for the Recovery of Rates under this Act, the same shall be recoverable against the Party liable thereto as a Debt in any Court of competent Jurisdiction, at the Suit of the Commissioners.

Rates may be recovered as a Debt.

LXXVIII. That the Owners and Occupiers of Houses, Buildings, Courtyards, Yards, and Gardens, and all other Property within the Limits of this Act, except Farmhouses and Farm Buildings, and other Houses, Cottages, and Buildings beyond the Limits of the Town District, and except Land used as Arable, Meadow, or Pasture Land, Woodlands, Market Gardens, or Nursery Grounds, or as a public Railway, Dock, or Harbour within any of the Limits of this Act, and except the Works, Mains, Pipes, and other Property and the Profits of the said *Hartlepool* Gas and Water Company within the Limits of this Act, shall be rated at the full annual Value of the same, and that Owners and Occupiers of the said excepted Lands and Premises shall (except in respect of the Highway Rate) be rated at One Fourth of the full annual Value of the same.

Houses and Buildings to be rated at Rack-rent; Land, at One Fourth of annual Value.

LXXIX. That when the full annual Value of any House or Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds, or whenever any House or Premises liable to such Assessment is or are let to weekly Tenants, or in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly, the Commissioners may from Time to Time, if they shall think fit, compound with the Owner of any such House or Premises for the Payment of any of the Rates to be made under this Act upon such reduced Estimate of the full annual Value, not being less than Two Thirds of the full annual Value at which the House or Premises is or are then assessed, as the Commissioners shall think reasonable; and the Amount of such Composition shall be recoverable in the same Manner in all respects as the Rates in respect of which it may have been made, provided that such Composition shall be paid whether such House or Premises shall be occupied or not.

Composition for Rates upon Tenements under the Value of 10*l*.

LXXX. That the Money herein-before authorized to be raised on Mortgage shall be applied for the Purposes herein-before mentioned (except that no Part of the Money herein-before authorized to be raised on Mortgage shall be applied either in Payment of Interest or towards the Sinking Fund), and the Money which shall arise from the Rates, Assessments, and Rents which shall be received by the Commissioners under this Act, or any Act incorporated herewith, or on any other Account, and which is not herein-before in this Clause or by this Act otherwise specifically appropriated, shall be applied, first, in Payment of the Costs, Charges, and Expenses of or incident to the obtaining and passing of this Act; secondly, in paying the Interest from Time to

Application of Money raised on Mortgage, and of Rates.

[*Local.*]

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Time

*The West Hartlepool Improvement Act, 1854.*

Time to become payable on any Money borrowed on Mortgage or otherwise under the Provisions of this Act; thirdly, in setting apart a Sinking Fund, as herein-before provided, for paying off the Principal Sums borrowed on the Credit of the said Rates, Rents, and Works; and, fourthly, in carrying the several Purposes of this Act into execution.

No Person disqualified from acting as a Justice by reason of being a Rate-payer or Commissioner.

LXXXI. That no Person, although liable to the Payment of any Money towards the Rates authorized to be raised under this Act, shall by reason thereof be disabled to act as a Justice in the Execution of the same, nor shall any Justice who shall be a Commissioner be disabled to act as such Justice by reason of his being such Commissioner, nor shall any Mortgagee of the Rates to be levied under this Act be disqualified as a Commissioner.

Produce of superfluous Lands.

LXXXII. That all Monies which shall come to the Hands of the Commissioners in consequence of the Sale of any superfluous Lands under the Provisions of this and the said "Lands Clauses Consolidation Act, 1845," shall be primarily applicable to the Sinking Fund established by this Act.

Fines to be paid to the Commissioners.

LXXXIII. That the Justice or Justices by whom any Penalty is imposed under this Act shall award the same to the Commissioners.

Costs of Proceedings to be included in the Warrant.

LXXXIV. That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate payable under this Act to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person failing to pay such Rate, and such Costs shall be ascertained by such Justice, and levied by Distress; and the Justice shall include in his Warrant of Distress for the Recovery of the Rate the Amount of such Costs, and shall issue his Warrant accordingly.

Compensation in case of Damage by Commissioners.

LXXXV. That full Compensation shall be made out of the Rates to be levied under this Act to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to Disputes to be settled by Arbitration, or if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Parties aggrieved as to certain Expenses may appeal

LXXXVI. That if in any Case in which the Commissioners are hereby and by any of the Acts or Portions of Acts incorporated herewith empowered to recover any Expenses incurred by them in a summary Manner, or to declare such Expenses to be Private Improvement Expenses, any Person shall deem himself to be aggrieved by the Decision of the Commissioners thereupon, he may, within Twenty Days after Notice of

*The West Hartlepool Improvement Act, 1854.*

of such Decision, and after Three clear Days Notice to the Commissioners of the Intent to appeal, apply to the Justices in Petty Sessions assembled, stating the Ground of his Complaint, and the Justices may make such Order as to them may seem equitable, and the Order so made shall be binding and conclusive upon all Parties; and if the Commissioners shall have proceeded to recover such Expenses in a summary Manner, the Justices may, if they shall think fit, order the Commissioners to pay to the Person so proceeded against such Sum as the Justices may consider to be a just Compensation for the Loss, Damage, or Grievance thereby sustained by him, and which shall be recoverable in the Manner provided by "The Towns Improvement Clauses Act, 1847," with respect to the Recovery of Damages not specially provided for.

LXXXVII. That, save as may be otherwise expressly enacted, nothing in this Act or the Acts incorporated herewith contained, shall repeal, vary, or alter any of the Powers and Provisions contained in the several and respective Acts relating to the *West Hartlepool* Harbour and Railway Company, the *Hartlepool* Dock and Railway Company, the *York, Newcastle, and Berwick* Railway Company, the *Hartlepool* Gas and Water Company, the Mayor and Burgesses of the Borough of *Hartlepool*, and the Commissioners of the Pier and Port of *Hartlepool*, or extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Powers, Rights, Authorities, Privileges, or Advantages whatsoever of or belonging to the *West Hartlepool* Harbour and Railway Company, the *Hartlepool* Dock and Railway Company, the *York, Newcastle, and Berwick* Railway Company, the *Hartlepool* Gas and Water Company, the Mayor and Burgesses of the Borough of *Hartlepool*, and the Commissioners of the Pier and Port of *Hartlepool* respectively, or any or either of them, or of or belonging to any Person or Persons claiming under them or any or either of them, but saving and reserving to them and every of them, and to all and every Person and Persons claiming under them and every or any of them, all such Powers, Rights, Authorities, Privileges, and Advantages as they or any of them possessed, had, exercised, or enjoyed before the passing of this Act, or as they or any of them could or might have possessed, had, exercised, or enjoyed if this Act had not been passed.

General  
Saving of  
Rights.

LXXXVIII. That in this Act and any Act incorporated herewith the Word "House" shall include any Messuage, Tenement, Warehouse, Manufactory, or Building; and the Word "Buildings" shall include Houses; and that in such of the Clauses of this Act as relate to voting the Word "Owner" shall be construed to mean any Person for the Time being in the actual Occupation of any Property within the Limits of this Act rateable to the Relief of the Poor, and not let to him at Rackrent, or any such Property either on his own Account or as Mortgagee or other Incumbrancer in possession.

Interpreta-  
tion of  
Terms.

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*The West Hartlepool Improvement Act, 1854.*

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SCHEDULES referred to in the foregoing Act.  

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SCHEDULE (A.)  

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## SLAUGHTER-HOUSES.

	<i>s.</i>	<i>d.</i>
For every Bull, Ox, Cow, Steer, Heifer, or other Beast	-	1 0
For every Calf	-	0 6
For every Sheep or Lamb	-	0 4
For every Hog or Pig	-	0 6

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SCHEDULE (B.)  

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## LANDS FOR CEMETERY.

A certain Field or Piece or Parcel of Land in the Township of Stranton, now in the Possession of Ralph Ward Jackson, Thomas Wilde Powell, and Robinson Watson, and which said Field is bounded on the South Side thereof by a Highway leading from Stranton to Throston and Hart in the County of Durham, and on the East Side or End by a Highway leading from Stranton aforesaid to Hartlepool, and the Eastern End of which said Field is situate about Three hundred and thirty Yards to the West of a certain Water Reservoir belonging to the Hartlepool Gas and Water Company.

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