ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. lxxvii.

An Act for extending and amending the Acts for regulating and improving the Borough of *Newcastle-upon-Tyne*. [29th *July* 1850.]

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for regulating* 7 W. 4. & *and improving the Borough of* Newcastle-upon-Tyne: 1 Vict. c. 72. And whereas another Act was passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to alter and extend an Act* 4 & 5 Vict. *passed in the First Year of the Reign of Her present Majesty, intituled* c. 71. '*An Act for regulating and improving the Borough of* Newcastle-'upon-Tyne:' And whereas another Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for* 9 & 10 Vict. *lighting with Gas the Borough of* Newcastle-upon-Tyne, *and for* c. 121. *varying and extending the Powers of the several Acts for regulating and improving the said Borough:* And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne* have proceeded in the Execution of the said Acts: And whereas it is expedient that the said Mayor, Aldermen, and Burgesses should be empowered to make a certain new Street within the said Borough, and also to widen, improve, and extend certain of the present Streets, Lanes, and Passages within the said Borough, and that the Powers

and Provisions of the said recited Acts should in other respects be extended or varied: And whereas the several Purposes 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 Parliament assembled, and by the Authority of the same,

Recited Acts and this Act to be One.

That the recited Acts (except such Provisions thereof as are not now in force, or are repealed, altered, or otherwise provided for,) and this Act shall be construed as One Act.

8 & 9 Vict. c. 18. incorporated with this Act.

II. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament and legal Instruments it shall be sufficient to use the Expression "The *Newcastle-upon-Tyne* Improvement Act, 1850."

Council to carry this Act into execution.

IV. And be it enacted, That the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne* shall, by the Council of the said Borough, be and they are hereby empowered to carry this Act and the Powers hereby granted into execution.

Power to make new Street according to deposited Plan.

V. And whereas Plans and Sections describing the Line and Level of the Street and Works hereby authorized to be made, together with a Book of Reference to the said Plans, containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands and Tenements through which the same are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of the Town of *Newcastle-upon-Tyne*: Be it enacted, That, subject to the Provisions in this Act and in the Acts extended to or incorporated with this Act as aforesaid, it shall be lawful for the said Council to open and make or cause to be opened and made, within the said Borough, the new Street herein-after mentioned in the Line shown upon the said Plans, and upon the Lands and Tenements delineated on the said Plans and described in the said Books of Reference, and to procure and set out sufficient and convenient Sites for Houses and other Buildings, and Yards and Conveniences thereto, at the Sides of or adjoining the said intended new Street, and to erect and build any such Houses and other Buildings, and from Time to Time to make such Orders and Regulations respecting the erecting or building of all such Houses and other Buildings, as the said Council shall think proper, and to enter upon, take, and use such of the said Lands and Tenements as shall be necessary or convenient for the Purposes aforesaid.

VI. And

Description of Street to be made.

VI. And be it enacted, That the Street to be made under the Authority of this Act shall be the following; that is to say, a Street commencing in *Saint Nicholas Square* partly in the Township of *Saint Nicholas* and partly in the Township of *Saint John*, and extending to *Castle Street* in the Township of *Saint Nicholas*.

Power to widen and improve certain Streets.

VII. And be it enacted, That it shall be lawful for the said Council to widen or otherwise alter and improve the several Streets or Places in the Township of *Saint John* next herein-after mentioned; that is to say, *Neville Street* and *Westgate Street*.

Property not specified in Book of Reference not to be used without Consent of Owner.

VIII. Provided always, and be it enacted, That nothing in this Act or in the said recited Acts contained shall extend to authorize the said Council, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said new Street and Improvements, or for any of the Purposes aforesaid, any Lands or Tenements, other than and except such as are shown upon the said Plans and described in the said Book of Reference, without the Consent in Writing of the Owner thereof or other Person empowered to sell the same by virtue of the said recited Acts or some or one of them, or otherwise.

Property specified not to be taken without the Consent of the Owner after the Expiration of Five Years.

IX. Provided also, and be it enacted, That the Powers by this Act given to the Council to take, use, injure, or damage the Lands or Tenements shown upon the said Plans and described in the said Book of Reference shall not after the Expiration of Five Years next after the passing of this Act be exercised, without the Consent in Writing of the Owner thereof or other Person empowered to sell the same by virtue of the said recited Acts or some or one of them, or otherwise.

Property may be used in certain Cases, though the Name of the Owner thereof be omitted in the Book of Reference.

X. Provided also, and be it enacted, That the said Council may make the said new Street and Improvements upon, into, through, across, or over the Lands or Tenements of any Person whatsoever whose Name or the Name of whose Tenant shall appear to the Satisfaction of any Two of Her Majesty's Justices of the Peace acting in and for the said Borough, and shall be by them certified in Writing under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name of some other Person to whom such Lands or Tenements do not belong hath been by Mistake inserted therein, or that the Owner or Occupier hath been incorrectly or insufficiently described, or if it shall appear to the Satisfaction of any Two such Justices, to be certified as aforesaid, that such Lands or Tenements or any Part thereof have or hath been by Mistake omitted or misnamed or otherwise incorrectly or insufficiently described in such Book of Reference, but were by this Act intended to be taken

and

and used for the Purposes thereof; and the same Tenements, notwithstanding any such Omission or Misdescription, may be valued, sold, purchased, conveyed, disposed of, and applied in the same Manner, and under the same or the like Powers, as fully and effectually to all Intents and Purposes as if the same were inserted and accurately named in the said Book of Reference.

Power to alter Amount of the "Paving and Watering Rate;"

XI. And whereas it is in and by the said Act of the First Year of the Reign of Her present Majesty enacted, that it should be lawful for the said Council once in every Year to rate and assess, by a just and equitable Assessment, under the Name of "Paving and Watering Rate," the several Occupiers of Tenements within the then former Limits of the said Borough, in any Sum not exceeding Four-pence in the Pound by the Year, to be computed upon the annual Value of the Tenements respectively occupied by them: And whereas it is found that a Rate or Assessment of Four-pence in the Pound by the Year, computed as aforesaid, is not sufficient for the Purposes of the said "Paving and Watering Rate:" Be it therefore enacted, That the said lastly-mentioned Enactment shall henceforth be read and construed as if the Sum of Sixpence had been inserted therein instead of the said Sum of Four-pence.

also the Amount of the "Watching Rate;"

XII. And whereas it was in and by the said Act of the First Year of the Reign of Her present Majesty enacted, that it should be lawful for the said Council and they were thereby authorized and required once in every Year to rate and assess, by a just and equitable Assessment, under the Name of "Watch Rate," the several Occupiers of Tenements situate within such Part or Parts of the said Borough as should from Time to Time, under and by virtue of the Provisions of the therein-recited Act of the Sixth Year of the Reign of His then late Majesty, be subject or liable to the Payment of Watch Rate in any Sum not exceeding Sixpence in the Pound by the Year, to be computed upon the annual Value of the same Premises respectively: And whereas it is found that a Rate or Assessment of Sixpence in the Pound by the Year, computed as aforesaid, is not sufficient for the Purposes of the said Watch Rate: Be it therefore enacted, That the said lastly-mentioned Enactment shall henceforth be read and construed as if the Sum of Nine-pence had been inserted therein instead of the said Sum of Sixpence.

also the Amount of the "Lighting Rate."

XIII. And whereas it was in and by the said Act of the First Year of the Reign of Her present Majesty enacted, that it should be lawful for the said Council and they were thereby required once in every Year to rate and assess, by a just and equitable Assessment, under the Name of "Lighting Rate," the several Occupiers of Tenements situate within such Part or Parts of the said Borough as should from Time to Time be within the Provisions of the said now-reciting

Act,

Act, for lighting thereof, in any Sum not exceeding Two-pence in the Pound by the Year, computed upon the annual Value of the Tenements respectively occupied by them: And whereas it is found that a Rate or Assessment of Two-pence in the Pound by the Year, computed as aforesaid, is not sufficient for the Purposes of the said Lighting Rate: Be it therefore enacted, That the said lastly-mentioned Enactment shall henceforth be read and construed as if the Sum of Sixpence had been inserted therein instead of the said Sum of Two-pence.

Power for Council to make Orders from Time to Time as to the paving or flagging of new Streets.

XIV. And whereas it was in and by the said Act of the Tenth Year of the Reign of Her present Majesty enacted, that where any such Street or Part of a Street as therein mentioned was then or should at any Time thereafter be formed or laid out within the said Borough, and should not be sufficiently levelled, paved, or flagged, it should be lawful for the Council at any Time to make and order that such Street or any Part thereof should be levelled, paved, or flagged, and that the whole of the Costs, Charges, and Expenses attending the same should be paid and reimbursed to the said Council by the Owners of the Houses, Buildings, or Lands on the Sides of such Streets: Be it enacted, That it shall be lawful for the said Council to vary or rescind any Order that hath been or shall be made under and pursuant to the said lastly-recited Enactment, and either before or after varying or rescinding any such Order from Time to Time to make any further or other Order or Orders respecting the Premises as the said Council shall think proper.

Mortgagees or other Persons in possession shall be liable to Costs of paving and flagging new Streets.

XV. And be it enacted, That it shall be lawful for the said Council to order and require the Costs, Charges, and Expenses mentioned in the said lastly-recited Enactment, or a due and proportionable Part thereof, to be paid during the Progress of the Works for which the same shall be payable, and that Mortgagees, Trustees, or other Persons for the Time being in the Possession of the Houses, Buildings, or Lands abutting on the Sides of such Street, as mentioned in the said last-recited Enactment, or in the Receipt of the Rents and Profits thereof, or any Person or Persons for the Time being in the Occupation of such Houses, Buildings, or Lands, shall be liable to pay such Costs, Charges, and Expenses as lastly mentioned, in the same Manner as if they had been or were the absolute Owners thereof.

Power for the Council in certain Cases to compel Branch Sewers to be made.

XVI. And be it enacted, That it shall be lawful for the Council, whenever in any Street or Place within the said Borough there shall be Four or more Dwelling Houses or other Tenements in which Six or more separate Families shall reside, from which there shall not be a Branch Sewer or Drain to any Common Sewer within the said Borough, being within the Distance of Forty Feet from such Street or Place, to require the Owners, Mortgagees in possession, or other

Persons in possession of such Dwelling Houses or Tenements, or in the Receipt of the Rents or Profits thereof, to make and construct a private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse, already made or which shall be made within the said Borough, within the Distance of Forty Feet from such Street or Place, according to such Plan as the Council shall direct; and in case any such private Drain as lastly mentioned shall not be made within Two Calendar Months next after the Council shall direct the same to be made, by an Order in Writing signed by the Town Surveyor of the said Borough, and left at the respective usual or last usual Places of Abode of such Owners or other Persons in possession as lastly mentioned, or affixed on the outer Doors of such Dwelling Houses or Tenements as lastly mentioned respectively, it shall be lawful for the Council, by their Town Surveyor, to make and construct such private Drain as lastly mentioned, and to charge such Dwelling Houses and Tenements as lastly mentioned respectively with the Payments of the Costs and Charges incurred in making the same, in such Proportions as the Council shall think fit, and to levy and raise such Proportions respectively by Distress and Sale of the Goods and Chattels of the Occupiers of such Dwelling Houses and Tenements respectively, in the same Manner as if such Proportions respectively were reserved upon common Leases.

Limiting Liability of Occupier of Buildings, as to Costs charged by this Act on Owner, to Amount of Rent due at the Time of Demand.

XVII. Provided always, and be it enacted, That no Occupier of any Buildings or Lands shall be liable to pay more Money in respect of any Costs, Charges, and Expenses charged by this Act on the Owner thereof than the Amount of Rent due from such Occupier for the Premises in respect of which such Costs, Charges, and Expenses are payable at the Time of the Demand made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Council, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued, shall lie upon such Occupier, 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 Costs, Charges, and Expenses: Provided also, that nothing herein contained shall be taken to affect any special Contract made between any such Owner or Occupier respecting the Payment of the Expenses of any such Work as aforesaid.

Owners, &c. of Houses let in Tene-

XVIII. And whereas it was in and by the said Act of the Tenth Year of the Reign of Her present Majesty enacted, that it should

ments made subject to a Penalty in a certain Case.

be lawful for the Council from Time to Time to order all or any of the Privies, Ashpits, and Receptacles for Manure and Refuse within the Borough to be emptied and cleansed by the respective Occupiers of the Houses or other Buildings to which they were attached or appurtenant; and it was also enacted, that every Occupier of a House or other Building within the Borough who should refuse or neglect to comply with such Order, after receiving the Notice thereinbefore mentioned, should for every such Refusal or Neglect forfeit any Sum not exceeding Twenty Shillings: And whereas it is expedient that such Provisions should apply to the Owner in certain Cases: Be it enacted, That it shall be lawful for the Council to make such Order upon the Owner, Mortgagee in possession, or other Person in possession or in the Receipt of the Rents and Profits of any House or other Building within the said Borough which shall for the Time being be let to or occupied by several Persons or Families, and the Owner, Mortgagee in possession, or other Person aforesaid refusing or neglecting to comply with such Order, after receiving such Notice as is by the said Act required to be given to the Occupier, shall forfeit for every such Refusal or Neglect any Sum not exceeding Twenty Shillings.

As to Streets not sufficiently paved, &c.

XIX. And whereas it was by the recited Act of the Tenth Year of the Reign of Her present Majesty enacted, that where any such Street or Part of a Street was then or should at any Time thereafter be formed or laid out within the said Borough, and should not be sufficiently levelled, paved, or flagged, it should be lawful for the Council at any Time to make an Order that such Street or any Part thereof should be levelled, paved, or flagged, and after Publication of such Order in manner therein-after provided to cause such Street or Part of a Street to be freed from Obstructions, and to be properly levelled, made, paved, or flagged, in such Way and with such Materials as to them should seem expedient, and should be mentioned in such Order; and the whole of the Costs, Charges, and Expenses attending the same should be paid and reimbursed to the said Council by the Owners of the Houses, Buildings, and Lands abutting on the Sides of such Street: And whereas it is expedient that such Enactment should be deemed to comprise all Streets and Places within the Borough which may be open for the Passage of Carts and Carriages at the Expiration of Three Months from the passing of this Act: Be it enacted, That the said recited Enactment shall extend to all Streets and Places within the Borough, not being repaired as Highways, which at the Expiration of Three Months from the passing of this Act shall be open for the Passage of Carts and Carriages into or through the same or any Part thereof, and which shall be ordered by the Council to be levelled, paved, and flagged.

XX. And

Power to order cleansing, &c. of Streets not repaired as Highways.

XX. And whereas it would conduce to the Health of the Inhabitants of the said Borough, and be of public Advantage, if the said Council were empowered to order the Courts, Lanes, Passages, or Places next herein-after mentioned to be cleansed, paved, repaired, and channelled: Be it enacted, That it shall be lawful for the Council of the said Borough from Time to Time to make an Order that any Court, Lane, Passage, or Place within the said Borough, for the Time being open for Foot Passengers or Carriages, having a Gate, Bar, or Chain thereon or therein, or over which any Person may have or exercise Ownership, shall be paved, flagged, and channelled by the Owner or Person exercising Ownership over the said Court, Lane, Passage, or Place, in such Manner and within such Time as the said Council shall deem reasonable; and if the Owner or Person aforesaid shall fail or neglect to execute and complete the Works according to the Order so made for the Period of Two Calendar Months from the Time when a Copy, printed or written, of the said Order, signed by the Town Clerk of the said Borough, shall have been served upon or delivered to him, he shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Twenty Shillings for every Week during which such Works shall remain incomplete after the Expiration of the said Two Calendar Months.

Provision of 7 W. 4. & 1 Vict. c. 72. as to Assessors or Collectors not to be appointed twice in Three Years, repealed.

XXI. And whereas it was by the first-recited Act provided and enacted, that no Person nominated or appointed an Assessor or Collector, and who should have served such Office, or should have paid such Penalty as aforesaid for not serving the same, should be again compellable or competent to serve the said Office in less than Three Years after the End of such Service or Payment of such Penalty: And whereas such Provision and Enactment has been found inconvenient: Be it enacted, That the same is hereby repealed.

Power to Collectors to continue in Office, and act, if they think fit.

XXII. And be it enacted, That no Person nominated or appointed an Assessor or Collector, as provided in the said first-recited Act, and who shall have served such Office, or shall have paid such Penalty for not serving the same as is imposed by such Act, shall be again compellable to serve the said Office in less than Three Years after the End of such Service or Payment of such Penalty; but such Person shall be competent to continue such Assessor or Collector, and to act in such Office, if he thinks fit so to do.

Borough Fund applicable to Purposes of the Act.

XXIII. And be it enacted, That it shall be lawful for the said Council from Time to Time to apply so much as they shall see fit of the Borough Fund of the said Borough to the Purposes of this Act.

XXIV. And

Power to borrow Money at Interest for the Purposes of this Act.

XXIV. And be it enacted, That it shall be lawful for the said Council from Time to Time to borrow and take up at Interest such Sum of Money as they shall see necessary for the Purposes of this Act, not exceeding in the whole the Sum of Twenty thousand Pounds, and by Bond or Covenant under the Common Seal of the said Mayor, Aldermen, and Burgesses of *Newcastle-upon-Tyne* to secure the Sum of Money advanced and lent for the Purposes aforesaid, together with legal Interest, to the Person advancing or lending the same, or by Deed under the Common Seal of the said Mayor, Aldermen, and Burgesses to convey and assure to such Person as shall lend or advance any Money for the Purposes aforesaid, or to his Trustees, as a Security for the Principal Money to be advanced, together with legal Interest for the same, such Messuages, Lands, and Hereditaments belonging to the said Mayor, Aldermen, and Burgesses, in such Manner and with such Powers as the said Council shall from Time to Time think reasonable and proper; and every such Bond, Conveyance, or other Security shall be good, valid, and effectual: Provided always, that no such Bond, Conveyance, or other Security shall be good, valid, or effectual unless the full Amount of the Principal Money to be thereby secured, or of the Consideration Money for the same, be truly stated in such Bond, Conveyance, or other Security, and unless the same be stamped according to the Laws in force at the Time of the Date and Execution thereof.

Powers of recited Act of 7 W. 4. & 1 Vict. c. 72. applicable to Monies and Securities under this Act.

XXV. And be it enacted, That the Powers and Provisions of the said recited Act of the First Year of Her Majesty's Reign applicable to the paying off and reborrowing Money, and to the Transfers of Securities, shall extend to the Monies and Securities to be raised and given under this Act.

Former Mortgages to have Priority.

XXVI. And be it enacted, That all Mortgages or Bonds granted by the Mayor, Aldermen, and Burgesses which shall be in force at the Time of the passing of this Act shall during the Continuance thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Corporation not to sell, &c. without the Approbation of the Treasury.

XXVII. And be it enacted, That nothing in this Act contained shall enable the said Mayor, Aldermen, and Burgesses to sell, alienate, incumber, or demise for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, any Lands, Tenements, or Hereditaments which they could not have sold, alienated, incumbered, or demised without such Approbation before the passing of this Act, anything in this Act to the contrary notwithstanding.

Borough not exempt from Provisions of 11 & 12 Vict. c. 63., &c.

XXVIII. And be it enacted, That nothing in this Act or the recited Acts contained shall be deemed or construed to exempt the Borough from the Application thereto of the Provisions of "The Public Health Act, 1848," in the Manner therein provided, or of any general Act relating to that Act, or to the Subject Matter thereof, which may pass during the present or any future Session of Parliament.

Expenses of Act.

XXIX. And be it enacted, That the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and preparatory thereto, shall be paid out of the Borough Fund.

Public Act.

XXX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.