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An Act for the better Management of the Town Moor of the Borough of Newcastle-upon-Tyne, and for the further Improvement and better Government of the Borough; and for other purposes. [14th July 1870.]

WHEREAS the borough of Newcastle-upon-Tyne (in this Act called the borough) is a municipal borough, under the government of the mayor, aldermen, and burgesses of the borough (in this Act called the Corporation), and is regulated by the Acts relating to municipal corporations in England and by various local Acts, including those described in the first schedule to this Act (which are in this Act severally referred to by the short descriptions in that schedule given):

And whereas there is a tract of land within the liberties of the borough, bearing in different parts different names, but ordinarily and in this Act called by the collective name of "the Town Moor," and containing one thousand two hundred and twenty-six acres or thereabouts:

And whereas the Corporation are entitled to the soil of the Town Moor for an estate in fee simple, and the same is subject to a right or benefit of herbage in the resident freemen or burgesses of the borough and the resident widows of deceased freemen or burgesses of the borough (which right or benefit is in this Act referred to as the herbage right):

And whereas the enjoyment and management of the surface of the Town Moor are regulated by an Act of Parliament passed in the year one thousand seven hundred and seventy-four, particularly described in the second schedule to this Act, and in this Act referred to as the Town Moor Act of 1774:

And whereas by the Town Moor Act of 1774 it was enacted (among other things) to the effect that the full right and benefit to the herbage of the Town Moor for two milch cows respectively, in such manner as had been used, should be and was thereby confirmed

14 G. 3. c. 105. (*Private.*)

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and established to the resident freemen or burgesses of the borough and resident widows of deceased freemen or burgesses of the borough for ever, but that such right and benefit should be subject to such demises, restrictions, and regulations for the culture and improvement of the Town Moor as in that Act mentioned:

And whereas by the Town Moor Act of 1774 it was further enacted (among other things) to the effect following:—

That, for the purposes of improving the Town Moor, leases should from time to time be made of different parts thereof in manner therein provided, so as the quantity to be inclosed for such improvement did not at any one time exceed one hundred acres;

That the stewards and wardens of the several companies of the borough, whenever they were desirous to have any part inclosed for improvement, should signify the same in writing to the mayor, and should specify the particular parts, not exceeding one hundred acres, proposed to be inclosed, and that thereupon leases should be made, wherein there should be inserted and contained provisoes, clauses, conditions, and agreements in the Act specified, providing, among other things, that every such lease should be for a term of seven years only, and regulating the mode of manuring and cultivation and laying down of parts demised;

That at the end of every successive seventh year another lot should be pointed out, and should in like manner be let on such terms and conditions as aforesaid, and so successively for ever;

That no part of the Town Moor should be let a second time until the whole thereof capable of being cultivated or intended to be demised by that Act should have been let or put into a state of improvement or cultivation;

That the rents reserved, when the same amounted to one hundred pounds, should be apportioned and distributed in manner therein provided to and amongst poor resident freemen and poor resident widows of deceased freemen or burgesses not having any cow on the Town Moor, in such proportions as to the said stewards and wardens should seem meet;

That on the expiration of every lease the lands comprised therein should be laid open again to the Town Moor:

And whereas by the Town Moor Act of 1774 it was further enacted to the effect that nothing therein should take away, annul, or alter any of the rights which the Corporation as owners of the soil of the Town Moor were entitled to, or give them any new or other rights than they were then entitled to:

And whereas if the Town Moor were placed under a better system of management it might be made much more beneficial to the borough than it now is, and it is expedient that such a system be established accordingly by agreement or arbitration between the Corporation on the one hand, and the stewards and wardens of the companies of the borough (in this Act called "the stewards and wardens"), as representing the interests of the resident freemen or burgesses of the borough, and the resident widows of deceased freemen or burgesses of the borough (in this Act called "the widows and freemen"), on the other hand, and that the powers herein-after contained with reference to the Town Moor should be granted:

And whereas it would be of great local advantage if the Corporation were empowered to make and maintain the new streets described in the fourth schedule to this Act:

And whereas it would be of great local advantage if the Corporation were empowered to widen, alter, extend, and improve the existing streets, roads, lanes, and places described in the fifth schedule to this Act:

And whereas it is expedient that the Corporation be empowered to take by compulsion or otherwise the buildings and lands and extinguish the right of way described in the sixth schedule to this Act:

And whereas by the Improvement Act of 1837, section ninety-seven, the Corporation were empowered to extend the public quay of the borough in manner therein described, and by section one hundred and fifty of the Improvement Act of 1865 further provision respecting such extension of the public quay was made:

And whereas the public quay requires very considerable repair and amendment, and it would be of great local advantage if the same were improved and extended for the better accommodation of ships and merchandise:

And whereas a due called the package duty and dues for the use of sheds are payable to the Corporation in respect of the public quay, but the said package duty and dues are totally inadequate to defray the expense of repairing, amending, and extending the said quay:

And whereas it is expedient that, for the purposes of the repair, amendment, improvement, and extension of the public quay, the Corporation be empowered to borrow further money:

And whereas the Corporation are willing that the quay belonging to them, situate in or adjoining to a street called the Close, above Newcastle Bridge, should be given up and dedicated by them to the use of the public as a public quay, and that the same and

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all extensions of the public quay should form part of the public quay:

And whereas it is expedient that the Corporation be authorised to take on any extension of the public quay, and on the said quay in or adjoining to the street called the Close, the like duty and dues as they are now authorised to take in respect of the public quay:

And whereas it is expedient that better provision be made respecting the formation of streets, and the erection of buildings, and the providing, licensing, and regulating of slaughter-houses, knackers yards, and triperies in the borough, and that the Improvement Act of 1865, and other Acts affecting the borough, be in divers respects extended and amended:

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

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

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

Short title.

1. This Act may be cited as the Newcastle-upon-Tyne Improvement Act, 1870.

Act of 1865 and this Act to be read as one.

2. Save as herein otherwise provided, the Act of 1865 and this Act shall be read together and have effect and be construed and executed as if they were one Act, and the purposes of this Act shall be deemed to be purposes of that Act.

Provisions of general Acts herein named incorporated.

3. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act; namely,

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, except section eighty-four.

Interpretation of terms.

4. With respect to the interpretation of terms in and for the purposes of this Act, the following provisions shall have effect; namely,

Words to which meanings are assigned in the Improvement Act of 1865, or which have therein special meanings, have in this Act the same meanings:

In this Act, the term "slaughter-house" includes a knacker's yard and a tripery:

In the provisions of the Commissioners Clauses Act, 1847, incorporated with this Act, the term "the Commissioners" shall for the purposes of this Act be taken to mean the Corporation, and the terms "clerk" and "clerk to the Commissioners" to mean the town clerk.

Extent of Act.

5. This Act shall, except where it is expressly provided otherwise, apply to and within the borough exclusively.

Committee of stewards and wardens.

6. There shall be for the purposes of this Act a committee of the stewards and wardens chosen out of and by the general body of stewards and wardens on Michaelmas guild day in each year before the commencement of the business of the guild, and consisting of nine members, of whom three shall be a quorum, which committee shall be by virtue of this Act authorised and required to act for and on behalf of the stewards and wardens and freemen and widows of freemen for all purposes relating to the Town Moor.

Council may appoint Committee.

7. For the purposes of this Act, so far as relates to the Town Moor, the Corporation may from time to time appoint out of the council a committee, of whom the mayor for the time being shall always be one, to whom they may delegate for a period not exceeding twelve months such of the powers and duties of the Corporation under this Act as the council think fit, and prescribe rules for their guidance; and the acts and proceedings of such committee shall be deemed the acts and proceedings of the council, and shall annually, or oftener if required, be reported to the council, and the quorum of such committee shall be such as the council direct.

Corporation and committee of stewards may make agreements.

8. The Corporation and the committee of stewards and wardens may from time to time enter into and carry into effect such agreements as they may think fit for the purposes in this section of the Act mentioned in relation to the Town Moor, and in particular, but not so as to affect the generality of this provision, for, amongst other things, the following; videlicet,

For the planting of trees or clumps of trees, and the fencing or inclosing the same:

The formation of roads and paths by the Corporation for public use over, along, or across the Town Moor:

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The erection of seats upon the Town Moor in situations that may appear most suitable elsewhere than within the public park or parks by this Act authorised:

The appropriation of part or parts of the Town Moor for the space of not exceeding ten continuous days for the purposes of agricultural shows, public reviews, or other public purposes:

The erection of pinfolds or pounds, and the removal or alteration of the present pound or pinfold and bull parks:

The sinking of wells and the forming and maintaining of watering places for cattle:

The erecting of cattle sheds for the shelter and milking of cows, and a sanatorium for diseased cattle or for cattle suspected of being diseased:

And all such agreements shall be binding on the Corporation and the stewards and wardens and the freemen and widows respectively; and the Corporation and the committee of stewards and wardens respectively shall, by virtue of this section of the Act, have full power and authority to do all things by this Act authorised to be provided for by any such agreement, and to execute, make, and do all such lawful acts, deeds, assurances, and things as may from time to time be necessary or proper for carrying into effect any such agreement or any of the necessary or reasonable incidents or consequences thereof. And should a difference arise between the Corporation and the committee of stewards and wardens respecting the matters aforesaid, or any of them, then, and in every such case, either party may appeal to the county court judge for the county of Northumberland, who is hereby empowered, after hearing the parties and the evidence by them respectively adduced in open court, to determine and settle the same in a summary manner without any written pleadings, and such decision shall be final and conclusive.

Agreements to be reduced into writing and accessible.

9. Every agreement made under the preceding section of this Act between the Corporation and the committee of stewards and wardens shall be reduced into writing, and all such agreements shall be printed by the Corporation, and a copy thereof furnished to every member of that body and of the body of stewards and wardens aforesaid, and such agreements shall be accessible to any ratepayer or freeman, and sold for one penny each.

Power to dispense with covenants as to cultivation and inclosure of parts of

10. It shall not be necessary that there be inserted in leases to be granted under the Town Moor Act of 1774 of the one hundred acres thereby authorised to be demised all or any of the covenants, provisions, clauses, and agreements thereby required to be inserted with respect to the management, cultivation, and course of hus-

bandry to be pursued, but the Corporation may, with the concurrence of the committee of stewards and wardens aforesaid, continue the same in permanent grass or cause other and different covenants and provisions to be inserted in such leases as they may think desirable, and the leases to be granted may be for any time not exceeding twenty-one years, and may, as the Corporation and the committee aforesaid may appoint, include land portion of the Town Moor previously demised, and each and every intake shall be inclosed with a uniform iron or other fencing to be approved by the Corporation and by the committee aforesaid.

Moor by Act of 1774.

11. The provision in the Act of 1774 contained, requiring every resident freeman or burgess, or resident widow of any freeman or burgess, before the depasturing of cows upon the Town Moor, to make the oath or affirmation thereby required as to the cow therein referred to being his or her property, shall be and is hereby repealed, and the herbage right shall be restricted, varied, and altered as in this Act provided, and particularly as follows; (that is to say,) the number of cows to be depastured upon the moor in any one year shall be limited to eight hundred, and every freeman and widow of a freeman resident within the borough shall be entitled, on application before the first day of April in each year, to receive, from some person appointed for that purpose by the committee of stewards and wardens, two stint ballot tickets, on which the name of the applicant shall be written, and in case the number of tickets issued shall exceed eight hundred, the names of the applicants shall be subjected to a ballot, to be conducted before the committee of stewards and wardens, at such time and under such regulations as they may prescribe, and the first eight hundred applicants whose names shall be drawn at such ballot, and not others, shall be entitled to receive stint tickets, and to depasture cows upon the Town Moor for one year from the twelfth day of May then next, on prepayment of a reasonable sum, to be fixed by the said committee, and applied in the discharge of the necessary expenses of the herding and otherwise respecting the cows depastured upon the Town Moor, but no applicant shall be entitled to more than one stint ticket until every one of such applicants, as far as the total number of tickets to be issued will admit, shall have received one such ticket, and the several holders of the eight hundred stint tickets may transfer the same to any resident inhabitant of the borough for such consideration as they may think fit, so as no one person do hold more than ten of such tickets.

Repealing Act of 1774 as to oaths and affirmations, and fixing system of stintage.

12. There shall, during the continuance unaltered of the Town Moor Act of 1774 other than by this Act, so far as regards the right

During continuance of Act of 1774

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400*l.* per annum to be paid by Corporation towards improvement of moor.

of herbage on the moor, be annually paid to the committee of stewards and wardens aforesaid, out of the borough fund, the sum of four hundred pounds, in lieu of the sum heretofore annually contributed by the Corporation towards the improvement of the Town Moor, to be applied by the committee aforesaid to the drainage of the Town Moor and to improving the herbage thereof, and not otherwise, and an account showing the application of such sum shall be annually rendered to the Corporation by the stewards and wardens, who shall, if required, produce vouchers showing the application of the same.

Corporation may form public parks.

13. The Corporation may take possession of, retain, and for ever hereafter hold and appropriate and set apart such land, being a portion or portions of the Town Moor, and in such position or positions as they may select, not exceeding thirty-five acres of the Castle Leazes, and thirty-five acres of the other part of the Town Moor, in two distinct plots, as a public park or parks, and for the purposes of exercise and recreation by the public, and the Corporation may, out of the borough fund, level, drain, fence, inclose, plant trees, shrubs, flowers, and form and make lakes and waters, and cultivate and generally lay out, maintain, and improve the said parks, and may make and build a lodge, and form and make carriage roads, foot roads, and approaches to the same over, along, and across the Town Moor, and to each of the same parks, and maintain and repair the same roads and approaches when formed, and the herbage right shall be extinguished as far as regards the land appropriated and set apart for the purposes aforesaid; the quantity of land taken and occupied for lodges, roads, and approaches to be included in the thirty-five acres allowed to be taken for each of the said parks.

Corporation may make byelaws as to public parks, &c.

14. The Corporation may make byelaws for all or any of the following purposes relating to the public park or parks, or places of public resort or recreation; (namely,)

For appointing and regulating keepers or servants employed therein:

For regulating the days and hours on or during which the park or place is to be open or shut:

For regulating the conduct of persons frequenting the park or place:

For regulating the days on and hours during which games and gymnastics are to be permitted therein:

For regulating the days on and hours during which bands of music or other music are or is to be permitted therein:

For regulating refreshment rooms therein, and the days on and hours during which they are to be open or shut, and the nature and price of the articles and things to be sold therein:

For regulating or preventing the admission of dogs therein:

For preventing males from intruding on or using playgrounds or other places therein set apart for the use of females, and vice versâ:

For regulating or preventing the admission of horses and vehicles therein:

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things belonging to the park or place, and for preventing the destruction or injury of aquatic or other birds, animals, trees, plants, shrubs, or flowers, and plucking of flowers and leaves therein:

For enabling the servants of the Corporation to exclude therefrom persons not being clean, or not being dressed in clean or decent clothes, and to remove therefrom persons guilty of a breach of any byelaw relative thereto or of any public law.

Committee of stewards may make byelaws for protection of herbage.

15. The committee of stewards and wardens may appoint herds, and may make byelaws for regulating stints and for impounding any cattle, horses, sheep, pigs, or other cattle straying upon the Town Moor, and generally for the regulation of the stintage of the Town Moor.

Making of byelaws.

16. All byelaws under this Act shall be made by the Corporation and the committee of stewards and wardens respectively, subject and according to the provisions of sections one hundred and fifty-four to one hundred and fifty-six, inclusive, of the Improvement Act of 1865.

Power to agree with proprietors or occupiers of grand stand adjoining the Town Moor.

17. The Corporation, if they see fit, shall be entitled to authorise the proprietors or occupiers for the time being of the grand stand adjoining the Town Moor to use and inclose, during two race meetings, the land upon the Town Moor heretofore accustomed to be inclosed, extending from the racecourse to the northern boundary of the Town Moor, and also during the whole of the year, subject to the right of the public to pass over the same on foot, except during race meetings, by means of stiles to be placed at each side of the inclosure, and to the use thereof for agricultural shows, reviews, or other public purposes as in this Act before provided, a portion of the said land extending from the lately formed public road leading through the same to the Ponteland Road, but without any power to depasture cattle thereon, or to make erections on or sublet the same, on payment by the said proprietors or occupiers to the said com-

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mittee of stewards and wardens, in each of the first fourteen years after the passing of this Act in which the same shall be so used, of the sum of fifty-five pounds, in lieu of the sum of twenty-five pounds heretofore paid for such user, and afterwards there shall be paid to the said committee such annual sum in lieu thereof as the said Corporation and the said committee from time to time agree upon and as the said proprietors or occupiers may be willing to pay. The sum to be so received by the said committee shall be by them appropriated to the drainage or improvement of the Town Moor, and all money that may be paid for the erection of tents and stands upon the Town Moor during the holding of races and fairs shall as heretofore be paid to the Corporation, who may out of the money received for tents and stands at the races defray the expense of reinstating the ground that may be damaged or injured, and other incidental expenses, paying over the surplus, if they so think fit, in aid of the race fund as heretofore accustomed. If any difference should arise as to all or any of the matters in this section mentioned, the same shall be settled and determined by the judge of the county court of Northumberland in manner in this Act provided, and the provisions by this section made shall continue so long only as the said Act of 1774 shall remain unaltered other than by this Act, so far as regards the right of herbage on the moor.

Power as to making bye-laws regulating stands, &c. at Newcastle races.

18. The Corporation, with the consent of the committee of stewards and wardens, may from time to time make and alter bye-laws for the protection of the public attending Newcastle races, and for regulating stands for carts, carriages, and other vehicles thereat, and for regulating the taking up and setting down of visitors at the stand, and for the prevention of trespass on the course, the ring, and approaches thereto, or to the stand, and for preventing damage to the racecourse or the fences thereof, or of the ring.

Reservation of rights as to races under Town Moor Act, 1774.

19. Except as herein expressly provided, nothing in this Act contained shall in any way prejudice, vary, alter, or affect the provisions and reservations contained in the Town Moor Act, 1774, relating to the holding of races and fairs, and the erection of tents and stands on such occasions.

Corporation may sell outlying parts of moor.

20. The Corporation may sell, freed and discharged from all herbage rights, such outlying parts of the Town Moor as are described in the third schedule of this Act, and convey the same to the purchaser or purchasers thereof; the proceeds of any such sale shall be received by the Corporation, and may be applied by the committee of stewards and wardens aforesaid, with the consent of the Corporation, to draining or otherwise improving the Town

Moor, or may, if the Corporation think fit, upon the request in writing of the committee of stewards and wardens, be laid out by the Corporation in the purchase of other lands, to be conveyed and held for the same purpose as the land to be sold was previously held, and until the proceeds of any such sale are so laid out the annual interest or income thereof may be expended by the committee of stewards and wardens upon the general improvement of the Town Moor.

Powers to make footway.

21. The Corporation may form a footroad in the parish or parochial chapelry of Saint Andrew, commencing at a point opposite the north end of North Terrace across the Town Moor, and terminating in the Kenton Road, where the said road enters the Town Moor.

All roads and paths to be vested in Corporation, with power, to plant trees alongside of same.

22. All roads and paths now existing, or hereafter to be formed and made along, over, or across any part of the Town Moor, shall be vested in the Corporation, and the herbage right thereon shall be by virtue of this Act extinguished, and the Corporation shall repair and maintain the same, and may, with the consent of the committee of stewards and wardens aforesaid, plant trees on the Town Moor alongside of such roads and paths.

Power to make works and take lands.

23. Subject to the provisions of this Act, and of the Acts incorporated therewith, the Corporation may execute and maintain, in the lines and situations and according to the levels described in the deposited plans and sections, the new streets and improvements shown on the deposited plans, with all proper roadways, footways, pavements, sewers, drains, gutters, works, and conveniences connected therewith, and may enter on, take, hold, and use such of the buildings and lands described in the deposited plans and book of reference as they require for any of the purposes of this Act, or for providing space for the erection of houses and buildings in or adjoining to any of the new streets and improvements.

Power to Corporation to agree with committee of stewards and wardens as to purchase of parts of moor land required in making new roads.

24. Subject to the provisions of this Act, and of the Acts incorporated therewith, the Corporation may enter on, take, hold, and use such parts of the moor described in the deposited plans and book of reference as may be required for the purpose of constructing the new streets or any of the new streets set forth in the fourth schedule to this Act, on payment to the before-mentioned committee of stewards and wardens of such a sum of money as may be agreed upon between them and the Corporation, or as, in case of difference, shall be fixed and determined in manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement, and on payment

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of the said money the parts of the said Town Moor in respect of which the said money is paid shall be absolutely discharged from any right of herbage.

Application of money paid to committee.

25. The money so to be paid as aforesaid to the said committee, and the annual proceeds arising therefrom, shall, with the consent of the Corporation, be applied by the said committee in draining or otherwise improving the Town Moor, or it may, upon the request in writing of the said committee, be laid out by the Corporation in the purchase of other lands, to be conveyed and held for the same purpose as the land in respect of which such money is paid was previously held, and until the said money is so laid out the annual interest or income thereof may be expended by the said committee upon the general improvement of the Town Moor.

North-eastern Company's railways not to be interfered with, or land above their tunnel taken compulsorily.

26. The Corporation shall not enter on, purchase, take, hold, use, or in any manner interfere with the Quayside branch tunnel or the railway viaduct of the North-eastern Railway Company shown on the deposited plans, or any of the works appertaining thereto, neither shall they purchase or take compulsorily any of the land or property of that company over or above the said tunnel, but they may purchase and acquire from that company an easement or right of constructing and maintaining through or across that land or property the works numbered 3 and 13 on the deposited plans as by this Act authorised.

Works affecting North-eastern Railway Company to be constructed under superintendence of their engineer, and damage made good by Corporation.

27. All works by this Act authorised which shall be constructed over or near or shall in any way affect the railways or property of the North-eastern Railway Company shall be made and constructed in a substantial and workmanlike manner, and under the superintendence and to the reasonable satisfaction of and according to plans to be previously submitted to and approved of by the engineer of that company, and so as not to endanger or interfere with the security of their railways or property, or to impede the traffic on their railways, and shall for ever afterwards be so maintained and kept in good and proper repair by and at the expense of the Corporation, and the North-eastern Railway Company may require all such precautions to be taken by the Corporation in making, constructing, maintaining, and repairing the said works as their engineer may deem expedient for protecting their railways and property from injury and their traffic from interruption, and in case any damage or injury shall be caused to their railways or property, or any interruption or injury shall arise to the traffic on their railways, by reason of any of the works by this Act authorised, or during the construction, maintenance, use, or repair thereof respectively, the same shall forthwith be made good by the Cor-

poration to the said company, or the said company may make good such damage or injury to their railways and property, and recover the cost and expense thereof, and also compensation for such interruption or injury to their traffic as aforesaid, from the Corporation in any court of competent jurisdiction.

Power to arch over Back Row in erection of buildings south of St. Nicholas Buildings.

28. The Corporation may carry any buildings to be erected south of the Saint Nicholas Buildings in the High Level Approach Road, over the street called the Back Row, by an archway not less than twelve feet in height and twelve feet in breadth.

No erections on sides of roads across Town Moor and Castle Leazes.

29. No erections or buildings, walls, or fences of any description shall be made, erected, or built on either side of the works numbered 2, 4, 5, and 8 in the fourth schedule to this Act.

Power to make minor works connected with new streets, &c.

30. Subject to the provisions of this Act and the Acts incorporated therewith, and in accordance with the deposited plans or within the limits thereon defined, the Corporation, in connexion with the new streets and improvements of streets by this Act authorised or any of them and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the new streets or improvements of streets or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets, bridges, arches, or works, for the purpose of connecting the same with the new or improved streets or any of them, or of crossing under or over the same or any of them or otherwise.

Alterations of sewers, gas and water pipes.

31. In making the new streets and improvements of streets, the Corporation may raise, sink, or otherwise alter the position of any sewer, drain, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any new or improved street, and also any main or other pipe laid down or used for carrying a supply of water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making reasonable compensation for damage caused by any such alteration.

Power to deviate from levels, &c.

32. In making any of the works by this Act authorised, the Corporation may, subject to the provisions of this Act, deviate to any extent not exceeding five feet from the levels thereof defined on the deposited sections, and may deviate from the lines thereof respectively, in all cases, within the limits of deviation defined on the deposited plans, and beyond those limits with the consent of the owners, lessees, and occupiers of the lands through which any such deviation is to be made, but not otherwise.

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Power to set out carriageway and footway.

33. The Corporation may cause such part of any new or improved street made by them to be laid out for carriageway, and such part thereof for footway, as they think proper.

New streets, &c. to be public highways.

34. When and as often as any new or improved street by this Act authorised is in the judgment of the Corporation completed and ready for public use, the Corporation shall declare the same to be a public highway, and every such declaration shall be recorded among the proceedings of the council, and thereupon the same shall become and be a public highway, and be thenceforth paved, cleansed, lighted, watched, repaired, and regulated as the other public streets and highways in the part of the borough wherein such new or improved street is situate.

Period for completion of works.

35. If the new streets and improvements of streets by this Act authorised are not completed within ten years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Houses of labouring classes.

36. The Corporation shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Corporation shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Corporation have so made known their intention to take the same.

Powers for compulsory purchases limited.

37. The powers of the Corporation for compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the commencement of this Act.

Errors and omissions in book of reference may be corrected by justices, who shall certify the same.

38. If any omission, misstatement, or wrong description shall have been made of any land or other property, or of the owners, lessees, or occupiers of any land or other property, described on the deposited plans or mentioned in the deposited book of reference, the Corporation, after giving ten days notice to the owners, lessees, and occupiers of the lands or property affected by such proposed correction, may apply to any two justices for the correction thereof; and if it appear to such justices that such omission, misstatement, or wrong description arose from mistake they shall certify the same accordingly, and they shall in such certificate (which shall be given in duplicate) state the particulars of any such omission, misstatement, or wrong description; and one part of such certificate, with

the other documents to which it relates, shall be deposited with the clerk of the peace for the town and county of Newcastle-upon-Tyne, and the other part of such certificate shall be deposited with the town clerk, and such certificate shall be kept by such clerk of the peace and town clerk respectively with the other documents to which it relates, and thereupon such plans and book of reference shall be deemed to be corrected according to such certificate, and the Corporation may take any land or property in accordance with such certificate, and may make the work as if such omission, misstatement, or wrong description had not been made.

Certificate to be deposited.

39. A copy of the deposited plans and book of reference respectively, and of all such alterations or corrections thereof as aforesaid, shall be kept by the town clerk, who shall permit all persons interested in any property proposed to be taken under the powers of this Act to inspect the same at reasonable times, and to make copies and extracts of and from the same respectively, free of all charge, and shall permit all other persons to do the like on payment by each person of one shilling for every such inspection, and of the further sum of one shilling for every hour during which such inspection shall continue after the first hour, and after the rate of sixpence for every one hundred words copied therefrom.

Plans, &c. to be open to inspection.

40. Copies of the deposited plans and book of reference, and of any alteration or correction thereof, or extract therefrom, certified by the said clerk of the peace or by the said town clerk, which certificate such clerk of the peace and town clerk respectively shall give to all parties interested when required, shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents thereof.

Copies of plans, &c. to be evidence.

41. The Corporation may from time to time, for the purposes of this Act, take by agreement, in addition to the lands which they are authorised to take by compulsion, any lands within or without the borough, and may hold the same, not exceeding in the whole at one time thirty acres.

Power to take additional lands by agreement.

42. The Corporation may from time to time take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise, enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege in, over, affecting, or belonging to lands, at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment

Power to agree for easements, &c.

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Act, 1860, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Extinction of right of way.

43. The Corporation may extinguish the right of way described in the sixth schedule to this Act, and may stop up the way or path over the platform or flagged footway therein described.

Building leases of lands near streets, &c.

44. Sections one hundred and twenty-one to one hundred and twenty-seven inclusive of the Improvement Act of 1865 shall extend and apply to lands acquired by the Corporation for the purposes of any street or improvement authorised by this Act, or taken by them for providing space for the erection of buildings in or adjoining to any such street or improvement, and accordingly in those sections the expression "this Act" shall be taken to include the present Act.

Power to borrow on borough fund and estates for new streets, &c.

45. The Corporation may, for the purpose of extending or rebuilding the public quay of Newcastle-upon-Tyne, and of from time to time repairing, extending, and improving the same and the works and conveniences connected therewith, and improving the communications therewith, and for the purposes of the new streets and improvements of streets authorised by this Act, and the other purposes of this Act and of the Improvement Act of 1865, from time to time borrow and take up at interest or by way of annuity, on the credit of the improvement rate authorised by the Improvement Act of 1865, and of the borough fund, and of the estates and property of the Corporation, or by all or any of those means, any money not exceeding in the whole the sum of one hundred and fifty thousand pounds (in addition to any money authorised to be borrowed by them independently of this section), and may mortgage and charge the improvement rate, the borough fund, and the estates and property of the Corporation for securing the repayment of the money so borrowed, with interest, and of such annuities accordingly.

Application of parts of Act of 1855.

46. Sections nineteen, twenty, twenty-two, and twenty-three of the Newcastle-upon-Tyne Improvement Act, 1855, shall extend and apply to all money for the time being borrowed by the Corporation under this Act, and the form of instrument of grant of annuity given in the schedule to that Act shall be altered so as to refer to this Act.

Application of money borrowed.

47. All money borrowed under this Act shall be appropriated to purposes for which it is authorised to be borrowed.

Repayment by instalments.

48. The Corporation shall pay off any money borrowed by them under this Act by annual instalments of not less than one sixtieth

part of the principal money borrowed, and the Corporation shall commence such payment off in manner aforesaid not later than the sixth year after the commencement of this Act.

Power to re-borrow.

49. If the Corporation pay off any part of any money borrowed by them under this Act otherwise than by means of instalments they may re-borrow the same, and so from time to time.

Saving for existing charges.

50. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation, and the borough fund and borough rates, or any of them, by way of annuity, mortgage, or otherwise subsisting at the commencement of this Act, and every annuitant, mortgagee, or incumbrancer, or person for the time being entitled to the benefit of any such charge, shall have the same priority of charge, and all the like rights and remedies in respect of the property subject to his charge, as if this Act had not been passed, and all such charges created before the commencement of this Act shall, during the subsistence thereof, have priority over any mortgage granted under this Act.

Extension of public quays, &c.

51. The extension and enlargement of the public quay, provided for by section ninety-seven of the Improvement Act of 1837, and section one hundred and fifty of the Improvement Act of 1865, and a quay belonging to the Corporation in or adjoining a street called the Close, above Newcastle Bridge, shall for all purposes be part of the public quay, and the Corporation may maintain and from time to time repair and improve the same, and take and receive in respect thereof the same package duty and dues for the use of sheds as are contained in the second schedule to the Improvement Act of 1841.

Partial repeal of section 25 of Improvement Act of 1865.

52. So much of section twenty-five of the Improvement Act of 1865 is hereby repealed as enacts that the provisions of section twenty-four of that Act shall not apply as regards the sewering or the flagging of footways of the public highways in the townships of Westgate, Elswick, Jesmond, Heaton, or Byker, unless and until houses are erected by the side or sides of any such highway.

Approval of new streets.

53. The mode of construction of every street begun or completed after the passing of this Act (in this Act referred to as a new street), and the materials to be employed, shall be subject to the approval of the Corporation.

When houses taken down Corporation may prescribe line in which same

54. When any house or building, houses or buildings, has or have been taken down in order to be rebuilt or altered, the Corporation may prescribe the line in which any house or building, houses or buildings, to be hereafter built shall be erected, and the same shall be erected in accordance therewith, and the Corporation

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shall be built.

shall pay or tender compensation to the owner or other person interested in such house or building, houses or buildings, for any loss or damage he may sustain in consequence of his house or building, houses or buildings, being set back, the amount of such compensation, in case of dispute, to be settled in the same manner as compensation for land to be taken under the provisions of the Lands Clauses Consolidation Act, 1845, is directed to be settled, and all the provisions of the said last-mentioned Act relating to the purchase of lands shall apply to the payment made for such loss or damage as if it were a purchase under such Act.

Notices, plans, &c. of new streets.

55. Every person who intends to make a new street shall give notice to the Corporation of such intention by writing left at the surveyor's office, and shall at the same time leave there the following documents; (namely,)

(1.) A plan of the street on a scale of not less than one inch to forty-two feet, showing the names of the owners of the lands through or over which the street will pass, its level, width, direction, mode of construction, and name, and its position relatively to the streets nearest to it, and also the size and number of the intended building lots and sites, with the height, class, and nature of the proposed buildings:

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

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

Power of approval.

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

Direction and level of new streets.

57. The Corporation may require the intended position or direction of any intended new street to be varied or altered for the purpose of causing it to communicate, as nearly as may be practicable, in a direct line with any other street adjoining or leading thereto, or for the purpose of making the same communicate therewith at a more convenient level.

Width of new streets.

58. Every new front street shall be laid out and formed at least forty feet wide, and every back street at least twenty feet wide, with such additional width for footpaths, if any, in the case of a street of either such class as the Corporation may require, unless a greater or a less width is in any case required or consented to by the Corporation on account of the special circumstances stated in the order, and the Corporation shall determine in each case what proportion of the width of every such new street shall be laid out as carriage and foot way respectively, and the width of a new street shall be measured at right angles to its course, and so as to include the whole space dedicated to or used by the public, exclusive of any steps or projections, and every new street shall have an entrance at each end of the full width of the roadway and footway open from the ground upwards.

New streets to have back streets.

59. Every new street made or laid out within the borough after the passing of this Act shall, if required by the Corporation, have a back street of such width as they may require or approve, or there shall be secured for the use of the public the right to use an adjoining and existing back street.

Works for drainage of new streets.

60. The level and width of a new street having been approved by the Corporation, the surveyor shall specify the depth and inclination, form, size, materials, and other particulars of the sewers and their appurtenances, according to which the works for the proper drainage of the street and of the adjoining properties shall be executed.

Notice of irregularity.

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

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

62. If any person begins to set out or make a new street without giving the notice required by this Act, or before the expiration of six weeks from the receipt by the Corporation of that notice if given, or the previous approval of the Corporation, or begins to set out or make a new street which has been disapproved by the Cor-

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poration, or, after the Corporation has approved of a new street, makes, either before or after completion thereof, any alteration in the whole or in any part thereof so approved, without further previous approval by the Corporation of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act, or by the Corporation or surveyor under the authority of this Act, with reference to the making of a new street, he shall be liable to a penalty not exceeding five pounds, and, in case of a continuing offence, to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of a time to be determined in that behalf by the justice before whom he is convicted.

Corporation may form different parts of borough into districts for drainage purposes.

63. The Corporation may from time to time create in the borough and form and define a district or districts, and, for the more effectual drainage thereof, define and fix the line or lines of sewerage to be adopted therein, and also direct the drainage or sewage thereof to be brought into any drain or sewer already formed or hereafter to be formed within the borough, and assess and apportion a due proportion of the original cost of the drain or sewer by which such drainage or sewage is so brought upon or amongst the owners of the land or ground within any such district, and fix (where the circumstances of the case appear to them properly to require it) a deferred period for the payment thereof or a reduced payment, regard being had in either case to the probable period of the use of such drain or sewer, and this notwithstanding that no street has been then actually formed or laid out within any such district.

May assess owners using drains to cost of original formation.

64. Where any drain or sewer has been formed of greater depth or area than is necessary for the drainage only of the particular land or ground through which it is formed, the Corporation may contribute towards the cost thereby incurred, and in that event, or in case the expense thereof has been borne by the owner or owners of such land or ground, the Corporation, on the drainage or sewage from other lands or grounds being brought into the same drain or sewer, may assess on the owner or owners of such last-mentioned lands or grounds an amount of money adequate to cover the additional expense incurred in the formation of the original drain or sewer, and may retain to their own use the amount of such assessment, or (as the case may be) pay the same to the person, or, if more than one, divide the same rateably amongst the persons, by or at whose expense the original drain or sewer was formed.

May carry drainage

65. The Corporation may, for the purpose of forming and maintaining, and, when necessary, repairing a connected and continuous

line of drainage, carry any drain or sewer through any intervening or adjoining lands or grounds, and remove all obstructions thereupon or thereunder, doing as little damage as may be, and replacing and restoring the land or ground affected by such work, and making compensation for any damage or injury occasioned thereby.

Power to carry through intervening or adjoining lands.

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

New buildings.

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

Measurement of front elevation.

68. Every person who intends to erect a new building, or enlarge or alter an existing building, shall give notice to the Corporation of such intention, by writing left at the surveyor's office, and shall at the same time leave there the following documents; (namely,)

Notices, plans, &c. of new buildings.

(1.) A drawing of the front elevation and, if required by the surveyor, a drawing of the back and side elevation of the building, on a scale of not less than one inch to eight feet:

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

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

(4.) A block plan, on a scale of not less than one inch to forty-two feet, showing the position of all buildings and streets adjoining the intended new, enlarged, or altered building, and of its yard or other ground belonging thereto, and the width and level of the street:

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All the aforesaid drawings shall be drawn in ink, on drawing paper having cloth or mounted tracing paper, and the details shall be tinted with colour: Provided always, that the provisions of this Act with respect to new buildings, or the enlarging or altering of existing buildings, shall not apply to stations, warehouses, or buildings of any description of or belonging to any railway company, and used or intended to be used by them for the purposes of their railway.

Approval or disapproval by Corporation.

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

Thickness of walls, foundations, &c.

70. The thickness of all party walls of new, enlarged, or altered buildings shall not be less than nine inches when they are built of brick, and shall not be less than fourteen inches when they are built of stone, and, subject thereto, the walls of new buildings shall be of such greater thickness as the Corporation approve, and the foundations of new buildings shall rest on solid ground, or on concrete, or on some other solid structure, and, if required by the surveyor, all party walls of buildings shall be carried at least twelve inches above the roofs, and have a coping of stone at least four inches thick.

Open spaces about dwellings.

71. With respect to open spaces about new buildings intended to be used as dwelling-houses (in this section referred to as new dwelling-houses) the following provisions shall have effect; (namely,)

(1.) Every new dwelling-house shall have in the rear or at the side thereof an open space exclusively belonging thereto, to the extent of at least one fourth of the area of the ground occupied and belonging to such building and its out-offices, as shall extend from the front wall of the building to the outer back and side boundary of the premises:

(2.) Every such new dwelling-house shall have in the rear, or at the side thereof in the case of a corner house, (that is to say,) a house facing two streets, such open space as the Corporation may require, not exceeding one fourth of the area of the ground occupied and belonging to such building and its out-offices, extending from the front wall of the building to the outer back and side boundary of the premises:

(3.) The open space in the rear or at the side of any new dwelling-house, to the extent required by this section, shall

be excluded from the calculation of the open space in the rear or at the side of any other dwelling-house:

(4.) The open space required by this section may, with the consent of the Corporation, be reduced or dispensed with in the case of buildings other than dwelling-houses:

This section shall not extend to a building to be erected after the passing of this Act for the purpose of being used as a dwelling-house on the site of a dwelling-house which exists at the time of the passing of this Act, but every such building shall have the same open space in the rear or at the side thereof as required by this section where, at the time of the taking down of the existing dwelling-house, there is such or a greater extent of open space as by this section required, and where at that time there is no such open space, then the open space in the rear or at the side thereof shall not be less than that which existed at the time of such dwelling-house being taken down.

Continuance of open space.

72. Whenever any open space has been left belonging to any building for the erection of which the approval of the Corporation has been obtained, such space shall never afterwards be built on so as to leave a less open space than required by this Act or than shown on the plan approved by the Corporation, without their further approval, and it shall not be lawful to build on any yard or open space belonging to any building without the consent of the Corporation.

For preserving regularity in line of building.

73. It shall not be lawful for any person without the authority of the Corporation to erect or make any building or projection from the direct line of any building, or on any area, garden, or vacant ground, which shall project so as to interfere with the regularity of the line of building in any street.

Height of rooms.

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

Windows in rooms.

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

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half at least shall be made to open the full width, and in case of a casement window one half at least shall be made to open.

Ventilation of public buildings.

76. Every public building, church, chapel, school, shop, and factory erected after the commencement of this Act shall be supplied with means of ventilation approved by the Corporation, and every room in any house or other building used after the commencement of this Act as a day school shall be supplied with means of ventilation to the satisfaction of the Corporation.

Ventilation of habitable rooms.

77. Every habitable room of less area than one hundred superficial feet, and without a fireplace, shall, if so required, be provided with special means of ventilation by air-shaft or otherwise, as the Corporation may determine.

As to expression "house or building."

78. The expression "house or building," in the fifty-first section of the Improvement Act of 1865, shall mean any house, building, or other structure, lands, or hereditaments.

Prevention of damp from foundations.

79. Where a new house is erected on land on which no dwelling-house had been previously erected, or on land theretofore used either as garden ground or as a yard, or on maiden soil, then and in each of those cases, unless the Corporation otherwise order, the soil must be excavated and removed to the depth of fifteen inches at least from the floor line, and, if required by the Corporation, a layer of concrete clinkers or other proper hard material, of the thickness prescribed by the Corporation, shall be spread thereon and well rammed before the floor is laid, and, unless the Corporation otherwise order, every new house shall have a course of asphalte or slate set in cement, or of lead, or of other impervious material, for the prevention of damp, laid immediately above the ground line on each external wall.

Drainage of buildings.

80. All houses and buildings (whether erected after the commencement of this Act or not) which, in the opinion of the Corporation, are without sufficient drainage, shall be drained in the most effectual manner practicable, and the mode of drainage and all materials intended to be used in the construction of the drainage of buildings shall be subject to the approval of the Corporation, and a new house shall not be occupied until the house drainage is completed.

Construction of house drainage.

81. The drains of all houses and buildings shall consist of glazed stoneware or fireclay pipes, or other suitable material approved of by the Corporation, and shall be connected with the sewers in such manner as the surveyor directs; they shall be laid with water-tight joints, and shall be imbedded in and surrounded with well-

puddled clay; no right-angle junctions, whether vertical or horizontal, shall be formed.

Ventilation of house drainage.

82. Proper ventilation shall, if required by the Corporation, be provided in the drainage of every house by means of the rain-water pipe, or by special pipe or shaft, or by such other method as the Corporation directs; all other inlets to the house drains shall be properly trapped by means of syphon traps.

Drainage of subsoil, &c.

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

Construction of watercloseta, &c.

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

Earthclosets may in certain cases be constructed instead of waterclosets.

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

Construction of cesspools, &c.

86. A cesspool shall not be allowed for any existing or new house except with the authority of the Corporation, when it shall be constructed in such situation and in such manner as the Corporation direct; it shall in every case be made watertight, it shall be arched or covered over with strong flags, and a pipe or shaft for ventilation shall be carried up from it or from the drain communicating with it from the watercloset or privy.

Construction of ashpits, &c.

87. The situation, dimensions, materials, and construction of every ashpit shall be subject to the approval of the Corporation, and

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shall be of sufficient size to contain the ashes and dry refuse likely to accumulate between the prescribed visits of the scavengers.

Construction of flues of bakehouses.

88. In any building intended for a bakehouse there shall be constructed, to the satisfaction of the Corporation, a flue or chimney of such height above the ridge of the main building to which the bakehouse belongs as the Corporation directs; a baker's oven or tradesman's or artificer's furnace shall not be constructed in or added to any building theretofore erected without there being a flue or chimney provided for the same to the satisfaction of the Corporation; a person constructing an oven or furnace shall carry up the flue or chimney used as a smoke-flue therefrom to the height required by the Corporation above the adjoining chimneys or ridge of the main building to which the oven or furnace belongs, and shall secure the same by stays or fastenings to the satisfaction of the Corporation.

Construction of chimneys, &c.

89. The chimneys and flues of every building shall be constructed in such mode and of such materials and dimensions as the Corporation approve; all hearths and slabs connected with such chimneys and flues shall be properly bedded in incombustible materials; no timber or woodwork shall be placed within nine inches of the inside face of any such chimney or flue, and the brickwork or stonework of every such chimney or flue shall be properly rendered.

Restrictions as to pipes and funnels for conveying smoke.

90. From and after the commencement of this Act no pipe or funnel for conveying smoke shall at any time be newly fixed against any building next to any street or court, or on the inside of any building, nearer than nine inches to any timber or other combustible material, nor shall any funnel built or made of brick or stone, or both, be newly placed on the outside of any building next to any street or court so as to extend beyond the general line of the buildings in the street or court, and if any pipe or funnel is fixed or placed contrary to this Act, the occupier, or, in case of there being no occupier, then the owner of the building to which the same belongs, shall, within fourteen days next after receiving notice from the Corporation, cause the same to be removed, and the occupier, if he has not himself fixed or caused to be fixed such pipe or funnel, may deduct the expense, if any, incurred by him under this provision from any rent payable by him to the owner, and, in default, shall be liable to a penalty of ten shillings a day for every day during which such default continues after the expiration of the time specified in such notice.

Power of inspection.

91. The surveyor may, at any reasonable time, inspect any building in progress of construction, or any work connected therewith, but

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

Notice in case of irregularity.

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

Penalties relative to new buildings.

93. If any person begins to erect a new building, or to enlarge or alter an existing building, without giving the notice required by this Act, or before the expiration of twenty-eight days from the receipt by the Corporation of that notice if given, or the previous approval of the Corporation, or begins to erect a new building or to enlarge or alter an existing building which has been disapproved by the Corporation, or after the Corporation has approved of a new building or of an enlarged or altered building, makes, either before or after completion thereof, any alteration in the whole or in any part thereof so approved, without further previous approval by the Corporation of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act, or by the Corporation or surveyor under the authority of this Act, with reference to a new, enlarged, or altered building, he shall be liable to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

Power to Corporation to regulate height of chimneys.

94. The Corporation may regulate the height and dimensions of the chimneys of all buildings used at or after the commencement of this Act for the purposes of trade or manufacture, or for baths and washhouses, and may order that any such chimney be altered or built so as to be of the height and dimensions specified in the order, and if any person does not comply with the order, or, in the case

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of any new chimney, neglects to give twenty-eight days notice in writing to the Corporation of his intention to build the same, he shall be liable to a penalty not exceeding twenty pounds.

Byelaws with respect to buildings, &c.

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

For regulating the erection and conversion of buildings and structures, including stands and platforms, whether composed of iron, concrete, or any other material, and for insuring the strength and safety thereof:

For regulating the thickness and construction of walls and floors, buildings and structures, and the employment therein of suitable and good materials of proper dimensions:

For regulating the elevation of houses in any street for insuring uniformity or regularity therein:

For regulating the depths of cellars below the level of streets and requiring open areas adjoining the same, and for the prevention of damp and for the ventilation of cellars:

For regulating the height and construction of chimneys and furnaces, the seating and position of boilers, and the construction of ovens, for insuring open spaces between the external walls thereof and the buildings in which the same are situate, and other purposes:

For enforcing precautions against fire or explosion, and for prohibiting or restricting the making of openings in party walls, and for regulating the construction of roofs of houses, and for securing the separation of roofs of houses or a number or group of houses from the roofs of adjacent or other buildings:

But not so as to affect by any byelaw, for any of the purposes aforesaid, any building, structure, or thing erected, made, or done before the passing of this Act, and may provide for the observance of any byelaws made under this section by inserting therein such provisions as they think fit,—

As to giving of notices:

As to deposit of plans, elevations, and sections:

As to inspection by the Corporation during building or otherwise.

Respecting existing contracts for building.

96. Nothing in this Act or any byelaw thereunder shall make void any agreement in writing entered into before the passing of this Act for erecting or altering any building, but the same may be performed with such alterations as may be rendered necessary by this Act or any such byelaw, and as if such alterations had been stipulated for in such agreement, and the difference between the cost of the work according to the agreement and the cost thereof as executed according to this Act or any such byelaw shall be ascer-

tained by the parties to the respective agreements, and paid for or deducted as the case may require, and in case of dispute such difference shall on the request of either party (notice being given to the other) be decided by the surveyor.

Alteration of contracts for buildings.

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

Power to provide slaughter-houses.

98. The Corporation may from time to time provide proper slaughter-houses in the borough, with all necessary fittings and conveniences, and may demand and receive tolls not exceeding those specified in the seventh schedule to this Act from persons using the slaughter-houses, and they may from time to time enlarge, improve, alter, or remove any slaughter-house provided by them, and for the purposes aforesaid they may from time to time purchase by agreement any lands or appropriate any lands for the time being belonging to them or under their control.

Power to license slaughter-houses.

99. The following provisions shall take effect with respect to slaughter-houses; (namely,)

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

(2.) They may by order revoke or suspend the license for any slaughter-house when, in their opinion, the same is or is likely to become a nuisance:

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

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

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

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

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(7.) The Corporation may from time to time make byelaws for the inspection of licensed slaughter-houses and the prevention of cruelty therein, and for the cleansing thereof, the removal of the carcases, blood, and offal of animals, for the proper drainage thereof, and for the supplying thereof with water.

Slaughtering prohibited except in slaughter-houses provided or licensed by Corporation.

100. After the passing of this Act, no cattle shall be slaughtered, nor shall any carcase be dressed for sale, in any place within the borough other than a slaughter-house provided or licensed by the Corporation; and if any person acts in any respect in contravention of the present enactment he shall be liable to a penalty not exceeding five pounds.

Act of 26 Geo. III. not to apply.

101. From and after the passing of this Act, sections one and two of the Act of the twenty-sixth year of the reign of King George the Third (chapter seventy-one), "for regulating houses and other places kept for the purpose of slaughtering Horses," shall cease to apply to the borough.

Byelaws to prevent certain nuisances.

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

For prohibiting or regulating the user and passage of advertising vans, and the deposit or exhibition of dangerous or offensive articles in or near or within view of any public street, and for fixing and regulating the places where and the manner in which placards, bills, and advertising boards shall be displayed, and to prohibit or license the passage of travelling vans:

For preventing the disfiguring of the front of buildings:

For regulating the size and fixing of sign-boards, private lamps, sun-blinds, cranes, flaps, galleries, spouts, and other erections projecting over any street or footway:

For regulating the distance from inhabited houses of any brick-kiln, saw-mill, slaughter-house, bone and chemical manure manufactory, glue manufactory, cow byre, and place for offensive trades which may be newly established after the passing of this Act:

For inspecting the premises of game and poultry dealers, and the prevention of cruelty therein.

Collection of dry manure, &c.

103. Section sixty-three of the Improvement Act of 1865, relative to the providing of places for collection and deposit of sewage water and to matters connected therewith, and section sixty-four of the same Act, relative to contracts for the sale or other disposition of sewage water and to matters connected therewith, shall extend and apply to dry or other manure, soil, or filth belonging to the Corpo-

ration, but nothing in this section shall authorise the Corporation or any lessee of the Corporation to do or be a party to any act or thing amounting to a nuisance.

Expense of extinguishing fires in borough.

104. Notwithstanding anything in section one hundred and one of the Improvement Act of 1865 contained, the owner and occupier of any house, building, or premises within the borough in which a fire breaks out or occurs shall be liable to pay and shall pay to the Corporation one half of the actual expense (not exceeding thirty pounds in the case of any one house) incurred by them in extinguishing such fire, and the Corporation, or, in the event of dispute, two justices of the borough, shall determine the amount of that expense, and the proportions thereof to be paid by the owner and occupier respectively, and the amount as so determined or allowed shall be recoverable from the owner and occupier respectively as a penalty under the Improvement Act of 1865 is recoverable.

Cleansing and disinfecting of houses, &c.

105. If at any time the Corporation are of opinion, on the certificate of a registered medical practitioner, that the cleansing and disinfecting of any house or part thereof, or the cleansing and disinfecting or destruction of any articles therein likely to retain infection, would tend to prevent or check infectious or contagious disease, they shall give notice in writing requiring the owner or occupier of such house or part to cleanse and disinfect the same, or to cleanse and disinfect or destroy such articles as aforesaid (as the case requires), and if the person to whom notice is so given fails to comply therewith within the time specified in the notice he shall be liable to a penalty not exceeding ten shillings for every day during which such failure continues, and in case of such failure, and whether proceedings for such penalty are taken or not, the Corporation shall cause such house or part to be cleansed and disinfected, or such articles to be cleansed and disinfected or destroyed (as the case requires), and may recover in a summary manner the expenses incurred by them in so doing from the owner or occupier in default, or may if they think fit, on the ground of the poverty of such owner or occupier, or on any other ground, remit the whole or part of their expenses.

Regulations as to bye-laws.

106. Byelaws under this Act shall be made subject and according to the provisions of sections one hundred and fifty-four to one hundred and fifty-six inclusive of the Improvement Act of 1865.

Brothels.

107. If any person keeps or acts in the management of any brothel or other disorderly house, room, or other place in the borough, or appears, acts, or behaves as master or mistress, or as the person having the care, government, or management thereof, every person

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so offending shall for every such offence be liable to a penalty not exceeding twenty pounds, or in the discretion of the justices before whom he or she is convicted to imprisonment, with or without hard labour, for a period not exceeding three calendar months: Provided always, that any conviction under this provision shall not exempt any owner, occupier, keeper, or manager of such place, or any person so appearing, acting, or behaving, or any person resorting thereto, from any other penal consequence to which he or she is liable with reference thereto.

Penalties, appointment of officers, notices, &c.

108. Sections one hundred and sixty to one hundred and eighty-four inclusive of the Improvement Act of 1865 shall for the purposes of this Act be read and have effect as if they were herein repeated and enacted, and accordingly in those sections the expression "this Act" shall be taken to include also the present Act, and, except where otherwise is expressly excepted, or the provisions of the Improvement Act of 1865 are expressly altered or repealed, that Act and the present Act shall be read and construed as one Act.

Saving for consent of Treasury as to sales, &c.

109. Nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise for the purposes of this Act, without the approbation of the Commissioners of Her Majesty's Treasury signified in writing, any buildings or lands which they held at the commencement of this Act, and which they could not have sold, alienated, encumbered, or demised without such approbation before the commencement of this Act.

For protection of Commissioners of Customs.

110. Provided always, that if or by reason of the execution of the herein-before mentioned works or any part thereof, either during the progress of the said works or after their completion, any injury shall be done to the premises of or any loss or damage of any kind shall be sustained by the Commissioners of Customs, compensation shall be made to the Commissioners of Customs by the Corporation for such injury, loss, or damage, and in case any dispute shall arise as to the amount of such compensation, or as to whether any such compensation be due or not, such dispute shall be settled by arbitration or otherwise, according to the amount claimed and disputed, in the manner provided for ascertaining and settling the amount of compensation for the purchase and taking of lands under "The Lands Clauses Consolidation Act, 1845."

Corporation not to interfere with District Probate Registry without con-

111. Nothing contained in this Act or in any of the Acts incorporated herewith or herein referred to shall authorise the Corporation to take, use, enter upon, or in any manner interfere with any portion of the premises used as the district registry of Her Majesty's Court of Probate at Newcastle-upon-Tyne without the

consent in writing of the Commissioners or First Commissioner for the time being of Her Majesty's Works and Public Buildings first had and obtained, which consent the said Commissioners or First Commissioner are and is hereby authorised to give on such terms and subject to such conditions as they or he may think fit to prescribe.

Consent of Commissioners of Her Majesty's Works, &c.

112. Except as by this Act otherwise expressly provided, nothing in this Act shall take away, lessen, prejudice, alter, or affect any of the rights, privileges, property, powers, and authorities of the Tyne Improvement Commissioners.

Saving rights of Tyne Improvement Commissioners.

113. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation, and as to one moiety shall be a charge upon and be paid out of the moneys arising from or received in respect of the improvement rate, and as to the other moiety be paid out of the borough fund.

Expenses of Act.

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The SCHEDULES to which the foregoing Act refers.

The FIRST SCHEDULE.

Former Local Acts.

Session and Chapter.	Title or Short Title.	Short Description.
7 William IV. and 1 Victoria, c. lxxii.	An Act for regulating and improving the Borough of Newcastle-upon-Tyne.	The Improvement Act of 1837.
4 and 5 Victoria, c. lxxi. -	An Act to alter and extend an Act passed in the first year of the reign of Her present Majesty, intituled "An Act for "regulating and improving the Borough "of Newcastle-upon-"Tyne."	The Improvement Act of 1841.
28 and 29 Victoria, c. ccl.	The Newcastle-upon-Tyne Improvement Act, 1865.	The Improvement Act of 1865.

The SECOND SCHEDULE.

The Town Moor Act of 1774.

14 George III. c. 105 (Private). An Act for confirming to the resident Freemen or Burgesses and resident Widows of deceased Freemen or Burgesses of the Town of Newcastle-upon-Tyne their full Right and Benefit to the Herbage of the Town Moor, Castle Leazes, and Nun's Moor, within the Liberties of the said Town, for two Milch Cows each, in such manner as has been used, and for improving the Herbage of the said Town Moor, Castle Leazes, and Nun's Moor respectively."

The THIRD SCHEDULE.

Outlying Parts of Town Moor.

Detached pieces of land in front of Messieurs Burnups and the late Mr. Peregrine Ellison's, the Horticultural Show Ground, Barras Bridge, the strip of ground extending in front of Jesmond Terrace, and two pieces or parcels of and parcel of the Town Moor intersected and cut off therefrom by the Blyth and Tyne Railway, lying on the north-east of the line running to Newcastle.

The FOURTH SCHEDULE.

New Streets authorised by Act.

1. A new street in the parish or parochial chapelry of All Saints, in the parish of Saint Nicholas, and to commence at a point in an intended new street leading from or near Trafalgar Street to the quay, and seventy feet to the north of the angle formed by the junction of New Pandon with New Pandon Street, and to terminate at or near a point two hundred and seventy feet north of the junction of Saint James's Lane with Town Street.
2. A new street in the parish or parochial chapelry of Saint Andrew, commencing at a point in the road leading from Spital Tongues to the Ponteland Road, about sixty yards north-west of the shaft of the Spital Tongues Colliery, and terminating at a point in the southern boundary hedge of the Nuns Moor, about one hundred and ninety feet west of the public footpath leading from the west turnpike near Grainger Ville to the said Ponteland Road.
3. A new street in the parish or parochial chapelry of All Saints, in the parish of Saint Nicholas, commencing in the road leading from Byker Bank to Saint Lawrence, at or near the western termination of the new road to Walker, and terminating near the junction of Stepney Street with Elwick's Lane.
4. A new street in the parish or parochial chapelry of Saint Andrew, in the parish of Saint Nicholas, commencing in the road leading behind Claremont Place and Eldon Street, at or near a point in the centre of the open space between the houses in Claremont Place and Eldon Street aforesaid, and terminating in the boundary hedge between the Town Moor and lands of the Magdalene Hospital used as a garden and nursery ground, at a point one hundred feet south of the northern boundary fence of the said garden and nursery grounds.

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5. A new street in the parish or parochial chapelry of Saint Andrew, commencing at or near the junction of Gallowgate with the Barrack Road, and terminating at the south-western end of Strawberry Place.
6. A new street in the parish or parochial chapelry of Saint Andrew, commencing at the junction of Albion Street and Albion Place, and terminating in Percy Street opposite the western end of Prudhoe Street.
7. A new street in the parish or parochial chapelry of Saint John, in the parish of Saint Nicholas, commencing at the southern end of Stowell Street, and terminating in Bath Lane, between Saint John's Infant School and the Union Day School.
8. A new street in the parish or parochial chapelry of Saint Andrew, in the parish of Saint Nicholas, commencing on the eastern side of the North Road, at the south-west corner of the herd's house in the pinfold, extending across the Town Moor, and terminating at the eastern boundary of the said Town Moor, at a point about sixty feet north of the said pinfold.

The FIFTH SCHEDULE.

Improvements of Streets authorised by Act.

1. The widening of the north side of the street called the Quay, between the public lane or alley called Plummer Chare and the Custom House, and measuring in length about one hundred and fifty feet.
2. The widening of the north [side of the street called the Quay, between Rewcastle Chare and a place called the Milk Market, and extending in length a distance of about five hundred and twenty feet.
3. The widening of Saint Ann's Street, near Sandgate, on the south side from the public street called the Swirle to the public street called the Wideopen, measuring about three hundred and thirty feet in length.
4. The widening of the north side of the street called Nelson Street, North Shore, for a distance of one hundred and forty feet, between the junction of the said street with Clarence Street and the public stairs leading from Nelson Street to Tyne Street.
5. The widening of Stepney Lane on the south side thereof from its junction with Melbourne Street westwards, a distance of three hundred feet.
6. The widening of a portion of the streets called Pandon and Stock Bridge on the west and south sides thereof respectively, and at their junction, for a distance of about forty feet, commencing at a point forty-five feet north of the Duke of York public-house in Pandon, and terminating at a point about fifty feet from the eastern end of the Stock Bridge:

The before-mentioned widening of streets will be wholly situate in the parish or parochial chapelry of All Saints, in the parish of Saint Nicholas.

7. The widening in the parish of Saint Nicholas of the street called the Close, on the south side, in front of a public-house called Charles the Twelfth, near the junction of the Sandhill and the Close, measuring in length about twenty-one feet from the junction westwards.
8. The widening in the parish of Saint Nicholas of the street called Castle Garth, on the west and south sides thereof, between the North-eastern Railway and the Black Gate, a distance of about one hundred and forty feet.
9. The widening in the parish or parochial chapelry of Saint John, in the parish of Saint Nicholas, of Westgate Street, on the south side, for a distance of one hundred and ten feet between Clayton Street and Pink Lane.
10. The widening, alteration, extension, and improvement in the parish or parochial chapelry of Saint John, in the parish of Saint Nicholas, of the west side of the High Level Approach between Bailiffgate and a public street or lane called Back Row, a distance of eighty feet or thereabouts.
11. The widening in the parish or parochial chapelry of Saint John, in the parish of Saint Nicholas, of Westgate Street, on the north side, for a distance of about one hundred and thirty-two feet between Clayton Street and Cross Street.
12. The widening in the parish or parochial chapelry of Saint John, in the parish of Saint Nicholas, of Pink Lane, on the south side, extending from Neville Street to the Forth Lane, a distance of about two hundred and thirty-three feet.
13. The widening in the township of Elswick, in the parish or parochial chapelry of Saint John, in the parish of Saint Nicholas, of a portion of West Hinde Street, on the north side, commencing at a point sixty-four feet from the palisading on the east side of Gloucester Street, and extending to the west side of Laurel Street, a distance of one hundred and ten feet or thereabouts.

The SIXTH SCHEDULE.

Buildings and Lands to be taken and Right of Way to be extinguished under this Act.

A. In the parish or parochial chapelry of Saint John, in the parish of Saint Nicholas:

A building and land situate in Fenkle Street, and commonly known a the Assembly Rooms:

A block of buildings on the north-east side of Westgate Street, extending from Denton Chare southward and eastward to Zion Court:

All those buildings and premises situate on the south side of the Bigg Market and extending from Saint Martin's Court to the Rose and Crown public-house inclusive:

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A piece of vacant land on the west side of the street called the High Level Approach Road, extending twenty-eight feet northward from the north end of Saint Nicholas's Buildings.

B. In the parish or parochial chapelry of Saint Andrew, in the parish of Saint Nicholas:

Two fields or closes of land lying to the north of Ellison Place and formerly known as the Northumberland Cricket Field, and extending from the Northumberland Baths to Pandon Dene.

C. In the parish or parochial chapelry of All Saints, in the parish of Saint Nicholas:

A piece of land in New Bridge Street, on the south side of and adjoining the new bridge across Pandon Dene, commencing at Picton Terrace and extending eighty-three yards eastwards to Easton's Buildings.

D. In the parish of Saint Nicholas:

A right of way over a platform or flagged footway erected over a public privy, known as the High Crane, and the public stairs leading from the eastern side of the approach to the Old Tyne Bridge to the Quay, and to acquire the vaults, cellars, or tunnels under the said Tyne Bridge approach.

The SEVENTH SCHEDULE.

Tolls for Slaughter-houses.

	s.	*d.*
For every horse, bull, cow, steer, or heifer - - - - -	1	0
For every calf - - - - - -	0	3
For every pig - - - - - -	0	6
For every sheep, lamb, or goat - - - - - -	0	1

With such standage charge per diem for any animals kept over one day for slaughter as the Corporation may appoint, not exceeding the above scale.

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