CHAPTER clxxii.

An Act to enable the Mayor Aldermen and Citizens of the City of Newcastle-upon-Tyne to construct new Streets Roads and Street and Road Improvements Tramways and other Works and to make further provision for the good Government of the City and for other Purposes. A.D. 1882.

[10th August 1882.]

WHEREAS Her Majesty has by Her Royal Charter dated the thirtieth day of June one thousand eight hundred and eighty-two declared that the borough of Newcastle-upon-Tyne shall be a city and be styled "the city and county of Newcastle-upon-Tyne" and that the mayor aldermen and burgesses of the borough of Newcastle-upon-Tyne shall thenceforward be one body politic and corporate by the name and style of "the mayor aldermen and citizens "of the city and county of Newcastle-upon-Tyne" (in this Act called "the Corporation"): Charter 30th June 1882.

And whereas the city and county of Newcastle-upon-Tyne (in this Act called "the city") is subject to the Acts relating to municipal corporations and the Corporation acting by the council are the urban sanitary authority for the district thereof:

And whereas at the date of the said charter the several local Acts and the provisional order mentioned in the first schedule to this Act were in force within the said borough which Acts and order are in this Act referred to collectively as "the former Acts" and each of them separately as an Act or order of the year in which the same was passed or made:

And whereas it is expedient that the former Acts be made applicable to the city:

And whereas it is expedient that the Corporation be empowered to construct and maintain the new streets and street improvements herein-after mentioned and that further powers be conferred upon them in relation to street improvements and buildings within the city:

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40 & 41 Vict. c. cli.

And whereas by the Act of 1877 the Corporation were authorised to construct and maintain wholly within the city the street tramways therein described to be used with animal power only:

And whereas by the order of 1879 the Corporation were authorised to construct and maintain the additional street tramways therein described a portion of which were authorised under certain conditions to be worked by steam or other mechanical power:

And whereas it is expedient that the Corporation be authorised to construct and maintain the additional street tramways hereinafter described:

And whereas it is expedient that in the events and subject to the conditions herein-after expressed the use of steam or any mechanical power on all the tramways of the Corporation be authorised:

And whereas it is expedient that the powers of the Corporation with respect to the prevention of the spread of certain infectious diseases and for the making and enforcing sanitary regulations should be amended and extended:

And whereas there is within the city a tract of land containing about one thousand one hundred and fifty acres bearing in different parts different names but ordinarily and in this Act called by the collective name of "the Town Moor:"

And whereas the Corporation are or claim to be 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 city and the resident widows of deceased freemen or burgesses of the city which right or benefit is in this Act called "herbage right:"

And whereas by the Act of 14 George III. chapter 105 (private) in this Act referred to as "the Town Moor Act of 1774" provisions were enacted for and in relation to the enjoyment management and improvement of the surface of the town moor and within certain limits the enclosure thereof.

33 & 34 Vict. c. cxx.

And whereas by the Act of 1870 (section 6) a committee of stewards and wardens were constituted (in this Act referred to as "the committee of stewards and wardens") who were thenceforward authorised and required to act for and on behalf of the stewards and wardens freemen and widows of freemen for all purposes relating to the town moor:

And whereas under the powers of the Act of 1870 (section 13) the Corporation have taken possession of and appropriated thirty-five acres of that part of the town moor known by the name of "the Castle Leazes" as a public park and have levelled drained

fenced planted and otherwise improved the same and such park is called "the Leazes Park" and the Corporation have also taken possession of and appropriated thirty-five acres of the other part of the town moor as a public park (in this Act called "the Town "Moor Park") and have fenced the same and it is expedient that they be authorised to construct and maintain therein public baths and that their powers in relation to the said park and to other their public parks be extended:

And whereas it is expedient that the Corporation and the committee of stewards and wardens be empowered to enter into and fulfil agreements for and in relation to the appropriation of other parts of the town moor free from herbage right as a park or parks for the inhabitants of other parts of the city in lieu of any portion or portions of the Town Moor Park:

And whereas it is expedient that the Corporation be empowered to sell free from herbage right the outlying parts of the town moor described in the second schedule to this Act and to appropriate the purchase money to the improvement of other parts of the town moor: ,

And whereas it is expedient that the Corporation be empowered to acquire lands compulsorily for the purposes of the Act:

And whereas the Corporation are by the Act of 1865 (section 129) authorised to levy an improvement rate (in that Act and herein-after referred to as the improvement rate) for the carrying into execution the purposes of that Act and by the Act of 1870 (section 2) and the Act of 1871 (section 4) the purposes of those Acts respectively are declared to be purposes of the said Act of 1865 and it was provided by that Act that the limit of the amount of that rate should not exceed in any one year the sum of one shilling in the pound on the annual value of the property rated thereto but inasmuch as it is by the Act of 1877 (section 49) provided that the expenses of carrying into execution certain of the provisions of that Act should be paid out of the improvement rate the limit thereof was extended (section 50) to one shilling and three pence in the pound on such value:

28 & 29 Vict. c. ccl.

34 & 35 Vict. c. cxxxv.

And whereas it is expedient that the expenses of carrying into execution certain of the purposes of this Act should be charged on the improvement rate and that the limit of the amount of that rate to be levied in any one year be further extended:

And whereas it is expedient that further powers be granted to the Corporation for the borrowing of money and for the improving and better governing of the city and that the former Acts be in

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divers particulars altered and amended and the powers thereof extended:

And whereas it is expedient that the Corporation be authorised to lend from time to time to the school board of the city (in this Act referred to as "the school board") such sum or sums of money as they may have been or from time to time may be duly authorised to borrow and which they may desire to borrow from the Corporation:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the following works by this Act authorised and such estimates are as follows (namely):—

For new streets and roads and street improvements one hundred thousand pounds:

For tramways forty-five thousand pounds:

For parks and baths purposes five thousand pounds.

And whereas the several works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875:

38 & 39 Vict. c. 55.

And whereas the Corporation have a surplus not derived from rates on account of their city fund after providing for all the purposes of the Acts relating to municipal corporations and for all other purposes the cost of which is chargeable thereon:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands and property to be taken under the powers thereof and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of all such lands were duly deposited with the clerk of the peace for the county of Northumberland and the clerk of the peace for the town and county of the town of Newcastle-upon-Tyne and are hereinafter respectively 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):—

PART I.

Preliminary.

Short title.

1. This Act may be cited as the Newcastle-upon-Tyne Improvement Act 1882.

Application to city of Newcastle-upon-Tyne of Acts &c. relating to borough of Newcastle-upon-Tyne.

2. All the provisions of the former Acts and of any other public or private Act of Parliament order deed or other document relating to the borough or town and county of the town of Newcastle-upon-Tyne or to the mayor aldermen and burgesses thereof or to any officer of the said borough town or county of the town shall apply to the city and county of Newcastle-upon-Tyne and to the mayor aldermen and citizens thereof and to the officers thereof in all respects as if those Acts orders deeds or documents had expressly mentioned or referred to the city and county of Newcastle-upon-Tyne or the mayor aldermen and citizens or the officers thereof and the officers formerly known as the clerk of the peace for the town and county of the town of Newcastle-upon-Tyne the borough treasurer and the borough engineer shall henceforth be styled respectively the clerk of the peace for the city and county of Newcastle-upon-Tyne the city treasurer and the city engineer and the fund and rate formerly known as the borough fund and borough rate shall henceforth be styled respectively the city fund and city rate and all the provisions of any such Act order deed or other document as aforesaid shall be read and have effect accordingly.

Short titles for certain of the former Acts.

3. The local Acts of first Victoria chapter seventy-two and four and five Victoria chapter seventy-one mentioned in the First Schedule to this Act may be respectively cited as the Newcastle-upon-Tyne Improvement Act 1837 and the Newcastle-upon-Tyne Improvement Act 1841 and the former Acts and this Act may be cited together as the Newcastle-upon-Tyne Improvements Acts 1837 to 1882.

Incorporation of general Acts

4. The following Acts or parts of Acts (that is to say):—

The Lands Clauses Consolidation Acts 1845 1860 and 1869.

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

The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the commissioners except section 84;

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
33 & 34 Vict. c. 78.
10 & 11 Vict. c. 16.

So far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act.

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Limits of Act.

5. This Act except where otherwise expressed or implied shall apply exclusively to the city.

Interpretation of terms.

6. In this Act unless the context otherwise requires:—

Terms to which meanings are assigned by the former Acts or by any Act wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction;

"Street works" means the new streets and the alteration and improvements of streets and works connected therewith by this Act authorised;

"The tramways" means the tramways authorised by this Act.

"Infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Corporation under the provisions and for the purposes of this Act may from time to time declare to be infectious;

"Food" includes every article other than water used for food or drink by man;

"Medical officer of health" means the medical officer of health for the city;

"Daily penalty" means a penalty to accrue for each day any offence shall continue after conviction thereof;

"Parks" includes public recreation grounds public walks and gardens belonging to the Corporation;

"Owner" means the person who for the time being receives the rack rent of the lands with reference to which that term is used whether on his own account or under or by virtue of any mortgage or charge or as agent or trustee for any other person or who would so receive the same if the lands were let at a rack rent and includes every successive owner from time to time of the lands for any part of the time during which the enactment wherein that term is used operates in relation to such lands;

"Rack rent" means rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year after deducting therefrom all usual tenants' rates and taxes and tithe commutation rentcharge (if any) the probable average annual cost of the repairs

insurance and other expenses (if any) necessary to maintain the same in a state to command such rent;

"Bankruptcy" includes liquidation by arrangement and composition with creditors and the winding-up of an incorporated company and "bankrupt" includes any person so liquidating or compounding or any such company so winding-up;

"Court of summary jurisdiction" means any justice or justices of the peace stipendiary or other magistrate or officer by whatever name called to whom jurisdiction is given by or who is or are authorised to act under the Summary Jurisdiction Acts or any Acts therein referred to;

"Summary Jurisdiction Acts" means the Summary Jurisdiction Act 1848 and the Summary Jurisdiction Act 1879 and any Act amending either of those Acts; 11 & 12 Vict. c. 43. 42 & 43 Vict. c. 49.

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same;

"The Municipal Corporations Acts" means the Municipal Corporation Act 1835 and Acts amending the same or otherwise relating to municipal corporations in England. 5 & 6 Will. 4. c. 76.

Act to be executed by council.

7. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council and according and subject to the Municipal Corporations Acts and the Public Health Acts and such of the provisions of the former Acts as are now in force and as amended by this Act and the other Acts for the time being affecting the Corporation as a municipal body or sanitary authority, and with all the rights powers privileges exemptions and authorities conferred by those Acts respectively on the Corporation and on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in the before-mentioned Acts respectively and as nearly as may be in all respects as if the powers duties exemptions and property vested in imposed on or enjoyed by the Corporation by or under this Act were vested in imposed on or enjoyed by them by or under those Acts respectively.

Committees of council.

8. The council may from time to time appoint committees of their members and may delegate to each such committee such of the powers and duties of the Corporation whether as a municipal corporation or as the urban sanitary authority or otherwise as the council think fit and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the council and the quorum of each such committee shall be such as the council direct and the council may

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from time to time make such regulations as they think fit for the guidance of any such committee and the council may from time to time remove any members of any such committee and appoint in the stead of them or any of them other members of the council Provided that in no case shall a committee be authorised to borrow any money or to make any rate.

PART II.

Street Works, &c.

Power to make works.

9. Subject to the provisions of this Act the Corporation may if they think fit make and maintain in the lines and situations and upon the lands shown on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections the following street works (that is to say):—

1. A new street in continuation of Camden Street in a straight line commencing at the west end of Camden Street and terminating in the centre of the footway running along the west side of the Blyth and Tyne section of the North-eastern Railway;
2. A new street commencing at the termination of street Number 1 and terminating at the eastern boundary of the Northumberland Cricket Field;
3. A new street commencing at the east end of Gresham Place and terminating by a junction with street Number 2 at a point about thirty-three yards westward from the commencement thereof;
4. A new road commencing in and out of Saint Thomas Terrace at a point opposite the western end of Saint Thomas Street and terminating at the junction of Bellegrove Terrace with Sheraton Street;
5. A new street commencing at the south end of Falconar Street and terminating at the junction of Pleasant Row with Simpson Terrace;
6. The widening of Pleasant Row on the east side thereof for a distance of about two hundred and ten feet northward from its junction with New Bridge Street;
7. The widening of Westgate Road on the south side for a distance of about one hundred and ten feet between Pink Lane and Clayton Street;

9. The widening of Westgate Road on the north side for a distance of about one hundred and thirty-two feet between Cross Street and Clayton Street;
10. The widening of Westgate Road on the north side for a distance of about three hundred feet eastward from Clayton Street;
11. The widening of Westgate Road on the north side for a distance of about four hundred and twenty feet commencing at a point eastward of and about sixty-five feet distant from the south-west corner of the "Times Inn" and terminating at the junction of Westgate Road with Cross Villa Place Number 4;
12. The widening of Westgate Road on the south side for a distance of about five hundred and eighty feet eastward from Elswick Road;
13. The widening of Elswick Road on the north-west side between the following points namely for a distance of about one hundred feet between Elswick Row and Elswick Street and for a distance of about forty feet between Elswick Street and Back Elswick Street;
14. The widening of High Villa Place on the south side thereof for a distance of about ninety feet eastward from its junction with Cross Villa Place Number 5;
15. The widening of Jesmond Road on the north-west side commencing at a point about fifty feet north-east of the south-east corner of All Saint's cemetery and terminating at the north-eastern boundary of the garden of the house occupied by Mr. Davidson;
16. The widening of Jesmond Road on the south-east side between the following points namely between a point about twenty-five feet south-westward of the north-east corner of the grounds of the house occupied by Dr. Gibb and a point about six hundred and ninety feet north-eastward therefrom and for a distance of about eight hundred feet between a point about eighty feet north-eastward of the north-western corner of the lodge of the Minories occupied by Mr. Arthur Coote and a point south-eastward of and about sixty-five feet distant from the western end of the southern parapet wall of the Benton Bridge;
17. The widening of Jesmond Road on the north-west side for a distance of about one hundred and thirty feet north-eastward from the north-east corner of the Cradle Well public-house;

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18. The widening of the Milk Market on the eastern side for a distance of about one hundred and sixty feet between the New Road and Sandgate;

19. The widening of Scotswood Road on the north side commencing at the eastern side of Glue Factory Lane and terminating about one hundred and fifty feet eastward of the said commencement;

20. The widening of Scotswood Road on the south side for a distance of about twenty-five feet at the point where it is crossed by the bridge carrying the tramway from Elswick Colliery over Scotswood Road;

21. In connexion with works numbers 19 and 20 the removal of the said bridge across Scotswood Road and the construction of a new bridge and approaches commencing on the north side of Scotswood Road about seventy feet northward from the centre of the said road under the said existing bridge and terminating on the south side of Scotswood Road about one hundred feet southward from the said centre point;

22. The widening of Saint Nicholas Square on the west side for a distance of about seventy-five feet southward from Collingwood Street;

23. The widening of Albion Row on the south-east side for a distance of about one hundred feet north-eastward from the Walker New Road:

The Corporation may in addition to the foregoing works make and maintain subject to the provisions of this Act all such roadways footways pavements piers arches piling scaffolding gullies sewers drains gutters approaches works and conveniences connected with the foregoing works as they may deem necessary or ancillary thereto.

Limits of lateral and vertical deviation.

10. Subject to the provisions of this Act the Corporation in the construction of the street works may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation indicated thereon and beyond those limits with the consent of the persons through whose lands any such deviation is proposed to be made and where in any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards.

Provisions for the North-

11. The following provisions with relation to the North-eastern Railway Company (herein-after called "the railway company") and

their railways works and property shall be carried into effect by the Corporation and the Corporation shall be bound thereby and the following acts may be done videlicet:—

1. The new street by this Act authorised and which on the deposited plans is called "work Number 1" shall be carried over the Blyth and Tyne Railway of the railway company and the sidings connected therewith by means of a bridge or viaduct of stone brick or iron of one span of a clear width of at least fifty feet on the square and with not less than fourteen feet six inches clear headway throughout above the surface level of the said railway and sidings and the piers placed in such position as may be approved by the engineer of the railway company;
2. The new bridge by this Act authorised to be constructed and which on the deposited plans is called "work Number 21" shall be carried over the Newcastle and Carlisle Railway of the railway company by one span of the entire width of the railway company's existing property and with not less than fourteen feet six inches clear headway throughout above the surface level of the said railway;
3. The said bridges and all works by this Act authorised which shall be constructed over or shall in any way affect the railways or property of the railway company shall be made and constructed by the Corporation in a substantial and workmanlike manner and under the superintendence and to the reasonable satisfaction of and according to plans and sections previously submitted to and approved of by the engineer of the railway 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 railway company may require all such precautions to be taken by the Corporation in making constructing maintaining and repairing the said bridges and other works as their engineer may deem expedient for protecting their railways and property from injury and the traffic on their railways from interruption And in case any damage or injury shall be caused to their railways or property or any interruption or injury to the traffic on their railways by reason of the said bridges or other works or during the construction maintenance use or repair thereof respectively the same shall forthwith be made good by the Corporation to the railway company or the railway company may

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make good such damage or injury to their railways and property and may 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;

4. Notwithstanding anything in this Act or anything shown on the deposited plans the Corporation shall not purchase or take compulsorily any part of the railways of the railway company or their property numbered on the deposited plans 205 in the parish of Saint Nicholas Parochial Chapelry of Saint John and township of Elswick or any other lands or property of the railway company but they may purchase and acquire from the railway company and that company may and shall sell to the Corporation an easement or right of constructing and maintaining the work Number 1 and the work Number 21 by this Act authorised over the railways and property of the railway company in accordance with the provisions of this Act nor shall the Corporation or any person in the execution of this Act in any manner either temporarily or permanently enter upon use or interfere with the railways or property of the railway company except with their consent in writing first obtained save only so far as may be absolutely necessary for the purpose of constructing and maintaining the work Number 1 and the work Number 21 in accordance with the provisions of this Act;

5. When and so soon as the new street or work Number 1 by this Act authorised is completed and opened to the public the railway company may remove the footbridge over their railway numbered 5 on the deposited plans of work Number 1 and thereupon all rights of road over the same and across the railway at that point shall be stopped up and extinguished;

6. Except as is by this Act expressly provided this Act or anything therein contained shall not take away diminish alter or prejudice any of the rights powers privileges or authorities of the railway company.

Power to make subsidiary works.

12. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with the street works 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 said works or any of them and may raise lower or alter any vault

arch cellar or area under or adjoining any roadway or footway and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or improvements or any of them or of crossing under or over the same or any of them or otherwise Provided always that the Corporation shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference or alteration full compensation for all damage sustained by them or any of them.

Power to alter pipes &c.

13. In executing the works by this Act authorised 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 such work and also (subject nevertheless to the provisions of the Telegraph Act 1878) any pipe tube wire or apparatus laid down or used 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 the execution of the powers of this enactment.

41 & 42 Vict. c. 76.

No buildings to be erected on either side the road through the town moor.

14. No buildings of any description shall be made erected or built on either side of the street work Number 4 by this Act authorised and if and when the said road shall be completed the Corporation shall make and maintain on both sides thereof a fence with means of access to and from the leazes on each side thereof.

Temporary stoppage of streets.

15. The Corporation may during the execution and for the purposes of any work by this Act authorised from time to time stop up any street road or court and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time.

Streets disused vested in Corporation.

16. Where any street or ground abutting on any street and dedicated to public use becomes in consequence of the execution by the Corporation of any street works shown on the deposited plans and authorised by this Act no longer required for public use or for approach to any property adjoining the same the same is hereby vested in the Corporation freed and discharged from the public use thereof Provided that if any land be injuriously affected by such street or ground being so vested in the Corporation they shall make to the owner and occupier of such land compensation therefor.

Elevation of buildings fronting

17. All buildings from time to time erected in such part of any street shown on the deposited plans as shall have been made

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streets to be as Corporation approve.

widened extended or improved under the powers of this Act and every building any external wall of which shall be altered to the extent of one-half thereof to or towards the front of such part of such street shall be erected or altered in such line to the street and in accordance with such elevation fronting to or towards the street as the Corporation appoint or approve and if the owner lessee or occupier of any building which on the making of any such new street or on the widening extending or improving of any such street acquires a frontage to the street make any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation The Corporation shall make compensation to the owner or lessee of any building for any loss or damage he may suffer by reason of the setting back or bringing forward of such building The provisions of this section shall not except as regards any building used or occupied exclusively as a dwelling-house apply to any building belonging to or occupied by a railway company and used or intended to be used for the purposes of their business as a railway company.

PART III.

Tramways.

Power to make tramways.

18. Subject to the provisions of this Act the Corporation may make form lay down use and maintain the tramways herein-after described in the lines and according to the levels shown in the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers junctions turntables turnovers crossings passing places stables carriage houses sheds works and conveniences connected therewith The tramways herein-before referred to and authorised by this Act will be situate wholly in the city and county of Newcastle-upon-Tyne and in the county of Northumberland and are those following (that is to say):—

Tramway Number 1 (a double line) four furlongs five chains and thirteen yards in length wholly in the city commencing in Neville Street by a junction with the existing line of tramway and terminating in Northumberland Street by a junction with the existing line of tramway;

Tramway Number 2 (a double line) one chain and eleven yards in length situate wholly in the city commencing in Pilgrim

Street by a junction with Tramway Number 1 and terminating in New Bridge Street by a junction with the existing line of tramway;

Tramway Number 3 (a double line) two miles five furlongs and eighteen yards in length situate wholly in the city commencing in Mosley Street by a junction with Tramway Number 1 and terminating at the boundary of the city in Walker New Road;

Tramway Number 4 (a double line) six furlongs and two yards in length situate wholly in the township of Walker in the parish of Long Benton in the county of Northumberland commencing in the said Walker New Road by a junction with and in continuation of Tramway Number 3 at its termination and terminating at the junction of Church Street with Byker Street:

Each of the tramways shall consist of rails of the gauge of four feet eight and a half inches and carriages or trucks adapted for use upon railways shall not be run thereon.

Incorporation of sections of the Act of 1877 relating to tramways.

19. The following sections of the Act of 1877 relating to Tramways (that is to say):—

Section 9 (period for completion of works) the period of four years being substituted for the period of two years mentioned in that section;

Section 10 (inspection by Board of Trade);

Section 12 (additional crossings etcetera may be made where necessary);

Section 13 (temporary tramways may be made when necessary);

Section 15 (traffic upon tramways);

Section 16 (Corporation may use tramways for sanitary purposes etcetera);

Section 17 (tolls for passengers);

Section 18 (tolls for animals goods etcetera);

Section 19 (regulations as to tolls);

Section 20 (limitation of tolls in case of demise);

Section 22 (as to user of tramways and tolls thereon when left open to be used by the public);

Section 23 (tolls if tramways left open to be used by the public);

Section 24 (persons using the tramways to permit servants of the Corporation to ride in each carriage etcetera free of charge);

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Section 25 (certain provisions of the Tramways Act 1870 as to licenses extended to persons using the tramways when left open to be used by the public);

Section 26 (lessees not to be bound to carry goods etcetera unless as provided herein);

Section 27 (provisions as to carriage of goods, &c.);

Section 28 (as to payment of tolls);

Section 29 (provisions as to arbitration);

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

Carriages may be moved by animal steam or mechanical power.

20. The carriages used on the tramways authorised by this Act the Act of 1877 and the Order of 1879 respectively or on any or either of such tramways may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said board by steam-power or any mechanical power Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the third schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on such tramways.

Penalty for using steam or mechanical power contrary to Act &c.

21. The lessees or any company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the Third Schedule to this Act annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a daily penalty not exceeding five pounds Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the lessees or any person using steam or any mechanical power on the tramways under

the authority of this Act have or has made default in complying with the provisions thereof or with any of the regulations set forth in the said schedule or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the lessees or such company or person to cease to exercise the powers aforesaid and thereupon the lessees or such company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of them unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws as to tramways.

22. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine;

For regulating the emission of smoke or steam from engines used on the tramways;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere:

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation or bye-

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law made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade.

Penalty for not maintaining rails and road in good condition.

23. The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways shall for the time being consist and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues and such penalty may be recovered as by section 56 of the said Act is provided In case it is represented in writing to the Board of Trade by the road authority of any road in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of the city that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Application of road materials excavated in construction of works.

24. Any paving metalling material matters or substances excavated by the Corporation in the construction of their works from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit and any paving metalling or material excavated by the Corporation in the construction of their works from any road under the jurisdiction or control of any other road authority may be applied by the Corporation so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of

any of their authorised tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as shall have been disturbed or interfered with by the Corporation and the Corporation shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after notice in writing to the road authority that the surplus of such paving metalling or material is ready for removal such surplus is not removed by the said surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Any difference between the Corporation and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to all differences between the promoters and any road authority.

Provisions as to construction of tramways.

25. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act Provided always that the word "materials" in this section does not include materials used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act.

As to rails of tramways.

26. The rails of the tramways shall be such as the Board of Trade may approve.

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Periodical revision of tolls.

27. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Corporation that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an enquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Passengers luggage.

28. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but all such personal luggage shall be carried by hand and at the responsibility of the passenger and shall not occupy any part of the seat nor be of a form or description to annoy or inconvenience other passengers.

Penalties under the tramway provisions.

29. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under Part III. (Tramways) of this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Provision as to general Acts.

30. Except as is herein expressly provided nothing in this Act contained shall be deemed or construed to exempt the tramways or the Corporation or any corporation company or person using the tramways from the provisions of any general Act now in force or which may hereafter be passed during this or any future session of

Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act and from any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power or any mechanical power by any such general Act as aforesaid.

PART IV.

Sanitary Provisions.

Rooms over privies or ash-pits not to be used as dwelling or sleeping rooms.

31. No room built before or after the commencement of this Act any portion of which extends immediately over any privy cesspool midden or ash-pit or immediately over any cow byre or other place in which cows are kept and which is not effectually separated from such room to the satisfaction of the Corporation shall be occupied as a dwelling or sleeping or work room and no person shall after the expiration of one month after the commencement of this Act knowingly occupy or suffer to be occupied as a dwelling or sleeping or work room any such room Any person offending against the provisions of this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Buildings unfit for human habitation.

32. If the medical officer of health or any two medical practitioners shall by writing certify to the Corporation that any building or part of a building is unfit for human habitation the Corporation may cause a notice of such certificate to be served on the owner or occupier of such building or part of a building and appoint a time for him to appear and answer the same before them and upon such appearance or in default thereof may by their order affixed conspicuously on the building or part of the building declare that the same is not fit for human habitation and the same shall not after a date therein to be specified be inhabited and after the date or time mentioned in such order no person shall let or occupy or continue to let or occupy or knowingly suffer to be occupied such building or part of a building Provided always that if at any time after such order has been made the Corporation shall be satisfied that such house has become or been rendered fit for human habitation they may revoke their said order and the same shall thenceforth cease to operate.

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Extension of sections 116 to 119 inclusive of 38 & 39 Vict. c. 55.

33. The provisions contained in sections 116 to 119 (both inclusive) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the city.

Power to medical officer of health and inspector of nuisances to open boxes &c. containing provisions.

34. For the purpose of enabling the medical officer of health or inspector of nuisances to effectually inspect and examine under the provisions of section 116 of the Public Health Act 1875 any article sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the city and intended for the food of man such medical officer of health or inspector of nuisances may subject to the provisions of section 308 of the Public Health Act 1875 open any box or other receptacle in which any such article may be contained and any person who shall obstruct any such officer or inspector in the execution of this section shall be liable to a penalty not exceeding ten pounds.

Extending powers as to unwholesome food.

35. Section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 shall extend and apply to every diseased unsound or unwholesome article of food sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale whether such article be or be not seized and carried away to be dealt with by any justice or ordered by any justice to be destroyed or disposed of as mentioned in such section Provided that the justice before whom any complaint with respect to such article of food is made be satisfied on the evidence laid before him that such article of food was diseased or unsound or unwholesome or unfit for the food of man.

Urinals attached to public-houses &c.

36. The Corporation may order the occupier of any inn public house beer-house eating-house cook-shop or other place of public entertainment built before or after the passing of this Act to provide and maintain upon his premises urinals to the satisfaction of the Corporation and the Corporation may order the owner and occupier of any building or lands to remove any urinal belonging or attached thereto which appears to them so situated or constructed as to be a nuisance or offensive to public decency or otherwise objectionable and if any person fails in any respect to comply with any of the provisions of this section he shall be liable to a penalty not exceeding twenty shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him.

Regulations as to burning bricks &c.

37. No person shall within two hundred and fifty yards of any dwelling-house situate within or near any street burn any bricks tiles or lime except in a brick-yard or limekiln existing at the passing of this Act and every person who shall offend against this enactment shall without prejudice to any remedy by injunction be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART V.

Provisions as to Infectious Diseases.

Corporation may provide temporary accommodation during disinfection of dwellings.

38. The Corporation may from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected.

Corporation may provide nurses &c.

39. The Corporation may provide or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the city and may charge a reasonable sum for the service of any nurse provided by them.

Notice to be given of persons suffering from infectious disease.

40. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease the following provisions shall have effect (that is to say) :—

1. If any such inmate be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of such disease then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at his office ;
2. If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person ;

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3. The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the city who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars hereinafter mentioned in relation to such cases according to the form set forth in the Fourth Schedule to this Act;

4. Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the medical officer of health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering;

5. The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution;

6. And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Other diseases may be declared to be within the foregoing provisions.

41. The Corporation may from time to time by resolution on the report of the medical officer of health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act.

1. Any such order of the Corporation may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the city and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the

disease were an infectious disease specifically mentioned in this Act;

2. The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given;

3. The Corporation shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the city but the omission to send any such copy shall not affect the validity of such order.

Cowkeepers and others to furnish lists of customers in certain cases.

42. Whenever it shall be certified to the Corporation by the medical officer of health or other registered medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the city and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers in relation to disinfection of premises.

43. Where the Corporation are of opinion on the certificate of their medical officer of health or of any other registered medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section And any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of

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this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

44. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a registered medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

45. No person shall without the sanction in writing of the medical officer of health or of a registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

46. If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the Corporation and the medical officer of health or the medical attendant (if any) upon such person certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Justices may in certain cases order dead bodies to be buried.

47. Where the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of

the medical officer of health or of a registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a registered medical practitioner any justice may order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

48. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Penalty for offences under section 84 of 38 & 39 Vict. c. 55.

49. Any keeper of a common lodging house in the city who fails to give the notice required by section 84 of the Public Health Act 1875 shall be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a daily penalty not exceeding forty shillings.

Penalties only recoverable by Corporation.

50. No penalty under this part of this Act shall be recoverable except on the information or complaint of the Corporation.

Saving for Acts relating to dairies animals &c. 41 & 42 Vict. c. 74.

51. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order licence or act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of

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any order regulation licence or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the dairies milk stores or milk shops to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

PART VI.

Town Moor, Parks, Baths, &c.

Corporation may sell certain outlying parts of the town moor.

52. The Corporation may with the consent of the committee of stewards and wardens sell freed and discharged from all herbage rights all any or either of the outlying parts of the town moor which are described in the Second Schedule to this Act and may convey the same to the purchaser or purchasers thereof.

The proceeds of any such sale shall be received by the Corporation and may with their consent be applied by the committee of stewards and wardens in draining and otherwise improving the town moor or may if the Corporation think fit upon the request in writing of that committee be laid out by the Corporation in the purchase of other lands to be conveyed and held for the same purposes 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 said committee upon the general improvement of the town moor Provided that the Corporation before they sell any such outlying part except the piece of land in the said Second Schedule firstly described shall offer to sell the same to the owners of the lands adjoining thereto in proportion to the extent of their respective lands respectively adjoining the same subject to the condition that no building or erection of any kind shall at any time be placed thereon without the consent of the Corporation and sections 129 130 and 131 of the Lands Clauses Consolidation Act 1845 shall extend and apply to and in relation to any such offer and any purchase made in pursuance thereof.

Power to exchange portions of town moor for park.

53. As to exchanges of parts of town moor:—

1. The Corporation and the committee of stewards and wardens may agree for the appropriation of any part or parts of the town moor as a public park or parks in exchange for an equal area of any part or parts of the Town Moor Park and from and after the date or dates to be fixed in such agreement or agreements the part or parts of the

Town Moor Park so given in exchange shall be thrown into and become parts of the town moor and be subject to the herbage right which existed over such parts before their appropriation as a park and the part or parts of the town moor so to be taken by the Corporation in exchange shall be held by them as a park or parks freed and discharged from all rights of herbage;

2. All agreements made under the powers of this section shall be binding on the Corporation and the said committee and the said freemen and widows respectively and the Corporation and the said committee may respectively make execute and do all such lawful deeds assurances and things as may from time to time be proper for the fulfilling of any such agreement or anything necessary thereto or consequent thereon;

3. Every agreement made under the powers of this section shall be reduced into writing and shall be printed by the Corporation and a copy thereof shall be furnished to every member of the Corporation and of the said committee and also at the cost of one penny to any ratepayer or freeman or widow of a freeman who shall apply for the same.

Shieldfield Green when acquired to be made into park.

54. The Corporation if and when under the powers of this Act they acquire Shieldfield Green or any part thereof shall appropriate so much thereof as shall not be required for the purposes of street work Number 5 as a public park or garden or place of public recreation.

Parks made under this Act to be subject to same bye-laws &c. as existing parks unless otherwise declared.

55. The Corporation shall have and may exercise in relation to any and every park established under the powers of this Act all such and the like rights powers privileges and authorities as they have and may exercise in relation to any or either of their existing parks and the byelaws and regulations for the time being affecting any or either of the existing public parks of the Corporation shall extend and apply to all the parks unless and until the Corporation otherwise declare.

Power to close park on special occasions.

56. The Corporation may on any special occasion but not exceeding twelve days in any one year close any park against the public and may on such occasions admit to any such park the members of any society or of any public or private institution or persons being attendants at or supported by any public or private institution or such other persons as the Corporation may think fit and the admission of every individual to any such park on such occasions

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may be either with or without payment as directed by the Corporation. And whenever there shall be ice upon any water in any such park the Corporation may close such park against the public and may charge for the admission of persons visiting the same And the profits (if any) arising therefrom shall be applied to such public purposes as the Corporation may direct.

The Corporation may provide apparatus and appliances for games and recreation for the use of the public frequenting the parks and may charge for the use of such apparatus and appliances.

Public baths.

57. The Corporation may set apart and appropriate a portion of the Town Moor Park not exceeding two acres as and for a site for public baths and may upon such site construct and maintain and from time to time alter enlarge and improve the same and supply the same with water and may fit up and furnish the same with all such machinery apparatus and appliances as they deem expedient for the purpose of the convenient user thereof as public baths.

Byelaws for baths.

58. The Corporation may from time to time make byelaws for all any or either of the following purposes (that is to say):—

For securing that the baths and bathing places of the Corporation be under the due management and control of the officers and servants of the Corporation and for securing privacy to persons using the baths and bathing places;

For providing security against accidents to persons using the baths and bathing places;

For securing that men and boys above eight years old bathe separately from women and girls and from children eight years old or under;

For preventing damage disturbance interruption and indecent and offensive language and behaviour and the doing of anything calculated to interfere with the proper and decent enjoyment or user of the baths or bathing places;

For regulating the terms and conditions of admission thereto and exclusion therefrom and for fixing the charges for the user thereof and the days and hours for such user.

PART VII.

Streets, Buildings, &c.

Power to stop up highways where unnecessary &c.

59. The Corporation may from time to time by order stop up wholly or partially any highway which in their opinion is unnecessary on such terms as to the vesting of the soil and other matters

as may be agreed on between the Corporation and the owners and lessees of buildings and lands abutting on the highway and on any highway being so stopped up all public and other rights of way and other rights in over or upon the same shall be absolutely extinguished. A.D. 1882.

Portable engines.

60. No portable or moveable steam engine shall be used in any street or in any building land or unfinished building within the distance of twenty yards from any street or in any market or fair except in every instance with the previous license (under the hand of the town clerk) of the Corporation who may permit such user subject to such terms and conditions as may be stated in the license and may charge for each license a fee not exceeding five shillings and whoever without such license or contrary to the terms and conditions thereof shall so use or direct or permit to be used any such engine shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

As to street works under Acts of 1870 and 1871.

61. Section 35 of the Act of 1870 and section 13 of the Act of 1871 limiting the time within which the new streets and street improvements by those Acts respectively authorised shall be completed are hereby repealed.

Stands &c. not to be used until approved by town surveyor.

62. No person shall permit to be used any stand platform or other erection of a temporary nature not included within any building into or upon which it is intended that the public should be admitted until the same shall have been approved in writing by the town surveyor.

Wooden buildings to be removed.

63. From and after the passing of this Act no new wooden building shall be erected without the previous consent of the Corporation and the Corporation may order any wooden building existing at the passing of this Act the continuance of which may cause danger to adjoining buildings to be removed within two years from the making of the order and if any such new wooden building be erected or any such existing wooden building be not so removed the owner thereof shall in each case be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds Provided that if any such building existing at the passing of this Act and not in the occupation of the owner thereof be so removed the occupier thereof shall be entitled to a remission or in case the building form part of a holding to a reduction of the rent payable by him in respect of such building or holding The amount of such remission or reduction to be settled in case of difference by the town surveyor.

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No buildings allowed until street formed &c.

64. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation and the same or the section or part thereof in which it is intended to commence or carry on building operations shall have been formed and levelled and sewered to the like satisfaction and until the kerbstones shall have been placed along the intended footway at intervals of not more than sixty feet apart for the whole length of the intended street or such section or part thereof to indicate the line and level shown on the plan thereof approved by the Corporation Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Prevention of projections &c. in streets.

65. After the passing of this Act it shall not be lawful for any person without the previous consent of the Corporation to construct or erect any crane or apparatus for hoisting or lowering goods or to place or make any other like projection or any projecting signboard advertising board or any other projection whatsoever at or from any building over any part of any public carriageway or footway and every person after the passing of this Act so constructing any such crane or apparatus or placing or making any such projection shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Buildings may be set forward for improving line of street.

66. The Corporation may permit on such terms as they may think fit any building to be set forward for improving the line of the street or court in which such building is situated but such permission shall be without prejudice to any rights of any adjoining owner.

Exemptions for railway companies from certain provisions.

67. The provisions of the three foregoing sections the marginal notes whereof are respectively—

"Stands &c. not to be used until approved by town surveyor;"

"Wooden buildings to be removed;" and

"No buildings allowed until street formed &c."

shall not except as regards any building used or occupied exclusively as a dwelling-house apply to any building belonging to or occupied by a railway company and used or intended to be used for the purposes of their business as a railway company.

PART VIII.

Police.

Power to build police stations.

68. The Public General Act of the session of the fifth and sixth years of Her Majesty chapter 98 "To amend the Laws concerning "Prisons" shall extend to authorise the Corporation to construct and fit up police stations with strong rooms for the temporary confinement of persons taken into custody by the constables of the city.

Park-keepers and market officers &c. may be appointed special constables.

69. Any two justices may upon the application of the town clerk from time to time appoint and swear in any person or persons appointed by the Corporation to be a keeper or keepers of any public park within the city or any officer or servant officers or servants of the Corporation employed in or about any public market within the city to be a special constable or special constables within such park or market as the case may be and within the city and every person appointed and acting as a special constable under this Act and being either in uniform or furnished with his warrant shall have the powers and immunities enacted by the Act of the first and second years of the reign of His late Majesty King William the Fourth intituled "An Act for amending the Laws relating to the "appointment of Special Constables and for the better preservation "of the peace."

1 & 2 Will. 4 c. 41.

Byelaws as to bicycles.

70. The Corporation may from time to time make and enforce byelaws for regulating the use of bicycles in highways in the city in the same manner as a county authority may by virtue of the Highways and Locomotives (Amendment) Act 1878 make and enforce byelaws for that purpose in highways in their county but subject to the like confirmation as is required by that Act And for the purposes of this section "bicycle" shall include velocipede and other similar mechanical contrivance.

41 & 42 Vict. c. 77.

Amending section 91 of the Act of 1865 and defining "cart" and "carriage."

71. The first sub-section of section 91 (penalty on persons committing any offences enumerated) of the Act of 1865 shall extend and apply to every person who having the care of any cart or carriage does not (except in cases of actual necessity or some sufficient reason for deviation) in meeting any other cart or carriage keep his cart or carriage to the left or near side of the road or who in passing any other cart or carriage from behind does not (except in such cases as aforesaid) keep his cart or carriage on the right or off side of the road and in construing the former Acts and this Act the word "cart" shall mean and include any vehicle (other than a tram-car) used for the conveyance of any goods merchandise

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parcels or chattels and the word "carriage" shall mean any vehicle (other than a tram-car) used for the conveyance of persons.

Prohibition of persons assembling in streets for purpose of betting.

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

Prohibition of obscene bills &c.

73. If any person affixes to any house building wall board public urinal watercloset or lavatory or delivers or exhibits to any inhabitant or passenger in or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

Dogs.

74. Any constable or other officer may take possession of any dog found straying on any street or highway and not under the control of any person and may detain such dog for five clear days at a police station and during that time it shall be properly fed and if at the expiration of that time such dog be not claimed and all expenses incurred by its detention paid the same may be sold or destroyed.

When any dog taken possession of by any constable wears a collar with the address of any person inscribed thereon a letter stating the fact of such dog having been taken possession of shall be sent by the chief constable by post to the address inscribed on the collar.

Control of coal dealers.

75. Every person delivering coal not exceeding in quantity two hundredweight to any one purchaser shall carry with the vehicle employed by him in such delivery proper and sufficient weights and scales or some efficient instrument whereby the purchaser may have his coals weighed and the coal shall on request of the purchaser be weighed accordingly by the person delivering the same.

Any person delivering coal as aforesaid and not provided with weights and scales or any instrument for weighing or not weighing the coal when requested by the purchaser so to do or failing to give just weight or using his weights and scales or instrument for weighing in other than a proper state to weigh accurately shall be liable to a penalty for every such offence not exceeding forty shillings.

PART IX.

Lands.

Power to Corporation to take lands referenced.

76. Subject to the provisions of this Act the Corporation may enter on take and use all or any part of the lands described in the deposited plans and book of reference which they may require for the purposes of this Act or in the case of street works for the providing of space for the erection of buildings adjoining to or near such street.

Limiting portion of town moor to be taken.

77. Notwithstanding anything shown on the deposited plans or described in the book of reference the Corporation shall not enter on take or use more of the town moor than three acres two roods and twenty-eight perches.

Correction of errors omissions &c.

78. If any omission or mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or book of reference the Corporation may apply to two justices not being members of the council for the correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands effected by the proposed correction and if it appears to such justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate if it relate to lands in the county of Northumberland shall be deposited with the clerk of the peace for that county and if it relate to lands in the city shall be deposited with the clerk of the peace for the city and county of Newcastle-upon-Tyne and shall be kept by them respectively with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly.

Limitation of time for compulsory purchase of lands.

79. The powers of the Corporation for the compulsory purchase of lands shall not be exercised for the purposes of this Act other than street works after the expiration of five years nor for the other purposes of this Act after ten years from the passing of this Act.

Owners may be required to sell parts

80. And whereas in the construction of the improvements and works hereby authorised it may happen that portions only of certain

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only of certain lands and buildings.

of the lands and buildings shown on the deposited plans will be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings described in the fifth schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise Provided that the Corporation shall not enter upon take or use otherwise than by agreement any portion of the properties in the township of Elswick numbered on the deposited plans 152 to 156 inclusive situate north-west of the line described on sheet 9 of such plans as "line of section" nor any portion of the property in the township of Jesmond numbered 167 on the deposited plans situate north-west of the line in like manner described in sheet 10 of such plans as "line of section."

Power to stop up footways.

81. The Corporation may discontinue and stop up any footways in or over any lands acquired by them under the powers of this Act and described on the deposited plans as intended to be stopped up and thereupon all right of way over such footways shall be extinguished and the soil shall vest in the Corporation if and so far as they are the owners of the adjoining land on both sides.

Notice to be given of taking houses of labouring classes.

82. The Corporation shall not less than eight weeks before they take in the city fifteen houses or more occupied either wholly or partly 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 a certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Power to acquire additional lands by agreement.

83. The Corporation may (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the

whole for the purposes of this Act ten acres and any easement power or privilege therein thereunder thereover or thereupon (not being an easement or privilege of water) which shall be deemed necessary by the Corporation but the Corporation shall not deal with such lands so as to create a nuisance.

Consideration for such acquisition.

84. The consideration for any such acquisition may be either money or land or any yearly sum or rentcharge or other rent or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

Power to take easements &c. by agreement.

85. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Corporation may use their own lands for purposes of Act.

86. The Corporation may from time to time appropriate and use for any of the purposes of this Act any lands for the time being vested in them as a municipal or urban sanitary authority.

Power to retain sell &c. lands.

87. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such a manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act or acquired or authorised to be acquired under any former Act or provisional order and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition.

Proceeds of sale of surplus lands.

88. So long as any properties remain to be acquired by the Corporation under the authority of Parliament the Corporation may so far as they consider necessary apply moneys received by them on resale or by leasing or letting as aforesaid in the purchase of properties so remaining to be acquired but as to moneys so

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received and not required as aforesaid the same shall be applied in extinguishment of any loan borrowed by the Corporation.

Lands in certain cases not to be sold without consent of Treasury.

89. Except as to lands acquired by the Corporation under this Act or any former Act or provisional order nothing in this Act shall enable the Corporation to sell alienate encumber or demise without the approbation of the Commissioners of Her Majesty's Treasury signified in writing after due notice in accordance with the Municipal Corporations Acts any lands which the Corporation could not have sold alienated encumbered or demised without such approbation before the passing of this Act.

PART X.

Private Improvement Expenses.

What to be deemed private improvement expenses.

90. The expression "private improvement expenses" shall mean and include all private improvement expenses expressly so called and all new street expenses expressly so called and all other expenses at any time incurred by the Corporation for the repayment whereof the owner or occupier of the building or lands in respect whereof such expenses may have been or may be incurred is liable under any enactment or byelaw or under any agreement with or by reason of any application of such owner or occupier.

Successive owners to continue liable.

91. Successive owners of the lands houses or other property for or in respect of which any private improvement expenses have been incurred shall be liable to the Corporation for the payment of the same or such part thereof as may for the time being remain unpaid until the same with all interest due thereon shall have been fully paid and satisfied and such expenses or such part thereof as may for the time being remain unpaid shall constitute a debt due from each successive owner to the Corporation and in addition to any other remedy for the recovery thereof shall be recoverable from him in a summary manner within six calendar months of his succession and may at any time be recovered by the Corporation from the owner for the time being of the lands houses or other property by action at law in any court of competent jurisdiction Provided that no debt shall be recovered under the provisions of this section after the expiration of six years from the completion of the works in respect of which such debt is due or in the case of payment by instalments after the expiration of three years from the time when any instalment became due.

Charge under section 108 of Act

92. The Corporation shall have the like rights and remedies in relation to any charge that they for the time being may have on

any building or lands under the provisions of section 108 (expenses to be a charge on lands) of the Act of 1865 as if they were mortgagees with power of sale of such building or lands for the amount of such charge but in any case in which the Corporation shall exercise the powers of this section such charge shall for the purpose of such exercise but not further be deemed to have taken effect from the day on which the Corporation commence the works on account whereof the expenses are payable.

of 1865 may be enforced by sale of lands &c.

PART XI.

Finance—Rates—Tolls, &c.

Power to borrow.

93. The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act or by the order or sanction of any public department of the State borrow at interest on the security of the improvement rate the city fund and general rate and of the rents tolls charges duties and revenues for the time being payable to or leviable by the Corporation or any one or more of such securities the following sums and for the following purposes (that is to say):—

For street works one hundred thousand pounds;

For tramway purposes forty-five thousand pounds;

For parks and baths purposes five thousand pounds;

For loans to the school board such sums as the school board may be authorised to borrow and may desire to borrow from the Corporation:

And in calculating the sum the Corporation may borrow under any other enactment or any such order or sanction as aforesaid any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

Repayment of borrowed moneys.

94. All moneys borrowed or re-borrowed by the Corporation under the powers of this Act may be borrowed and re-borrowed for any term not exceeding sixty years and shall be repaid within that period either by yearly or half-yearly instalments or by sinking funds or partly by instalments and partly by sinking funds and where such moneys are repaid by instalments such repayment shall commence from the expiration of one year from the time

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of borrowing Provided that when the payment shall be made by instalments and not by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys of which such instalment or instalments form part shall in every year amount to the same sum.

Application of borrowed moneys.

95. All moneys borrowed or re-borrowed by the Corporation under the provisions of this Act shall be applied only to purposes to which capital is properly applicable.

For protection of lenders.

96. A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or nonapplication of such money or of any part thereof.

As to sinking funds.

97. In order to discharge such of the moneys borrowed under the powers of this Act as are to be repaid by means of sinking funds the following provisions shall have effect (that is to say):—

The Corporation shall after one year from the time of borrowing any moneys commence and thenceforth in every year appropriate and set apart out of the fund and rates on the security of which such moneys shall have been borrowed such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of such principal moneys borrowed on such security within a period of sixty years from the time of the borrowing thereof;

The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages debentures debenture stock or annuity certificates of any municipal corporation (including the Corporation) or of the school board granted or issued under any Act order or sanction under which such Corporation or board are authorised to borrow money;

The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the

borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto;

Any mortgages debentures debenture stock or annuity certificates granted or issued by the Corporation and in or upon which they shall invest any sinking fund shall upon such investment be ipso facto cancelled but the Corporation shall nevertheless for all purposes of any sinking fund affected treat and account for those securities as subsisting securities.

Annual return to Local Government Board with respect to sinking funds &c.

98. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for any sinking fund under this Act transmit to the Local Government Board a return in such form and verified in such manner as that Board may from time to time prescribe showing the amount which has been invested for the purposes of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and the purposes to which any portion of the moneys invested for the sinking fund or the interest thereon has been applied during the same period and the total amount (if any) remaining uninvested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be recoverable in any court of summary jurisdiction at the instance of the Local Government Board If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or the interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and any such order may be enforced by mandamus to be obtained by the Local Government Board and the provisions of this section shall mutatis mutandis apply to instalments and in the case of money borrowed

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under the provisions of the Local Loans Act 1875 to appropriations and annuity certificates.

38 & 39 Vict. c. 83.

Power to re-borrow.

99. If the Corporation pay off any money otherwise than by means of instalments appropriations annual repayments or a sinking fund or out of the proceeds of the sale of land or out of premiums on leases they may re-borrow the same at interest as aforesaid and so from time to time Provided that all moneys so re-borrowed shall be paid off within the term for which the original loan was sanctioned.

Priority of existing mortgages.

100. Nothing in this Act shall prejudicially affect any charge on the corporate estates or on any undertaking or fund of the Corporation or on any tolls or rates receivable or leviable by them by way of mortgage or otherwise subsisting at the passing of this Act and every 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 passing of this Act shall during the subsistence of such charges have priority over any mortgage or charge granted or created under this Act on the same security.

For appointment of a receiver.

101. The several provisions of the former Acts for the appointment of a receiver now in force within the city are hereby repealed without prejudice to any appointment made or proceedings taken thereunder prior to the passing of this Act and the mortgagees of the Corporation may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Corporation not to regard trusts.

102. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the

Corporation shall not be bound to see to the application of the money paid in any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Power to borrow under 38 & 39 Vict. c. 83.

103. The Corporation may if they think fit as to any moneys which they are by any or either of their former Acts or by this Act authorised to borrow borrow the same or any part or parts thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised for any of the purposes of any of their former Acts or of this Act by the Corporation shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of such last-mentioned Acts and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by the Act which authorised the borrowing of the moneys represented by such loan and such discharge or any part thereof shall be effected by means of a sinking fund if the Corporation shall so think fit Provided always that if the Corporation at any time think fit to form any such sinking fund all sums paid into the same shall be as soon as may be invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested or applied in paying off a portion of the principal moneys owing by the Corporation The forms set forth or referred to in the sixth and seventh schedules to this Act may be used by the Corporation for the purposes of the Local Loans Act 1875.

Expenses of execution of Act.

104. All expenses incurred by the Corporation in carrying into execution the provisions of this Act shall be paid as follows (that is to say):—

All expenses of works for which moneys are authorised to be borrowed under the powers of this Act properly chargeable to capital out of such borrowed moneys;

All costs charges and expenses of and in relation to the borrowing of any moneys under the powers of this Act and all interest on and all instalments and appropriations of such borrowed moneys and all sums represented by annuity certificates and payments to sinking funds for the repayment of such borrowed moneys out of the improvement rate; and

All other expenses out of the general rate.

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Increase of improvement rates.

105. The limit of the amount of the improvement rate in any one year as fixed by section 50 of the Act of 1877 is hereby extended from one shilling and threepence in the pound to one shilling and sixpence in the pound on the annual value of the property rated.

Exemption of incumbent or minister of church chapel &c. from new street expenses.

106. The incumbent or minister of any church chapel or place appropriated to public religious worship which is now by law exempt from rates for the relief of the poor shall not be liable to any new street expenses under the provisions of the Act of 1865 as the owner or occupier of such church chapel or place or of any churchyard or burial ground attached thereto nor shall any such expenses be deemed to be a charge on such church chapel or other place or on such churchyard or burial ground or to subject the same to distress execution or other legal process and the Corporation may if they think fit undertake any works from the expenses of which any such incumbent or minister is hereby exempted.

Poor-rate books may be inspected by Corporation.

107. The council may cause all or any of the books of assessments of rates for the relief of the poor within the city to be inspected by their proper officer and may cause a copy thereof or of any part thereof to be taken without payment and if any person in whose custody or power any such book of assessment or valuation list is or ought to be fails when required to permit such officer to inspect the same respectively or to permit the council to cause to be taken a copy thereof or of any part thereof he shall be liable to a penalty not exceeding fifty pounds.

General district rate may be levied with general rate.

108. The Corporation may if they think fit make assess levy collect and recover the general district rate under the Public Health Acts in the same manner and with and under the same provisions with which they may make assess levy collect and recover the general rate but subject to the exemptions from and the exceptions regulations conditions and reductions in the assessment to which the general district rate is for the time being liable and they may so make assess levy collect and recover the same rates either as separate rates or together.

Paid auditors may be appointed by the Corporation.

109. At any time after the commencement of this Act the council may by resolution determine that all the accounts of the Corporation shall be audited by a paid auditor or paid auditors to be appointed by the Corporation and not by auditors elected in manner provided by section 37 of the Municipal Corporation Act 1835 and thereupon that section shall cease to apply to or within the city and the Corporation shall forthwith appoint a professional

accountant or two or more professional accountants to be the auditor or auditors of the accounts of the Corporation.

Every such auditor and every other auditor to be appointed as herein-after provided shall hold office until the ninth day of November next after his appointment and no longer and on the ninth day of November in every year or as soon as conveniently may be thereafter the Corporation shall appoint an auditor or auditors in place of the auditor or auditors retiring from office but any retiring auditor may be reappointed Every auditor appointed under the provisions of this section shall be deemed to be an officer of the Corporation within the meaning of section 58 of the said Act and the auditor or auditors from time to time holding office under this section shall be deemed to be the auditors referred to in section 93 of the said Act and in any Act of Parliament passed or to be passed in which provision is made for the audit of any accounts by the auditors of the city elected or named under the provisions of the first-named Act.

PART XII.

Miscellaneous Provisions as to Byelaws and Legal Proceedings.

Town clerk may take proceedings in bankruptcy. 32 & 33 Vict. c. 71.

110. The town clerk may institute and prosecute all such proceedings in bankruptcy under the Bankruptcy Act 1869 or any Act amending or substituted for the same as may be necessary to procure to be adjudged a bankrupt any person against whom the Corporation may have any claim or demand as though such claim or demand were the claim or demand of the town clerk and not of the Corporation.

Form and service of notices by Corporation.

111. Any instrument or document (including any notice order resolution declaration adjudication requisition consent approval disapproval demand determination appointment list roll register return form paper or other document) made given delivered or served under this or any other Act or any byelaw by the Corporation may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the signature of the town clerk being affixed thereto and a copy thereof respectively so authenticated shall be receivable in evidence without the production of the original and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by

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his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several properties concerned) and any such instrument or document may be served on any owner or occupier or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or in case of an occupier of such property (being a building) to any inmate of such building or if the property is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such property Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post and in proving such service it shall be sufficient to prove that the instrument or document was properly addressed and posted Provided always that in the case of a railway company any such instrument or document shall be delivered or sent by post addressed to the secretary to the company at their principal office or place of business.

General provisions as to byelaws.

112. All byelaws from time to time made by the Corporation under the powers of this Act and not being byelaws relating to tramways shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 187 (both inclusive) of the Public Health Act 1875 Provided that all byelaws may be partly in print and partly in writing (including lithograph).

Compensation how to be determined.

113. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Compensation may be in land &c.

114. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money.

Penalty.

115. Any person offending against any of the preceding provisions contained in this Act shall except as otherwise provided forfeit and pay for every such offence a penalty not exceeding five pounds and in case of a continuing offence a daily penalty not exceeding forty shillings.

Proceedings for summary convictions and appeals.

116. Proceedings with a view or in relation to the summary conviction of offenders under this Act or under any byelaws of the Corporation under this Act or to the recovery of penalties (except when otherwise expressed) or of any money or expenses authorised to be recovered summarily or any order to be made by justices under this Act or any such byelaw shall be taken according to the provisions of the Summary Jurisdiction Acts.

As to appeal.

117. Any person deeming himself aggrieved by any order or determination of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Corporation then only after such application) to the next practicable court of quarter sessions under and according to the provisions of section 269 of the Public Health Act 1875.

Proceedings against one or more of joint owners or occupiers.

118. In case of any demand or complaint under this Act to which two or more persons being owners or occupiers of lands or partly the one or partly the other are answerable jointly it shall be sufficient to proceed against any one or more of them without proceeding against the others or other of them but nothing in this Act shall prevent the parties so proceeded against from recovering contributions in any case to which they would be entitled by law to contribution if this Act had not been passed.

Power to order prosecutions &c.

119. The Corporation may direct any prosecution or proceeding against any person for any offence against the former Acts or this Act or any matter arising thereunder respectively.

Penalties on repetition of offences.

120. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described therein then and in every such case if the nature of the case permits and if an intention to the contrary does not appear in this Act such penalty or punishment may be inflicted for every repetition of such offence.

Proceedings when offender refuses to state his name.

121. If any person charged with any offence against any of the former Acts or this Act or any byelaw thereunder respectively refuses to disclose his name all the necessary proceedings may be had and carried on against him for the recovery of any penalty

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forfeiture or damages imposed or incurred by the description of his person and of the offence committed without stating his name or if one only of his names is known all necessary proceedings may be had and carried on against him by such name only.

Saving for indictments &c.

122. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Judges &c. not disqualified.

123. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or other charge under this Act or being a member of the Council.

Powers of Act cumulative.

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

Saving rights of Crown under 29 & 30 Vict. c. 62.

125. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving of rights of Corporation.

126. Except as by this Act expressly provided nothing in this Act shall take away abridge or prejudicially affect any right power authority estate or interest of the Corporation under the former Acts or any of them or the Public Health Acts or the Municipal Corporation Acts or otherwise and every such right power authority estate and interest may be had enjoyed and exercised by the Corporation as fully and effectually as if this Act had not been passed.

Expenses of Act.

127. All 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 out of any moneys not derived from rates from time to time standing to the credit of the surplus of the City Fund.

The SCHEDULES referred to in the foregoing Acts.

THE FIRST SCHEDULE.

An Act 1 Victoria chapter 72 intituled "An Act for Regulating and "Improving the Borough of Newcastle-upon-Tyne."

An Act 4 and 5 Victoria chapter 71 intituled "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."

9 and 10 Victoria chapter 121 "The Newcastle-upon-Tyne Improvement "Act 1846."

13 and 14 Victoria chapter 77 "The Newcastle-upon-Tyne Improvement "Act 1850."

16 and 17 Victoria chapter 182 "The Newcastle-upon-Tyne Improvement "Act 1853."

18 and 19 Victoria chapter 99 "The Newcastle-upon-Tyne Improvement "Act 1855."

28 and 29 Victoria chapter 250 "The Newcastle-upon-Tyne Improvement "Act 1865."

33 and 34 Victoria chapter 120 "The Newcastle-upon-Tyne Improvement "Act 1870."

34 and 35 Victoria chapter 135 "The Newcastle-upon-Tyne Improvement "Act 1871."

40 and 41 Victoria chapter 151 "The Newcastle-upon-Tyne Tramways "and Improvement Act 1877."

"The Newcastle-upon-Tyne Tramways Order 1879."

THE SECOND SCHEDULE.

Outlying Parts of the Town Moor which may be sold.

A piece of land containing by estimation 2 roods and 2 perches and situate on the east side of the north road to the south of the Brandling Park and now used as a pinfold.

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Two pieces of land containing together by estimation 2 roods and 16 perches and situate on the east side of the north road in front of Fenham Terrace.

A strip of land containing by estimation 2 perches and situate on the east side of the north road in front of Jesmond High Terrace.

A strip of land containing by estimation 6 perches and situate on the east side of the north road in front of St. Thomas Place.

A strip of land containing by estimation 11 perches and situate on the east side of the north road in front of St. Mary's Terrace.

A strip of land containing by estimation 1 rood and 19 perches and situate on the east side of Back Eldon Street extending from the junction of that street with the north road northward to the entrance gates of the St. Mary Magdalene Hospital.

A piece of land containing by estimation 11½ perches and situate at the west end of Morpeth Street at Spital Tongues.

THE THIRD SCHEDULE.

Regulations with respect to use of Steam or Mechanical Power on Tramways.

Break power of engines.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings of engines &c.

Every engine used on the tramways shall have its number in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to carriages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines and carriages.

The Board of Trade shall on the application of the Corporation and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

THE FOURTH SCHEDULE.

Certificate of Infectious Disease &c. under the Newcastle-upon-Tyne Improvement Act 1882.

To the Corporation of the City of Newcastle-upon-Tyne.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of the above-mentioned Act.

Dated the day 18 .

(Signed)

Name of person suffering from the disease

Situation of the house building or room wherein such person is

Name of occupier or other person having the charge management or control of such house building or room.

Nature of disease

Note.—This certificate must (under a penalty of five pounds in case of neglect) be forthwith delivered or sent to the medical officer of health of the Corporation at his residence or office.

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THE FIFTH SCHEDULE.

Lands and Buildings of which Portions only are required.

Parish or Parochial Chapelry or Township.	Number on Deposited Plans.
Parish or parochial chapelry of Saint John in the parish of Saint Nicholas	91 and 95.
Township of Westgate in the parish or parochial chapelry of Saint John in the parish of Saint Nicholas	103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 138, 139, 140, 141, 142, 143, 144, 146, and 148.
Township of Elswick in the parish or parochial chapelry of Saint John in the parish of Saint Nicholas	152, 153, 154, 155, 156, 201, and 204.
Township of Jesmond in the parish or parochial chapelry of Saint Andrew in the parish of Saint Nicholas	167, 170, 171, 172, 173, 174, 175, 177, 180, 183, and 184.

THE SIXTH SCHEDULE.

Form of Certificate of Debenture Stock.

Newcastle-upon-Tyne Debenture Stock.

Certificate No. Amount £

Registered No.

This is to certify that of

is registered in the books of the mayor aldermen and citizens of the city of Newcastle-upon-Tyne as the proprietor of pounds sterling Corporation Debenture Stock created by virtue of "the Newcastle-upon-Tyne Improvement Act 1882" bearing interest at the rate of £ per centum per annum payable half-yearly on the first day of July and the first day of January in each year the first payment to be made on the day of next.

Given under the common seal of the mayor aldermen and citizens of the city of Newcastle-upon-Tyne this day of

Note.—This stock certificate must be deposited with the deed of transfer whether for the whole or any portion thereof before a new certificate can be issued in exchange.

All certificates will bear the common seal of the Corporation.

THE SEVENTH SCHEDULE.

Form of Transfer of Debenture Stock.

I of in consideration of the sum of paid to me by of do hereby transfer to the said (herein-after called the transferee) the sum of Newcastle-upon-Tyne Corporation Debenture Stock with all interest due and to become due thereon to hold unto the transferee his executors administrators and assigns subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee do hereby agree to take the same debenture stock subject to the same conditions.

As witness our hands and seals this day of in the year of our Lord 18

(L.S.)

(L.S.)

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