CHAPTER cli.

An Act to authorise the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne to make certain Street Improvements; to construct Street Tramways; to increase the accommodation of the Public Quays and Wharves; and for other purposes. [2d August 1877.]

A.D. 1877.

Preamble recites 4 & 5 Vict. c. lxxi., 18 & 19 Vict. c. xcix., 28 & 29 Vict. c. ccl., 33 & 34 Vict. c. cxx., and 34 & 35 Vict. c. cxxxv.

WHEREAS the borough of Newcastle-upon-Tyne (in this Act called "the borough") is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called "the Corporation"), and is regulated by the Acts relating to municipal corporations in England, and by various Local Acts, including the following; (namely,)

An Improvement Act passed in the year 1841;

"The Newcastle-upon-Tyne Improvement Act, 1855;"

"The Newcastle-upon-Tyne Improvement Act, 1865;"

"The Newcastle-upon-Tyne Improvement Act, 1870;" and

"The Newcastle-upon-Tyne Improvement Act, 1871;"

which Acts are herein-after referred to collectively as the recited Acts, and each of them separately as an Act of the year in which the same was passed:

And whereas the Corporation were authorised by the Act of 1870 to construct certain new streets and street works, and among them two works numbered respectively 1 and 3 in the Fourth Schedule to that Act; and were authorised by the Act of 1871 to construct certain other works, and among them two works numbered respectively 1 and 2 in the Second Schedule to that Act, and for those purposes to purchase lands compulsorily:

And whereas the periods limited by the Act of 1870 and the Act of 1871 for the said compulsory purchase of lands respectively expired on the fourteenth day of July one thousand eight hundred and seventy-five and the thirteenth day of July one thousand

A.D. 1877. eight hundred and seventy-six, and it is expedient that those powers be revived and extended:

And whereas it is expedient that the Corporation be authorised to make the street improvements herein-after described:

And whereas it is expedient that the Corporation be authorised to construct and maintain the street tramways herein-after described, and to levy tolls for the use thereof:

And whereas the Corporation are owners of the public quays and wharves, and it is expedient that their powers for the construction and erection of tramways, warehouses, machinery, and appliances for the more convenient loading and unloading of ships, and for the regulating the user of such works and of the quays and wharves, be extended:

And whereas it is expedient that the Corporation be authorised to purchase the land herein-after described as a site for a free library:

And whereas the Corporation are by the Act of 1841 authorised to levy certain duties set forth in the Second Schedule to that Act, and known as "the package duty," for the maintenance of the said public quays and wharves, which duty was altered by section thirty-six of the Act of 1871, and it is expedient that those duties be increased:

And whereas the Corporation are by the Act of 1865 authorised to levy an improvement rate for the carrying into execution of the purposes of that Act, and by the Act of 1870 and the Act of 1871 the purposes of those Acts respectively are declared to be purposes of the said Act of 1865; but it is provided by that Act that the limit of the amount of that rate shall not exceed in any one year the sum of one shilling in the pound on the annual value of the property rated thereto:

And whereas it is expedient that the expenses of carrying into execution 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 extended:

And whereas the present council of the borough consists of fourteen aldermen and forty-five councillors, and it is expedient that the number of aldermen be increased to sixteen, and that the number of councillors be increased to forty-eight by the addition of three councillors for Elswick Ward:

And whereas it is expedient that further borrowing and other powers for the better government of the borough be conferred on the Corporation:

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

And whereas estimates have been prepared for the purchase of land for and the execution of the several works authorised by this Act and by the Acts of 1870 and 1871, and not yet completed, and such estimates are as follows:

For street improvements, seventy thousand pounds:

For street tramways, thirty thousand pounds:

For works on and in connexion with the public quays and wharves and north shore, two hundred thousand pounds:

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

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 town and county of Newcastle-upon-Tyne, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas an absolute majority of the whole number of the town council of the borough, at a meeting held on the twentieth day of December one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Newcastle Daily Journal," a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged as to one half on the borough fund and as to the other half thereof on the improvement rate:

And whereas such resolution was published twice in the "Northern Daily Express," a local newspaper published or circulating in the borough, and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the town council of the borough at a further special meeting held in pursuance of a similar notice on the tenth day of January one thousand eight hundred and seventy-seven, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough, by resolution passed in the manner provided by Schedule III. of "The

A.D. 1877.

Public Health Act, 1875," consented to the promotion of the Bill for this Act:

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

Short title.

1. This Act may be cited as "The Newcastle-upon-Tyne Tramways and Improvement Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The following enactments; (namely,)

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;"

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

Section three (interpretation of terms) and Parts II. and III. of "The Tramways Act, 1870;"

Section five (Act to be executed by the council) and section six (regulations as to committees of council) of the Act of 1865;

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

Interpretation of terms.

3. In this Act—

Terms to which meanings are assigned by the recited Acts or by enactments 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 alteration and improvements of streets and works connected therewith by this Act authorised.

Increase of number of aldermen and councillors.

4. The number of the aldermen and councillors of the borough shall be increased to sixteen and forty-eight respectively by the addition of two aldermen for the borough and three councillors for Elswick Ward, and the regulations in the First Schedule to this Act, respecting the election and rotation of aldermen and councillors, and other matters, shall have effect.

Revival of powers for purchase of lands in parochial chapelry of All Saints.

5. The powers for the compulsory purchase of lands in the parochial chapelry of All Saints in the borough granted to the Corporation by the Act of 1870 for the execution of the works numbered respectively 1 and 3 in the Fourth Schedule to that Act, and by the Act of 1871 for the works numbered respectively 1 and 2 in the Second Schedule to that Act, are hereby revived and extended until the fourteenth day of July one thousand eight hundred and

eighty-two, but such revival and extension shall be subject to the provisions of sections 26 and 27 of the Act of 1870, and of section 7 of the Act of 1871, so far as the same are applicable to those lands and works respectively.

Power to execute street works according to deposited plans.

6. Subject to the provisions of this Act, the Corporation may, in the lines and situations shown on the deposited plans, and according to the levels shown in the deposited sections, do the following acts and construct the following works, herein-after referred to as the street works, and wholly in the said parochial chapelry of All Saints; (that is to say,)

They may widen Saint Anne Street, on the south side thereof, from the junction with that street of the place called the Swirle to the centre of the house now or late in the occupation of Robert Sinton:

They may stop up and appropriate the site of the whole of the street or way called Wideopen, except a strip eight and one half feet in width along the whole length thereof, and may convert such strip into a footway and alter the level, converting a portion thereof into a flight of steps, and covering over another portion by an archway:

In connexion with the foregoing works they may make all proper roadways, footways, pavements, piers, arches, sewers, drains, gutters, works, and conveniences.

Certain provisions of 34 & 35 Vict. c. cxxxv. to apply.

7. The following sections (namely),—

Section eight (power to make minor works connected with new streets, et cetera);

Section nine (alterations of sewers, gas and water pipes);

Section ten (power to deviate from levels, et cetera);

Section eleven (power to set out carriageway and footway);

Section twelve (new streets, et cetera to be public highways); and

Section thirteen (period for completion of works)

of the Act of 1871 shall extend and apply, mutatis mutandis, to the street works by this Act authorised.

Power to make tramways.

8. Subject to the provisions of this Act, and of Parts II. and III. of "The Tramways Act, 1870," the Corporation may make, form, lay down, use, and maintain the tramways herein-after described, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, sleepers, junctions, turntables, turnovers, crossings, passing places, stables, carriage houses, sheds, works, and conveniences connected therewith.

A.D. 1877.

The tramways herein-before referred to and authorised by this Act will be wholly in the borough, and are those following; (that is to say,)

A tramway, Number 1 (single line), three miles seven furlongs four chains and thirteen yards in length, commencing at the boundary of the borough of Newcastle-upon-Tyne, in Scotswood Road in the township of Elswick, in the parochial chapelry of Saint John, and terminating in the parochial chapelry of Saint Andrew at the boundary of the borough in the North Road, measured in a northerly direction along the said road:

A tramway, Number 1 A, or passing place (single line), three chains in length, wholly in Scotswood Road and in the said township of Elswick, commencing at a point about twelve yards westward of the east side of Clumber Street, and terminating at a point about fifty-four yards eastward therefrom:

Tramway Number 1 B or passing place (single line), three chains in length, wholly in Scotswood Road and in the said township of Elswick, commencing at a point immediately opposite to the east side of Maple Street, and terminating at a point about sixty-six yards eastwards therefrom:

A tramway, Number 1 C (single line), six furlongs eight chains and three yards in length, commencing in Neville Street, in the parochial chapelry of Saint John, at a point about thirty-three yards from the south-west corner of the Neville Hotel, and terminating in the parochial chapelry of Saint Andrew, in the said North Road, at a point about twenty yards from the south-west corner of Jesmond Road:

A tramway, Number 1 D, or passing place (single line), three chains in length, wholly in the North Road aforesaid, commencing at a point about two hundred and thirty-three yards measured northward from the north-east corner of Bull Park in the North Road, extending to and terminating at a point about two hundred and ninety-nine yards northwards therefrom:

A tramway, Number 1 E, or passing place (single line), three chains in length, in the said North Road, commencing at a point about two hundred and fifty yards south from the Corporation Toll House, called the Blue House, extending to and terminating at a point about one hundred and eighty-four yards southwards therefrom:

A tramway, Number 2 (single line), four furlongs nine chains and thirteen yards in length, commencing in Blackett Street, in the parochial chapelry of Saint Andrew, by a junction with

the proposed tramway Number 1, at a point about thirteen yards from the south-west corner of Northumberland Street, and terminating at Red Barns in the township of Byker, in the said parochial chapelry of All Saints, at a point about seventeen yards from the south-west corner of the Tanners' Arms public house:

A tramway, Number 2 A, or passing place (single line), three chains in length, wholly in the said parochial chapelry of Saint Andrew, commencing in Blackett Street, by a junction with tramway Number 1 C, at a point about thirteen yards from the south-west corner of Northumberland Street, and terminating in New Bridge Street at a point about forty-two yards eastward from the south-west corner of Northumberland Street:

A tramway, Number 2 B, or passing place (single line), three chains in length, wholly in the said parochial chapelry of All Saints, commencing at a point about ten yards from the north-east corner of Argyle Street, measured in a north-easterly direction along Ridley Villas, and terminating at a point about seventy-six yards eastward therefrom:

A tramway, Number 3 (single line), five furlongs six chains and eighteen yards in length, wholly situate in the said parochial chapelry of Saint Andrew and in the township of Jesmond, commencing in the North Road, by a junction with the proposed tramway Number 1, at a point about fourteen yards from the south-west corner of Jesmond Road, measured in a westerly direction along the North Road, and terminating in Jesmond Road at a point about six yards from the south-east corner of All Saints Cemetery, measured in a southerly direction:

A tramway, Number 3 A, or passing place (single line), three chains in length, wholly in Jesmond Road and the said township of Jesmond, commencing at a point about forty yards from the south-east corner of the boundary wall of the Clayton Memorial Church, measured in an easterly direction along Jesmond Road, and terminating at a point about one hundred and six yards eastward therefrom.

Period for completion of works.

9. If the proposed tramways are not completed within two years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

A.D. 1877.

Inspection by Board of Trade.

10. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Penalty for not maintaining rails and road in good condition.

11. The Corporation shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist; and if the Corporation at any time fail to comply with this provision, or with any of the requirements of section twenty-eight 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 clause fifty-six of the said Act is provided.

Additional crossings, &c. may be made where necessary.

12. The Corporation may from time to time hereafter make all such crossings, passing places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as may from time to time be necessary or convenient to the efficient working of the tramways, or any of them, or for providing access to any stables or carriage sheds or works of the Corporation, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the Corporation express his objection thereto.

Temporary tramways may be made when necessary.

13. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it shall in the opinion of the Corporation be necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Corporation may from time to time make or construct in the same or any adjacent road, and may maintain so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

14. 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.

Traffic upon tramways.

15. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels.

Corporation may use tramways for sanitary purposes, &c.

16. The Corporation may at such times and in such manner as they think fit, but subject to the byelaws for the time being in force with respect to the tramways, use the tramways for sanitary purposes, and for the conveyance of scavenging stuff, road metal, and other materials required for the works of the Corporation, free of all tolls and charges in respect of such use.

Tolls for passengers.

17. The Corporation may demand and take for every passenger travelling upon any of the tramways, or any part thereof, any tolls or charges not exceeding one penny per mile, (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile,) but the Corporation may charge for any less distance than three miles any sum not exceeding threepence: Provided always, that if at any time after one year from the opening for public traffic of any portion of the tramways it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of any district in which such portion is wholly or partially situate that the Corporation or their lessees are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry 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 the truth of such representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Corporation, or their lessees, for the conveyance of passengers for distances not exceeding two miles to twopence, and the Corporation, or their lessees, shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time after making any such order revoke or modify the same for good cause shown to them.

Tolls for animals, goods, &c.

18. The Corporation may demand and take for all animals, goods, minerals, and parcels conveyed upon the tramways any tolls not exceeding the rates per mile following:

For every horse, mule, or other beast of draught or burden, per mile not exceeding threepence:

For every ox, cow, bull, or head of cattle, per mile not exceeding threepence:

For every calf, pig, sheep, and small animal, per mile not exceeding threepence:

For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed

A.D. 1877.

materials for the repair of public roads, per ton per mile not exceeding threepence:

For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, not otherwise specifically classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton per mile not exceeding fourpence:

For all timber or wood, per ton per mile not exceeding threepence:

For all sugar, grain, corn, flour, hides, dye woods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile not exceeding fivepence;

For all cotton, and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters or things, per ton per mile not exceeding sixpence:

For every carriage of whatever description, per mile not exceeding one shilling;

For any parcel not exceeding in weight seven pounds, threepence:

For any parcel exceeding seven and not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight, the Corporation may demand any sum they think proper.

Regulations as to tolls.

19. The following regulations shall be applicable to the fixing of such tolls; (that is to say,)

In respect of tolls for animals and goods, the Corporation may demand and take, for any less distance than three miles, tolls and charges as for three miles:

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Corporation may demand tolls and charges on animals and goods for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile:

For a fraction of a ton, the Corporation may demand tolls according to the numbers of the quarters of a ton in such fraction,

and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber shall be deemed one ton weight, and so in proportion for any smaller quantity:

Provided always, that articles sent in large aggregate quantities, although made up into separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages:

For the carriage of any boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, per ton the Corporation may demand such sum as they think fit, not exceeding three shillings:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which with the carriage exceeds eight tons, the Corporation may demand such sum as they think fit.

Limitation of tolls in case of demise.

20. If the Corporation, under the authority of "The Tramways Act, 1870," work the tramways, or demise the right of user of the tramways, and of demanding and taking in respect of the same the tolls and charges authorised by this Act, such tolls and charges shall include all charges which may be made for the use of the tramways, and of carriages, and for motive power, and every other incidental expense.

Passengers luggage.

21. 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.

As to user of tramways and tolls thereon when left open to be used by the public.

22. The Corporation may from time to time (but subject to the terms of any lease) by resolution declare the tramways, or any part thereof, to be open, to be used by the public, and for such periods as the Corporation think fit, and such user may be either concurrently with the lessees or otherwise, and so soon as the Corporation shall have passed such resolution any person or persons may use the tramways, or any part thereof, with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways, and may demand and take for the like purposes for

A.D. 1877.

which tolls are authorised to be taken by this Act any tolls not exceeding the tolls by this Act authorised to be taken for such purposes by any lessee of the tramways.

Tolls if tramways left open to be used by the public.

23. If the tramways, or any part thereof, be left open to be used by the public, the Corporation may demand and take from the person or persons who shall run any carriage, waggon, or truck on the tramways, or any part thereof, the following tolls and charges in respect of such user; (namely,)

For every passenger travelling in or upon any of the carriages of such person or persons, any sum not exceeding one half-penny nor less than one farthing per mile;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such person or persons, any sum or sums not exceeding one half of the tolls or charges herein-before by this Act authorised in respect of such animals, goods, minerals, and parcels so conveyed;

and the Corporation may, if they think fit, so commute such tolls or charges as that the commuted sum may be as near as possible an equivalent of such tolls and charges.

Persons using the tramways to permit servants of the Corporation to ride in each carriage, &c. free of charge.

24. The person or persons so using the tramways, or any part thereof left open to be used by the public and their officers and servants, shall permit the person duly authorised by the Corporation to ride free of charge for the whole or any part of the journey in or upon each carriage, waggon, truck, or vehicle in or upon which any passengers, animals, minerals, parcels, or goods shall be conveyed by such person or persons upon the tramways or such part thereof.

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.

25. The provisions contained in the following sections of "The Tramways Act, 1870," (namely,)

Section thirty-six (in default of payment of tolls, licensees carriages may be detained and sold):

Section thirty-seven (licensees to give account of passengers carried by them);

Section thirty-eight (licensees not giving account of passengers carried liable to a penalty);

Section thirty-nine (disputes as to amount of tolls to be settled by justices); and

Section forty (owners of carriages liable for damage done by their servants),

shall, so far as the same are applicable in this behalf, extend and apply, mutatis mutandis, to the person or persons so using the tram-

ways, or any part thereof left open to be used by the public; and in construing those sections for the purpose aforesaid—

The expression the "licensee" or "licensees" shall mean the person or persons so using the tramways or any part thereof;

The expression "passengers" shall include animals, goods, minerals, and parcels;

The expression "number of passengers" shall include the number or quantity (as the case may require) of the goods, minerals, or parcels conveyed; and

The expression "carriage" shall include any waggon, truck, or vehicle in or upon which such animals, goods, minerals, or parcels shall be conveyed.

Lessees not to be bound to carry goods, &c. unless as provided herein.

26. The lessees or other persons using the tramways shall not, except as by this Act otherwise provided, be bound to carry, unless they think fit, any animals, goods, minerals, or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Provisions as to carriage of goods, &c.

27. The lessees may, and when required by the Corporation shall, carry animals, goods, minerals, and parcels in separate carriages or separate parts of carriages set apart for that purpose, provided that this shall not apply to the carriage of passengers luggage.

As to payment of tolls.

28. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the persons authorised to demand and take such tolls respectively may by notice to be annexed to the list of tolls appoint.

Provisions as to arbitration.

29. Where under the provisions of "The Tramways Act, 1870," in this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of "The Common Law Procedure Act, 1854," shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

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 from the provisions of any general Act relating to tramways now in force, or which may be passed during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by this Act.

Powers as to public quays, &c.

31. With respect to the public quays and wharves and the north shore of the borough, the Corporation shall have and may

A.D. 1877.

from time to time exercise all or any of the following powers; (that is to say,)

(1.) They may lay down, construct, renew, and maintain railways, tramways, crossings, tunnels, culverts, gangways, and landing-places, and may erect and maintain travelling and other cranes, lifts, hoists, sheds, towers, and bridges in, under, over, upon, or across all or any of such quays and wharves and the said north shore, with all turntables, sidings, stages, foundations, abutments, engines, machinery, and appliances expedient for the more convenient loading and unloading of vessels:

(2.) They may by license under their common seal permit any person or company to exercise all or any of the foregoing powers upon such terms as may be set forth in such license for the convenience of and in connexion with any warehouses, manufactories, and works abutting on the public quays and wharves or on the said north shore:

(3.) They may appropriate and set apart for the use (exclusive or otherwise) of any particular person, company, business, or trade, any portions of the said quays and wharves, and any works to be constructed or erected under the foregoing powers of this enactment, for such periods, for such payments and charges, and upon such terms and conditions as they may think fit:

(4.) They may construct such sheds and other buildings and works as they may deem necessary for the temporary accommodation of goods shipped or unshipped or delivered at the said public quays and wharves:

(5.) They may lease or grant the use or occupation of any warehouses, storehouses, sheds, buildings, or conveniences either already or hereafter to be erected on the said public quays or wharves at such rents and upon such terms and conditions as they think fit, provided no such lease be granted for a longer term than seven years.

Power to make regulations as to berthing of vessels, &c.

32. The Corporation may from time to time make regulations with respect to all or any of the following matters; (that is to say,)

The regulation and control of the approach, position, berthing, and departure of vessels to, from, at, adjoining, or near to the public quays and wharves of the borough:

The regulation and control of the uses of the said public wharves and quays and the river approaches thereto:

The shipping and unshipping, landing, warehousing, storing, depositing, and removing of all goods upon, at, in, and from the said public quays and wharves or any property of the Corporation constructed or erected thereon:

The duties and conduct of all persons, as well servants as others, (not being officers of customs or excise,) who shall be employed in, at, or upon the said public quays or wharves and the property of the Corporation thereon.

Such regulations shall be made under and according to the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to byelaws to be made by the undertakers.

Increase of package duty.

33. From and after the passing of this Act the package duty described in the Second Schedule to this Act shall be payable instead of the package duty described in the Fourth Schedule to the Act of 1871 and now leviable.

Power to take lands.

34. Subject to the provisions of this Act, the Corporation may enter upon, take, hold, and use such of the lands shown on the deposited plans and described in the deposited book of reference as they think requisite for the several purposes of this Act, or in the case of street improvements by this Act authorised and of the said works numbered 1 and 3 in the Fourth Schedule to the Act of 1870, and of the works numbered 1 and 2 in the Second Schedule to the Act of 1871, for the providing of space for the erection of buildings adjoining to or near such street.

Certain provisions of the Act of 1865 to apply.

35. The following sections of the Act of 1865; (namely,)

Section one hundred and seventeen (correction of errors as to lands);

Section one hundred and twenty (limitation of time for compulsory purchase);

Section one hundred and twenty-one (power to grant building leases of lands near streets, et cetera);

Section one hundred and twenty-two (power to make agreements as to building leases);

Section one hundred and twenty-three (sale of lands subject to building leases);

Section one hundred and twenty-four (power to sell without previous grant of building leases);

Section one hundred and twenty-five (power to enforce stipulations for benefit of adjoining owners);

Section one hundred and twenty-six (sales to be made within twenty years); and

A.D. 1877.

Section one hundred and twenty-seven (power to sell, et cetera, lands not wanted);

shall extend and apply, mutatis mutandis, to all lands acquired by the Corporation under the powers of this Act other than lands acquired for the laying down thereon of the street tramways by this Act authorised.

Site for free library.

36. The Corporation may use all or any portion of the following lands shown on the deposited plans, and described in the deposited book of reference; (namely,)

A piece of ground situate in New Bridge Street, with the erection or building thereon known as the Weaver's Tower, and also a piece of ground situate in front of Higham Place, and extending to within thirty feet of the roadway on the west of the said Higham Place, now or late in the occupation of Alexander MacLachlan, and immediately adjoining a piece of ground belonging or reputed to belong to the Corporation, boundering on New Bridge Street aforesaid,

as a site for a free library.

Additional lands by agreement.

37. The Corporation may, in addition to the lands they are authorised to acquire and hold under the powers of this Act, from time to time purchase or otherwise acquire for the purpose of erecting thereon stables and carriage sheds, and for other purposes connected with the street tramways, any lands not exceeding in the whole five acres, or any easement, power, or privilege (not being an easement of water) in, under, or over such lands.

Consideration for such acquisition.

38. The consideration for any such acquisition may be either money or land, or any yearly sum, or a mixed consideration of money and land, and in any exchange the Corporation may give or take money for equality of exchange.

Power to take easements, &c. by agreement.

39. 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 required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, or privileges as aforesaid.

Application of existing funds.

40. The Corporation may apply to the purposes of this Act any moneys raised or authorised to be raised under any of their former Acts and not required for the purposes thereof.

Power to borrow.

41. The Corporation may for the purposes of this Act, and the completion of the works by the Acts of 1870 and 1871 respectively authorised, and in addition to any moneys they are or may be authorised to borrow under any other Act for the time being in force within the borough, borrow at interest on the security of the improvement rate authorised by the Act of 1865, and the borough fund and general rate, and of the rents, tolls, charges, and duties for the time being leviable by or payable to the Corporation, or on any one or more of such securities, the following sums, and for the following purposes:

For street improvements, seventy thousand pounds;

For street tramways, thirty thousand pounds;

For works on and in connexion with public quays, wharves, and north shore, two hundred thousand pounds;

and in calculating the amounts the Corporation may borrow under any other Act, any sums they may borrow under this Act shall not be reckoned.

Provisions of Act of 1855 as to receivers extended to this Act.

42. Section nineteen (mortgagees may enforce payment of arrears by appointment of receiver) of the Act of 1855 shall extend and apply to all moneys for the time being borrowed by the Corporation under this Act.

Priority of existing mortgages.

43. Nothing in this Act shall prejudicially affect any charge on the corporate estates or on any undertaking of the Corporation, or on the improvement rate, borough fund, and general rate, or any of 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 thereof, have priority over any mortgage or charge granted or created under this Act on the same security.

Repayment of borrowed moneys.

44. All moneys borrowed or reborrowed by the Corporation under the powers of this Act may be borrowed and reborrowed for any term not exceeding fifty-four years, and shall be repaid by yearly or half-yearly instalments, and such repayment shall commence from the expiration of six years after the passing of this Act,

A.D. 1877.

or from the time of borrowing or reborrowing, whichever shall last happen: Provided that when the repayments shall not be made 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 owing, of which such instalment or instalments form part, shall in every year amount to the same sum.

Return to Local Government Board.

45. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid as an instalment during the year preceding the making of such return, and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment, 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 paid off in the following year, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board.

Power to reborrow.

46. If the Corporation pay off any moneys under the powers of this Act otherwise than by means of instalments or a sinking fund, they may reborrow the same, and so from time to time.

As to borrowing under "Local Loans Act, 1875."

47. Any money by this Act authorised to be raised may be raised by the issue of debentures, debenture stock, and annuity certificates, or wholly or partially by any one or more of those modes, and under and according to the provisions of "The Local Loans Act, 1875," and of this Act: Provided that if a sinking fund be provided for the repayment of any portion of the money so raised, no payment need be made to such fund until the expiration of six years from the passing of this Act, or from the time of borrowing or reborrowing (whichever shall last happen) the money so to be repaid. The form of the certificate and of the transfer of such debenture stock may be as set forth in the Third Schedule to this Act.

Application of borrowed moneys, &c.

48. The moneys borrowed under this Act, and the proceeds of the sale of surplus lands acquired under the powers of this Act, shall be applied for objects to which capital money is properly applicable, and for no other purposes.

Funds out of which expenses of

49. All expenses incurred by the Corporation in carrying into effect the provisions of this Act other than the acquisition of the

site for the said free library shall (except as to such expenses as are to be paid out of borrowed moneys) be paid out of the improvement rate, and all moneys received by the Corporation under the powers of this Act other than the package duty, and moneys borrowed or received on the sale and by way of fine on the lease of lands, shall be carried to the credit of the improvement rate.

carrying Act into execution are to be paid.

50. The limit of the amount of the improvement rate in any one year as fixed by section one hundred and thirty-one of the Act of 1865 is hereby extended from one shilling in the pound to one shilling and threepence in the pound on the annual value of the property rated.

Increase of improvement rates.

51. The Corporation shall keep separate accounts of all receipts and expenditure for or in respect of the street tramways.

Separate accounts.

52. Nothing in this Act contained shall extend to interfere with any property, or to take away, prejudice, diminish, or alter any rights, privileges, powers, or authorities vested in or enjoyed by Her Majesty, her heirs or successors.

Saving rights of Crown.

53. With respect to the Post Office telegraph system the following provisions shall take effect:

(A.) The Corporation shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Corporation have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Corporation, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Corporation executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Corporation shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same:

Restriction on works affecting Post Office telegraph system.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions, as to the time and mode of execution

Power for Postmaster General to annex conditions.

A.D. 1877.

of any such work or thing as he thinks fit, and the Corporation shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the highways, lands, and works of the Corporation for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Corporation to Postmaster General, and penalty.

(D.) The Corporation shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Corporation by any work or thing executed or done by them interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Corporation shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Corporation to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Corporation:

This section to remain in force only for one year, &c.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Expenses of Act.

54. All the costs, charges, and expenses of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation, as to one half thereof out of the borough fund and as to the other half thereof out of the improvement rate.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Regulations respecting Election of Additional Aldermen, Councillors, &c.

1. Each of the existing wards shall continue to return the same number of councillors, except Elswick ward, which shall return three additional councillors, making six in all for that ward.

2. The first election of the additional councillors for Elswick ward shall be held on the 2nd day of November 1877 before the mayor of the borough, or before some person or persons to be appointed by him, and three additional councillors shall then be elected for Elswick ward.

3. Of the three additional councillors in Elswick ward, the one having the least number of votes shall go out of office on the 1st day of November 1878, the one having the second number of votes shall go out of office on the 1st day of November 1879, and the other on the 1st day of November 1880, and if there be no poll for the additional councillors, or there be an equality of votes on a poll for them, the council shall determine the order in which the additional councillors shall go out of office.

4. Two additional aldermen shall be elected for the borough by the councillors on the 9th day of November 1877, and the one having the least number of votes shall go out of office on the 9th day of November 1878, and the other shall go out of office on the 9th day of November 1881, and in case there be an equality of votes the mayor shall have a casting vote.

5. Subject to the regulations of this schedule, all elections, vacations of office, and rotations shall be governed by the Municipal Corporations Acts.

THE SECOND SCHEDULE.

The Package Duty.

Being a duty payable for each package of goods, merchandise, live animals, articles, and things landed upon or shipped or delivered from the quay of Newcastle-upon-Tyne, or any extension thereof, into or from seagoing vessels, steam wherries, lighters, and all other craft or vessels whatsoever, whether seagoing or otherwise, the whole of which goods, merchandise, live animals, articles, and things are comprehended in the expression "goods" when hereafter used.

	s.	*d.*
For one package of each kind of goods other than passengers' luggage and goods herein-after charged by weight, measure, tale, or by the head, and any number not exceeding ten packages in number on account of the same individual, a due not exceeding - -	0	3
Exceeding ten and not exceeding twenty, not exceeding - -	0	5

A.D. 1877.

	s.	d.
Exceeding twenty and not exceeding forty, not exceeding - -	0	9
Exceeding forty and not exceeding sixty, not exceeding - -	1	3
Exceeding sixty and not exceeding eighty, not exceeding - -	1	6
Exceeding eighty and not exceeding one hundred and twenty, not exceeding - - - - - - - - -	2	6
And every additional forty - - - - - - -	0	6
Of articles usually charged by weight, including all machinery, engines, boilers, forgings, castings, and all manufactured and unmanufactured iron or other metal, any package or quantity in a manufactured state not exceeding one ton in weight or in an unmanufactured state not exceeding two tons in weight, to be considered as one package, and charged not exceeding - -	0	4
And every additional ton in a manufactured and two tons in an unmanufactured state to be considered one package, and to be charged not exceeding - - - - - -	0	4
Of articles usually charged by measure, any quantity not exceeding five quarters or half a last of dry measure to be considered as one package, and charged not exceeding - - - -	0	2½
And each additional five quarters or half last to be considered an additional package, and charged not exceeding - - -	0	2½
And any quantity not exceeding ten gallons of wine measure and every five barrels of beer to be considered as one package, and charged not exceeding - - - - - -	0	3
And every additional ten gallons of wine and five barrels of beer to be considered an additional package, and charged not exceeding -	0	3
Two lasts or loads of timber to be considered one package, and charged not exceeding - - - - - -	0	3
Of articles usually charged by tale, any number not exceeding one hundred, and every three thousand bricks, to be considered one package, and charged not exceeding - - - -	0	3
And each additional hundred of other articles and every three thousand bricks to be considered an additional package, and charged not exceeding - - - - - -	0	3
Every horse, ox, and cow to be charged a due not exceeding - -	0	6
Every three calves, ponies, asses, or mules to be charged a due not exceeding - - - - - - - -	0	6
Every score of pigs, sheep, or lambs to be charged a due not exceeding	0	6
And so in proportion for any greater or less number any fraction of a penny to be charged - - - - - -	0	1

Fractional parts of a ton or other quantity or number of any article to be charged as one ton or other whole quantity or number, and the word "package" when used in the foregoing tariff in relation to any goods chargeable to package duty shall be deemed to be and include every truss, bundle, basket, hamper, creel, bowl, box, bag, chest, case, caddy, barrel, cask, piece, or roll, or half truss, bundle, basket, hamper, creel, bowl, box, bag, chest, case, caddy, barrel, cask, piece, roll, or other smaller sizes or dimensions thereof.

A load of timber shall mean forty feet of hard wood and fifty feet of soft wood.

THE THIRD SCHEDULE.

Form of Certificate of Debenture Stock.

NEWCASTLE-UPON-TYNE CORPORATION DEBENTURE STOCK.

Certificate No. . Amount £

Registered No. .

This is to certify that of is registered in the books of the mayor, aldermen, and burgesses of the borough of Newcastle-upon-Tyne, in the county of the same town, as the proprietor of pounds sterling Newcastle-upon-Tyne Corporation Debenture Stock, created by virtue of "The Newcastle-upon-Tyne Corporation Act, 1877," 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 burgesses of the borough of Newcastle-upon-Tyne, in the county of the same town, this day of .

(L.S.)

Borough Cashier.

Entered A.D. 18 .

Accountant.

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.

Form of Transfer of Debenture Stock.

I of , in consideration of the sum of pounds paid to me by of do hereby transfer to (herein-after called "the transferee") the sum of pounds 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 held 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 187 .

(L.S.)

(L.S.)

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