



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. ccl.

An Act for the Improvement and better Govern-
ment of the Borough of *Newcastle-upon-Tyne* ;
and for other Purposes. [5th July 1865.]

WHEREAS the Borough of *Newcastle-upon-Tyne* (to which the Term "the Borough" when hereafter used in this Act refers) is a Municipal Borough under the Government of the Mayor, Aldermen, and Burgesses of the Borough, (to whom the Term "the Corporation" when hereafter used in this Act refers,) and is regulated by the Acts relating to Municipal Corporations in *England*, and by various Local Acts: And whereas the Borough is divided into Eight Wards, represented in the Council by Forty-two Councillors, namely, Six for each of Six of the Wards, and Three for each of the remaining Two, One of which is *Westgate* Ward, and the Numbers of Voters in the Wards are very unequal, and it is expedient that *Westgate* Ward, the Voters in which Ward are more numerous than those in any other Ward, be divided so as to form Two Wards, one to be called *Elswick* Ward, and to comprise the Township of *Elswick*, and the other to be called *Westgate* Ward, and to comprise the whole of the present Ward of that Name, except the Township of *Elswick*, and that *Elswick* Ward be represented by Three Councillors, and that the whole Number of Councillors of the

[Local.]	40 Z	Borough
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14 G. 3.
c. 105.
(Private.)

24 & 25 Vict.
c. xcvi.

7. W. 4. &
1 Vict.
c. lxxii.

9 & 10 Vict.
c. cxxi.

Borough be increased by Three accordingly: And whereas the Corporation are, or claim to be, the Owners of a certain Tract of Ground within the Liberties of the Borough called the *Town Moor*, subject only (by virtue of an Act of Parliament passed in the Fourteenth Year of King *George* the Third, which Act is hereafter in this Act called "The *Town Moor* Act,") to a Right in the resident Freemen or Burgesses of the Borough, and the resident Widows of deceased Freemen or Burgesses of the Borough respectively, of depasturing the *Town Moor* with a certain Number of Cows (which Right is hereafter in this Act referred to as the Right of Herbage): And whereas under the Powers of the *Blyth and Tyne* Railway Act, 1861, certain Portions of the *Town Moor* (including Part of an Inclosure leased under the Powers of the *Town Moor* Act) have been taken by the *Blyth and Tyne* Railway Company for the Purposes of their Railway, and the Value thereof has been fixed by Agreement; and it is expedient that Provision be made for the Investment of the Purchase Money paid by that Company in the Purchase of other Lands to be held as Part of the *Town Moor*, and for the Application in the meantime of the annual Proceeds of such Purchase Money, and for securing to the Company a clear Title to the Land taken by them absolutely discharged from the said Right of Herbage: And whereas it is expedient that better Provision be made respecting the following Matters, namely, the Management of the Hay and Straw Market established by the Corporation, the Improvement of existing Streets, the Regulation of Buildings, the Construction of Sewers, the Utilization of Sewage, the sanitary Arrangements of the Borough, the Establishment of a Police Court, the Management of the Police Force, and the Enforcement of Police Regulations, and divers other Matters relative to local Government, or to the Improvement of the Borough and the public Benefit of the Inhabitants thereof: And whereas it is expedient that the Corporation should be authorized to make the new Streets and Improvements herein-after mentioned: And whereas Plans and Sections of such new Streets and Improvements, and a Book of Reference to the Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, Houses, and Property required for the Purposes thereof, have been deposited with the Clerk of the Peace for the Borough and County of *Newcastle-upon-Tyne*: And whereas under a Local Act for regulating and improving the Borough passed in the Session of Parliament held in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty (to which Act the Expression "the Improvement Act of 1837" when hereafter used in this Act refers) the Corporation were empowered to make and levy a Watch Rate, a Lighting Rate, and a Paving and Watering Rate: And whereas an Act was passed in the Session of the Ninth and Tenth Years of Her Majesty (herein-after referred

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referred to as the Act of 1846) empowering the Corporation to make and levy a Sewers Rate: And whereas the several Rates described in the First Schedule to this Act, of the several maximum Amounts therein specified, are leviabie by the Corporation under the above-mentioned Acts, as specified in the same Schedule, on the Property or Parts of Property in the Borough: And whereas the joint Maximum of those Rates is Two Shillings and One Penny in the Pound: And whereas it is expedient that in lieu of the said several Rates the Corporation be empowered to levy, in manner in this Act provided, One general Rate of the maximum Amount of Two Shillings in the Pound on all Property in the Borough assessable to Poor's Rates: And whereas by the *Newcastle-upon-Tyne* Improvement Act, 1853, the Corporation were empowered to levy once in every Year a Rate, under the Name of the Improvement Rate, on Occupiers or Owners and Occupiers of Tenements, not exceeding Threepence in the Pound on the annual Value of such Tenements, and to apply the Proceeds for Improvement Purposes: And whereas the Corporation were not empowered by the last-mentioned Act to borrow Money on the Security of the Improvement Rate: And whereas by the *Newcastle-upon-Tyne* Improvement Act, 1855, the Corporation were empowered to make new Streets, and the Expenses of carrying that Act into execution were directed to be defrayed by a Rate to be called "the New Streets Rate," to be levied upon Occupiers or Owners of Tenements, not exceeding in any Year Sixpence in the Pound on the annual Value thereof: And whereas by the last-mentioned Act the Corporation were empowered to borrow on Mortgage upon the new Streets Rate any Money not exceeding Sixty thousand Pounds for the Purposes for which that Rate was applicable: And whereas the Amount of Mortgage Debts contracted by the Corporation under the Act of 1855, and remaining unpaid, is Fifty-four thousand seven hundred and forty-four Pounds Nine Shillings: And whereas it is expedient that the Improvement Rate under the Act of 1853, and the New Streets Rate under the Act of 1855, be consolidated into One Rate, not exceeding One Shilling in the Pound, to be called "the Improvement Rate," and that the Corporation be empowered, for the Purposes of this Act and of the Improvement Act of 1855, to raise on the Security of that Improvement Rate any Money not exceeding One hundred and fifty thousand Pounds, in addition to the said Sum remaining unpaid under the Improvement Act of 1855, and that the whole of the Mortgage Debts for the Time being contracted by the Corporation under the Improvement Act of 1855 and this Act be charged as One consolidated Sum on the Improvement Rate under this Act, and that the same be made repayable by annual Instalments: And whereas the Purposes of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty,

16 & 17 Vict.
c. clxxxii.18 & 19 Vict.
c. xcix.

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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,)

Preliminary.
Short Title.

1. This Act may be cited as *The Newcastle-upon-Tyne Improvement Act, 1865.*

Commence-
ment of Act.

2. Save as in this Act expressly provided otherwise, this Act shall commence from and immediately after the Eighth Day of *November* One thousand eight hundred and sixty-five.

Interpreta-
tion of
Terms.

3. In this Act,

The Terms "the Mayor," "the Council," "the Watch Committee," "the Town Clerk," "the Treasurer," and "the Surveyor," mean respectively the Mayor, the Council, the Watch Committee, the Town Clerk, the Treasurer, and the Town Surveyor for the Time being of the Borough of *Newcastle-upon Tyne*, and the Term "Surveyor" includes District Surveyor :

The Term "the Municipal Corporation Acts" means the Act of the Session of the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, "to provide for the Regulation " of Municipal Corporations in *England* and *Wales*," and all Acts for the Time being in force amending the same, or otherwise relating to Municipal Corporations in *England* :

The Term "Person" includes an incorporated Company and 'any Corporation, aggregate or sole :

The Term "Justice" means a Justice of the Peace for the Borough :

The Term "Two Justices" means Two or more Justices assembled and acting together in Petty Sessions for the Borough, or any Stipendiary Magistrate acting for the Borough :

The Term "Court of Quarter Sessions" means the Court of General or Quarter Sessions for the Borough :

The Term "Lands" includes Messuages, Buildings, Lands, Tenements, and Hereditaments of any Tenure :

The Term "House" includes any Messuage, Tenement, Warehouse, Manufactory, Shop, Stable, or other Building :

The Term "Street" includes the whole or any Part of any existing or future Square, Street, Highway, Township Road, Occupation Road, Lane, Carriageway, Bridge, Thoroughfare, Footway, or Pathway :

The Term "Court" means the whole or any Part of any existing or future Court, Chare, Alley, Entry, Passage, Yard, or Place, used with or appurtenant to Dwelling Houses or otherwise,
and

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and open to a public Street, and whether a Thoroughfare or not :

The Term "Owner" means the Person for the Time being receiving the Rackrent 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 such Lands were let at a Rackrent :

The Term "Occupier" means the Person for the Time being in actual Occupation or Possession of the Lands with reference to which that Term is used :

The Term "Drain" means any Drain, Pipe, Channel, or Gutter made or used for the Drainage of One Building only, or of Buildings or Lands within the same Curtilage :

The Term "Sewer" means a Culvert or Channel for the Passage of Water, Sewage, or Refuse, not being a Drain as herein-before defined :

The Term "any offensive Matter or Thing" includes any Nightsoil, Offal, Putrid Meat, Animals, or Fish, Entrails, Carrion, Blood, Dung, Manure, Fish Shells, Bones, Broken Glass, China, or Earthenware, Dust, Rubbish, Dirt, Litter, Ashes, Soap Lees, Gas Lime, or Refuse of any Kind :

The Term "Cart" includes any Vehicle made or used for the Conveyance of Goods, Chattels, Materials, or Things :

The Term "Carriage" includes any Vehicle of what Nature soever made or used for the Conveyance of Persons :

The Term "Cattle" includes, in addition to Cattle, Horses, Asses, Mules, Sheep, Goats, and Swine :

The Term "Driver" means the Driver, Conductor, or Carter of any Cart or Carriage, or of any Cattle, whether Owner thereof or not :

The Term "Court of competent Jurisdiction" in this Act, or in any Act incorporated herewith, shall for the Purposes of this Act have Effect as if the Debt or Demand with respect to which that Term is used was an ordinary Simple Contract Debt, and not a Debt or Demand created by Statute.

4. This Act shall (except where it is expressly provided otherwise) apply to and within the Borough exclusively. Act to extend to Borough.

5. This Act shall be carried into execution by the Corporation acting by the Council, and according to the Municipal Corporation Acts, and other Laws for the Time being affecting the Corporation, and with all the Authorities conferred by those Acts and Laws on the Corporation, and on the Council and Committees of the Council, and the Officers, Agents, and Servants of the Corporation, with Act to be executed by Council.

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respect

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respect to Matters provided for by or comprised in the Municipal Corporation Acts, and as nearly as may be in all respects as if the Powers, Duties, 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 the Municipal Corporation Acts.

Regulations
as to Com-
mittees of
Council.

6. Where, under the Authority of the Municipal Corporation Acts, the Council appoint out of their own Body any Committee for the Execution of any of the Purposes of this Act, they may delegate to each such Committee such of the Powers and Duties of the Corporation under this Act, so far as the same relate to or consist of Matters of Form or Routine, 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 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.

*Division of
Westgate
Ward.*

Elswick
Ward con-
stituted.

7. *Westgate* Ward is hereby divided into Two Wards, one to be called *Westgate* Ward, and to comprise the whole of the present *Westgate* Ward, except the Township of *Elswick*, and the other to be called *Elswick* Ward, and to comprise that Township.

Number of
Councillors.

8. *Westgate* Ward shall elect Three Councillors, and *Elswick* Ward shall elect Three Councillors, and the total Number of Councillors of the Borough shall be Forty-five.

Mode of
Election for
Elswick
Ward.

9. The Provisions of the Municipal Corporations Acts relative to the First and subsequent Elections of Councillors, in Cases where there is a Division into Wards, shall apply in relation to *Westgate* Ward and *Elswick* Ward, save that at the First Election for *Elswick* Ward the Mayor shall appoint, from the Persons qualified to be Councillors, Two Assessors for *Elswick* Ward, and the First Election shall be held before the same Alderman before whom the Election for *Westgate* Ward is held and those Two Assessors.

Commence-
ment of
foregoing
Provisions.

10. The foregoing Provisions relative to *Westgate* and *Elswick* Wards shall have Effect from and immediately after the passing of this Act.

No Increase
of Aldermen.

11. Nothing in the foregoing Provisions relative to *Westgate* and *Elswick* Wards shall alter or authorize the Alteration of the Number of Aldermen of the Borough.

12. The

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12. The Purchase Money payable by the *Blyth and Tyne* Railway Company for the Portion of the *Town Moor* taken by them for the Purposes of their Railway shall be carried by the Treasurer to a separate Account, to be called "the *Town Moor (Blyth and Tyne Railway Purchase)* Account;" and the same shall be invested, under the Direction of the Council, in Government Securities, in the Name of the Corporation, and shall remain so invested until the same can be conveniently laid out in the Purchase of Lands suitable to be held with the *Town Moor*, and, as soon as conveniently may be, the same shall be laid out under the Direction of the Council accordingly; and the Lands so purchased shall be settled so as to go and be held with the *Town Moor*, and subject to the aforesaid Right of Herbage, as if the same had originally been Part of the *Town Moor*.

*Application of
Town Moor
Purchase
Money.*

Investment
of Purchase
Money paid
by Blyth
and Tyne
Railway
Company.

13. In the meantime, until Lands have been purchased by the Corporation under the last foregoing Provision, the annual Proceeds arising from the Government Securities aforesaid, and the Interest of the Purchase Money until invested, shall be applied, under the Direction of the Council, in the same Manner as the Rents of Inclosures from the *Town Moor* are applicable under the Provisions of the *Town Moor Act*.

Interim
Investment
of such
Purchase
Money.

14. On Payment by the *Blyth and Tyne* Railway Company of the Purchase Money payable by them for the Portion of the *Town Moor* taken by them as aforesaid, the Corporation shall convey to the Company the Lands so taken, absolutely discharged from the Right of Herbage aforesaid, and such Lands, on being so conveyed, shall, by virtue of this Act, be absolutely discharged from such Right accordingly.

Lands pur-
chased by
Blyth and
Tyne Rail-
way Com-
pany dis-
charged
from Right
of Herbage.

15. The Corporation may demand and receive, in respect of each Cart using the Hay and Straw Market established by the Corporation in *Percy Street* in the Borough such reasonable Sum, by way of Standage Rent, as the Corporation from Time to Time think fit to appoint, not exceeding for each such Cart the Sum of Sixpence.

*Hay and Straw
Market.*

Power to
take Stand-
age Rents.

16. The Corporation shall provide and keep in or near the said Hay and Straw Market sufficient and proper Weighing Houses or Places, Weights, Scales, and Machines for weighing Hay and Straw, and for weighing Carts loaded or having been loaded with Hay or Straw, and shall appoint proper Persons to attend to such weighing or measuring during the holding of the Market.

Supply of
Weighing
Machines,
&c.

17. The Corporation may demand and receive for the Use of any such Weighing Houses or Places, Weights, Scales, and Machines such reasonable Sums as they from Time to Time think fit to appoint by Byelaw, not exceeding Threepence *per Ton*.

Power to
charge for
weighing.

18. The

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10 & 11 Vict.
c. 14. incor-
porated.

18. The Provisions of the Markets and Fairs Clauses Act, 1847, with respect to weighing Goods and Carts, and Sections Thirty-three to Forty (both inclusive) of the same Act, are hereby incorporated with this Act; and for the Purposes of this Act the term "the Undertakers" used in those Provisions and Sections shall mean the Corporation.

Public Quay.
Power to
appoint
Quay-mas-
ter, &c.

19. The Corporation may from Time to Time appoint a Quay-master and such other Officers and Servants as they think necessary for the better Management and Regulation of the public Quay of the Port of *Newcastle-upon-Tyne* and of the Business and Traffic thereon, and may from Time to Time remove any such Quay-master, Officer, or Servant.

Power to
make Bye-
laws as to
Quay.

20. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes; (that is to say,)

For regulating and controlling the Use of the public Quays, and the Business and Traffic thereon:

For authorizing the Use of the existing and the Erection of any future Buildings on the Quays for the landing, shipping, and Deposit of Goods, or the Convenience of Passengers, and regulating the Payments to be made for such Use:

For regulating the depositing and removing of Goods on the Quays, and for enforcing the Removal of Obstructions from the same, and keeping the same clear:

For regulating the Duties and Conduct of the Porters, Drivers, and Carriers employed on the Quays:

But so that none of such Regulations interfere with the Customs Regulations.

Parts of
10 & 11 Vict.
c. 27. in-
corporated.

21. Sections Fifty-four, Fifty-five, and Sixty-eight of the Harbours, Docks, and Piers Clauses Act, 1847 (so far as the Provisions thereof are applicable for the Purposes, and are not inconsistent with the Provisions, of this Act,) are hereby incorporated with this Act; and for the Purpose of this Act the Term "the Undertakers" used in those Sections shall mean the Corporation, and the Term "Harbour-master" therein used shall mean the Quay-master appointed by the Corporation.

Streets.
Power to set
up Posts for
guarding
Footways,
Fountains,
&c.

22. The Corporation may continue, or from Time to Time place and maintain, in any Street any Posts, Pillars, Rails, Bars, Chains, or other Fence, permanent or temporary, for the Protection of Passengers and Traffic, and for preserving any Footway clear from Annoyance, and for Prevention of Accidents, and may place Posts in the Carriage-way of any Street so as to make the crossing thereof less dangerous
to

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to Passengers, and may place Fountains in convenient Parts of the Footways or Carriageways of Streets.

23. For the Purposes of this Act Buildings and Lands shall be deemed to be in a Street or Court when they abut upon or adjoin, or are alongside of or adjacent to, such Street or Court.

Definition of Buildings in Streets, &c.

24. If at any Time any Street or Court formed, set out, or laid out, either before or after the Commencement of this Act, is not sewered, drained, levelled, flagged, and paved or macadamized to the Satisfaction of the Corporation, they may at any Time and from Time to Time order that it be freed from Obstruction, sewered, drained, levelled, flagged, and paved, macadamized, and otherwise completed, with such Materials, at such Levels, with such Inclinations, and with Sewers and Drains of such Dimensions, and that the Soil thereof be raised, lowered, or altered in such Manner and within such Time as the Order directs; and thereupon the respective Owners of the Buildings and Lands in such Street or Court shall, at their own respective Expense, remove all Obstructions in, upon, or under, and sewer, drain, level, flag, pave, macadamize, and otherwise complete such Street or Court within the Time and in the Manner prescribed in the Order.

Power to cause Streets and Courts to be sewered and paved, &c. by Owners.

25. The Provisions of the last foregoing Section shall not apply to those Streets within the Borough which have been adopted and are kept in repair by the Corporation; nor shall those Provisions, except as far as they relate to sewerage and to the flagging of Footways, apply to the public Highways in the several Townships of *Westgate, Elswick, Jesmond, Heaton, or Byker*; nor shall they apply as regards the sewerage and the flagging of Footways of the public Highways in those Townships unless and until Houses are erected by the Side or Sides of any such Highway, so as to render necessary, in the Opinion of the Corporation, the Application to such Highway of the Provisions of the last foregoing Section as regards sewerage and the flagging of Footways, in which Case the Corporation may apply those Provisions to that Extent accordingly.

Public Streets already completed, &c.

26. Every such Order as aforesaid shall be published by being publicly posted in the Street or Court to which it relates once at least in each of Three successive Weeks; and such Publication thereof shall be sufficient Notice to all Owners, Lessees, Tenants, Occupiers, and others interested in any Buildings or Lands in such Street or Court.

Publication of Orders for sewerage and paving, &c. Streets.

27. The Order, when published, shall be accompanied with an Estimate made by the Surveyor of the Expenses of the Execution of the Works ordered, and of the Shares thereof which will be payable

Estimate of Expenses to accompany Order.

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by

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by the several Owners of Buildings and Lands in the Street or Court to which the Order relates.

On Failure
of Owner
Execution
of Works by
Corporation
ordered.

28. If within One Month after the last Publication of the Order the Owner of any Building or Lands in the Street or Court does not commence the Work required by the Order to be done by him, or having commenced does not proceed with all reasonable Despatch to complete the Work, then and in every such Case the following Provisions shall have Effect; namely,

- (1.) Such Owner shall, on Demand, pay to the Corporation the Amount of the Share payable by him of the Expenses estimated as aforesaid:
- (2.) The Corporation shall with all convenient Speed at any Time and from Time to Time remove all Obstructions in, upon, or under, and sewer, drain, level, flag, pave, macadamize, or otherwise complete the Street or Court in the Manner prescribed by the Order:
- (3.) In case the estimated Expenses exceed the actual Expenses of the Execution of the Work done by the Corporation, the Difference between the estimated and the actual Expenses shall be repaid by the Corporation to the Owners of Buildings and Lands by whom the estimated Expenses were paid:
- (4.) In case the actual Expenses exceed the estimated Expenses of the Execution of the Work done by the Corporation, then all Owners of Buildings and Lands in the Street or Court making default shall, on Demand, pay to the Corporation such further respective Sums as, together with the Sums then already paid or payable by them respectively, will be sufficient to cover the actual Expenses; and if there be more than One Owner, then the Difference between the actual Expenses and estimated Expenses shall be fairly apportioned by the Surveyor between or among such Owners:
- (5.) The Amounts payable to the Corporation by the respective Owners of Buildings and Lands in any such Street or Court in respect of the Execution of any Work done by the Corporation, whether beforehand as estimated Expenses, or afterwards as actual Expenses, exceeding the estimated Expenses, shall be deemed to be comprised in the Term "new Street Expenses" when hereafter used in this Act.

Corporation
liable to
additional
Costs in
certain
Cases.

29. The Exercise of the Powers by the foregoing Provisions conferred on the Corporation shall be subject to the following Provision; (namely,)

The Expense occasioned by the Construction of any Sewer of a larger Size or with other Materials than would have been necessary merely for the Purpose of the Drainage of any such
Street

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Street or Court, or of the Buildings or Lands therein (such Expense to be ascertained and settled by or under the Direction of the Corporation), shall be borne and paid by the Corporation out of the general Rate by this Act authorized, which is hereby made available for such Purposes.

30. The Corporation may appropriate, use, and dispose of any old Materials of any Work undertaken by the Corporation existing in any Street or Court at the Time of the Execution by the Corporation of any Works in such Street or Court under the foregoing Provisions, and any Stone, Gravel, Clay, or other Materials produced in the course or in consequence of the Execution by them of any such Works; and the Value of such old Materials, Stone, Gravel, Clay, or other Materials, as estimated by the Surveyor, shall be allowed to the Owners thereof (if any) in diminution of the new Street or other Expenses payable by them.

Value of
Materials
in Streets
sewered and
paved to be
allowed for.

31. When any Street or Court has been freed from Obstruction, sewered, drained, levelled, flagged, paved, macadamized, or otherwise completed to the Satisfaction of the Corporation, they shall declare the same to be a public Highway, and thereafter the same shall be a public Highway and be repairable accordingly, and every such Declaration shall be recorded among the Proceedings of the Council.

Streets
sewered,
paved, &c.
to be public
Highways.

32. The Corporation may, under and according to the foregoing Provisions, order any Street or Court to be sewered, drained, and levelled only, or to be sewered only, or to be drained only, or to be levelled only, and in every such Case all the Provisions of this Act with respect to the sewerage, draining, levelling, flagging, paving, macadamizing, or otherwise completing of Streets and Courts shall be applicable to the sewerage, draining, and levelling only, or the sewerage, or draining, or levelling of such Street or Court (as the Case may require), and the Expenses thereof shall be deemed new Street Expenses; but a Street or Court sewered, drained, and levelled shall not be declared to be a Highway until it has also been flagged, paved, or macadamized, or otherwise completed to the Satisfaction of the Corporation; and if the Corporation at any Time after any Street or Court is sewered, drained, and levelled think proper to have the same flagged, paved, macadamized, or otherwise completed, all the Provisions of this Act with respect to sewerage, draining, levelling, flagging, paving, macadamizing, or otherwise completing of Streets and Courts, shall be applicable to flagging, paving, macadamizing, or otherwise completing only of such Street or Court, and the Expenses thereof shall be deemed new Street Expenses.

Streets may
be sewered
only, or
paved only,
and Ex-
penses re-
covered.

33. The Corporation may from Time to Time by Order, in conjunction with any Order authorized by this Act relative to the Formation

Power to
require
Alteration of

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Levels of Streets.

Formation of any Street, direct that the Level of any Street and of any Palisading, Entrances, or Steps adjoining thereto, be altered so as to be adapted in such Manner and to such Extent as the Corporation think fit to the Level of any adjoining or other Street, making Compensation to Owners and Occupiers of Buildings and Lands for any Damage sustained by them by reason or in consequence of such Order, such Damage in case of Dispute to be settled by Arbitration in manner prescribed by "The Lands Clauses Consolidation Act, 1845."

Power to define Streets.

34. The Corporation may, from Time to Time, by Order, declare the Points or Limits at or within which any Street is, for the Purposes of this Act, to be taken as beginning and ending.

Power to make new Streets described, &c.

35. Subject to the Provisions of this Act the Corporation may from Time to Time, on the Lands in that Behalf described in the deposited Plans and Book of Reference, and within the Limits of Deviation shown on those Plans, lay out, make, and maintain the several new Streets described on those Plans, and distinguished thereon by the Numbers herein-after mentioned, comprising the following; (namely,)

First, a Street (Work Number 2) communicating between *Westgate Street* and *Nevill Street* :

Second, a Street (Work Number 3) communicating between the Quay and *Trafalgar Street* :

Third, a Street (Work Number 4) communicating between the Manors and the *New Road* at or near the public Baths and Wash-houses :

Fourth, a Street (Work Number 7) commencing in *Tyne Street*, near to the Entrance into the *Victoria Tunnel*, and terminating in the Township of *Byker* at a Place about Six hundred and twenty Yards North of the River *Tyne*, at the Extremity of the Borough near to a Place called *Walker* in the County of *Northumberland* :

Fifth, a Street (Work Number 14) communicating between *Albion Street* and the *Leazes Crescent* :

Sixth, a Street (Work Number 20) commencing at the West End of an intended Bridge or Viaduct over the *Blyth and Tyne Railway* near to the North End of *Byron Street*, and terminating at *Lovaine Crescent* :

Seventh, a Street (Work Number 16) communicating between *New Bridge Street* and *Princes Street* :

Eighth, a Street (Work Number 18) commencing at or near *Ellison Place*, crossing the *Blyth and Tyne Railway* by an intended Bridge or Viaduct, and terminating at the West End of *Camden Street* :

Ninth,

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Ninth, a Street (Work Number 17) commencing in or near the *Jesmond Dene Road*, at a Point about Thirty-five Yards South of *Jesmond Terrace*, crossing the Dene called *Pigg's Dene* by Means of a Bridge or Viaduct, and terminating in or near the same Road at a Point about One hundred and seventy Yards North of *Jesmond Terrace* aforesaid :

And all Roadways, Pavements, Footways, Sewers, Drains, and other Works and Conveniences appearing to the Corporation necessary or proper for the Purposes of such several new Streets.

36. Unless with the Consent of the *Blyth and Tyne Railway Company*, the Bridge or Viaduct by which the Street (Work Number 18) shall cross the *Blyth and Tyne Railway* shall be so constructed that One Pier or Pillar only, not exceeding Five Feet in Width, shall be placed within the Lands of the said Company, and in a Situation not exceeding Five Feet from the Centre of such Lands.

As to Works affecting the Blyth and Tyne Railway Company.

37. And whereas, in addition to the deposited Plans, Sections, and Books of Reference herein-before referred to, other Plans, Sections, and Books of Reference were deposited with the Clerk of the Peace for the Borough and County of *Newcastle-upon-Tyne*, and are marked "Street from *Pandon Bank* to *Cawsey Bank*, Street from *Akenside Hill* to *Cawsey Bank*:" And whereas it is expedient that the Corporation should be authorized to make the new Streets and Improvements shown in the last-mentioned Plans: Therefore the Corporation may from Time to Time purchase, enter upon, and take the Lands shown on those Plans and described in the Book of Reference thereto, and the Corporation may from Time to Time on the Lands in that Behalf described on those Plans and in the Book of Reference thereto, and within the Limits of Deviation shown on those Plans, make the following new Streets and Improvements in the Township and Parish of *All Saints* in the Borough; (that is to say,)

Additional Improvements.

A Street commencing at or near a Street called *Pandon Gate* at its Junction with *Saint James Lane*, and terminating in a Street called *Cawsey Bank* at its Junction with a Street called the *New Road*;

And a Street commencing at a Point where Three Streets called respectively *Pilgrim Street*, *Akenside Hill*, and the *Dog Bank* meet, and terminating at and forming a Junction with the West End of the said Street called the *New Road*.

38. And whereas, since the Deposit of the Plans, Sections, and Books of Reference herein-before referred to, it has been deemed expedient to make additional Improvements, and the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Property required for the Purposes thereof have consented to the

Certain other Streets may be improved.

The Newcastle-upon-Tyne Improvement Act, 1865.

Powers for making those Improvements being included in this Act: And whereas Plans, Sections, and a Book of Reference relating to such additional Improvements were in the Month of *December* deposited with the Clerk of the Peace for the Borough and County of *Newcastle-upon-Tyne*, and such Plans and other Documents are marked "*Newcastle-upon-Tyne Improvement (Additional Provision)*:" Therefore it shall be lawful for the Corporation to purchase, enter upon, and take the Lands described in such last-mentioned Plans and in the Book of Reference thereto, and the Corporation may from Time to Time on the Lands in that Behalf described on those Plans, and within the Limits of Deviation described on those Plans, widen and improve the following Streets situate in the Township and Parish of *All Saints* in the Borough; (that is to say,)

A Street called the *New Quay*, for a Distance of about Seventy-three Yards Westward of a Street called the *Swirle*, and a Street called *Saint Mary's Street, Sandgate*, for a Distance of about Thirty Yards, extending Westward from a Point about Forty-four Yards West of the *Swirle* aforesaid.

Works affecting North-eastern Railway Company to be constructed under Superintendence of their Engineer.

39. Such of the Works by this Act authorized as affect the Railway or Property of the *North-eastern* Railway Company shall be constructed under the Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of that Company, and according to Plans to be previously submitted to and approved of by him, or by the Umpire or Arbitrator herein-after empowered to determine any Difference; and if any Difference shall arise between the Engineer of the said Company and the Corporation as to the Design of or proper Mode of constructing or Construction of those Works, every such Difference shall from Time to Time be determined by an Umpire, to be appointed by the Surveyor of the Corporation and the Engineer of the said Company; or, in case they do not agree upon an Umpire, then by an Arbitrator to be appointed by the Board of Trade on the Application of the Corporation or the said Company, and every such Umpire or Arbitrator shall have Power to determine how the Costs of Reference to him shall be defrayed.

Notice to be given of taking of Houses of Labouring Classes.

40. The Corporation shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice, placed in public View upon or within a reasonable Distance from such Houses; and the Corporation shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Corporation have made known their Intention to take the same in manner herein-before required.

41. If

The Newcastle-upon-Tyne Improvement Act, 1865.

41. If the new Streets, Improvements, and Widening of Streets in this Act described are not completed within Ten Years from the Commencement of this Act, then on the Expiration of that Period the Powers by this Act granted to the Corporation for making the same, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Limitation
of Time for
Completion
of new
Streets.

42. Subject to the Provisions of this Act the Corporation may from Time to Time, on the Lands in that Behalf described in the deposited Plans and Book of Reference, and within the Limits of Deviation shown on those Plans, widen, alter, or otherwise improve the following Streets and Roads; (namely,)

Power to
widen
Streets de-
scribed, &c.

The Streets called respectively *Saint John's Lane* (Work Number 1), the *Close* (Work Number 10), the *Sandhill* (Work Number 13), *Pilgrim Street* and the *Dog Bank* (Work Number 8), *Akenside Hill* (Work Number 9), *Tyne Street* (Work Number 5), *Nelson Street* (Work Number 6), *Westgate Street* (Work Number 2), *Elswick Lane* (Work Number 12), and *Green Court* (Work Number 11).

43. Subject to the Provisions of this Act and the Acts incorporated herewith, and in accordance with the deposited Plans, or within the Limits thereon defined, the Corporation, in connexion with the new Streets and Improvements of Streets by this Act authorized or any of them, and for the Purposes thereof, may make Junctions and Communications with any existing Streets which may be intersected or interfered with by or be contiguous to the new Streets or Improvements of Streets, or any of them, and may make Diversions, Widening, or Alterations of Lines or Levels of any existing Streets for the Purpose of connecting the same with the new or improved Streets, or any of them, or of crossing under or over the same or any of them or otherwise, and may remove, destroy, alter, divert, stop up, enclose, use, or appropriate all or any Part of any Street or Court, or of any Stream, Drain, Sewer, Watercourse, void Ground, or other Property within the Limits of lateral Deviation defined on the deposited Plans, the Corporation first providing a proper Substitute before interrupting the Flow of Sewage in any Drain or Sewer.

Power to
make minor
Works con-
nected with
new Streets,
&c.

44. In making the new Streets and Improvement of Streets the Corporation may deviate vertically to any Extent not exceeding Five Feet from the Levels defined on the deposited Sections, and may deviate laterally to any Extent within the Limits of Deviation defined on the deposited Plans, and the Corporation may deviate beyond the last-mentioned Limits with the Consent of the Person through whose Lands any such Deviation is proposed to be made.

Power to
deviate ver-
tically or
laterally.

45. The

The Newcastle-upon-Tyne Improvement Act, 1865.

Restrictions
on taking
Parts of
Saint John's
Churchyard.

45. The taking of any Portion of the Churchyard of *Saint John's* shall be subject to the following Conditions :

1. No greater Portion of the Churchyard shall be taken than such as is included between the continuous Black Line marked on the deposited Plans and the present Wall of the Churchyard separating it from *Westgate Street* and *Saint John's Lane* :
2. The triangular Portion of Land now forming Part of *Saint John's Lane*, lying between the Northern Angle of the Church and the Property numbered 34 on the deposited Plans, shall be thrown into and shall form Part of the Churchyard; and the Corporation shall remove the existing Boundary Wall of the Churchyard, and re-erect the same so as to enclose within the Churchyard the said triangular Portion :
3. No Portion of the Churchyard shall be taken until the said intended Street communicating between *Westgate Street* and *Nevill Street* (Work No. 2) is completed and opened for public Use.

Graves to be
disturbed as
little as pos-
sible.

46. If under the Provisions of this Act it shall be found necessary to interfere with the Graves or Vaults in any Burial Ground, any Part of which is taken by virtue of this Act, such Graves or Vaults shall be as little disturbed as possible, and it shall be lawful for the Heirs, Executors, Administrators, or Relatives of any deceased Person whose Body may, within the last Twenty Years before the passing of this Act, have been interred or deposited in any Grave or Vault which may be so disturbed, to cause the Remains of such Person to be removed, carried away, and placed in some other Part of such Burial Ground, in such Manner as the Lord Bishop of *Durham* for the Time being or such Person as he may appoint shall direct; and the Expense of such removing, carrying away, and placing, not exceeding in any One Case the Sum of Ten Pounds, shall be defrayed by the Corporation; and the Remains of such Persons as shall have been interred or deposited in the Graves or Vaults so disturbed as aforesaid, which shall not be so removed or carried away shall (except such Graves or Vaults as shall by Order of the said Lord Bishop of *Durham* be finally closed up) be removed by and at the Expense of the said Corporation from such Graves or Vaults and be interred in such Manner as the said Bishop or such Person as he shall appoint shall direct: Provided always, that the Fact of any such Burial Ground having been closed shall not prevent the Reinterment of the Bodies so removed in another Part of the same Burial Ground.

Alterations
of Gas and
Water Pipes.

47. In making the new Streets and Improvements of Streets the Corporation may raise, sink, or otherwise alter the Position of any Watercourse, Water Pipe, or Gas Pipe belonging to or connected with any Building adjoining or near to the Site of any new or improved Street,

The Newcastle-upon-Tyne Improvement Act, 1865.

Street, and also any Main or other Pipe laid down or used for carrying a Supply of Water or Gas, and also any Pipe, Tube, Wire, or Apparatus laid down for telegraphic or other Purposes, and may remove any other Obstruction, causing as little Detriment and Inconvenience as Circumstances admit, and making reasonable Compensation for Damage caused by any such Alteration.

48. The Corporation may cause such Part of any new or improved Street made by them, or any other new Street made or to be made within the Borough, to be laid out for Carriageway, and such Part thereof for Footway, as they think proper.

Power to set out Footway.

49. No new Street shall be made or laid out within the Borough after the passing of this Act of a less Width than Thirty Feet, unless the same afford Communication only to the Backs of Houses, and in such Case the same shall be at least Twenty Feet wide; and in addition to the Width of Street hereby prescribed, it shall be lawful for the Corporation to determine what Width of Footway or Footways shall be provided for each of such new Streets made or to be made as aforesaid.

As to Width of Streets.

50. When and as often as any new or improved Street by this Act authorized is in the Judgment of the Corporation completed and ready for public Use the Corporation shall declare the same to be a public Highway, and every such Declaration shall be recorded among the Proceedings of the Council, and thereupon the same shall become and be a public Highway, and be thenceforth paved, cleansed, lighted, watched, repaired, and regulated as the other public Streets and Highways in the Part of the Borough wherein such new or improved Street is situate.

New Streets, &c. to be public Highways.

51. When any House or Building, any Part of which now projects beyond the regular Line of Street or beyond the Front of the House or Building on either Side thereof in any Street within the Borough, shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street or the Line of the adjoining House or Building in such Manner and according to such Elevation as the Council shall approve, for the Improvement of such Street, and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of such Street: Provided always, that the Council shall make full Compensation to the Owner for any Loss or Damage he may sustain in consequence of his House being set back, according to the Provisions herein contained.

Projecting Houses to be taken down and set back, making Compensation to Owners.

52. All Buildings or Parts of Buildings to be erected on the Site of any Building or on any Ground, which Site or Ground, in consequence

Elevation of Buildings erected on Front Land

[*Local.*]

41 D

consequence

The Newcastle-upon-Tyne Improvement Act, 1865.

to be subject
to Approval
of Corpora-
tion.

consequence of any Improvement made by the Corporation, becomes Front Land, or on any other Lands purchased or taken by the Corporation before or after the Commencement of this Act, shall be erected according to such Plan for the Outside or Front Elevation thereof as the Corporation approve; and in case the Corporation for the Space of One Month after any Plan is submitted to them neglect to notify their Determination in Writing with reference thereto, they shall be deemed to have approved such Plan.

Land thrown
into Streets
to be public
Highway.

53. Any Lands purchased or taken by the Corporation and laid into any Street shall for ever thereafter form a Part of such Street, and be a public Highway.

Streets dis-
used vested
in Corpora-
tion for Sale.

54. Where any Street, or any Part of any Street, or any Ground abutting on any Street and dedicated to public Use, or open to the Passage of the Public, becomes, in consequence of any Improvement effected by the Corporation under the Powers of this Act, and shown on the deposited Plans, 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.

Power to
alter Names
of Streets,
and Names
to be put up
and Houses
to be num-
bered.

55. A new Court or Street shall not be named, nor shall the Name of any Street or Court be changed, without the Approval in each Instance of the Corporation, and the Corporation may name any Street or Court which is without a Name, or which bears Two Names, or has the same Name as another Street in the Borough, and may from Time to Time paint, engrave, or otherwise describe and place the Name of any Street or Court on a conspicuous Part of any Building at or near each End, Corner, or Entrance thereof, and from Time to Time number on the Door thereof, or otherwise, every Building therein, as they think proper; and if any Person wilfully destroys, obliterates, defaces, removes, or, without the Consent of the Corporation, alters, whether by Substitution or otherwise, such Name or Number, or any Part thereof, he shall be liable to a Penalty not exceeding Forty Shillings; and when any such Number is defaced or rubbed out, the Occupier of such Building shall immediately, at his own Expense, cause the same to be reinstated, and in case he fails to do so for Seven Days after Notice in Writing given him to do so, the Corporation may reinstate the Number and recover the Expenses of so doing from him.

Register of
Alteration
in Names of
Streets.

56. The Corporation shall keep a Register of all Alterations made by them in the Names of Streets and Courts, and such Register shall be kept in such Form as to show the Date of every such Alteration and the Name of the Street or Court, as well before as after such Alteration.

57. The

The Newcastle-upon-Tyne Improvement Act, 1865.

57. The following Rules shall apply to the Erection and Conversion of Buildings; (namely,)

Rules as to
Erection, &c.
of Buildings.

- (1.) It shall not be lawful for any Person to erect any Dwelling Houses with their Fronts facing each other separated from each other by a Space less than Ten Yards, except where such Dwelling Houses are erected on the Sites of Buildings built before the Commencement of this Act :
- (2.) It shall not be lawful for any Person to erect any Building on any Area or Garden in front of any Dwelling House which shall project so as to interfere with the Regularity of the Line of Building in any Street :
- (3.) It shall not be lawful for any Person to erect or alter any Buildings whatsoever until he shall have deposited with the Town Surveyor Plans and Elevations of intended new Buildings and Alterations in existing Buildings, drawn on the Scale of One Eighth of an Inch to a Foot, or to proceed with such Buildings if they be contrary to the Building Regulations of the Corporation :
- (4.) It shall not be lawful for any Person to erect any Building with an arched Entrance over the End or Entrance to or Opening of any new public Street to be made or laid out within the Borough after the Commencement of this Act.

58. For the Purposes of this Act the re-erecting of any Building burnt or taken down to or below the Level of the Ground Floor thereof, or of any Building of which only the Framework is left down to the Ground Floor, or the Conversion into a Dwelling House of any Building not originally constructed for Human Habitation, shall be considered the Erection of a new Building.

Certain Re-
construc-
tions deemed
new Build-
ings.

59. Nothing in this Act or any Byelaw thereunder shall avoid any Agreement in Writing entered into before the Commencement of this Act for erecting or altering any Building, but the same may be performed with such Alterations as may be rendered necessary by this Act or any such Byelaw, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work according to the Agreement and the Cost thereof as executed according to this Act or any such Byelaw shall be ascertained by the Parties to the respective Agreements, and paid or deducted as the Case may require; and in case of Dispute such Difference shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor, and for his Trouble in making such Decision each Party shall pay to him such Sum not exceeding Twenty Shillings, as the Corporation direct.

Respecting
existing
Contracts for
building.

60. Where under a Lease or Agreement for a Lease any Person has before the Commencement of this Act covenanted or agreed to erect

Alteration of
Contracts for
building.

The Newcastle-upon-Tyne Improvement Act, 1865.

erect a Building, such Building shall be built according to the Provisions of this Act as if this Act had been passed and in operation at the Time of the making of such Lease or Agreement, and as if the same had been made subject to this Act, and that without either Party being entitled to any Compensation.

*Byelaws as to
Streets and
Buildings.*

Power to
make Bye-
laws with
respect to
Streets,
Buildings,
&c.

61. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes ; (that is to say,)

For laying down Regulations with respect to the Level, Width, and Construction of new Streets and Courts, and the Provision to be made for the Sewerage thereof ;

For laying down Regulations with respect to the Structure of Walls and Floors of Buildings, for securing Stability, and the Prevention of Fires, and for ensuring the Provision of adequate Modes of Ingress and Egress to and from Buildings used or intended for the Purposes of public Entertainment, Shows, or Exhibitions, or as Places of Meeting for the Public ;

For laying down Regulations with respect to the Sufficiency of the Space about Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings ;

For laying down Regulations with respect to the Drainage of Buildings and to Waterclosets, Privies, Ashpits, and Cesspools in connexion with Buildings ;

But not so as to affect by any Byelaw for any of the Purposes aforesaid any Building erected before the Commencement of this Act :

And for all or any of the following Purposes ; (that is to say,)

For regulating the Thickness and Construction of Walls of or near Ovens and Furnaces built or wholly or partially rebuilt after the Commencement of this Act ;

For prohibiting the Occupation as a Dwelling or Sleeping Room of any Room any Portion whereof extends immediately over any Privy, Ashpit, Midden, or Cesspool, or for enforcing the Removal or Alteration of such Privy, Ashpit, Midden, or Cesspool :

And may provide for the Observance of any Byelaws made under the present Section by enacting therein such Provisions as they think necessary,

As to the giving of Notices :

As to the Deposit of Plans, Elevations, and Sections by Persons intending to lay out Streets or to construct or alter Buildings :

As to Inspection by the Corporation during building.

*Sewers.—Sani-
tary Arrange-
ments.*

Power to
construct
Sewers.

62. The Corporation may from Time to Time make under the Streets the Sewers necessary for the effectual Drainage of the Borough, and convert any open Drains or Watercourses into Sewers, and construct all Works necessary for cleansing or flushing Sewers, and, if needful, they may carry Sewers through and across under-
ground

The Newcastle-upon-Tyne Improvement Act, 1865.

ground Cellars or Vaults under any Street; and if, for effecting any of the Purposes aforesaid, it is expedient to carry or construct any Works through, under, or upon any Lands, the Corporation may so carry or construct the same accordingly, and remove all Obstructions thereupon or thereunder, and the Corporation shall make Compensation as herein-after mentioned to any Person affected by any Work under this Enactment.

63. The Corporation may from Time to Time, as they think fit, construct or provide on any Land for the Time being belonging to them such Buildings, Cesspools, Tanks, or other Receptacles as may be necessary for the Purpose of collecting and depositing the Sewage Water and Refuse of the Sewers and Drains and other Places under the Jurisdiction of the Corporation for Sewerage Purposes, and such Apparatus and Machinery as they think requisite for disinfecting such Water and Refuse, and provide and lay such Pipes, Pumps, and Apparatus in such Manner and in such Places as they think requisite for collecting and distributing the same on any Lands in the Occupation of the Corporation, or for Sale or other Disposition to any Person agreeing with the Corporation to purchase or otherwise take the same, either within or beyond the Limits of the Jurisdiction of the Corporation for Sewerage Purposes.

Power to
construct
Works for
Utilization
of Sewage.

64. The Corporation from Time to Time may contract with any Person for the Sale or other Disposition of the Sewage Water and Refuse aforesaid, or of any other Manure, Soil, or Filth belonging to them, or of which they have Power to dispose, to any Person or Company willing to purchase or otherwise take the same, on such Terms and subject to such Agreements and Conditions as to the Manufacture thereof into Manure, or as to the Payments to be made to the Corporation out of any Profit arising from the Manufacture and Sale thereof as Manure, or as to the Erection of any Buildings, Cesspools, Tanks, Receptacles, Reservoirs, Apparatus, Machinery, and Works requisite for the Reception or Storage of such Sewage Water, Refuse, or other Things as aforesaid, or as to the Expenses of lifting the same, or of disinfecting the same, or as to the taking at a Rent or leasing of any Land belonging to the Corporation, or as to any other Matter relative to the Subject of the present Enactment, as any such Person or Company and the Corporation may agree, and without rendering the Corporation or any Member thereof liable as Partners or a Partner with any such Person or Company by reason of any Payments to be made to or for the Benefit of the Corporation out of any Profit to arise from the Manufacture or Sale of Manure, or by reason of any other Matter relative to the Subject of the present Enactment; subject nevertheless to this Restriction, namely, that any such Contract shall not be made for a Period exceeding Thirty Years.

Power to
contract for
Utilization
of Sewage.

The Newcastle-upon-Tyne Improvement Act, 1865.

Act not to authorize Nuisance.

65. Provided always, That nothing in this Act shall authorize the Corporation or any Lessee of the Corporation to do or be Party to any Act or Thing amounting to a Nuisance.

Power to enlarge or demolish Sewers.

66. The Corporation may from Time to Time, as they see fit, enlarge, alter, divert, and otherwise improve all or any of the Sewers vested in them, and if any such Sewer at any Time appears to them to have become useless, they may, if they think fit, demolish and discontinue it, but not so as to create a Nuisance; and if by reason of the Exercise of the Powers of the present Section any Person is deprived of the lawful Use of any Sewer, the Corporation shall provide some other Sewer as effectual for his Use as the One of which he is so deprived, and carry his Drains into it.

Compensation for Works connected with Sewers.

67. If the Owner or Occupier of any Lands is injuriously affected by the Exercise of the Powers relative to Sewers by this Act conferred on the Corporation, the Corporation shall pay to him Compensation in respect thereof.

Sewers may be used by Owners and Occupiers of Land beyond Borough.

68. Any Person being the Owner or Occupier of any Lands outside the Borough in respect of which he would not be liable to the Payment of Sewerage Rates to the Corporation may, with the Consent of the Corporation first obtained in Writing, upon Payment to them of a reasonable Sum of Money to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor, cause to branch into and to communicate with any of the Sewers of the Corporation any Sewer or Drain in respect of the said Property that may be lawfully made therefrom, of such Size and in such Manner and Form of Communication as the Corporation approve; but nothing in this Act shall affect any Right acquired by such Owner or Occupier independently of this Act to use any Sewer or Drain of the Corporation.

Drains, Privies, &c. to be under Control of Corporation.

69. All Drains, Privies, Ashpits, and Cesspools shall be under the Survey and Control of the Corporation, and shall be altered, repaired, and kept in proper Order at the Expense of the Owners of the Lands and Buildings to which the same belong, or for the Use of which they are constructed or continued.

Communications of Drains with Sewers.

70. The Corporation may by Notice require the Owner of any Buildings or Lands (not being Lands used exclusively for agricultural Purposes) in their Opinion insufficiently drained to construct a Drain, in such Position, of such Size, and of such Materials, and at such Levels, as seem to the Corporation sufficient for the Purpose of effectually draining the same; and if the Corporation have a Sewer or the Right to use a Sewer within Two hundred Feet from such Building or the Boundary of such Lands, they may require such Owner to connect such Drain with such Sewer, or if they have not
any

The Newcastle-upon-Tyne Improvement Act, 1865.

any such Sewer or such Right to use a Sewer within such Distance, then to connect such Drain with some proper Receptacle, not being underneath any House, and not being at a greater Distance than the Limit aforesaid, and such Owner shall keep such Drain in repair and from Time to Time cleanse the same to the Satisfaction of the Corporation: Provided that nothing in this Section shall make it obligatory on any such Owner to acquire any Land or Easement for the Purpose of constructing any Drain or Receptacle, or of connecting any Drain with any such Sewer.

71. Inasmuch as the Drainage of Houses into disused Coalpit Shafts and Quarries is calculated seriously to prejudice the Public Health of the Borough, therefore the Corporation may, by Order, prohibit the Discharge into any disused Shaft, Coalpit, or Quarry of the Sewage and Drainage of any House or Building erected before or after the Commencement of this Act within the Borough, and may require the Owner or Owners of the House or Building to discontinue such Discharge of Sewage or Drainage, and to construct a Drain to any Sewer belonging to or provided by the Corporation within Two hundred Feet of such House or Building; and if the Owner or Owners of any such House or Building, after Notice from the Corporation, cause or suffer any Sewage or Drainage to flow or be discharged into any disused Shaft, Coalpit, or Quarry, he or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and a further Sum not exceeding Twenty Shillings for every Day such Sewage or Drainage shall continue to flow or be discharged into any such Shaft, Coalpit, or Quarry: Provided that nothing in this Section shall make it obligatory on any such Owner to acquire any Land or Easement for the Purpose of constructing any such Drain, or of connecting the same with any Sewer.

Penalty for discharging Sewage into disused Coalpit Shafts, &c.

72. Where in the Opinion of the Corporation there is reasonable Ground to believe that the Drainage of any Building, or of any Lands (not being Lands used exclusively for agricultural Purposes) is defective, and in any Case where the Drains from any adjoining Building or Lands pass through any other Building or Lands, the Corporation may, after Forty-eight Hours Notice, between the Hours of Eight o'Clock in the Morning and Six o'Clock in the Evening enter upon and inspect any such Building or Lands, and if need be make such Excavations or Examination thereon or therein as they think fit, with a view of ascertaining the State of the Drainage thereof, and of any Privy, Ashpit, or Cesspool belonging thereto, or used by the Occupiers thereof, doing as little Damage as possible; and if upon such Inspection the same be found satisfactory the Corporation shall reinstate the Premises and shall make Compensation for any Injury occasioned by the Exercise of such Powers; but except in case of urgent Necessity no such Entry and Inspection shall be made, save with

Power to enter and inspect Premises to ascertain State of Drainage, &c.

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with the Consent of the Occupier or Person in charge of the Premises, or with the Authority in Writing of a Justice, which Authority any Justice may give.

Power to provide for Collection &c. of Night-soil.

73. For the Purpose of collecting and depositing Nightsoil, Dung, Ashes, and other Filth and Rubbish, the Corporation may provide Horses, Carts, Implements, and other Things, and may purchase or hire any Lands or Buildings, and may erect any new Buildings or alter any existing Buildings.

Power to appoint or contract with Scavengers.

74. The Corporation shall make Provision for the sweeping, cleansing, and watering of the Streets, and for the carrying and removing of Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away therefrom, and from Houses, and for emptying Privies, Cesspools, Ashpits, and other Receptacles, at such Times as they may consider necessary or expedient; and if any Contractor with the Corporation for the Purposes aforesaid, or any of them, or any Person employed by or acting under any Contract or Agreement with him, fails in any respect properly to perform the Stipulations of any such Contract with the Corporation, the Contractor with the Corporation shall be liable to a Penalty not exceeding Five Pounds; and each Instance of such Failure in respect of any or every Street, House, Privy, Cesspool, Ashpit, Receptacle, or Place shall be deemed a separate Offence; and in Cases where the Corporation shall remove such Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil, they shall be at liberty to charge a reasonable Sum for such Removal, which shall be paid by the Occupier of the Premises from which such Removal shall take place, and shall be recoverable in any Court of competent Jurisdiction.

Dust, &c. collected by Scavengers vested in Corporation.

75. All Dirt, Dust, Dung, Nightsoil, Ashes, Rubbish, or Filth collected or removed by the Corporation shall be the Property of the Corporation, and may be sold or disposed of by them.

Penalties on other Persons than Scavengers emptying Privies, &c.

76. If any Person other than a Scavenger employed by or contracting with the Corporation empties any Privy, Cesspool, or Ashpit unconnected with a Stable or Cow Byres, or removes any Soil or Ashes therefrom, or from any Receptacle for Soil or Ashes communicating therewith, or from any Street, he, and also any Person employing him for that Purpose, shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Corporation for not causing Privies, &c. to be emptied.

77. If the Corporation do not, within Seven Days after Notice in Writing from the Occupier of any House requiring them to empty any Privy, Cesspool, or Ashpit belonging to such House, or used by the Inmates or Occupiers thereof (which Notice shall contain the Number or other sufficient Description of the House), cause the same to be emptied, the Corporation shall pay to the Occupier of the Premises

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Premises any Sum not exceeding Ten Shillings for every Day during which such Default continues after the Expiration of the said Period of Seven Days.

78. If any Privy, Cesspool, or Ashpit is used for the Deposit of Refuse of Building or other Materials or Rubbish of a like Description, the Corporation may make a reasonable Charge upon the Occupier of the Building to which such Privy, Cesspool, or Ashpit belongs for the Removal of the same.

Removal of Rubbish in Ashpits, &c.

79. If any Person empties or begins to empty any Privy, Cesspool, or Ashpit, or removes the Contents thereof, or carries along any Street any offensive Matter or Thing, except between the Hours of Eleven at Night and Eight in the Morning, or at any Time uses any Cart for the Removal of any offensive Matter or Thing without having a Covering, or Boards called Flash Boards, for preventing the Escape of the Contents of such Cart, or of the Stench thereof, or negligently slops or spills any offensive Matter or Thing in the Removal thereof, or does not well and carefully sweep and cleanse the Place in or upon which such offensive Matter or Thing has been placed or slopped or spilled, he shall be liable to a Penalty not exceeding Forty Shillings; and any Officer or other Person employed by the Corporation may seize and carry away any offensive Matter or Thing so left in any Street after such Hours in the Morning as aforesaid, and the Employer of any Person offending in any of the Cases aforesaid shall be liable to a like Penalty; and any Officer or other Person employed by the Corporation may, without Warrant, seize and detain any such Cart, and any Animal drawing it, until the Penalty, with the Costs of such Seizure and Detention and of the keeping of such Animal, is paid; and if such Penalty and Costs are not paid within Three Days next after such Seizure the Corporation may sell such Cart, Horse, or Beast, if belonging to the Offender, and the Money arising from such Sale shall be applied in defraying such Penalty and Costs and the Costs of the Sale, and the Overplus (if any) shall be paid to the Owner on Demand.

Regulations as to Removal of Nightsoil.

80. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes; namely,

Power to make Byelaws for Regulation of Scavengers, &c.

For providing, regulating, cleansing, and keeping clean of public Privies and Urinals, and the Removal of the Contents of Privies, Cesspools, Ashpits, and Receptacles for Soil and Ashes when necessary, and for the Prevention of Nuisances arising from the keeping of Swine:

For regulating the Conduct and Duties of the Scavengers, and for punishing Extortion, Imposition, Misconduct, or Misbehaviour in them.

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Power to deal with Nuisance on Premises partly within and partly without Borough.

81. If any Nuisance or Annoyance to the Inhabitants of the Borough arises or exists in or upon any Building or the Curtilage thereof, situated partly within and partly without the Borough, the Corporation shall have, in respect of such Building and Curtilage and the Owner and Occupier thereof, such and the like Powers as they would have had if the whole of such Building and Curtilage had been within the Borough.

Cleansing of Water-courses, &c. forming Boundary of Districts.

82. In case any Watercourse, Brook, Ditch, Drain, Pool, Reservoir, or other Accumulation of Water is or forms Part of the Boundary between the Borough and any adjoining Township or Place, and in the Opinion of the Corporation requires to be drained, cleansed, scoured, deepened, widened, straightened, covered over, or otherwise improved, the Corporation and the local Authority (mentioned in the Nuisances Removal Act for *England*, 1855, or any Act amending that Act) of such Township or Place, may enter into an Agreement for the Execution of such Works, and for the Payment of the Expenses of and incident thereto; and if no Agreement is made the Corporation may summon such local Authority to appear before Two Justices, not being Members of the Council, to show Cause why an Order should not be made by such Justices for executing such permanent or other structural Works in relation to the Watercourse, Brook, Ditch, Drain, Pool, Reservoir, or Accumulation of Water, as may appear to the Justices necessary; and such Justices, after hearing the Parties, or *ex parte* in case of the Default of any of them to appear, may make such Order with reference to the Execution of such Works, and may determine by whom the same shall be executed, and by whom and in what Proportion the Expenses of the Execution thereof (such Expenses to include Compensation to any Person for any Damage he may sustain in or by reason of the Execution of such Works) shall be paid, and also the Amount, Time, and Mode of Payment of such Expenses, and the same shall be paid accordingly, and in default of Payment such Sum may be levied upon the Goods and Chattels of such local Authority by Distress and Sale thereof.

Restrictions in Use for Dwellings of underground Places.

83. For preventing the Use for Human Habitation of underground Places unfit for that Purpose, the following Provisions shall have Effect; namely,

- (1.) In case, at any Time after the Commencement of this Act, any Cellar, Vault, or underground Room occupied as a separate Dwelling is unfit for Human Habitation, regard being had to the Mode of its Construction and its Condition, or to the Supply or Want of sanitary or other Conveniences to be used therewith, the Corporation may, by Order served on the Owner and Occupier thereof, order that the Occupation thereof

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thereof as a separate Dwelling be from the Expiration of One Month from the Service of such Order discontinued :

- (2.) If any Owner appeals against any such Order, the Occupation as a separate Dwelling of the Cellar, Vault, or underground Room to which the Order relates, need not be discontinued until the Expiration of Fourteen Days after the Confirmation of the Order of the Corporation, unless such Appeal ceases to be prosecuted :
- (3.) If any Person lets, or suffers to be occupied, or occupies as a separate Dwelling any Cellar, Vault, or underground Room after the Time when the Occupation thereof as a separate Dwelling ought to be discontinued according to the Provisions of this Act, he shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which the Offence continues ; but any Owner shall not be liable to such Penalty in respect of any Time after he has given Notice to his Tenant to quit and deliver up Possession of such Cellar, Vault, or underground Room, and has ceased to receive or claim any Rent for the Hire or Occupation thereof, and the Burden of proving such Notice and the Cessation of Receipt of and Claim for Rent, shall be on the Owner :
- (4.) Upon the Application of the Corporation, and Proof of the Order for the Discontinuance of the Occupation as a separate Dwelling of any such Cellar, Vault, or underground Room, and Proof that no Appeal in relation thereto is pending, any Justice may order the Occupant of such Cellar, Vault, or underground Room to be removed, and any Constable may enter therein and do or assist in doing all Matters and Things necessary for that Purpose, and in the event of Access thereto for that Purpose being refused, any Justice may grant a Warrant for forcibly entering therein ; and if any Person resists or wilfully obstructs any Constable in the Execution of his Duty under the present Section he shall be liable to a Penalty not exceeding Twenty Pounds.

84. The Public General Act of the Session of the Fifth and Sixth Years of Her Majesty (Chapter Ninety-eight) "to amend the Laws concerning Prisons," shall extend to authorize the Corporation to build a Police Court for the Borough, with all necessary Offices and Conveniences for the Purposes thereof, as if by that Act the Term "Court House," therein used, were expressly defined so as to comprise a Police Court with such Offices and Conveniences as aforesaid.

*Police Court
and Police
Force.*

Power to
build Police
Court.

85. A Constable of the Police Force of the Borough, not being incapacitated by Illness, shall not be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed to

Constables
not to resign
without
Leave or
Notice.
to

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to do so in Writing by the Watch Committee, certified under the Hand of the Chairman, or unless he gives to the Chairman One Month's previous Notice in Writing of his Intention; and if any Constable so resigns or withdraws himself without such Leave or Notice he shall be deemed guilty of an Offence against this Act, and shall be liable, in the Discretion of the Justice before whom he is convicted, to forfeit all Arrears of Pay then due to him, or to pay a Penalty not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding Fourteen Days.

Power to
Chief Con-
stable to
suspend Con-
stables.

86. The Chief Constable may suspend any Constable from the Exercise of his Office until the next Meeting of the Watch Committee, for Breach of Discipline or Neglect or Violation of Duty, or grave Misconduct, and if any Constable while suspended by the Chief Constable exercises in any Manner the Office of Constable he shall be liable to a Penalty not exceeding Forty Shillings.

Constables
suspended or
dismissed to
deliver up
Accoutre-
ments.

87. If any Constable is suspended by the Chief Constable and does not, if required, deliver over to the Chief Constable all or any Part of the Clothing, Accoutrements, or Appointments supplied to him for the Execution of his Duty, or if any Constable is dismissed from or ceases to hold and exercise his Office, and does not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries supplied to him for the Execution of his Duty to the Chief Constable, or to the Person and at the Time and Place directed by the Watch Committee, he shall be liable to a Penalty not exceeding Forty Shillings, or Imprisonment, with or without Hard Labour, for any Term not exceeding One Month; and any Justice may issue his Warrant to search for and seize to the Use of the Corporation all Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever found.

Power to
deduct
Penalties on
Constables
from
Salaries.

88. Where any Penalty is recovered under this Act against any Constable or any Person who has held the Office of Constable in respect of any Act or Omission of such Person while holding such Office, the Amount of the Penalty may be deducted from any Salary due or to become due to him as Constable.

Penalty for
unlawful
Possession
of Accoutre-
ments, and
Assumption
of Character
of Constable,
&c.

89. If any Person, not being a Constable of the Police Force of the Borough, has in his Possession any Article being Part of the Clothing, Accoutrements, Appointments, or Necessaries supplied to any such Constable, and does not satisfactorily account for his Possession thereof, or puts on the Dress, or takes the Name or Designation, or otherwise assumes the Character of a Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or causing to be done any Act which he would not be entitled to do or procure to be done of his

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his own Authority, or for any other unlawful Purpose, he shall, in addition to any other Punishment to which he is liable for such an Offence, be liable to a Penalty not exceeding Ten Pounds.

90. If any Person assaults, obstructs, or resists, or aids or incites any Person to assault, obstruct, or resist, any Constable in the Execution of his Duty he shall be liable to a Penalty not exceeding Ten Pounds, or in the Discretion of the Justice before whom he is convicted to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour.

Penalties on Persons assaulting Constables.

Police Regulations, &c.

91. Every Person who in any Street or Court commits any of the following Offences shall 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 Fourteen Days; (that is to say,)

Penalty on Persons committing any Offences enumerated.

Every Person who, having the Care of any Waggon, Cart, or Carriage, rides on the Shafts thereof, or who, without having sufficient Reins and holding the same, rides upon such Waggon, Cart, or Carriage, or on any Animal drawing the same, or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same, or who is asleep while such Waggon, Cart, or Carriage is in motion, or who does not in meeting any other Carriage keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage from behind does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity or some sufficient Reason for Deviation), or who by obstructing the Street wilfully prevents any Person, Carriage, or Cart from passing him or any Waggon, Cart, or Carriage under his Care :

Every Person who at One Time drives more than Two Carts or Waggons, and every Person who at One Time drives Two Carts or Waggons, either whereof is drawn by more than One Animal, and every Person who at One Time drives Two Carts or Waggons and who has not the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon by a Chain not more than Five Feet long from each Shaft of the last Cart or Waggon :

Every Person who rides or drives furiously any Animal, Cart, or Carriage.

92. The Mayor may from Time to Time make Regulations for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets in Times of Holidays, public Processions, public Meeting, public Rejoicings or Illuminations, and in Cases when the Streets are thronged or liable to be obstructed, and may give Directions to the Constables for keeping

Regulation for preventing Obstruction in Streets during public Processions, &c.

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Order and for preventing any Obstruction of the Streets in the immediate Neighbourhood of the Town Hall, the Police Court, the Theatres, and other Places of public Resort; and if any Person is guilty of any Breach of such Regulations, or does not comply with the Direction of any Constable acting in pursuance thereof, he shall be liable to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Term not exceeding One Calendar Month.

Power to seize and destroy diseased Cattle.

93. If any Animal, comprised under the Definition of Cattle in this Act, infected with or labouring under any infectious or contagious Disease, is exposed or offered for Sale, or is brought or attempted to be brought through any Street, or is suffered to be on any Land subject to Common of Pasturage, any Inspector, Collector, or Constable may seize such Animal, and cause the same to be inspected by Two Veterinary Surgeons or other competent Persons, and shall report such Seizure to a Justice, and such Justice may, after hearing the Evidence, either order such Animal to be restored, or direct the same and also any Pens, Hurdles, Crofts, Litter, Hay, Straw, or other Articles which he may judge likely to have been infected thereby to be forthwith destroyed or otherwise disposed of.

Prohibition as to diseased Cattle.

94. If any Person exposes or offers for Sale, or brings or attempts to bring through any Street, or suffers to be on any Land subject to Common of Pasturage, any Animal comprised under the Definition of Cattle in this Act, infected with or labouring under any infectious or contagious Disease, knowing the same to be infected with or labouring under any such Disease, he shall be liable to a Penalty not exceeding Twenty Pounds.

Selling Butter short Weight.

95. If any Person shall within the Borough bring to Market, expose or offer for Sale, or have in his Possession with Intent to sell or expose for Sale, Butter made up in Quantities representing or intended to represent any given Weight, which Butter, or any Part thereof, shall be of deficient or short Weight, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Refusing to have Butter weighed.

96. Every Person within the Borough bringing to Market, exposing or offering for Sale, or having in his Possession with Intent to sell or expose for Sale, Butter made up in Quantities representing or intended to represent any given Weight, who shall, when required so to do by the Inspector of Weights and Measures, or any Police Constable, refuse to allow the same to be weighed, shall be liable to a Penalty not exceeding Five Pounds.

Dangerous Places to be repaired or enclosed.

97. With respect to the repairing or enclosing of dangerous Places, the following Provisions shall take Effect; namely,

(1.) If

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- (1.) If any Building, Wall, Structure, or other Thing, or any Shaft, used or disused, Excavation, Reservoir, Pond or Dam of Water, or Place, is, in the Opinion of the Corporation or of the Mayor, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Occupiers thereof, or of the neighbouring Buildings or Lands, or to the Passengers along any Street or Footpath, the Corporation or the Mayor may order the Owner to repair, protect, or enclose the same, so as to prevent any Danger therefrom :
- (2.) If the Owner fails to comply with the Directions of such Order he shall be liable to a Penalty not exceeding Twenty Pounds, and in that Case, and also if the Owner is not known or cannot be found, the Corporation or the Mayor may cause such Works as seem proper to be done for effecting such Repair, Protection, or Enclosure, and the Expenses thereof shall be payable by the Owner :
- (3.) If such Owner can be found within the Borough, and if, on Demand of the Expenses aforesaid, he neglects or refuses to pay the same, then such Expenses may be levied by Distress, and any Justice may issue his Warrant accordingly :
- (4.) If such Owner cannot be found within the Borough, or sufficient Distress of his Goods and Chattels within the Borough cannot be made, the Corporation or the Mayor, after giving Twenty-eight Days Notice of Intention to do so by posting a Notice in a conspicuous Place on or near such Building, Thing, or Place, may take Possession of the same, provided such Expenses are not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building, Thing, or Place, deducting out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of such Building, Thing, or Place :
- (5.) If any such Building, Wall, Structure, or other Thing, or any Part thereof, is pulled down by virtue of the present Section, the Corporation or the Mayor may sell the Materials thereof, or of so much of the same as is pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such Building or other Thing, and the Corporation or the Mayor shall restore any Overplus arising from such Sale to the Owner on Demand :
- (6.) Nevertheless the Corporation or the Mayor, although such Materials are sold for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given for compelling the Payment of the whole of the said Expenses.

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Cleansing of
Footpaths.

98. The respective Occupiers of Houses and Buildings, with the Yards, Gardens, Pleasure Grounds, and other Appurtenances next adjoining the several Streets in the Borough, the Churchwardens and Chapelwardens of every Church or Chapel, the Owner of any Dead Wall or other Fence or vacant Piece of Ground (not used as Arable, Meadow, or Pasture Ground only), the Trustees, Treasurer, and Minister of every Meeting House or Place of Public Worship, and the Person for the Time being the ostensible Director or Manager of every Hospital, School, Theatre, or other Public Building in the Streets, Lanes, Highways, Passages, and other public Places in the Borough, shall cause to be well and sufficiently swept or cleansed the several Footways and Foot Pavements along the whole Length of the Fronts of the respective Houses, Buildings, Churches and Churchyards, Chapel and Chapelyards, Dead Walls, vacant Pieces of Ground, Meeting Houses, Hospitals, Schools, Theatres, and other Public Buildings, Tenements, Yards, Gardens, Pleasure Grounds, or other Hereditaments (except as aforesaid), and to the full Extent of the said Footways and Foot Pavements, and on the Side or Sides of the same respectively, before the Hour of Nine of the Clock in the Morning on every *Tuesday* and *Saturday*, and on such other Days and at such other Times as the Corporation or the Mayor may from Time to Time order, and shall also cause the Dirt, Soil, Snow, or Ice arising from such sweeping and cleansing to be put together so as not to obstruct either the Carriageway or Footway, in order that the same may be removed by the Scavenger or other Person employed by the Corporation; and if any such Occupier or other Person makes Default in any of the Cases aforesaid he shall be liable to a Penalty not exceeding Ten Shillings.

Fires.

Power to
enter and
break open
Premises in
case of Fire.

99. Any Constable of the Police Force or of the Fire Police of the Borough, and any Officer or other Person appointed by the Corporation, may enter and, if necessary, break into any Building in the Borough being or reasonably supposed to be on Fire, or any Building or Lands adjoining or near thereto, without the Consent of any Owner or Occupier thereof respectively, and may do all such Acts and Things as he may deem necessary for extinguishing Fire in any such Building, or for protecting the same or rescuing any Person or Property therein from Fire.

As to Fire
Police going
beyond the
Borough.

100. The Corporation may permit their Engines, and the Implements and Apparatus belonging thereto, and any Part of the Fire Police Establishment, to proceed beyond the Borough for the extinguishing of Fire happening to Property in the Neighbourhood, and the Owner and Occupier of such Property shall in such Case jointly and severally defray the actual Expense that may be thereby incurred, and shall also pay to the Corporation a reasonable Charge for the Use of such Engines, Implements, and Apparatus, and for the Attendance of

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of such Fire Police; and in case of Difference between the Corporation and such Owner or Occupier, the Amount of the said Expenses and Charge, as well as the Propriety of the said Engines, Implements, and Apparatus and Fire Police having so proceeded as aforesaid for the extinguishing of such Fire (if the Propriety thereof be disputed), shall be summarily determined by any Justice, whose Decision shall be final and conclusive on all Parties, and the Amount awarded by such Justice shall be recoverable in like Manner as any Penalty imposed by this Act is recoverable.

101. The Owner and Occupier of any House, Building, or Premises, Ship, Goods, or other Property within the Limits of the Borough in which a Fire breaks out shall be jointly and severally liable to pay and shall pay to the Corporation as a Contribution towards the Expenses incurred in extinguishing such Fire the Sum of Fifteen Pounds Sterling, or whatever lesser Sum is equal to One Half of the said Expenses; and the Amount of such Contribution or Proportion of Expenses shall, in case of Difference, be determined and be recoverable in manner provided by the immediately preceding Section of this Act with respect to the Expense of extinguishing Fire beyond the Limits of the Borough.

Expense of extinguishing Fires within the Borough.

102. If any Person wilfully sets on fire any Chimney he shall be liable to a Penalty not exceeding Five Pounds; and if any Chimney takes fire accidentally, the Occupier of the Building, or the Part thereof to which such Chimney belongs, shall be liable to a Penalty not exceeding Ten Shillings, if it is proved to the Satisfaction of the Justice before whom the Case is heard that the Fire was owing to Omission, Neglect, or Carelessness of himself or his Servant.

Penalties as to Chimneys on fire.

103. Whenever by this Act or any Byelaw thereunder, or any Notice or Order of the Corporation, any Work, Act, or Thing is required to be done by any Owner, Occupier, or other Person, and Default is made therein, or if any such Work, Act, or Thing is improperly or insufficiently done, the Corporation may cause such Work, Act, or Thing to be executed, re-executed, or done (as the Case may require); and also whenever any Work, Act, or Thing is by this Act, or by any such Byelaw, Notice, or Order as aforesaid prohibited being done, and it nevertheless is done, the Corporation may remove, abate, or alter the Work, Act, or Thing so done; and the Expenses incurred by the Corporation in any such Case shall be repaid to them by the Person making Default in the Execution or doing of, or improperly or insufficiently or unlawfully executing or doing such Work, Act, or Thing, as the Case may be, notwithstanding any Penalty may be imposed upon such Person by this Act or any such Byelaw.

Execution of Works generally.

Power to execute Works, &c. in default of Person liable.

104. The Corporation by their Officers and Servants may at all reasonable Times in the Daytime, and after Twenty-four Hours

Power to enter and inspect.

[Local.]

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Notice

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Notice to the Occupier of the Premises, or if there is no Occupier to the Owner, from Time to Time enter upon any Building or Lands for the Purpose of inspecting any Works or Buildings in progress of Construction or Alteration, or of making such Examination as may be necessary to ascertain whether the Provisions of this Act, or of any Byelaw thereunder, have been complied with, or of carrying into execution any of the Powers contained in this Act or in any such Byelaw, without being deemed Trespassers, or liable to any Action, Indictment, or other Proceeding on account thereof.

Penalty on Occupiers opposing Execution of Act.

105. In case the Occupier of any Building or Lands prevents the Owner thereof from carrying into effect in respect thereof any of the Provisions of this Act, or of any Byelaws thereunder, then, after Notice of this Provision given by the Owner to the Occupier, any Justice upon Proof thereof may make an Order in Writing requiring the Occupier to permit the Owner to execute all such Works with respect to such Building or Lands as may be necessary for carrying into effect the Provisions of this Act or of any such Byelaw; and if, after the Expiration of Ten Days from the Service of such Order, the Occupier continues to refuse to permit the Owner to execute any such Work, he shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds, and during the Continuance of such Refusal the Owner shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works.

Occupier in default of Owner may execute Works, and deduct Expenses from his Rent.

106. Whenever Default is made by the Owner of any Building or Lands in the Execution of any Work by or by virtue of this Act, or any Byelaw thereunder, required to be executed by him, the Occupier of such Building or Lands may, with the Approval of the Corporation, cause such Work to be executed, and the Expense thereof shall be repaid to the Occupier by the Owner, and the Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due from him to the Owner.

Recovery of new Street and other Expenses.

Recovery of new Street and other Expenses from Owners and others.

107. All new Street Expenses, and all other Expenses by this Act, or any Byelaw thereunder, made payable by or recoverable from the Owner of any Building or Lands, or from the Occupier of any Building or Lands, or from any other Person, shall, if not paid on Demand, be recoverable by the Corporation, with Interest thereon, from the Expiration of One Calendar Month after such Demand, at a Rate to be determined by the Corporation not exceeding Five Pounds *per Centum per Annum*, either as a Debt from such Owner, or from such Occupier, or from such other Person (as the Case may be), in any Court of competent Jurisdiction, or by Distress and Sale of the Goods and Chattels of such Owner, or of such Occupier, or of such other Person (as

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(as the Case may be), and any Justice may issue his Warrant accordingly.

108. All new Street Expenses, and other Expenses by this Act, or any Byelaw thereunder, made payable by or recoverable from the Owner of any Building or Lands, with such Interest thereon as by this Act or any such Byelaw is provided for, shall be a Charge on such Building or Lands in priority to any Incumbrance or Charge on or affecting the same.

Expenses to be a Charge on Lands.

109. If the Owner of any Building or Lands by this Act charged with any new Street or other Expenses fails, for the Space of Six Months after the same become recoverable from him, to fully pay the same, with all Interest thereon, or if any such Owner is or becomes bankrupt, or is unknown to the Corporation, or cannot after reasonable Inquiry be found by them, then and in every such Case, and as often as the same happens, the Corporation (by way of additional Remedy, and whether any Action against such Owner has been brought by them or not,) may on or at any Time, and from Time to Time, after the Expiration of One Month from Service of a Notice to the Owner for the Time being of such Building or Lands of their Intention to put in force the Powers of the present Section, proceed as follows; namely,

Power to enter into possession, &c. where Owner fails to pay his Proportion of new Street or other Expenses.

(1.) The Corporation may enter into receipt of and demand and receive the Rents and Profits of such Building or Lands from Tenants and Occupiers and Persons liable to pay the same, and in case of Nonpayment may use all or any such lawful Remedies, by way of Distress or otherwise, for recovering and obtaining Payment of the same, or any Part thereof, as may be used by Landlords in ordinary Cases, and may do all Things necessary or expedient for recovering and receiving the Rents and Profits as if they were the Owners of the Building or Lands; and the Tenants and Occupiers, and Persons liable as aforesaid, shall pay the Rents and Profits aforesaid to the Corporation, and the Receipt of the Treasurer or of any Officer of the Corporation appointed in that Behalf shall be, and shall alone be, an effectual Discharge for the same:

(2.) Where any such Building or Lands is or are unoccupied or unproductive at the Time when the Corporation would be entitled under this Act to enter into the Receipt of the Rents and Profits thereof (if any), or at any Time afterwards while the Claim of the Corporation is unsatisfied, then and in every such Case, and as often as the same happens, the Corporation may enter into possession of the Building or Lands, and may occupy, enclose, and use the same or any Part thereof:

(3.) Where

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- (3.) Where any such Building or Lands is or are occupied by the Owner thereof, at the Time when the Corporation would be entitled under this Act to enter into the Receipt of the Rents and Profits thereof, it shall be lawful for the Corporation, in case of Nonpayment of the new Street or other Expenses due in respect of such Building or Lands, to require Payment of Rent from such Owner on account of and during such Occupancy, to be fixed and ascertained on the Basis of the annual Value of such Building or Lands as disclosed by the Income Tax or other Rate Assessment, and for such Purpose to have and use all or any of the usual Remedies possessed by Landlords, by way of Distress or otherwise, for recovering and obtaining Payment of the same, or any Part thereof, and to do all Things necessary or expedient for recovering and receiving the Rents and Profits as if they were the Owners of the Building or Lands, and the Occupancy was a Tenancy thereunder :
- (4.) The Corporation may from Time to Time let from Year to Year, or for any shorter Period, any such unoccupied or unproductive Building or Lands, or any Part thereof, and receive the Rents or Profits thereof as if they were the Owners thereof.

Application
of Rents
and Profits
received.

110. All Rents and Profits received in respect of any such Building or Lands as aforesaid shall be applied in the Manner and in the Order following ; (namely,)

- (1.) There shall be retained on behalf of the Corporation the Amount which the Owner is at the Time of the Commencement of such Receipt by the Corporation liable to pay on account of new Street or other Expenses in respect of the same or any other Building or Lands in the same or any other Street, with Interest on such Amount :
- (2.) There shall be paid thereout all Taxes, Rates, Assessments, Expenses of Repairs, and other Outgoings, properly payable by the Owner in respect of the Building or Lands (except any chief Rent), and all Expenses incurred by the Corporation in relation thereto by reason or in consequence of the Failure of the Owner thereof to pay any new Street Expenses, or other Expenses as aforesaid :
- (3.) There shall be paid any chief Rent payable in respect of the Building or Lands :
- (4.) The Surplus (if any) shall be paid to the Owner, his Representatives or Assigns.

Right of
Corporation
to Rents to
exclude that

111. Whenever the Corporation so enter into receipt of the Rents and Profits, or into possession of any such Building or Lands, then, for and in respect of the Period during which their Claim against the

the

The Newcastle-upon-Tyne Improvement Act, 1865.

the Owner for new Street or other Expenses is unsatisfied, as well after the Termination of that Period as during its Continuance, the Owner of the Building or Lands, and the Owner of any Chief Rent issuing thereout, shall not have any Right to receive any Rents or Profits of the Building or Lands, nor shall he have any Interest therein, except under the Provisions of this Act directing the Application of Rents and Profits received by the Corporation; and for and in respect of the Period aforesaid, as well after its Termination as during its Continuance, every or any such Right shall, as against any Tenant of the Building or Lands, or other Person taking through or under the Corporation, be by virtue of this Act absolutely extinguished.

of Owner,
&c.

112. Nothing in this Act shall alter the Liabilities respecting the Payment of any Expenses made payable or recoverable by this Act, or any Byelaw thereunder, of any Owner and Occupier as between themselves, under any special Contract relative thereto.

Saving for
special Con-
tracts as to
Expenses
of Works.

113. When any new Street or other Expenses are to be repaid by the Owners or Occupiers of Buildings or Lands the Corporation may, by Resolution, allow to the Owners or Occupiers, or any of them, Time for the Repayment thereof, or of any Part thereof, not exceeding Five Years, and may order the same, or any Part thereof, to be repaid either in One Sum or by such Instalments as the Corporation think fit, with Interest for the Principal Money from Time to Time remaining unpaid, after such Rate as the Corporation determine; but all Sums so remaining due, notwithstanding that the Corporation agree so to allow Time, shall from Time to Time, at the Expiration of the several Times allowed, be recoverable from the respective Owners and Occupiers for the Time being, both present and future, in succession one after another, as the same would have been recoverable from the original Owner or Occupier if no such Time had been allowed; and with respect to any such Instalment the Time limited by this Act or otherwise for the Recovery of Expenses shall be deemed to run only from the Time when such Instalment becomes due.

Power to
allow Time
for Repay-
ment of new
Street Ex-
penses, &c.

114. All Owners of Buildings or Lands, being Tenants for Life only, and all Committees of Lunatics, and all Trustees seised, possessed of, or entitled to any Estate or Interest, either at Law or Equity, in any Buildings or Lands for or on behalf of any Person or Charity, may charge such Buildings or Lands with such Sum as may be necessary to defray the whole or any Part of any new Street or other Expenses which the Owners of such Buildings or Lands for the Time being are liable to pay, and the Expenses of making such Charge, and for securing the Repayment of such Sum, with Interest, may mortgage such Buildings or Lands to any Person advancing such

Persons
having par-
tial Interests
may raise
Expenses by
Mortgage.

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such Sum, but so that the Principal Money due on any such Mortgage shall be repaid within Twenty-one Years from the Date of the Mortgage.

Same Rules to apply as to Works previous to Act.

115. With respect to any new Street or Work begun or executed by the Corporation before the Commencement of this Act, the Provisions of this Act relative to new Street and other Expenses shall apply in every such Case as if such new Street or Work was begun after the Commencement of this Act; and all Notices given and Proceedings taken before the Commencement of this Act, with a view to the beginning or Execution of any such Street or Work, or to the Recovery of the Expenses thereof, shall be as effectual to all Intents as if the same had been given or taken in accordance with the Provisions of this Act, and all such Notices and Proceedings may, after the Commencement of this Act, be acted on and continued as if they had been given and taken under this Act.

Lands.

Power to take Lands.

116. Subject and according to the Provisions of this Act, the Corporation may from Time to Time enter on, purchase, take, hold, and use such of the Lands described in the deposited Plans and Book of Reference as they think requisite for the several Purposes of this Act, or in the Case of the new Streets and Improvements of Streets by this Act authorized for providing Space for the Erection of Buildings adjoining to or near such Streets or Improvements.

Correction of Errors as to Lands.

117. If any Omission, Misstatement, or wrong Description of any Lands, or of any Owner, Lessee, or Occupier of any Lands described or purporting to be described in the deposited Plans and Book of Reference is discovered, the following Provisions shall have Effect; namely,

- (1.) The Corporation may apply to Two Justices for the Correction thereof, giving Ten Days Notice in Writing to the Owners, Lessees, and Occupiers of the Lands affected by the proposed Correction :
- (2.) If it appears to such Justices that the Omission, Misstatement, or wrong Description arose from Mistake they shall certify the same, stating in their Certificate the Particulars of the Omission, Misstatement, or wrong Description :
- (3.) The Certificate shall be deposited with the Clerk of the Peace for the Borough and County of *Newcastle-upon-Tyne*, who shall safely keep the same as if the same had formed Part of the deposited Plans and Book of Reference :
- (4.) Thereupon the deposited Plans and Book of Reference shall be deemed to be corrected according to the Certificate, and the Corporation may take and use the Lands in accordance with the Certificate as if there had been no such Omission, Misstatement, or wrong Description :

(5.) A

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(5.) A Copy of or Extract from any such Certificate purporting to be under the Hand of the Clerk of the Peace aforesaid (which Copy or Extract he shall when required give under his Hand to any Person interested) shall be conclusive Evidence of the Correction.

118. The Corporation may from Time to Time for the Purposes of this Act take by Agreement, in addition to the Lands which they are authorized to take by Compulsion, any Lands within the Borough, and may hold the same, not exceeding in the whole at One Time Ten Acres. Power to take additional Lands by Agreement.

119. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, so far as the Provisions thereof are applicable for the Purposes and are not inconsistent with the Provisions of this Act, are hereby incorporated with this Act, except the following Sections of the first-mentioned Act, namely, Sections One hundred and twenty-seven to One hundred and thirty-two, and One hundred and thirty-four to One hundred and forty-eight (all inclusive); and in the Construction of those Acts in connexion with this Act the Terms "the Promoters" and "the Company" respectively shall mean the Corporation. 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

120. The Powers of the Corporation for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years after the Commencement of this Act. Powers for compulsory Purchases limited.

121. In case any Lands acquired by the Corporation for the Purposes of any new Street, for the Time being authorized to be made by the Corporation, are not laid into and made Part of the Street, and where any Lands are taken by the Corporation for providing Space for the Erection of Buildings adjoining to or near any Street or Improvement, the Corporation when and as they think fit may convey or demise for any Term of Years such Lands or any Parts thereof to any Persons agreeing to erect thereon or any Parts thereof Erections and Buildings of such Rate or Class of Buildings, and upon such Plan and Elevation, and of such Height, and with such Storeys, and with such Yards or Gardens as the Corporation think proper, so as the same be in accordance with the Provisions of this Act, or of any Byelaw thereunder, and the Corporation may (if they think fit) take any Fine for any such Conveyance or Lease, and may (if they think fit) reserve any Rent in any such Conveyance or Lease, and every such Conveyance or Lease shall contain a Covenant for the Payment of any Rent thereby reserved, and such other Covenants on the Part of the Grantee or Lessee as the Corporation think reasonable; and a Clause in the Nature of a Condition of Power to grant Building Leases of Lands near Streets, &c.

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of Re-entry on Nonpayment of any Rent thereby reserved, or Non-performance of the Covenants on the Part of the Grantee or Lessee therein contained.

Power to
make Agree-
ments as to
Building
Leases.

122. The Corporation may, if they think fit, from Time to Time enter into any Agreement for such a Conveyance or Lease on such Terms and Conditions as they think fit, and on making a Conveyance or Lease in pursuance thereof may alter the Amount of the Rent agreed to be reserved, and may apportion the same and make separate Leases of any Parts of the Lands comprised in the Agreement as they think fit, and may alter or rescind any such Agreement, and the Corporation may accept the Reconveyance or Surrender of any Lease for the Purpose of making separate Leases of the same Lands in Parcels at apportioned Rents, or another Lease of the same Lands under different Covenants or otherwise, in all respects as they think fit.

Sale of
Lands sub-
ject to
Building
Leases.

123. The Corporation as and when they think fit, and either before or after any such Conveyance or Lease is granted, may sell and dispose of any Rent reserved or agreed to be reserved for any such Lands, and the Reversion and Inheritance in Fee Simple in possession (subject to any such Lease or Agreement of or concerning the Lands) of such Erections and Buildings, except such as have been otherwise disposed of under this Act either altogether or in Parcels by Public Auction or by Private Contract for such Price as the Corporation think reasonable, and subject to such Stipulations and Provisions for the Enjoyment thereof, and as to the Nature of the Erections and Buildings which are to be at all Times erected thereon, and to such Stipulations as to the Title to be produced to the Hereditaments sold as the Corporation think fit; and the Corporation shall, at the Request and Expense of each Purchaser, on Payment of his Purchase Money, by Deed convey and assure the Lands purchased by him with the Erections and Buildings thereon and the Appurtenances to the Purchaser, his Heirs and Assigns, or as he directs, free from Incumbrances except the Building Lease or Agreement of or concerning the same made under this Act.

Power to
sell without
previous
Grant of
Building
Leases.

124. The Corporation, if they think it expedient, may from Time to Time sell and dispose of in manner herein-before directed any such Lands as aforesaid without having previously made or agreed to make any Lease thereof, and convey and assure the same to the Purchaser thereof for such Price and upon, under, and subject to such Covenants and Agreements on the Part of the Purchaser with respect to the Rate or Class of the Erections and Buildings to be erected thereon, and the Height, Size, and Elevations thereof, and the Time and Manner of erecting the same, and with respect to any other
Matters,

The Newcastle-upon-Tyne Improvement Act, 1865.

Matters, Restrictions, and Things relating thereto, as the Corporation think fit.

125. Any Stipulations or Provisions contained in any such Conveyance may at all Times be enforced in a Court of Equity by the Corporation for the Benefit of the Parties entitled to the other Property adjoining to that comprised in such Conveyance or held under the same Title, in such Manner in all respects as the Corporation think fit.

Power to enforce Stipulations for Benefit of adjoining Owners.

126. The Corporation shall, before or at any Time within Twenty Years after the Completion of the Street for the Purposes whereof any Lands are acquired, sell or dispose of and convey such Parts of those Lands as are not wanted for the Purposes of the same Street, or of any other Street for the Time being authorized to be made by the Corporation; but nothing in the present Section shall compel the Corporation to sell or dispose of the Rents reserved in any such Conveyances or Leases as aforesaid.

Sales to be made within Twenty Years.

127. Subject to the other Provisions of this Act, the Corporation may from Time to Time sell, lease, exchange, or otherwise dispose of any Building or Lands, or any Parts thereof, vested in them at the Commencement of this Act, or acquired by them under this Act, and not wanted for the Purposes thereof, and make, execute, and do any Deed, Act, or Thing proper for effectuating any such Sale, Lease, Exchange, or other Disposition.

Power to sell, &c. Lands not wanted.

Rates.

128. In lieu of the several Rates described in the First Schedule to this Act, the Corporation are hereby authorized to levy from Time to Time on the Occupiers or Owners of Lands in the Borough, according to their respective Liabilities under the Provisions of this Act, a Rate to be called "the General Rate."

Substitution of General Rate for those in Schedule.

129. All the Expenses of carrying into execution "The Newcastle-upon-Tyne Improvement Act, 1855," and, subject to the other Provisions of this Act, all the Expenses of carrying into execution this Act (including the Sums required for Repayment of all Principal Money borrowed by the Corporation under the Authority of that Act or this Act, and the Interest thereon) shall be defrayed by a Rate to be called "the Improvement Rate," which the Corporation are hereby authorized to levy from Time to Time upon the Occupiers or Owners of Lands in the Borough, according to their respective Liabilities under the Provisions of this Act.

Power to levy Improvement Rate.

130. The Corporation may from Time to Time create in the Borough a District or Districts for the Purposes of rating for Improvements,

Power to levy District Rates.

The Newcastle-upon-Tyne Improvement Act, 1865.

provements, and may defray the Expenses of executing Improvements within any one such District by means of a Rate to be called "the District Rate," which the Corporation are hereby empowered to levy from Time to Time on the Occupiers or Owners of Lands within the District according to their respective Liabilities under the Provisions of this Act.

Limit of
Amount.

131. The General Rate shall not exceed in any Year the Rate of Two Shillings, and the Improvement Rate and the District Rate respectively shall not exceed in any Year the Rate of One Shilling in the Pound on the annual Value of the Property rated.

Power to
levy less
Rate in cer-
tain Parts of
Borough.

132. Where the Benefit derived by any particular Part of the Borough within any of the Townships of *Westgate, Elswick, Jesmond, Heaton, and Byker*, from the Expenditure for meeting which the General Rate is in any Year levied, is in the Opinion of the Corporation partial only, they may order that a proportionate Part only of the General Rate actually levied in that Year (not being less than One Half thereof) be levied on Property in that particular Part of the Borough.

Application
of Fines,
&c.

133. All Sums received from the Commissioners of Her Majesty's Treasury in relation to Police and other Expenses, Fines, Receipts from Gas and Water Companies and others, and all other Monies whatever which at the Commencement of this Act are usually applied in reduction of any of the Rates described in the First Schedule of this Act, shall, after the Commencement of this Act, be applied in reduction of the General Rate.

Property
liable to
Poors Rate
to be liable
to municipal
Rates.

134. All the Property within the Borough for the Time being liable to be assessed to the Rate for the Relief of the Poor shall be liable to be assessed to every Rate levied by the Corporation, whether under the Municipal Corporation Acts or under this Act, or under any other Local Act relating to the Borough.

Assessment
of agricul-
tural Lands,
&c.

135. Lands used as Arable, Meadow, or Pasture Ground only, or as Wood Lands, Market Gardens, or Nursery or Ornamental Grounds, or Cemeteries, and Buildings used in connexion therewith respectively, shall not be assessed to the General Rate on more than One Fourth of the annual Value of such Lands and Buildings, and Section Fifty-five of "*The Newcastle-upon-Tyne Improvement Act, 1853,*" shall be applicable to the Improvement Rate under this Act.

One Fourth
of Rates
payable by
Owner.

136. One Fourth of the General Rate and One Fourth of the Improvement Rate shall be borne by the Owners of the Property rated thereto respectively, but in every Case the whole Rate shall be paid

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paid in the first instance by the respective Occupiers of the Property rated, who are hereby empowered to deduct out of their respective Rents the Amounts paid by them on behalf of the Owners.

137. Subject to the other Provisions of this Act, the General Rate and the Improvement Rate respectively shall be assessed and collected by the same Persons and shall be recovered in the like Manner as the several Rates described in the First Schedule to this Act would have been assessed, collected, and recovered if this Act had not been passed, and Sections Fourteen to Seventeen (both inclusive) of "The Newcastle-upon-Tyne Improvement Act, 1855," and the following Sections of "The Towns Improvement Clauses Act, 1847," with respect to Rates, namely, the Sections numbered in such Act One hundred and sixty-nine, One hundred and seventy-three, One hundred and seventy-four, One hundred and eighty, and One hundred and eighty-two, shall be incorporated with and form Part of this Act, and shall extend and apply, *mutatis mutandis*, to the General Rate and the Improvement Rate respectively.

Assessment,
Collection,
and Re-
covery of
General
Rate and
Improve-
ment Rate.

138. The District Rate shall be assessed, collected, and recovered in like Manner in all respects as the Improvement Rate, and all the Provisions for the Time being in force applicable to the Improvement Rate shall extend and apply to the District Rate accordingly.

Assessment,
&c. of Dis-
trict Rates.

139. Sections One hundred and sixty-one and One hundred and sixty-two of "The Towns Improvement Clauses Act, 1847," are hereby incorporated with this Act; and in the Construction of those Provisions in connexion with this Act the Term "the Commissioners" in those Provisions used shall mean the Corporation, and the Term "the Special Act" therein used shall mean this Act.

Parts of
10 & 11 Vict.
c. 34. in-
corporated.

140. In any Proceedings for the Recovery of Rates under this Act or the recited Acts, the Application or Demand shall be sufficient if made by the Collector at the Residence or Place of Business of the Ratepayer, and shall not necessarily involve or require a personal Demand; and in Cases of Default in Payment of Rates by the Owners of Houses let in separate Tenements, the Payment of Rates shall be made by the Tenants, who may deduct the Amount paid by them out of their Rent, and the Justices shall have discretionary Power to make an Order for all Costs incurred in or dependent upon Proceedings for the Enforcement of the Rates payable to the Corporation; and for the Purposes of the Recovery of Rates under this Act or the recited Acts the Agents or Deputies of Landlords shall be deemed Owners of the Property in respect of which the Rates are due and payable.

Recovery
of Rates.

*Borrowing
Powers.*

141. The Corporation may from Time to Time borrow at Interest, on the Credit of the Improvement Rate by this Act authorized to be levied,

Power to
borrow on
Improve-
ment Rate.

The Newcastle-upon-Tyne Improvement Act, 1865.

levied, any Money not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, in addition to and exclusive of the said Principal Sum of Fifty-four thousand seven hundred and forty-four Pounds Nine Shillings, for the Purposes of the Improvement Act of 1855 and this Act, and may mortgage the Improvement Rate for securing the Repayment of the Money so borrowed, with Interest, accordingly.

Sums borrowed under Act of 1855 and this Act consolidated.

142. The said Sum of Fifty-four thousand seven hundred and forty-four Pounds Nine Shillings, borrowed under the Improvement Act of 1855, or so much thereof as for the Time being remains unpaid, shall be and is hereby charged upon the Improvement Rate authorized to be levied by this Act as One consolidated Sum as fully and amply and in like Manner as the same was charged on the new Street Rate previous to the passing of this Act, and shall have Priority over the Security for Money borrowed under this Act; and all Money for the Time being borrowed under this Act and remaining unpaid shall be charged upon the Improvement Rate by this Act authorized to be levied as One consolidated Sum, without any Preference among the several Mortgagees by reason of the Priority of Date of any Mortgage or otherwise.

Repayment by Forty annual Instalments.

143. The Corporation shall repay all Mortgage Debts for the Time being charged on the Improvement Rate by annual Instalments of not less than One Fortieth Part of the Principal Money borrowed, and such Repayment with reference to the said Sum of Fifty-four thousand seven hundred and forty-four Pounds Nine Shillings shall commence upon the Commencement of this Act, and with reference to all Money to be borrowed under this Act shall commence from the Expiration of Five Years after the Commencement of this Act, or from the Time of borrowing, whichever last happens.

Parts of 10 & 11 Vict. c. 16. incorporated.

144. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners (except Section Eighty-four), are hereby incorporated with this Act; and in the Construction of those Provisions in connexion with this Act the Term "the Commissioners" used in those Provisions shall mean "the Corporation," and the Word "Clerk," or the Words "Clerk to the Commissioners," shall mean the Town Clerk.

Application of Parts of 18 & 19 Vict. c. xcix.

145. Sections Nineteen, Twenty, Twenty-two, and Twenty-three of "The Newcastle-upon-Tyne Improvement Act, 1855," shall extend and apply to all Money for the Time being charged on the Improvement Rate, and for the Purposes of this Act the Form of Instrument of Grant of an Annuity given in the Schedule to that Act shall be altered so as to refer to this Act.

146. Nothing

The Newcastle-upon-Tyne Improvement Act, 1865.

146. Nothing in this Act shall affect any Right or Interest of any Creditor of the Corporation, and every Instrument of Mortgage of the new Street Rate granted by the Corporation under the Improvement Act of 1855, and every Instrument of Grant of an Annuity under that Act, shall be read and have Effect as if the Improvement Rate by this Act authorized to be levied were therein mentioned instead of the new Street Rate.

Saving for
existing
Securities.

147. The Corporation from Time to Time, if it appears to them to be expedient for the better Execution of this Act, with the Consent of the Holder of any such Instrument of Mortgage or of Grant of an Annuity as aforesaid, may cancel such Instrument of Mortgage or Grant, and issue another Instrument in substitution for the same, purporting to charge in like Manner and to the like Extent the Improvement Rate by this Act authorized to be levied.

Power to
cancel exist-
ing Mort-
gages, &c.

*Application of
Money.*

148. All Money accruing to the Corporation from the General Rate shall be applied indiscriminately, as the Corporation from Time to Time think fit, for all or any of the Purposes following, and not otherwise; namely, in defraying the Expenses of the watching and lighting of the Borough, and of the paving, maintaining, repairing, and watering of the Streets, Roads, and Highways, and in the providing, maintaining, and cleansing of Outfall and other Sewers and Drains and other sanitary Works, and subject thereto for the Improvement or Benefit of the Borough in such Manner as the Corporation from Time to Time think fit, in as full and ample a Manner as any Borough Rate authorized by the Municipal Corporations Acts is made applicable.

Application
of General
Rate.

149. All Money accruing to the Corporation from the Improvement Rate, not being Money raised by way of Mortgage or Annuity on the Security of that Rate, shall be applied for the Purposes and in the Order following, and not otherwise; (namely,)

Application
of Improve-
ment Rate.

1. In Payment of the Costs, Charges, and Expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining, and passing of this Act:
2. In Payment of the Interest from Time to Time accruing due in respect of Money charged on the Improvement Rate, and providing for the yearly Payments of any Annuity charged thereon:
3. In providing any annual Instalments by this Act required to be paid in respect of the Principal of Money charged on the Improvement Rate:
4. In carrying the several Purposes of this Act and of the several recited Acts into execution and for the Improvement or Benefit of the Borough in such Manner as the Corporation from Time to Time think fit.

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Application
of Money
borrowed.

150. All Money raised by the Corporation by borrowing (on Mortgage or by way of Annuity), on the Security of the Improvement Rate, shall be applied as follows and not otherwise; namely, such Part thereof, not exceeding the Sum of Forty thousand Pounds, as the Corporation from Time to Time think fit, shall be expended in or towards the Execution of the Works authorized by Section Ninety-seven of the Improvement Act of 1837, for the Extension and Enlargement of the public Quay and Purposes connected therewith (such Works to be completed within Seven Years after the Commencement of this Act), and the Residue thereof shall be expended in executing the new Streets, Widenings, and Improvements authorized by this Act.

As to Rates
under former
Acts.

151. All Arrears of Rates made under any of the former Acts shall be collected and recovered in the Manner provided by the Acts under which the same are respectively payable, and the Application of all Rates payable under the former Acts, or any of them, is by this Act ratified and confirmed.

Commence-
ment of Pro-
visions as to
rating and
borrowing
Powers.

152. The foregoing Provisions relative to the Rates leviable by the Corporation, and the Money by this Act authorized to be borrowed, shall have Effect and be applicable from and immediately after the passing of this Act.

Persons
acting in the
Execution
of the Act
not to be
personally
liable.

153. No Matter or Thing done or Contract entered into by the Council, nor any Matter or Thing done by any Member thereof or of any Committee, or by the Town Clerk, Treasurer, Surveyors, or other Officer or Person whomsoever acting under the Direction of the Council, shall, if the Matter or Thing were done or the Contract entered into *bonâ fide* for the Purpose of executing this Act or of the said recited Acts, or any of them, subject them or any of them, or any such Officer or Person, personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by the Corporation, Town Clerk, Treasurer, Surveyors, or other Officer or Person acting as last aforesaid shall be borne and repaid out of the Rates levied under the Authority of this Act.

Byelaws.

Regulations
as to Bye-
laws.

154. With respect to Byelaws to be made by the Corporation under this Act, the following Provisions shall take Effect; (namely)

- (1.) Nothing in this Act shall authorize the Corporation to make any Byelaw repugnant to Law or to this Act, or to any Act for the Time being in force in the Borough:
- (2.) All Byelaws shall be reduced into Writing and be under the Common Seal of the Corporation:

(3.) The

The Newcastle-upon-Tyne Improvement Act, 1865.

- (3.) The Corporation may by any Byelaw impose Penalties for Offences against the same not exceeding in respect of any Offence Forty Shillings, so that all Byelaws be so framed as to allow of Part only of the maximum Penalty being inflicted:
- (4.) Penalties under Byelaws shall be recoverable as Penalties under this Act are recoverable:
- (5.) Any Byelaw shall not have Effect unless and until it is allowed by One of Her Majesty's Principal Secretaries of State (who may allow or disallow the same as he thinks proper), and any such Byelaw shall not be allowed unless Notice of Intention to apply for Allowance of the same is given by Placards posted in some public Places not less than One Month before the making of such Application; and for One Month at least before such Application a Copy of the proposed Byelaw shall be kept at the Town Clerk's Office, and be open during Office Hours thereat to the Inspection of the Ratepayers of the Borough without Payment, and the Town Clerk shall furnish a Copy thereof, or of any Part thereof, to every Ratepayer applying for the same, on Payment of Sixpence for every Hundred Words in such Copy; or if the proposed Byelaw has been printed by the Corporation, then at such reasonable Price, not exceeding Twopence for each Copy, as the Corporation direct:
- (6.) All Byelaws when allowed shall be printed, and the Town Clerk shall keep a printed Copy thereof at his Office, and all Persons may at all reasonable Times inspect such Copy without Payment, and the Corporation shall cause to be delivered a printed Copy, signed by the Town Clerk, of all Byelaws for the Time being in force to every Person applying for the same on Payment by him of any Sum not exceeding Sixpence for every such Copy, and a printed Copy, signed by the Town Clerk, of the Byelaws for the Time being in force relative to any particular Subject to every Person applying for the same on Payment by him of any Sum not exceeding Twopence for every such Copy; and proper Extracts from the Byelaws painted or placed on Boards may be set up and kept exhibited in Places to which such Extracts relate, or in such conspicuous or suitable Places as the Corporation think fit:
- (7.) A printed Copy of Byelaws purporting to be allowed as aforesaid, and to be signed by the Town Clerk, shall be conclusive Evidence of the Existence and of the due making and Allowance of such Byelaws, without Proof of the Signature of the Town Clerk.

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Existing
Byelaws
continued for
a Time.

155. Any Byelaws made under any Enactment repealed by this Act may be repealed by any Byelaw made under this Act, and shall remain in force and may be proved as if this Act had not been passed, until repealed.

Byelaws
may be made
by a Majority
of the Coun-
cil.

156. All Byelaws made under the Authority of this Act may be made or repealed by the Resolution of a Majority of the Members of the Council present at any Quarterly or adjourned Quarterly Meeting of the Council, and not otherwise.

Settlement of
Disputes.—
Arbitration.

Settlement
of Disputes
as to Com-
pensation,
&c.

157. Where any Compensation, Damages, Costs, Charges, or Expenses is or are by this Act directed to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount shall, in case of Dispute, be ascertained and determined by Two Justices, and such Justices may take the Advice of any Surveyor or Architect or other Person skilled in the Matter; and where the Mode of Recovery of any Compensation, Damages, Costs, Charges, or Expenses is not provided for, the same shall be recovered before Two Justices; and in either Case any Justice, upon the Application of either Party, may summon the other Party and any Witness to appear before Two Justices at a Time and Place to be named in such Summons; and on the Appearance of the Parties, or in the Absence of either of them, on Proof of due Service of the Summons, such Two Justices shall hear and determine the Matter, and shall award such Sum and make such Order as to the Matter in dispute, or otherwise, as they think just; and if the Amount awarded or ordered by them to be paid is not paid by the Person liable to pay the same within Fourteen Days after Demand, such Amount may be recovered by Distress and Sale of the Goods and Chattels of such Person, and such Justices, or either of them, or any other Justice, may issue his Warrant accordingly, or the Amount may be recovered in any Court of competent Jurisdiction.

Mode of
Arbitration.

158. Sections Twenty-five to Thirty-seven (both inclusive) of the Lands Clauses Consolidation Act, 1845, (incorporated with this Act,) shall apply for the Determination of any Question directed by this Act to be determined by Arbitration.

Appeal to
Quarter Ses-
sions.

Appeal in
Cases of
summary
Conviction
against
Orders of
Justices or
against
Rates, &c.

159. In any of the following Cases, (namely,)

- (1.) Where on any summary Conviction or Adjudication in respect of an Offence punishable by pecuniary Penalty or by Imprisonment the Penalty adjudged to be paid (inclusive of any Costs) exceeds Three Pounds, or the Term of Imprisonment adjudged exceeds One Month, or the Conviction or Adjudication is had before or made by One Justice only;
- (2.) Where

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(2.) Where any Adjudication other than such an Adjudication as aforesaid, or any Order or Determination is made by any Justice or Justices, or any Order or Determination is made by the Council;

(3.) Where any Rate is made by the Council;

Any Person who thinks himself aggrieved by such Conviction, Adjudication, Order, or Determination, or by any Rate or anything included in or omitted from any Rate, may appeal to the next Court of Quarter Sessions holden not less than Twenty-one Days after the Day whereon such Conviction, Adjudication, Order, Determination, or Rate is made, subject and according to the following Provisions; (that is to say,)

(1.) Within Seven Days after the last-mentioned Day, and Twelve clear Days at least before such Sessions, the Appellant may give Notice in Writing of the Appeal and of the Matter and Ground thereof to the Complainant or the Party in whose favour the Adjudication, Order, or Determination is made, or whose Interest is immediately affected thereby (as the Case may be), and also, in case of an Appeal against a Rate, to the Council:

(2.) Within Three Days after giving such Notice the Appellant may enter into a Recognizance with Two sufficient Sureties before a Justice, in such Sum as the Justice thinks fit, conditioned to try the Appeal and abide the Judgment of the Court thereon, and pay any Costs awarded by the Court, and in case he is in Custody to appear personally at the Sessions; or,

(3.) Where the Appeal is against a Conviction imposing only a pecuniary Penalty, or against an Adjudication for the Payment of Money, the Appellant may deposit with the Clerk of the Justice before or by whom the Conviction or Adjudication is had or made such Sum of Money as the Justice thinks sufficient to cover the Amount of the Penalty or Money adjudged to be paid, with the Costs of the Conviction or Adjudication, and of the Appeal:

(4.) On such Notice being given and such Recognizance being entered into, or such Deposit being made, the Appellant shall be liberated if in Custody:

(5.) The Court of Quarter Sessions, on Proof of such Notice and Recognizance or Deposit, may in a summary Way hear and determine the Appeal, or (if they think fit) adjourn the Hearing thereof to a subsequent Session:

(6.) The Court, by their Order on the Appeal, may affirm or quash the Conviction, Adjudication, Order, or Determination appealed against, or may mitigate any Forfeiture or Penalty, or may order any Money paid or levied to be returned, or may dismiss the Appeal, or make such other Order

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therein, with or without Costs, to either Party, as seems just, and may (if necessary) issue Process for enforcing their Judgment :

- (7.) Where any such Deposit as aforesaid is made, and the Conviction or Adjudication is confirmed, or the Appeal is dismissed, the Court may order the Amount of the Penalty or other Money adjudged to be paid, together with the Costs of the Conviction or Adjudication, and of the Appeal, to be paid out of the Deposit, and the Residue thereof, if any, to be returned to the Appellant, and in any other Case shall order the Deposit to be returned to the Appellant :
- (8.) Where on Appeal a Conviction is quashed, the proper Officer shall forthwith endorse on the Conviction a Memorandum that it has been so quashed, and whenever any Copy or Certificate of such Conviction is made a Copy of the Memorandum shall be added thereto, which shall be sufficient Evidence of the Conviction having been quashed in all Cases where a Copy or Certificate would be sufficient Evidence of the Conviction :
- (9.) In an Appeal against a Rate, the Court by their Order may affirm the Rate, or may amend the Rate, or may give Relief to any Person rated, by inserting therein or striking out therefrom any Name, or altering any Sum therein, without quashing the Rate, or may quash the Rate and order a new Rate to be made ; and in any such Appeal the Court shall have the like Power of awarding Costs to be paid by or to any Party, and of compelling Payment thereof, as they for the Time being have for awarding and compelling Payment of Costs in an Appeal against a Rate for the Relief of the Poor :

Provisions as to Appeal to Corporations.

The foregoing Provisions respecting Appeal shall extend and apply to the Corporation where they think themselves aggrieved by any such Conviction, Adjudication, Order, or Determination as aforesaid, and shall extend and apply to the Corporation when Appellants, save only that it shall not be requisite for the Corporation to enter into any Recognizance or to deposit any Sum of Money.

Miscellaneous.

Provisions of 11 & 12 Vict. c. 43. to apply to this Act.

160. Except as by this Act provided, all the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three) “ to facilitate the Performance of the “ Duties of the Justices of the Peace out of Sessions within *England* “ and *Wales* with respect to summary Convictions and Orders,” and of any Act for the Time being in force amending or substituted for the same, relating to Proceedings for the Recovery of Penalties by summary Conviction, and to Appeals against such Convictions, and the levying and enforcing of Penalties, and all subsequent Proceedings which

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which may be taken on Nonpayment thereof, or in default of Distress, including the Commitment to Prison of the Defaulter, and enforcing Payment of Sums of Money ordered or awarded to be paid by Justices, and the Costs of such Proceedings, shall be applied and put in force in relation to the Penalties by this Act imposed.

161. Where by this Act any pecuniary Penalty or other Punishment is imposed in respect of any Offence described in this Act, 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.

Penalties on
Repetition
of Offences.

162. If any Person charged with any Offence against this Act, or any Byelaw thereunder, refuses to disclose his Name, all the necessary Proceedings may be had and carried on against him for the Recovery of any Penalty, Forfeiture, or Damage 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 such necessary Proceedings may be had and carried on against him by such Name only.

Proceedings
when Offender
refuses
to state his
Name.

163. The Justice before whom any Person is convicted of any Offence may transmit the Conviction to the next Court of Quarter Sessions, there to be kept by the proper Officer among the Records of the Court, and on the Prosecution of any Person for any subsequent Offence a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and such Conviction shall be presumed not to have been quashed on Appeal until the contrary is shown.

Evidence of
previous
Conviction.

164. Where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, may be settled and determined by the Justice before whom any Offender is convicted, and may be levied by Distress.

Damages and
Charges in
Cases of
Dispute to
be settled by
Justices.

165. 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 by way of summary Proceeding, 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.

Saving for
Indictments,
&c.

166. Where under the Provisions of this Act any Money is, in default of Payment thereof by the Owner of any Building or Lands, recoverable

Extent to
which Occu-
pier liable in

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default of
Owner.

recoverable from the Occupier thereof, the Occupier shall be liable from Time to Time to the Extent only of the Amount of the Rent for the Time being due from him (the Burden of proving which Amount shall be on him), and shall be entitled to deduct any Money paid by him for the Rent due or becoming due from him.

Regulations
as to Dis-
tress.

167. With respect to Distress, the following Provisions shall have effect ; (namely,)

- (1.) Any Number of Names and Sums may be included in any Warrant of Distress obtained by the Corporation for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or in a Schedule thereto :
- (2.) Any Justice who issues a Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Sum for which the Distress is ordered be paid by the Person liable to pay such Sum, and such Costs shall be ascertained by the Justice and shall be included in the Warrant of Distress for the Recovery of such Sum :
- (3.) Every Constable other than a Police Constable shall, upon being required by a Collector or other Officer of the Corporation, aid in making a Distress or Sale pursuant to any such Warrant, and in default of so doing shall be liable to a Penalty not exceeding Five Pounds :
- (4.) Any Distress under this Act shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on the Ground of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress.

Power to
order Prose-
cutions, &c.

168. The Corporation may direct any Prosecution or Proceeding against any Person for any Offence against this Act or any Matter arising under this Act.

Application
of Penalties
in certain
Cases.

169. Except as by this Act expressly otherwise provided, nothing in this Act shall alter the Application of Penalties or Forfeitures to the Police Superannuation Fund as provided by the Act of the Session of the Twenty-second and Twenty-third Years of Her Majesty, Chapter Thirty-two.

Application
of Penalties
inflicted on
Corporation.

170. Where any Penalty or Forfeiture is inflicted on the Corporation, the Amount thereof shall (except where otherwise provided) be paid to the Guardians of the Poor of the *Newcastle-upon-Tyne* Union.

171. Any

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171. Any Order, Verdict, Rate, Assessment, Judgment, Conviction, or any Proceeding touching or concerning any Offence against this Act, or against any Byelaw thereunder, shall not be quashed or vacated for Want of Form only or be removable by Certiorari or otherwise into any of the Superior Courts.

Proceedings not to be quashed for Want of Form or Removal by Certiorari.

172. A Warrant of Commitment on any Conviction shall not be held void by reason of any Defect therein if it is therein alleged that the Person therein named has been convicted and there is a good Conviction to sustain the same.

Validity of Warrants of Commitment.

173. Except as expressly otherwise provided, any Person shall not be disqualified or disabled to act as Justice of the Peace, Coroner, Juror, or otherwise, in any Matter arising under or in relation to this Act by reason of his being a Ratepayer in the Borough, or liable to any Payments under this Act, or a Member of the Council or of any Committee thereof.

Justices, &c. not disqualified from acting.

174. The Corporation may from Time to Time appoint such Officers and Servants for the Execution of this Act and take such Security for the Performance of their Duties as the Corporation think proper, (including, if the Corporation think fit, in lieu of or in addition to any other Security, the Security of any Guarantee Society established by Charter or Act of Parliament, with Power to the Corporation, if they think fit, to pay any Premium or other Money requisite for keeping up any such Security,) and the Corporation may from Time to Time remove or suspend any of them as the Corporation see Occasion, and pay and make such Salaries, Wages, and other Allowances to them and to any Person assisting the Corporation in the Execution of this Act as the Corporation deem reasonable, and, *mutatis mutandis*, all such Officers and Servants shall be accountable to the Corporation, and the Corporation shall have the like Remedies against them in relation to Accounts, Vouchers, Bills, Payments, Books, Papers, and Writings as if they had been appointed by virtue and for the Purposes of the Municipal Corporation Acts.

Power to appoint Officers and Servants.

175. If any such Officer or Servant demands or takes on account of anything done by virtue of his Office, or for forbearing to do anything that ought to be so done, or on any other Account relative to his Duty, any Fee or Reward whatsoever other than the Salary or Allowances allowed by the Corporation, or is in anywise concerned or interested in any Bargain or Contract made by the Corporation, he shall be liable to a Penalty not exceeding Five Pounds.

Penalty on Officer or Servant taking Fees.

176. The Provisions of the Municipal Corporation Acts relative to the keeping and auditing of Accounts, and the Accounts kept of
[Local.] 41 N Sums

Accounts of Receipts, &c.

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Sums of Money received and paid under those Acts, shall extend and apply to the keeping and auditing of Accounts and to the Accounts kept of Sums of Money received and paid under this Act.

Power to contract for Works.

177. The Corporation from Time to Time may contract with any Person for performing or doing any of the Works or Things by this Act authorized, and all such Contracts shall be in Writing and signed by the Person contracting, and shall specify the Works and Things so to be done, and the Prices at and the Times within which they are to be done, and a Copy thereof shall be entered in a Book to be kept by the Town Clerk for that Purpose, and the Corporation may take such Bond or other Security from every Contractor for the due Performance of his Contract as they think sufficient.

Power to compound with Contractors.

178. The Corporation may from Time to Time compound with any Person having entered into any Contract with the Corporation under this Act for any Penalty contained in such Contract or in any Bond or other Security for the Performance thereof, or on account of any Breach or Nonperformance of such Contract, Bond, or Security, for such Sum of Money or other Recompence as the Corporation think proper.

Penalty for obstructing Persons employed in execution of Act.

179. If any Person wilfully obstructs, assaults, hinders, or molests any Member of the Council or any Officer or Servant of the Corporation acting under this Act in the Execution of his Duty, or in the Execution of any of the Powers, Authorities, Works, Matters, or Things to be exercised or done under this Act, he shall be liable to a Penalty not exceeding Ten Pounds.

Penalty on pulling down Boards.

180. If any Person wilfully destroys, pulls down, injures, or defaces any Placard or Notice issued and put up by or under the Direction of the Corporation before the same becomes inoperative, or the Name of a Street, or any Board provided by the Corporation on which any Byelaw or Part of a Byelaw of the Corporation is painted or placed, he shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Occupier refusing to give Name of Owner.

181. If, on Request made on behalf of the Corporation, the Occupier of any Property refuses or wilfully omits to disclose, or wilfully misstates, the Name of the Owner of such Property, any Justice may summon such Occupier to appear at the Time and Place mentioned in such Summons before such Justice or before some other Justice, and if such Occupier refuses or neglects to attend at the Time and Place mentioned in the Summons, or if he attends and does not show good Cause or Excuse to the Justice for his Refusal, Omission, or Misstatement, such Justice may, on Proof (in case of the

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the Neglect or Refusal to attend as aforesaid) of the due Service of the Summons, or on such Attendance, impose a Penalty upon such Occupier not exceeding Five Pounds.

182. Any Notice, Order, Resolution, Declaration, Requisition, Demand, or other Proceeding made or given under this Act or the said recited Local Acts by the Corporation may be either in Print or in Writing, or partly in Print and partly in Writing, and shall be sufficiently authenticated by the Name of the Town Clerk or of some other Person on behalf of the Corporation being affixed thereto in Print or Writing; and it shall be sufficient in all Cases where any such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Proceeding is required to be given to or served upon the Owner or Occupier of any Property to address the same to such Owner or Occupier by his Description as Owner or Occupier (as the Case may be) of the Premises (naming them) in respect whereof the same is given or served without further Name or Description; and any such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Proceeding may be served upon any Owner, Occupier, or other Person, either personally or by sending the same prepaid through the Post, 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, to any Inmate of the Building in respect whereof the same is given or served; or if the Building is unoccupied, and the Place of Abode of the Person to be served is unknown, it shall be sufficient to affix the same, or a Copy thereof, upon some conspicuous Part of such Building, and any Order of the Council under this Act may be made by a Resolution of the Majority of the Members present at any Quarterly or adjourned Quarterly Meeting of the Council.

Form and
Service of
Notices, &c.
by Corpora-
tion.

183. Any Notice to or Demand on the Corporation under this Act may be served on the Corporation by being delivered to the Town Clerk, or by being sent through the Post in a registered Letter, directed to the Town Clerk, in which latter Case Service shall be deemed to be effected on the Corporation on the Day on which such Letter would be delivered in the ordinary Course of Post.

Service of
Notice on
Corporation.

184. In case of the Death of any Officer or Servant of the Corporation, or of his becoming bankrupt, before he has delivered up all Books, Papers, Writings, and other Things concerning his Office or Employment, or relating to the Execution of this Act, no Interest whatever in such Books, Papers, Writings, and Things, or any of them, shall pass to or vest in his Representatives or Assignees, as the Case may be.

Books and
Papers of
Corporation
on Death of
Officers, &c.

185. If

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Proof of
Debt in
Bankruptcy.

185. If any Person against whom the Corporation have any Claim or Demand becomes bankrupt, the Town Clerk, in all Proceedings in relation to the Estate of such Bankrupt, may represent the Corporation and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of the Town Clerk and not of the Corporation.

Saving for
Consent of
Treasury as
to Sales, &c.

186. Nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury signified in Writing under the Hands of any Two of them, any Buildings or Lands which they held at the Commencement of this Act, and which they could not have sold, alienated, encumbered, or demised without such Approbation before the Commencement of this Act.

Parts of
10 & 11 Vict.
c. 34. incor-
porated.

187. The following Provisions of "The Towns Improvement Clauses Act, 1847," are hereby incorporated with this Act; (that is to say,)

Section Nine, as to the Appointment of an Inspector of Nuisances :
Section Thirteen to Sixteen, both inclusive, with respect to Plans of the District within the Limits of this Act, except that such Plans shall be on a Scale of not less than Thirty instead of Sixty Inches to a Mile :

Section Twenty-two, as to Management of Sewers :

Section Thirty-three, as to covering of Sewers with Traps :

Section Thirty-eight to Forty-four, both inclusive, as to Erection of Houses and Buildings, and the providing of Privies, Ashpits, and Drains thereto :

Sections Sixty-nine and Seventy, as to future Projections in Streets, and their Removal :

Sections Seventy-one and Seventy-two, relating to Doors, Gates, and Bars opening outwards :

Section Seventy-three, relating to Coverings for Cellar Doors :

Section Seventy-four, as to affixing Waterspouts to Houses or Buildings :

Section Eighty, relating to Hoards during Repairs :

Section Eighty-nine, as to sweeping of Footways :

Section Ninety, as to Removal of Nuisances :

Sections One hundred and four and One hundred and five, relating to the Order of Justices for abating certain Nuisances :

Sections One hundred and twenty-five to One hundred and thirty-one, both inclusive, with respect to Slaughter-houses :

Sections One hundred and thirty-five to One hundred and forty-one, both inclusive, relating to Places of public Recreation, public Bathing Places, and Drying Grounds :

Section

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Section One hundred and fifty-three, respecting Tenants opposing the Execution of Act :

Section Two hundred and nine, with respect to Tender of Amends :

Sections Two hundred and ten, Two hundred and twelve, and Two hundred and thirteen, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices :

And the Expression "the Commissioners," in "The Towns Improvement Clauses Act, 1847," shall for the Purposes of this Act mean the Corporation.

188. The Sections of the Local Acts relating to the Borough specified in the Second Schedule to this Act are hereby repealed.

Parts of Local Acts as in 2d Schedule repealed.

189. Notwithstanding any Repeal or other Thing in this Act contained :

Savings from effect of Repeals, &c.

(1.) The Corporation shall continue and be seised, possessed of, and entitled to all Rights, Interests, and Property of or to which they are at the Commencement of this Act seised, possessed, or entitled, as if this Act had not been passed :

(2.) All Acts, Matters, and Things before the Commencement of this Act done under the Powers and Authorities of the Enactments by this Act repealed, and all Conveyances, Leases, Mortgages, Bonds, Covenants, Deeds, Instruments, Contracts, Agreements, Obligations, Rights, and Remedies at the Commencement of this Act existing under the same, shall be and continue as good, valid, and available for all Purposes, and for and against all Parties, as if this Act had not been passed :

(3.) All Actions, Suits, Prosecutions, or other Proceedings by or against the Corporation, by reason of any Matter or Thing done before the Commencement of this Act, in execution of or in relation to the said Acts or any of them, may be continued, commenced, or prosecuted by or against the Corporation as if this Act had not been passed :

(4.) All Rates and Rents at the Commencement of this Act due or accruing due to the Corporation may, from and after the Commencement of this Act, be collected and recovered and applied by the Corporation as if this Act had not been passed :

(5.) All Books and Documents shall be receivable in Evidence as if this Act had not been passed.

190. Nothing in this Act shall authorize the Corporation to purchase, take, use, or otherwise interfere with any Lands or Soil, or

Saving Rights of the Crown.

[Local.]

any

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any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them (which they or he are and is hereby authorized to give), or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

The FIRST SCHEDULE referred to in the foregoing Act.

Rate.	First Maximum of	Authorized by Local Acts of	Present Maximum.		Increased by Local Act of
			s.	d.	
Watching - -	d. 6	1837, Section 40	0	9	1850 { Section 12 " 13 " 11
Lighting - -	2	1837 " 44	0	6	
Paving and watering -	4	1837 " 33	0	6	
Sewers - -	4	1846 " 83	0	4	
Total Maximum - -			2	1	

The SECOND SCHEDULE referred to in the foregoing Act.

Specifying the several Sections of the Acts now in force in the Borough of Newcastle-upon-Tyne repealed by this Act.

Number of Section.

Purport of Section.

1 *Victoria, Chapter 72, Act of 1837.*

- 8. Cleansing of Footpaths.
- 14. Numbering, &c. of Houses in Streets.
- 25. Penalty on firing Chimneys.
- 33. Council empowered to make a Paving and Watering Rate.
- 35. One Moiety of Paving and Watering Rate to be borne by Landlords or Owners.
- 40. A Watch Rate to be made yearly.
- 41. Proviso as to Rates in arrear.
- 42. The former Limits of the Borough to be within the Provisions for lighting.
- 44. Council empowered to make a Lighting Rate.

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Schedule of repealed Sections—(*continued*).Number of
Section.

Purport of Section.

4 & 5 Victoria, Chapter 71, Act of 1841.

- 27. Cleansing of Footpaths.
- 32. Obstructions in Streets.
- 33. Notice to be given as to Obstructions.

9 & 10 Victoria, Chapter 121, Act of 1846.

- 59. Expenses of Street Formation to be paid by Owners.
- 61. Power to levy by Distress on Owners.
- 62. Council to allow Time for Payment.
- 63. Certain Streets to be Highways.
- 64. Levy of Charges upon Occupiers.
- 65. Publication of Notices with respect to Paving, &c.
- 83. Council empowered to make a Sewers Rate.
- 84. Paving and Watering Rate may be used in aid of the Sewers Rate.
- 85. One Moiety of Sewers Rate to be borne by Owners.
- 87. Application of Sewers Rate.
- 94. Privies to be emptied when ordered by the Council.
- 95. Obstruction of Scavengers.

13 & 14 Victoria, Chapter 77, Act of 1850.

- 11. Power to alter Amount of the Paving and Watering Rate.
- 12. Power to alter Amount of the Watching Rate.
- 13. Power to alter the Amount of the Lighting Rate.
- 14. Formation of new Streets.
- 15. Liability of Mortgagees.
- 16. Power to compel Branch Sewers to be made.
- 17. Liability of Occupiers as to Costs, &c.
- 18. Cleansing of Privies and Ashpits, &c.

16 & 17 Victoria, Chapter 82, Act of 1853.

- 4. Incorporation of Towns Improvement Clauses Act.
- 9. Notice and Order as to new Streets and Drains, &c.
- 10. Assessment of Expense on Owners.
- 11. Levy of Charges upon Owners.
- 12. Occupiers to pay Rents to Council.
- 13. Landlords to allow such Payments.
- 14. Power to let unoccupied Ground.
- 15. Certain Streets to be Highways.
- 29. Where Houses taken down Council may take the Land to improve Street.
- 32. Dwelling Houses unfit for Habitation.
- 36. Private Drains to connect with Common Sewer.
- 52. Application of Paving and Watering Rate.
- 53. Council empowered to make a Township Road Rate.
- 54. Provisions for Improvement Rate.
- 56. Separate Account as to Improvement Rate.

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Schedule of repealed Sections—(*continued*).

Number of Section.	Purport of Section.
	18 & 19 <i>Victoria, Chapter 99, Act of 1855.</i>
13.	Power to levy a new Street Rate.
18.	Power to borrow Money.
21.	Sinking Fund to be provided.
24.	Application of Monies raised.
25.	All Money raised under Act to be expended exclusively in Improvements, and the Corporation to carry out the same.
28. }	Publication of Accounts.
29. }	
31.	With respect to Recovery of Damages, &c.

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