



CHAPTER lvi.

An Act to empower the mayor aldermen and burgesses of the borough of Tynemouth to construct a new street and street improvements to provide and run trolley vehicles and omnibuses to make further provision with respect to the acquisition by them of tramways and light railways and to enable them to work the same to make further provision with respect to their water undertaking and for other purposes. A.D. 1919.

[15th August 1919.]

WHEREAS the borough of Tynemouth in the county of Northumberland (hereinafter referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations and a county borough within the meaning of the Local Government Act 1888 and is under the local government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") and the Corporation acting by the council are the urban sanitary authority for the borough:

And whereas it is expedient to empower the Corporation to construct the new street and other street improvements referred to in this Act and to acquire lands for and in connexion with the construction thereof and for the erection of buildings and that the provisions of this Act relating thereto should be enacted:

And whereas it is expedient to empower the Corporation to provide and work trolley vehicles and omnibuses and to confer upon them all necessary and convenient powers with respect thereto:

A.D. 1919.
 42 & 43 Vict.
 c. cxiii.
 45 & 46 Vict.
 c. lxx.
 3 Edw. 7.
 c. clxix.

And whereas tramways have been constructed in the borough in pursuance of powers conferred by the Tynemouth and District Tramways Order 1879 and the North Shields and District Tramways (Extension) Order 1882 (hereinafter referred to as "the Order of 1879" and "the Order of 1882" respectively) and by section 43 of the Tramways Act 1870 which is incorporated therewith as amended by section 23 of the Tynemouth and District Tramways Act 1903 the Corporation are empowered within six months from the expiration of a period of twenty-one years from the sixth day of March one thousand eight hundred and ninety-nine and within six months after the expiration of every subsequent period of seven years and with the approval of the Board of Trade to purchase the undertaking authorised by the Orders of 1879 and 1882 and the said Act of 1903:

And whereas in pursuance of the North Shields Tynemouth and District Light Railways Order 1898 and of the North Shields Tynemouth and District Light Railways (Extension) Order 1902 (hereinafter referred to as "the Order of 1898" and "the Order of 1902" respectively) light railways (hereinafter referred to as "Railway No. 1" and "Railway No. 2" and "the railway of 1902" respectively) have been constructed in the borough and partly in the borough and partly in the adjoining urban district of Whitley and Monkseaton and in the last-mentioned urban district respectively by the British Electric Traction Company Limited:

And whereas by section 65 of the Order of 1898 and an agreement dated the thirteenth day of December one thousand eight hundred and ninety-eight and made between the Corporation of the one part and the British Electric Traction Company Limited (who were then the owners of the said tramways) of the other part the Corporation have the same powers of compulsory purchase with respect to Railway No. 1 as they have with respect to the said tramways and by section 66 of the Order of 1898 and by that section and section 4 of the Order of 1902 the Corporation and the council of the urban district of Whitley and Monkseaton are empowered within six months after the expiration of a period of twenty-five years from the commencement of the Order (which was in fact the sixth day of March one thousand eight hundred and ninety-nine) and within six months after the expiration of every subsequent period of seven years and with the approval of the Board of

[9 & 10 GEO. 5.] *Tynemouth Corporation Act, 1919.* [Ch. lvi.]

Trade jointly to purchase Railway No. 2. and the railway of 1902 respectively: A.D. 1919.

And whereas the said tramways and light railways now belong to the Tynemouth and District Electric Traction Company Limited subject to the provisions of the Act Orders and agreement aforesaid and it is expedient that the power of compulsory purchase with respect to Railway No. 2 and the railway of 1902 be vested in the Corporation alone and that the times at which they may exercise such power and their powers of compulsory purchase with respect to the said tramways and light railways be consolidated:

And whereas it is expedient to empower the Corporation to work the said tramways and light railways when acquired by them and to confer upon them the further powers with respect to tramways and light railways in this Act contained:

And whereas under or by virtue of the Tynemouth Corporation (Water) Act 1897 the Tynemouth Corporation (Water) Act 1898 (hereinafter referred to as "the Act of 1898") and the Tynemouth Corporation (Water) Act 1907 the Corporation have constructed waterworks on and obtain a supply of water from the River Font and the Fallowlees Burn a tributary thereof in the parishes of Hollinghill Greenleighton and Ritton White House in the rural district of Rothbury in the said county and supply such water within the borough and a portion of the urban district of Whitley and Monkseaton and to certain local authorities companies and persons outside that area:

60 & 61 Vict.
c. ccx.
61 & 62 Vict.
c. clxxix.
7 Edw. 7.
c. xciv.

And whereas by the Tynemouth Corporation Act 1916 (hereinafter referred to as "the Act of 1916") the Corporation were empowered to construct waterworks at and to obtain a further supply of water from the Tosson Springs in the parishes of Newtown and Tosson in the said rural district of Rothbury and their area of supply was enlarged so as to include the urban district of Ashington:

6 & 7 Geo. 5.
c. xli.

And whereas by virtue of the regulations made under the Defence of the Realm (Consolidation) Act 1914 the Corporation were until recently prevented from exercising any of the powers to construct further waterworks conferred upon them by the Act of 1916 but such works are now in course of construction:

And whereas the local authorities outside the area of supply of the Corporation to whom the Corporation are

A.D. 1919. supplying water in bulk include the councils of the urban districts of Bedlingtonshire Cramlington Seaton Delaval Newbiggin-by-the-Sea and Blyth and by the proviso to section 37 of the Act of 1898 under which such supplies are given the Corporation are prevented from supplying water to those bodies if and when the giving of such supplies would interfere with the giving by the Corporation of a proper supply of water for all purposes to persons within their area of supply for the time being :

And whereas it is expedient that the restriction imposed by the said section 37 be removed and that the Corporation be required to supply to the said councils (except to the council of the urban district of Blyth who desire to obtain all the water required for their district from another source or other sources) and that the said councils (except as aforesaid) be required to take from the Corporation permanent supplies of water upon the terms and conditions in this Act contained :

And whereas owing to the increased cost of labour and materials due to the continuance of the war the estimates of the cost of constructing the waterworks authorised by the Act of 1916 are insufficient and it is expedient to authorise the Corporation to borrow further moneys for the construction of those works :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

For and in connexion with the purchase of lands for the new street and street improvements authorised by this Act and for the provision of space for the erection of buildings	£ 47,200
For the construction of the new street and street improvements authorised by this Act	- - 28,000
For the provision of the trolley vehicles authorised by this Act	- - - 9,000

For the provision of the electrical equipment and other works necessary for working the trolley vehicles authorised by this Act	£ 11,000	A.D. 1919.
For the provision and equipment of omnibuses	- 3,000	
For the purchase of lands for the purposes of the trolley vehicle and omnibus undertakings of the Corporation and for the erection of buildings thereon	- - - - - 6,000	
For the construction of the waterworks authorised by the Act of 1916 (in addition to the moneys by that Act authorised to be borrowed for that purpose)	- - - - - 35,000	

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained :

And whereas plans and sections showing the lines and levels of the works by this Act authorised and plans showing the lands which may be taken for the purposes and under the powers of this Act and a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Northumberland and are in this Act respectively referred to as "the deposited plans sections and book of reference" :

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Tynemouth Corporation Act 1919 and this Act and the Tynemouth Corporation (Water) Acts 1897 to 1916 may be cited together as the Tynemouth Corporation (Water) Acts 1897 to 1919.

Short and collective titles.

A.D. 1919.

Division of
Act into
Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands.

Part III.—New street and street improvements.

Part IV.—Trolley vehicles.

Part V.—Omnibuses tramways and light railways.

Part VI.—Provisions common to trolley vehicles omnibuses tramways and light railways.

Part VII.—Water.

Part VIII.—Financial and miscellaneous provisions.

Incorporation of Acts:

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act:

Provided that any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Corporation and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party.

Interpretation.

4. In this Act, the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires—

“The borough” means the borough of Tynemouth;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The borough fund” “the borough rate” “the district fund” “the general district rate” and “statutory security” have the meanings assigned to them respectively by section 4 (Interpretation) of the Act of 1916;

“The mayor” “the town clerk” and “the surveyor” mean respectively the mayor the town clerk and the surveyor of the borough;

“The tribunal” means the arbitrator umpire or other authority to whom any question of disputed purchase money or compensation under this Act is referred; A.D. 1919.

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

“Trolley vehicle routes” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;

“Trolley vehicle equipment” means all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for working trolley vehicles by electrical power;

“The trolley vehicle undertaking” means the trolley vehicle undertaking of the Corporation for the time being authorised;

“Omnibus” means any stage carriage moved by animal power or by mechanical power including in that expression steam electrical and every other motive power not being animal power;

“Omnibus routes” means the routes upon which the Corporation are for the time being authorised to run omnibuses by virtue of this Act;

“The omnibus undertaking” means the omnibus undertaking of the Corporation by this Act authorised;

“Road authority” means in relation to any main road the Northumberland County Council;

“The Corporation tramways” means and includes all or any tramways or light railways or tramway or light railway for the time being belonging to or leased to the Corporation;

“Tramway” includes light railway where the context so requires;

“The tramway undertaking” means any tramway undertaking or light railway undertaking acquired by the Corporation and any tramway undertaking of the Corporation for the time being authorised;

A.D. 1919.

“The Tynemouth Company” means the Tynemouth and District Electric Traction Company Limited;

“The Order of 1879” “the Order of 1882” “the Order of 1898” “the Order of 1902” and “the Act of 1903” mean respectively the Tynemouth and District Tramways Order 1879 the North Shields and District Tramways (Extension) Order 1882 the North Shields Tynemouth and District Light Railways Order 1898 the North Shields Tynemouth and District Light Railways (Extension) Order 1902 and the Tynemouth and District Tramways Act 1903 and are together in this Act referred to as “the Orders and Act of the Tynemouth Company”;

“Railway No. 1” and “Railway No. 2” mean respectively the Railway No. 1 and the Railway No. 2 constructed under the powers granted by the Order of 1898;

“The railway of 1902” means the railway constructed under the powers granted by the Order of 1902;

“The Tyneside Company” means the Tyneside Tramways and Tramroads Company;

“The Act of 1897” “the Act of 1898” “the Act of 1907” and “the Act of 1916” mean respectively the Tynemouth Corporation (Water) Act 1897 the Tynemouth Corporation (Water) Act 1898 the Tynemouth Corporation (Water) Act 1907 and the Tynemouth Corporation Act 1916;

“Permanent supply of water” means a supply of water afforded by the Corporation under this Act or by virtue of section 37 of the Act of 1898 as amended by this Act;

“The Bedlingtonshire District” “the Cramlington District” “the Seaton Delaval District” “the Newbiggin District” and “the Whitley District” mean respectively the respective urban districts of Bedlingtonshire Cramlington Seaton Delaval Newbiggin-by-the-Sea and Whitley and Monkseaton as the same are severally constituted at the passing of this Act;

“The Bedlingtonshire Council” “the Cramlington Council” “the Seaton Delaval Council” “the Newbiggin Council” and “the Whitley Council” mean respectively the

respective urban district councils of the Bedlingtonshire District the Cramlington District the Seaton Delaval District the Newbiggin District and the Whitley District ;

A.D. 1919.

“The Blyth District” means that portion of the urban district of Blyth which was added thereto on the dissolution of the Tynemouth Rural District Council and which formerly formed part of the Tynemouth Rural District ;

“The Blyth Council” means the urban district council of the Blyth District.

PART II.

LANDS.

5. Subject to the provisions and for the purposes of this Act (including the providing of space for the erection of buildings adjoining or near to any street) the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to acquire lands.

6. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

7.—(1) Whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. Therefore the following provisions shall have effect:—

Owners may be required to sell parts only of certain lands and buildings.

(A) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term “the owner” and the said properties are hereinafter referred to as “the scheduled properties”:

(B) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the

A.D. 1919.

scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (D) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (E) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :

A.D. 1919.

(F) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(G) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 (No party to be required to sell part of a house) of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed upon every notice given thereunder to sell and convey any premises.

8. The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed five acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands.

Power to purchase additional lands by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the

Persons under disability may grant easements &c.

A.D. 1919. Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

10. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under or for the purposes of this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands.

11. So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired or held under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Provided that—

(A) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;

- (B) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section. A.D. 1919.

PART III.

NEW STREET AND STREET IMPROVEMENTS.

12. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works hereinafter described together with all necessary or proper works and conveniences connected therewith or incident thereto. Power to construct works.

The works hereinbefore referred to and authorised by this Part of this Act will be situate in the borough and are:—

Work No. 1 A widening and improvement of Church Way on the western side thereof between West Percy Street and Albion Road :

Works No. 2 No. 3 No. 4 and No. 5 Widenings and improvements of Preston Road :—

(No. 2) On the eastern side thereof between Albion Road and Trevor Terrace ;

(No. 3) On the western side thereof between Cleveland Road and the passage at the rear of the houses on the north side of Camp Terrace ;

(No. 4) On the western side thereof between the thoroughfare known as Preston Park and the southern boundary of the lodge at the entrance to the grounds of Preston Tower ;

(No. 5) On the western side thereof from a point 1 chain or thereabouts measured in a northerly direction along the road from the entrance to the grounds of Preston House to the southern end of Argyle Terrace :

Works No. 6 and No. 7 Widenings and improvements of Preston Road and Front Street Preston :—

(No. 6) At the junction of the western side of Preston Road and the southern side of Front Street between points therein respectively 15 yards or thereabouts measured from the said point of junction in a

A.D. 1919.

southerly direction along Preston Road and 15 yards or thereabouts measured from the same point of junction in a westerly direction along Front Street;

(No. 7) On the eastern side of Preston Road from a point in the western boundary wall of Tynemouth Vicarage grounds 1 chain 4 yards or thereabouts measured from the northern boundary wall of the said grounds in a southerly direction along the said road and extending thence northwards to the junction of the eastern side of the said road with the north side of Front Street and thence for a distance of 1 chain 12 yards or thereabouts measured from the aforesaid junction in a westerly direction along the northern side of Front Street:

Works No. 8 and No. 9 Widenings and improvements of Front Street Preston:—

(No. 8) On the northern side thereof from a point therein 3 chains 12 yards or thereabouts measured from the junction of the northern side of Front Street with the eastern side of Preston Road in a westerly direction along Front Street to a point on the northern side aforesaid 4 chains 12 yards or thereabouts measured from the same junction in a westerly direction along Front Street;

(No. 9) On the southern side thereof between its junction with Popplewell Terrace and the Sportsman public-house:

Work No. 10 A widening and improvement at the junction of Front Street Preston and Preston North Road comprising the removal of the island properties on the western side of Preston North Road and the northern side of Front Street and a widening over a length of 5 yards or thereabouts at the south-eastern corner of the ground which abuts upon the northern gable of Holly House and which lies westwards of the said properties from which it is separated by a public right of way:

Works No. 11 No. 12 No. 13 and No. 14 Widenings and improvements of Hawkey's Lane:—

(No. 11) On the eastern side thereof between Front Street Preston and the lane at the rear of the houses on the north side of Roseberry Avenue;

(No. 12) On the western side thereof from the north-eastern corner of Preston Cemetery to a point 2 chains 11 yards or thereabouts measured in a southerly direction from the same corner;

(No. 13) On the eastern side thereof between Queen Alexandra Road and the northern boundary of Hawkey's Villa;

(No. 14) On the eastern side thereof between the back street to the houses on the southern side of Lansdowne Terrace and a point on the eastern side of Hawkey's Lane 8 yards or thereabouts measured from the northern boundary of Tynemouth Infirmary in a southerly direction along the said lane:

Work No. 15 A widening and improvement of Hawkey's Lane on the eastern side thereof and the northern side of Newcastle Turnpike between the south-western corner of Tynemouth Infirmary Lodge in Hawkey's Lane and a point on the northern side of the Newcastle Turnpike 1 chain 12 yards or thereabouts measured in an easterly direction from such junction in an easterly direction along the turnpike:

Works No. 16 and No. 17 Further widenings and improvements of Hawkey's Lane:—

(No. 16) On the western side thereof between the southern boundary of the Tynemouth Municipal High School and the northern boundary of the public swimming bath;

(No. 17) On the western side thereof between the southern boundary of the Miners' Institute and the Newcastle Turnpike:

Work No. 18 A widening and improvement of Newcastle Turnpike on the northern side thereof commencing at a point therein 7 chains 9 yards or thereabouts measured from the western side of Hawkey's Lane in a westerly direction along the said turnpike and terminating at a point on the same side of the turnpike 3 chains 17 yards or thereabouts measured in a curved line from the point of commencement of Work No. 18 along the said turnpike:

Work No. 19 A new street or road 20 chains or thereabouts in length commencing at the Newcastle Turnpike at a point thereon 1 chain 15 yards or thereabouts measured

A.D. 1919.

southwards from the southern corner of the Mission Church at Chirton and extending in a northerly direction and terminating by a junction with Billy Mill Lane at a point therein 10 chains and 7 yards or thereabouts measured from the northern boundary of Chirton School:

Works No. 20 and No. 21. Widenings and improvements of Collingwood Street:—

(No. 20) On the southern side thereof between Appleby Street and Steam Mill Lane;

(No. 21) On the southern side thereof from Steam Mill Lane to a point 4 yards or thereabouts measured in a southerly direction from Steam Mill Lane:

Work No. 22 A widening and improvement of the north-eastern side of Collingwood Street the northern side of Bull Ring and the western side of Duke Street extending from the junction of the lane on the south-western side of Collingwood Foundry with Collingwood Street to the south-eastern corner of the Crane public-house on the New Quay (Market Place) at the northern end of Duke Street:

Work No. 23 A widening and improvement of Duke Street on the eastern side thereof between the northern boundary of the Tyne Brewery and the approach road to the Market Place ferry landing:

Work No. 24 A widening and improvement of New Quay on the eastern side thereof between the approach road to the Market Place ferry landing and a point 18 yards or thereabouts measured from the said approach road in a northerly direction along the New Quay.

Limits of deviation.

13. In the construction of the street works authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding three feet either upwards or downwards.

Subsidiary works.

14. Subject to the provisions of this Act and within the limits shown on the deposited plans of lands to be acquired the Corporation may in connexion with the street works authorised by this Act and for the purposes thereof make junctions and communications with any existing streets which

may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or any pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section :

A.D. 1919.

Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section :

Provided further that the Corporation shall not alter divert or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

15. Within the limits shown on the deposited plans of lands to be acquired the Corporation may raise sink or otherwise alter or remove the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to alter steps areas pipes &c.

16.—(1) The Corporation during the execution and for the purposes of any of the works by this Act authorised may break up and also temporarily stop up divert and interfere with any street in which any such work is situate and any street communicating therewith and may for any reasonable time prevent all persons other than those bonâ fide going to

Temporary stoppage of streets.

A.D. 1919. or returning from any house in the street so, stopped up or diverted from passing along and using the same.

(2) The Corporation shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

(3) The Corporation shall at all times during the execution of any of such works maintain a reasonably sufficient access both for vehicular and pedestrian traffic to the North Eastern Railway Company's stations and depôts within the borough.

PART IV.

TROLLEY VEHICLES.

Power to use
trolley
vehicles.

17.—(1) Subject to the provisions of this Act the Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the trolley vehicle routes.

(2) The trolley vehicle routes are wholly in the borough and are—

Route No. 1 Commencing in Saville Street at its junction with the west side of Camden Street thence proceeding by way of Saville Street Howard Street Union Street and Camden Street (crossing en route Saville Street where Route No. 1 will make a junction with the commencement thereof and the tramway of the Tynemouth and District Electric Traction Company Limited) Wellington Street Bedford Street West Percy Street Churchway Preston Road Front Street Preston Hawkey's Lane Newcastle Turnpike Coach Lane and terminating in Coach Lane at a point 12 yards or thereabouts north of the junction of Coach Lane and Stanley Street West :

Route No. 1A Commencing in Coach Lane at a junction therein with the termination of Route No. 1 thence proceeding by way of Coach Lane (crossing en route the tramway in Howdon Road and Prudhoe Street of the Tyneside Tramways and Tramroads Company) Collingwood Street Bull Ring Duke Street and New Quay (Market Place) and terminating at a point in New Quay (Market Place) opposite the entrance to His Majesty's Custom House :

Route No. 2 Commencing in Coach Lane at a junction therein with Route No. 1 opposite or nearly opposite the centre line of West Percy Street and thence proceeding

by way of West Percy Street Widdrington Terrace and again West Percy Street and terminating in the last-mentioned street at a junction with Route No. 1 at or near the intersecting point of the centre line of West Percy Street and Bedford Street: A.D. 1919.

Route No. 3 Commencing in Billy Mill Lane at its junction with the western extremity of Queen Alexandra Road thence proceeding by way of Billy Mill Lane along the proposed New Road Work No. 19 by this Act authorised and thence proceeding by way of Newcastle Turnpike and terminating in Newcastle Turnpike at a junction with Route No. 1 at or near the southern extremity of Hawkey's Lane:

Route No. 4 Commencing in Bell Street opposite to the eastern boundary of the works of the Shields Engineering and Dry Dock Company Limited thence proceeding eastwards by way of Bell Street Union Quay Union Road Tanners Bank Tynemouth Road and Oxford Street and terminating in Oxford Street at a point opposite to the entrance of the Tynemouth Fish and Goods Station of the North-Eastern Railway Company:

Provided that the Corporation shall not commence to use Route No. 1A until they shall have completed Street Works Nos. 20 to 23 inclusive by this Act authorised nor Route No. 4 until they shall have widened the carriageway of Bell Street to the extent of the intended street line shown upon the deposited plans:

Provided also that the Corporation shall not until they shall have acquired the existing tramways and light railways of the Tynemouth Company in the borough and the Whitley District open or break up or provide place or erect under the powers of this Act any works or apparatus in under over across or along the portion of Saville Street which lies to the east of Camden Street and forms part of Route No. 1 or the portion of Tynemouth Road which forms part of Route No. 4 or carry passengers upon trolley vehicles running along those parts of those routes respectively except with the consent of the Tynemouth Company.

18. The Corporation may subject to the provisions of this Act provide place, erect and maintain trolley vehicle equipment in under or over the surface of the streets or roads along or As to electrical works.

A.D. 1919. — adjoining those along which they are or may be authorised to run trolley vehicles or in under or over the surface of the streets or roads along which it may be necessary or convenient so to do for the purpose of providing access for the trolley vehicles to any car shed or depôt used in connexion with the trolley vehicle undertaking or along which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station and may for that purpose subject to the provisions of this Act or of any enactment incorporated therewith or applied thereby open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Corporation to have exclusive right of using trolley vehicle equipment.

19. Subject to the provisions of this Act the Corporation shall have the exclusive right of using the trolley vehicle equipment provided erected or maintained by them and any person except by agreement with the Corporation using the trolley vehicle equipment shall for every offence be liable to a penalty not exceeding twenty pounds.

Trolley vehicles not to be deemed light locomotives or motor cars.

20. Trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

Licence duties on trolley vehicles.

21. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

Approval of trolley vehicles and

22.—(1) Trolley vehicles and the trolley vehicle equipment shall be of such form weight construction and dimensions as

the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade and no vehicle shall except with the consent of that Board exceed six feet nine inches in width.

A.D. 1919.
equipment
by Board of
Trade.

(2) No post or other apparatus shall be erected on the carriageway of any street or road except with the consent of the Board of Trade.

23. The trolley vehicle routes shall not nor shall any part thereof be opened for public traffic until the trolley vehicle equipment therefor has been inspected and certified to be fit for such traffic by the Board of Trade.

Inspection
by Board of
Trade.

24. The trolley vehicles used by the Corporation may be moved by electrical energy subject to the following provisions (that is to say):—

Provisions
for safety of
public.

(1) The electrical energy shall not be used except according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this section referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of electrical energy for propelling the trolley vehicles and for regulating the use of electrical energy:

(3) The Corporation using any electrical energy contrary to the provisions of this Act or of the Board of Trade regulations shall for every offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Corporation have made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of electrical energy as authorised under this Act is a danger to the passengers or the public;

A.D. 1919.

may by order either direct the Corporation to cease to use such electrical energy or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electrical energy as motive power.

25. The following provisions shall apply to the use of electrical energy under this Act unless such energy is entirely contained in and carried along with the trolley vehicles (that is to say):—

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:
- (3) The electrical energy shall be used only in accordance with the regulations of the Board of Trade and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:
- (4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties

and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking: A.D. 1919.

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

26.—(A) Notwithstanding anything in this Act contained if any of the works by this Act authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration and in case any such alteration is made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent. For protection of Postmaster-General.

(B) In the event of the trolley vehicles being worked by electrical energy the following provisions shall have effect (that is to say):—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the

A.D. 1919.

telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be referred to arbitration :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the trolley vehicles by electrical energy is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirements so made shall be referred to arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the trolley vehicle equipment by this Act authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such

equipment or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for the purposes of this Act at any works of the Corporation enter thereon for the purpose of inspecting the plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall (except as hereinafter mentioned) be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

A.D. 1919.

- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Corporation" includes their lessees and any person owning working or running trolley vehicles on the trolley vehicle routes.

As to use of posts by Postmaster-General.

27.—(1) The Postmaster-General may in any street or public road or part of a street or public road in which he is authorised to place a telegraph use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the trolley vehicle routes and may lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time may alter any telegraph so supported subject to the following conditions:—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicle routes :
- (B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing (accompanied by sufficient plans) of his intention to

exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:

A.D. 1919.

- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicle routes or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

A.D. 1919.

- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided :
- (I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicle routes or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :
- (J) If it should become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric lines and apparatus whether in connexion with the trolley vehicle routes or with their other municipal undertakings or shall take away any existing right of the Corporation of using or permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and by such company or person respectively shall be determined as hereinafter provided.

A.D. 1919.

(3) Any difference arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "the Corporation" includes their lessees and any person owning or working or running trolley vehicles on the trolley vehicle routes the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meanings as in the Telegraph Act 1878.

28. For the protection of the Tynemouth Company and the Tyneside Company respectively (each of whom is in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company have effect (that is to say):—

For protection of tramway companies.

(1) The Corporation shall at their cost prepare and submit to the company plans sections and specifications showing the proposed arrangement both of the trolley vehicle equipment and of the tramway equipment of the company at the place (hereinafter referred to as "the crossing") where Trolley Vehicle Route No. 1 or No. 1A as the case may be will cross a tramway of the company and such plans sections and specifications shall be reasonably approved by the engineer for the time being of the company Provided that if within fourteen days after the delivery of any such plan section and specification to the said engineer he shall not give to the Corporation written notice of

A.D. 1919.

his disapproval thereof or his requirements in relation thereto he shall be deemed to have approved thereof The Corporation shall at their cost supply the trolley vehicle equipment at the crossing and also such additional parts of the tramway equipment of the company as may be required as a result of the crossing all which equipment and parts of equipment are together hereinafter referred to as the "combined crossing equipment" and shall erect the combined crossing equipment in accordance with the approved plans sections and specifications and to the reasonable satisfaction of the said engineer If notwithstanding any such approval as aforesaid the combined crossing equipment shall not in the first six months of the actual operation thereof prove satisfactory to the company or the Corporation the Corporation shall at their own cost and to the approval of the engineer for the time being of the company carry out any such amendments or improvements to the combined crossing equipment as may be agreed upon or in default of agreement determined by arbitration :

- (2) The Corporation shall from and after the completion of the combined crossing equipment referred to in subsection (1) hereof and so long as the crossing shall continue to exist at their own cost and expense maintain the combined crossing equipment in proper order for the working of the carriages or other vehicles of the Corporation upon Trolley Vehicle Route No. 1 or No. 1A as the case may be and of the company upon the tramway crossed :
- (3) In the construction and maintenance of the combined crossing equipment laid down or erected as aforesaid the Corporation shall not injure the tramway crossed or the electric or other works of the company and shall not in the construction maintenance or user thereof cause unnecessary interference with such tramway or other works and in the event of any such injury or unnecessary interference being occasioned shall pay to the company reasonable compensation therefor :
- (4) Every trolley vehicle run by the Corporation in either direction upon Trolley Vehicle Route No. 1 or No. 1A

shall when approaching the crossing be brought to a standstill immediately before crossing the tramway and no carriage or other vehicle of the Corporation run upon Trolley Vehicle Route No. 1 or No. 1A or of the company run upon the tramway crossed shall except from temporary or accidental causes stop or remain stationary upon the crossing. Not more than one carriage or other vehicle of the company or of the Corporation shall pass over the crossing so long as a carriage or other vehicle belonging to the other of them carrying passengers shall be standing at the crossing waiting to proceed immediately and for the purposes of this section a trailer carriage or vehicle and the carriage or vehicle to which the same is coupled shall be deemed one carriage or vehicle:

A.D. 1919.

(5) If by reason of any act or omission of the Corporation or their servants the tramway crossed or any carriage or other vehicle or property of the company shall be injured such injury shall be made good by the company at the cost of the Corporation:

(6) Any difference which may arise between the company and the Corporation touching the provisions of subsections (1) (2) or (3) of this section or anything to be done or not to be done or any money to be paid thereunder shall be determined in manner provided by section 33 of the Tramways Act 1870.

29.—(1) The Corporation may demand and take for every passenger travelling upon the trolley vehicles including every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny per mile and in computing the said rates and charges a fraction of a mile shall be deemed a mile but the Corporation may charge for any less distance than two miles and not less than half a mile a sum not exceeding twopence.

Rates for passengers.

(2) A list of all rates and charges authorised to be taken for passengers shall be exhibited in a conspicuous place inside each of the trolley vehicles.

30. The Corporation shall not be bound unless they think fit (and in that case only subject to the provisions of this Act) to carry passengers upon Route No. 4.

Corporation not bound to carry passengers on Route No. 4.

A.D. 1919.
As to fares
on Sundays
and holidays.

31. It shall not be lawful for the Corporation or any person working or using the trolley vehicle routes to take or demand on Sunday or any bank or other public holiday any higher rates or charges for passengers than those levied by them on ordinary week-days.

Passengers'
luggage.

32. Every passenger travelling upon the trolley vehicles may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but all such personal luggage must be carried by hand and at the responsibility of the passenger and must not be placed so as to occupy any part of a seat and must not be of a form or description to annoy or inconvenience other passengers.

Cheap fares
for labouring
classes.

33.—(1) The Corporation at all times after the opening of the trolley vehicle routes for public traffic shall run a proper and sufficient service of trolley vehicles for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and bank holidays excepted) at such times not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance but in no case shall the Corporation be bound to charge a less sum than one penny Provided that on Saturdays the Corporation instead of running such vehicles after five in the evening shall run the same at such times between noon and two in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Rates for
parcels.

34. The Corporation may demand and take in respect of any parcels conveyed by them on the trolley vehicles including every expense incidental to the conveyance any rates or charges not exceeding the following (that is to say):—

	Any distance.	A.D. 1919.
	<i>s. d.</i>	—
For any parcel not exceeding seven pounds in weight - - - - -	0 6	
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0 10	
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	1 2	
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - -	1 6	
For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the Corporation think fit.		

35. If at any time after three years from the opening for public traffic of the trolley vehicle routes or after three years from the date of any order made in pursuance of this section in respect of the trolley vehicle routes it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough or by the Corporation that under the circumstances then existing all or any of the rates and charges on the trolley vehicle routes should be revised the Board of Trade may (if they think fit) direct an inquiry to be held by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870. If such referee reports that it has been proved to his satisfaction that all or any of such rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing the same in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section. Provided that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Act authorised.

Periodical revision of rates and charges.

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

Orders &c. of Board of Trade.

37. The following provisions of the Tramways Act 1870 shall apply to the trolley vehicles and such provisions shall be read and have effect as if the works to be constructed in the footpaths or carriageways of the streets for moving trolley

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

A.D. 1919. vehicles by electrical power were tramways and as if trolley vehicles were carriages used on tramways Provided that nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any waggon cart or other carriage is to be kept:—

Part II. (Relating to the construction of tramways)
except sections 25 28 and 29;

Section 46. (Byelaws by local authority. Promoters may make certain regulations);

Section 47. (Penalties may be imposed in byelaws);

Section 48. (Power to local authority to license drivers conductors &c.);

Section 49. (Penalty for obstruction of promoters in laying out tramway);

Section 51. (Penalty on passengers practising frauds on the promoters);

Section 52. (Transient offenders);

Section 53. (Penalty for bringing dangerous goods on the tramway);

Section 55. (Promoters or lessees to be responsible for all damages);

Section 56. (Recovery of tolls penalties &c.);

Section 57. (Right of user only);

Section 60. (Reserving powers of street authorities to widen &c. roads); and

Section 61. (Power for local or police authorities to regulate traffic in roads).

Board of Trade may authorise trolley vehicles.

38.—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads in this Part of this Act hereinbefore referred to) they may make application to the Board of Trade and the Board of Trade shall be and they are hereby empowered (subject as regards any road outside the borough to the consent of the local authority of the district and the road authority) to make a Provisional Order authorising the use of trolley vehicles upon any road or roads to which such application relates and also empowering the Corporation to place erect and maintain trolley

vehicle equipment in under or over such road and to supply electrical energy by means of such apparatus for that purpose and any such Provisional Order may vary or modify or render inapplicable provisions of the Town Police Clauses Acts 1847 and 1889 the Tramways Act 1870 the Locomotives on Highways Act 1896 the Locomotives Act 1898 and the Motor Car Act 1903 or any enactments incorporated therein or byelaws or regulations made thereunder respectively : A.D. 1919.

Provided that the Corporation shall not under the powers of this section without the consent of the Tynemouth Company or the Tyneside Company as the case may require apply to the Board of Trade for a Provisional Order to authorise the running of trolley vehicles along any road in which any part of the tramways or light railways owned by the Tynemouth Company or the Tyneside Company respectively are situate or in competition with such tramways or light railways or any of them during such period as the same are owned by the Tynemouth Company or the Tyneside Company as the case may be.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(A) have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the borough;

(B) have also published such notice once in the months of October or November in the London Gazette;

(C) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the

A.D. 1919. borough in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be *primâ facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Board of Trade in connexion with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connexion with any inquiry under this section shall be paid by the Corporation.

PART V.

OMNIBUSES TRAMWAYS AND LIGHT RAILWAYS.

Power to provide and run omnibuses.

39.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and along so much of the road leading from Moor Houses to the Allotment (both

within the borough) as is situate outside the borough and (with the consent of the local authority of the district and the road authority) along any other route outside the borough in prolongation of any route operated within the borough: A.D. 1919.

Provided that the Corporation shall not under the powers of this section without the consent of the Tynemouth Company or of the Tyneside Company as the case may require run omnibuses along any road in which any part of the tramways or light railways owned by the Tynemouth Company or the Tyneside Company respectively are situate or in competition with such tramways or light railways or any of them during such period as the same are owned by the Tynemouth Company or the Tyneside Company as the case may be:

Provided further that the powers hereby conferred upon the Corporation of running omnibuses along the portion outside the borough of the road between Moor Houses and the Allotment shall cease at the expiration of a period of seven years from the passing of this Act unless the local authority of the district in which such route is situate and in the case of the first period of seven years the road authority shall in the last year of such period consent to the powers in respect of that route being continued and in the latter event the powers of the Corporation to run omnibuses along that route shall cease at the expiration of any subsequent period of seven years in the last year of which the Corporation shall not obtain the consent of the local authority aforesaid to the continuance of the said powers for a further period of seven years:

Provided also that any consent given by a local authority under the powers of this section to the running of omnibuses by the Corporation along any other route outside the borough shall endure for a period of seven years from the date upon which such consent shall be given and may at any time within twelve months before the expiration of the said period be extended for a further period of seven years from the termination of the then unexpired period of seven years and the local authority may also grant further extensions for similar periods of such consent within twelve months before the expiration of every successive period of seven years:

Provided that any such consent shall not be unreasonably withheld and any difference as to whether or not any such consent is unreasonably withheld shall be determined by an

A.D. 1919. arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers:

(2) The Corporation may erect omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(3) The Corporation may demand and take for the conveyance of passengers in any omnibuses run under the powers of this section the same fares and charges as they are for the time being authorised to demand and take for passengers travelling on the trolley vehicles and may also demand and take for the carriage of parcels not exceeding fifty-six pounds in weight the same rates and charges as they are for the time being authorised to demand and take for parcels of the same weight carried on the trolley vehicles.

(4) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon their omnibuses provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(5) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(6) The provisions of section 48 (Power to local authority to license drivers conductors &c.), of the Tramways Act 1870 shall apply to the omnibuses of the Corporation as if such omnibuses were carriages used on tramways.

(7) For the purposes of this section the expression "road authority of the district" with reference to any road bridge or level crossing outside the borough maintained or repaired by a railway company shall mean such railway company.

40. For the protection of the Northumberland County Council (in this section referred to as "the county council") the following provisions shall unless otherwise agreed between the Corporation and the county council have effect (that is to say):—

For protection of Northumberland County Council.

A.D. 1919.

(1) The Corporation shall pay to the county council at the end of every year towards the cost of maintaining the portion of the main road situate outside the borough and lying between Moor Houses and the Allotment (both within the borough) during the period of five years from the passing of this Act a sum equal to one penny per car mile run by the omnibuses of the Corporation thereover and thereafter such a sum towards the cost of the maintenance by the county council of the said portion of main road as shall in default of agreement between the Corporation and the road authority be determined by arbitration as hereinafter provided:

(2) The Corporation shall keep daily records for the purposes of this section showing in proper detail the number of journeys and the mileage run by each omnibus on the main road and shall furnish statements of such journeys and mileages quarterly to the county council and shall allow any person duly authorised by the county council in that behalf at all reasonable times to inspect and take copies of all such records and any accounts kept by the Corporation relating to the motor omnibus undertaking:

(3) In consideration of the payments to be made by the Corporation to the county council under this section the county council shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any such road by the omnibuses of the Corporation:

(4) Any dispute which may arise under this section between the Corporation and the county council shall be referred to a single arbitrator who in default of agreement shall be appointed by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to the reference.

41.—(1) Notwithstanding anything contained in section 43 of the Tramways Act 1870 or in the Orders of 1879 or 1882 or in section 23 of the Act of 1903 the said section 43 shall as regards the tramways constructed under the powers of the Orders of 1879 and 1882 be read and construed as if the words "the

As to purchase by Corporation of tramways and light railways of Tynemouth Company.

A.D. 1919. “ thirty-first day of December one thousand nine hundred and
“ twenty-two ” were substituted therein for the words “ the expira-
“ tion of a period of twenty-one years from the time when such
“ promoters were empowered to construct such tramway.”

(2) Notwithstanding anything contained in section 65 of the Order of 1898 or in section 4 of the Order of 1902 or in any other section of either of those Orders or in the agreement dated the thirteenth day of December one thousand eight hundred and ninety-eight and made between the British Electric Traction Company Limited and the Corporation and referred to in the said section 65 Railway No. 1 shall be subject to the same powers of compulsory purchase by the Corporation as those to which the tramways constructed under the Orders of 1879 and 1882 are subject under section 43 of the Tramways Act 1870 as amended by this section and the Corporation shall not require the Tynemouth Company to sell to them the said tramways without also requiring them to sell Railway No. 1.

(3)—(A) At the same time as the Corporation require the company to sell to them the said tramways and Railway No. 1 upon the terms prescribed by section 43 of the Tramways Act 1870 the Corporation shall require the Tynemouth Company to sell to them and thereupon that company shall sell to them Railway No. 2 and the railway of 1902 upon terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and such reference shall be considered a submission within the meaning of the Arbitration Act 1889.

(B) The Corporation shall not at any time be entitled to require the Tynemouth Company to sell to them any of the tramways or light railways authorised by the Orders and Act of the Tynemouth Company unless the Corporation shall at the same time require the Tynemouth Company to sell to the Corporation and the Corporation shall purchase all such tramways and light railways.

(c) On any such sale an instrument shall be executed by all necessary parties in a form approved by the Board of Trade for vesting in the Corporation Railway No. 2 and the railway of 1902 and the rights powers duties and obligations of the Tynemouth Company in respect thereof and the Corporation may pay the purchase money and all expenses incurred by

them under the authority of this subsection out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870. A.D. 1919.

(4) Section 23 of the Act of 1903 and sections 65 and 66 of the Order of 1898 and so much of the said agreement dated the thirteenth day of December one thousand eight hundred and ninety-eight as relates to the time at which the Corporation may require the company to sell to them the said tramways and Railway No. 1 and so much of the Order of 1902 as relates to the purchase by the Corporation and the Whitley Council jointly of the railway of 1902 are hereby repealed and cancelled.

42.—(1) Notwithstanding anything in the Tramways Act 1870 or in any other Act or Order to the contrary the Corporation if and when they acquire any of the existing tramways or light railways in the borough may place and run carriages on and may work any tramways or light railways which for the time being belong to or are in lease to the Corporation or over which they may have running powers and may demand and take tolls and charges in respect of such tramways or light railways and of the use of carriages thereon and the Corporation may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the last-mentioned tramways or light railways by animal or mechanical power and may sell or dispose of such of the last-mentioned articles and things as from time to time may no longer be required. Power to work tramways.

(2) The byelaws and regulations authorised by the Tramways Act 1870 or the Light Railways Act 1896 or any order made under either of those Acts to be made by the promoters of any tramway or light railway and their lessees may with respect to any tramways or light railways or portions of tramways or light railways for the time being worked by the Corporation be made by the Corporation and the provisions of section 46 of the Tramways Act 1870 and of any such order as aforesaid shall apply to the making and enforcement of byelaws made by the Corporation under this section.

(3) Subject as aforesaid the provisions for the time being in force with respect to the working of the said tramways or

A.D. 1919: light railways and the taking of tolls rates and charges therefor shall (except so far as the same are inconsistent with the provisions of this Act) extend and apply to the same tramways or light railways when acquired and worked by the Corporation and to the Corporation in relation thereto.

(4) Nothing in this Act shall empower the Corporation to construct any station for generating electric power nor to create or permit a nuisance.

Traffic and
other agree-
ments.

43.—(1) Subject to the provisions of this Act the Corporation on the one hand and any local authority company or persons owning or working any tramways tramroads light railways trolley vehicles or omnibuses which can be worked with any of the trolley vehicles omnibuses tramways or light railways owned by or leased to the Corporation on the other hand may enter into contracts and agreements for effecting the following or some of the following purposes (that is to say):—

The working running over use management and maintenance by the contracting parties of all or any of their respective trolley vehicles omnibuses tramways tramroads light railways and works or any part or parts thereof respectively and the making of all necessary junctions:

The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the trolley vehicles omnibuses tramways tramroads and light railways of rolling stock and plant necessary for the purposes of such agreement and the supply of machinery and electrical energy or power:

The appointment and removal of officers and servants:

The payments to be made and the conditions to be performed with respect to the matters aforesaid:

The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties:

The division and apportionment between the contracting parties of the rates incomes and profits levied taken or arising from the respective undertakings of the contracting parties or any part thereof and the payment of any fixed or contingent rent by either of the contracting parties to the other.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one tramway and the maximum charge for conveyance over the tramways of each such party shall be calculated at the maximum rate or fare which would be applicable if the conveyance took place for the entire distance over those tramways only.

In this subsection the word "tramways" includes tram-roads light railways trolley vehicle routes and omnibus routes.

PART VI.

PROVISIONS COMMON TO TROLLEY VEHICLES OMNIBUSES TRAMWAYS AND LIGHT RAILWAYS.

44.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on days on which racing takes place in the neighbourhood of the borough or on any other special occasion run and reserve carriages on any of the trolley vehicle routes or of the Corporation tramways for any special purpose which the Corporation may consider necessary or desirable Provided that during the running of such special carriages the Corporation shall maintain a reasonably sufficient service of carriages for ordinary traffic.

Power to reserve carriages for special purposes.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such carriages by any persons other than those for whose conveyance the same are reserved and the provisions of the Tramways Act 1870 as to byelaws shall apply to any byelaws made under this section.

(3) The restrictions contained in this or any other Act of the Corporation as to rates or charges for passengers shall not extend to any special carriages run upon the Corporation tramways and in respect thereof the Corporation may demand and take such rates or charges as they shall think fit.

45. The fares rates and charges authorised by this Act or by the provisions incorporated therewith or by any Act or Order relating to the Corporation tramways shall be paid to such persons and at such places upon or near to the trolley vehicle

Payment of fares rates and charges.

A.D. 1919. routes or omnibus routes by this Act authorised or the Corporation tramways and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint.

Corporation may appoint stopping and starting places.

46. The Corporation may appoint the stations and places from which their trolley vehicles omnibuses and carriages used on the Corporation tramways shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such vehicles omnibuses and carriages shall be allowed to remain at any such place :

Provided always that the Corporation shall not appoint any such stations or places so as to interfere with the proper working of or render less convenient the access to or exit from any station or depôt belonging to the North Eastern Railway Company.

Power to use trailer and coupled carriages.

47.—(1) The Corporation may with the consent of the Board of Trade provide maintain work and use trailer carriages and coupled carriages on the trolley vehicle routes and on the Corporation tramways at such times as the Board of Trade may approve and for such periods and on such terms and conditions as may be expressed in such approval and the Board of Trade may revoke any such approval or alter the terms and conditions of any such approval.

(2) The trailer carriages and coupled carriages used by the Corporation under the provisions of this section shall be fitted with such brakes and safety appliances as the Board of Trade may approve and no trailer or coupled carriage shall be used by the Corporation unless the design thereof has been approved by the Board of Trade.

(3) Except so far as the Board of Trade may otherwise allow the number of carriages or vehicles which may be used or run attached together shall not in any case exceed two.

Use of trolley vehicles for carriage of road materials &c.

48. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to their trolley vehicles and the carriages used on their tramways) use the trolley vehicles authorised by this Act and the Corporation tramways for sanitary or road watering purposes and for the conveyance of scavenging stuffs road metal and other materials

required for the works of the Corporation free of all tolls rates and charges in respect of such use. A.D. 1919.

49. If any person wilfully and unlawfully does or causes to be done with respect to any apparatus used for or in connexion with the working of the trolley vehicles or the Corporation tramways anything which is calculated to obstruct or interfere with the working of such trolley vehicles or tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds. Penalty for malicious damage.

50. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the trolley vehicle undertaking and the omnibus undertaking and the tramway undertaking and offices and other buildings for the purposes of those undertakings and may erect maintain and let dwelling-houses for such persons and offices and other buildings for the purposes of those undertakings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertakings. Dwelling-houses for persons in Corporation's employment and other buildings.

51. Subject to the provisions of this Act the Corporation may erect and maintain on the trolley vehicle routes and on the omnibus routes and on the routes of the Corporation tramways shelters or waiting-rooms for the accommodation of passengers and of the servants of the Corporation and may use for that purpose portions of any public street or road and of the public walks or pleasure grounds within the borough and the powers of section 46 of the Tramways Act 1870 enabling the Corporation to make byelaws shall extend to and shall enable the Corporation to make and enforce byelaws for the regulation use and management of any such shelters or waiting-rooms and the provisions of that Act shall apply accordingly. Shelters or waiting-rooms.

52. Subject to the provisions of this Act the Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connexion with the trolley vehicle undertaking and the omnibus undertaking and the Corporation tramways and Cloak-rooms &c.

A.D. 1919. at any places on the routes of the Corporation tramways the trolley vehicle routes or the omnibus routes and the Corporation may make charges for the use of such cloak-rooms and sheds and for the deposit of articles and things and bicycles tricycles or other vehicles therein.

Lost property.

53. Any property found in any trolley vehicle or omnibus or in any carriage used on the Corporation tramways or in any shelter or waiting-room in connexion with the trolley vehicle undertaking and the omnibus or tramway undertaking shall forthwith be handed to the conductor of the vehicle omnibus or carriage or be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the undertaking in respect of which the same was found.

Attachment of signs indicating stopping places to lamp-posts &c.

54.—(1) Subject to the provisions of this Act the Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of the trolley vehicle routes or omnibus routes or on or near to the Corporation tramways signs or directions indicating the position of stopping places for trolley vehicles omnibuses and carriages used on such tramways Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General or the North Eastern Railway Company or the Tyneside Company except with his or their consent in writing as the case may require.

55. The Corporation shall perform in respect of their trolley vehicles and omnibuses all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

A.D. 1919.
Conveyance
of mails.

56. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required or expedient for the working of their trolley vehicles or the Corporation tramways by mechanical power:

Attachment
of brackets
&c. to
buildings.

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building:

(4) No brackets wires or apparatus shall without the previous consent in writing of the North Eastern Railway Company be attached to any bridge or building of that company forming part of their railway undertaking.

A.D. 1919.

For the purposes of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

For protection of North Eastern Railway Company.

57. For protection of the North Eastern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the company and the Corporation apply and have effect:—

(1) Nothing in the sections of this Act whereof the marginal notes are "Power to use trolley vehicles" and "As to electrical works" contained shall authorise any interference with any street or road belonging to and forming the approach to any station or depôt of the company nor shall the Corporation in erecting the trolley vehicle equipment or using the routes authorised by those sections obstruct or interfere with the convenient access to any such street or road or to any station or depôt without the consent in writing of the company which consent shall not be unreasonably withheld:

(2) The Corporation shall so construct maintain and use the trolley vehicle equipment under or upon and so work or run any trolley vehicles or omnibuses under or over any bridge belonging to or maintainable by the company (in this section referred to as "the bridge") as not injuriously to affect the structure thereof and in the event of any such injury being caused the Corporation shall at their own expense and to the reasonable satisfaction of the company make good and restore the same to as good a condition as it was in before such injury was occasioned:

(3) The Corporation shall give to the company twenty-eight days' notice in writing of their intention to commence the erection of the trolley vehicle equipment under or upon the bridge and shall at the same time send to the company sufficient plans sections specifications and other information to show the nature of such works and such works shall be constructed and thereafter maintained according to the plans sections and specifications approved by the company or in case of

difference between the company and the Corporation by an arbitrator to be appointed as hereinafter provided and under the superintendence (if such superintendence shall be given) and to the reasonable satisfaction of the company's engineer. Provided that if the company fail to signify their approval of the said plans sections and specifications within twenty-eight days after receiving the same they shall be deemed to have approved thereof:

- (4) The erection of the trolley vehicle equipment under or upon the bridge shall if the company so require and give to the Corporation notice in writing in that behalf be executed by the company at the reasonable expense of the Corporation with all reasonable despatch and in accordance with such plans sections and specifications approved as aforesaid. Provided that unless the company give the said notice to the Corporation within twenty-eight days after receiving the notice to be given to the company by the Corporation as hereinbefore provided the Corporation may themselves proceed to execute the works in manner aforesaid:
- (5) If the company hereafter require under their existing powers to widen lengthen strengthen reconstruct alter or repair the bridge or to widen or alter any railway thereunder or to lift or support the bridge the company may require the Corporation at the expense of the Corporation to alter the trolley vehicle equipment in such manner as the circumstances of the case may reasonably require and in such case the company shall at the same time send sufficient specifications and other information to show the nature of the proposed works and the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it should be necessary for such purpose that the trolley vehicle equipment under or upon the bridge be wholly or in part removed or the user thereof or the running or working of any trolley vehicles or omnibuses of the Corporation under or over the bridge stopped or delayed and if the company gives to the Corporation seven days' notice in writing in that behalf (or in case of emergency such notice as may be reasonably practicable)

A.D. 1919.

then such part of the trolley vehicle equipment shall be removed or the user thereof stopped or delayed as stated in such notice at the reasonable expense of the Corporation and under the superintendence of the Corporation (if they shall give such superintendence) but no such user running or working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such part of the trolley vehicle equipment shall be restored with all possible despatch and in such case the company shall not be liable to pay compensation in respect of such removal stoppage delay or taking up as aforesaid:

- (6) The provisions of this section shall apply in respect of any culvert and of the approaches (if any) to the bridge or culvert in the same way as they apply in respect of the bridge:
- (7) The Corporation shall not in any manner in the execution maintenance user or repair of any of the trolley vehicle equipment or the running or working of any such trolley vehicles or omnibuses obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the company or any traffic thereon:
- (8) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company by or by reason of the erection failure or repair of the trolley vehicle equipment or by reason of any act or omission of the Corporation or their contractors or of any person in the employ of either of them and the Corporation shall effectually indemnify the company from all claims and demands upon or against them by reason of such erection failure or repair or of any such act or omission:
- (9) The Corporation shall on demand pay to the company the reasonable expense of the employment by the company during the erection or repair by the Corporation under this Act of the trolley vehicle equipment, under or upon the bridge of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for preventing all

interference obstruction danger and accident from any of the operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them: A.D. 1919.

(10) Any additional expense in the maintenance of any bridge or other work occasioned to the company by the construction or user of the trolley vehicle equipment shall be borne by the Corporation:

(11) If in consequence of the running by the Corporation of the trolley vehicles or of the omnibuses by this Act authorised under or upon the bridge it shall be necessary that such bridge should be rebuilt or strengthened the company shall give to the Corporation notice accompanied by sufficient plans sections and specifications of their intended works and may after twenty-eight days from the date of the notice (or forthwith in case of emergency) proceed with all due despatch to execute all such works as may be reasonably necessary and the company may recover from the Corporation all moneys reasonably expended by them in the execution thereof:

(12) If having regard to the proposed position of any trolley vehicle equipment of the Corporation by this Act authorised when considered in relation to the position of the works of the company at any point where any trolley vehicle equipment will be constructed over or under the railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires or cables either of the Corporation or the company that the wires or cables of the company and the apparatus in connexion therewith shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the company by the Corporation:

(13) (A) The Corporation shall pay to the company an annual sum equal to three-eighths of a penny per car mile run by the trolley vehicles and omnibuses under the powers of this Act over any road wholly or in part repairable by the company towards the cost of maintenance thereof;

A.D. 1919.

- (B) The Corporation shall keep statements for the purposes of this subsection showing in proper detail the mileage run by each trolley vehicle and omnibus on the said roads and shall furnish copies of such statements annually to the company and the Corporation shall allow any person duly authorised by the company in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Corporation relating to the running of such trolley vehicles and omnibuses ;
- (c) In consideration of the payments to be made by the Corporation to the company under this subsection the company shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any such road by the trolley vehicles and omnibuses of the Corporation :
- (14) Notwithstanding anything contained in the sections of this Act whereof the marginal notes are respectively "Shelters or waiting-rooms" and "Cloakrooms &c." no shelter waiting-room or cloakroom shall be erected or maintained by the Corporation in any street or road so as to interfere with the proper working of or render less convenient the access to or exit from any station or depôt of the company except with the consent in writing of that company which consent shall not be unreasonably withheld nor except with the like consent on any bridge carrying any street or road over such railway :
- (15) If any difference arises under this section between the Corporation and the company that difference shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Tyne Improvement Commissioners.

58.—(1) Notwithstanding anything contained in the sections of this Act whereof the marginal notes are respectively "Shelters or waiting-rooms" and "Cloakrooms &c." no shelter waiting-room or cloakroom shall be erected or maintained by the

[9 & 10 GEO. 5.] *Tynemouth Corporation Act, 1919.* [Ch. lvi.]

Corporation in New Quay so as to interfere with the proper working of or render less convenient the access to or exit from the Market Place ferry landing of the Tyne Improvement Commissioners except with their consent in writing. A.D. 1919.

(2) No brackets wires or apparatus shall without the previous consent in writing of the Tyne Improvement Commissioners be attached to any property forming part of their undertaking.

(3) If any difference shall arise under this section between the Corporation and the Tyne Improvement Commissioners the same shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

59. Subject to the provisions of this Act the trolley vehicle undertaking and the omnibus undertaking shall so soon as the Corporation acquire any tramways or light railways be deemed to form part of the tramway undertaking Provided that in the accounts of the Corporation relative to the tramway undertaking the receipts and expenditure upon and in connexion with the trolley vehicle undertaking and the omnibus undertaking respectively shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connexion with the remainder of such undertaking. Trolley vehicles and omnibuses to form part of tramway undertaking.

PART VII.

WATER.

60. Section 37 of the Act of 1898 shall be read and have effect as if the words "and to any county council urban or rural district council parish council company or person outside such limits and to whom the Corporation may for the time being be under statutory obligation to give a permanent supply of water" were inserted at the end thereof. Amendment of section 37 of Act of 1898.

61. The agreement dated the thirtieth day of November one thousand nine hundred and eighteen made between the Corporation of the one part and the Bedlingtonshire Council of the other part as amended and set forth in the Second Schedule to this Act is hereby confirmed and made binding on the Corporation and the said council and may and shall be carried into effect accordingly Provided that the said agreement may be varied and altered by agreement between the Corporation and the said council. Confirming agreement with Bedlingtonshire Council.

A.D. 1919.

Cesser of
supply of
water to
Blyth Urban
District
Council.

62. From and after the thirty-first day of December one thousand nine hundred and nineteen the agreement dated the twenty-second day of April one thousand nine hundred and four and made between the Corporation of the one part and the Tynemouth Rural District Council of the other part shall cease to apply to the Blyth Council as successors of the Tynemouth Rural District Council in respect of the Blyth District and all obligations of the Corporation to the Blyth Council and of the Blyth Council to the Corporation thereunder shall cease and determine.

For supply
of water in
bulk to
Cramlington
Seaton
Delaval
and New-
biggin
Councils.

63. As from the thirtieth day of September one thousand nine hundred and nineteen the agreements and statutory enactments mentioned in the first column of the Third Schedule to this Act shall be and are hereby cancelled and repealed to the extent mentioned in the second column of that schedule respectively and as from the same date the Corporation shall afford to the Cramlington Council the Seaton Delaval Council and the Newbiggin Council respectively and the said councils shall respectively take and purchase from the Corporation for use within the Cramlington District the Seaton Delaval District and the Newbiggin District respectively a permanent supply of water in bulk upon the terms and subject to the conditions set forth in the Fourth Schedule to this Act.

For pro-
tection of
Cramlington
Council.

64. For the protection of the Cramlington Council the following provisions shall unless otherwise agreed between them and the Corporation apply and have effect (that is to say):—

(1) The Corporation shall unless prevented by frost unusual drought or unavoidable cause or accident or during necessary repairs maintain at the point of delivery of the water to the Cramlington Council on the inlet side of the meter fixed at Shankhouse a pressure equal to a column of water of not less than one hundred and eighty feet in height:

(2) If any difference shall arise under this section between the Corporation and the Cramlington Council the same shall be referred to a single arbitrator to be appointed (in default of agreement) by the President of the Institution of Civil Engineers on the application of the Corporation and the council or either of them and such reference shall be considered a submission within the meaning of the Arbitration Act 1889.

65. Notwithstanding anything contained in section 18 of the Act of 1898 the Corporation may purchase by agreement any lands adjacent to the Font Reservoir of the Corporation and may thereafter extinguish or permit to be exercised to such reasonable extent and by such persons as they may from time to time authorise all or any rights of fowling and sporting over the lands so purchased and of fishing in or from the banks of the said reservoir.

A.D. 1919:
Amendment
of section 18
of Act of
1898.

66. Nothing in this Act shall be deemed to alter or affect the rights of the Morpeth Rural District Council or the Corporation under section 53 of the Act of 1916.

As to supply
to Morpeth
Rural
District.

PART VIII.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

67.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column thereof (namely):—

Power to
borrow.

1.	2.	3.
Purpose.	Amount.	Period.
(a) For and in connexion with the purchase of lands for the new street and street improvements authorised by this Act and for the provision of space for the erection of buildings.	£ 47,200.	Sixty years from the date or dates of borrowing.
(b) For the construction of the new street and street improvements.	28,000	Thirty years from the date or dates of borrowing.
(c) For the provision of the trolley vehicles authorised by this Act.	9,000	Ten years from the date or dates of borrowing.
(d) For the provision of the electrical equipment and other works necessary for working the trolley vehicles authorised by this Act.	11,000	Twenty years from the date or dates of borrowing.
(e) For the provision and equipment of omnibuses.	3,000	Five years from the date or dates of borrowing.

[Ch. lvi.] *Tynemouth Corporation Act, 1919.* [9 & 10 GEO. 5.]

A.D. 1919.

1.	2.	3.
Purpose.	Amount.	Period.
(f) For the purchase of lands for the purposes of the trolley vehicle undertaking and the omnibus undertaking and for the erection of buildings thereon.	£ 6,000	Forty-five years from the date or dates of borrowing.
(g) For the construction of the waterworks authorised by the Act of 1916 (in addition to the moneys by that Act authorised to be raised for that purpose).	35,000	Fifty years from the date or dates of borrowing.
(h) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2)—(A) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of Part IV. (Trolley Vehicles) Part V. (Omnibuses Tramways and Light Railways) and Part VI. (Provisions common to Trolley Vehicles Omnibuses Tramways and Light Railways) of this Act and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than purposes of those Parts.

(B) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Board with whose consent it is borrowed.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge—

(A) As regards money borrowed for the purposes (a) and (b) mentioned in subsection (1) of this section the district fund and general district rate;

(B) As regards money borrowed for the purposes (c) (d) (e) and (f) mentioned in subsection (1) of this section the revenue of the trolley vehicle undertaking and the omnibus undertaking of the Corporation and the borough fund and borough rate;

(C) As regards money borrowed for the purpose (g) mentioned in subsection (1) of this section the revenue of the water undertaking of the Corporation and the district fund and general district rate;

(D) As regards money borrowed for the purpose (h) mentioned in subsection (1) of this section the revenue

of the trolley vehicle undertaking and the district fund and general district rate and the revenue of the water undertaking and the borough fund and borough rate in such proportions as the Corporation may determine ;

A.D. 1919

(E) As regards money borrowed with the consent of the Board of Trade or of the Local Government Board such revenue fund or rate as may be prescribed by the Board with whose consent the money is borrowed.

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by section 133 (Power to use one form of mortgage for all purposes) of the Act of 1916.

68.—(1) All mortgages from time to time granted by the Corporation under this Act shall rank together without any priority on account of the dates of the respective mortgages or on any other account and notice to the effect of this enactment shall be endorsed on every such mortgage.

As to mortgages of Corporation.

(2) Subject to the provisions of section 133 of the Act of 1916 whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

- Section 236 (Form of mortgage) ;
- Section 237 (Register of mortgages) ;
- Section 238 (Transfer of mortgages).

69. The following provisions of the Act of 1916 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely)—

Application of provisions of Act of 1916.

- Section 22 (Provisions as to compensation) ;
- Section 23 (Costs of arbitration in certain cases) ;
- Section 124 (Application of money borrowed) ;
- Section 126 (Appointment of receiver) ;
- Section 127 (Mode of payment off of money borrowed) ;
- Section 128 (Regulations as to sinking fund) ;

A.D. 1919.

Section 129 (Application of certain provisions of Act of 1907);

Section 130 (Audit of accounts);

Section 131 (Application of moneys from sale &c. of land):

Provided also that in the application of section 22 of the Act of 1916 that section shall be read and have effect as if the words "nineteen hundred and eighteen" were therein substituted for the words "nineteen hundred and fifteen."

Application
of revenue of
tramway
undertaking.

70. The Corporation shall apply all money received by them on account of revenue of the tramway undertaking (or of the trolley vehicle undertaking and the omnibus undertaking until they shall acquire any tramways and light railways all of which undertakings are in this and the next succeeding section referred to as "the undertaking") in the manner and in the order following (that is to say):—

First The payment of the working and establishment expenses and cost of maintenance of the undertaking (including the maintenance of so much of the roads in which the tramways are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870):

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the undertaking:

Thirdly In providing the requisite appropriations instalments or sinking fund payments for the purposes of the undertaking:

Fourthly In extending and improving (if the Corporation think fit) any works for the purposes of the undertaking:

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation

from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the tramways of the Corporation or of the works connected therewith and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

A.D. 1919.

And the Corporation shall carry to the borough fund so much of any balance remaining in any year of the income of the undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

71. If in any year the revenue actual or estimated of the undertaking shall be insufficient for the payment of the charges thereon and the Corporation shall not deem it expedient to make up such deficiency out of the reserve fund (if any) formed in respect of that undertaking then the deficiency shall be made up out of the borough fund by carrying an adequate sum therefrom to the credit of the account of the undertaking and the Corporation in preparing the estimates of the amount required in their judgment to be raised by means of a borough rate for the purposes of the borough shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency from time to time arising or expected to arise as aforesaid in the revenue of the undertaking. Provided that in the case of an actual deficiency such deficiency shall be made good by an increase of the next borough rate.

Provision
in case of
deficiency of
revenue of
tramway
undertaking.

72. For the protection of the Tynemouth Gas Company (in this section called "the company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

For pro-
tection of
Tynemouth
Gas Com-
pany.

- (1) At least twenty-eight days (except in the case of emergency) before commencing any of the works by this Act authorised in or under any street in

A.D. 1919.

or, under which any mains pipes syphons tubes valves stop-cocks or other works (hereinafter called "apparatus") of the company are situate the Corporation shall deliver to the company plans and sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and (except as aforesaid) a notice stating the date when it is proposed to commence such works :

(2) If it should appear to the company that any of such works will interfere with or endanger any of their apparatus or impede the supply of gas the company may give notice to the Corporation to alter the position of such apparatus or to substitute temporarily or otherwise other apparatus or to lay or place under any apparatus cement concrete or other like substance in such manner as may be considered necessary and any difference as to the necessity of any such alteration substitution or other work or the manner of carrying out the same shall be settled by arbitration in manner in this section provided for the settlement of differences between the Corporation and the company All alterations or works to be made or executed under this section shall be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence (if such superintendence shall be given) of the engineer of the company and the reasonable costs charges and expenses of such superintendence shall be paid by the Corporation Provided that if the company by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by the Corporation of any such work so require the company may by their own engineer or workmen do and execute such works so far as the same may interfere with or affect the apparatus of the company and the alteration of such apparatus and the Corporation shall on completion thereof pay to the company the reasonable expenses properly incurred by them in the execution thereof:

(3) Wherever the Corporation shall in reducing the width of the footway of any street or road under the powers

of this Act add to the roadway any portion of any such footway in which there shall be placed any apparatus belonging to the company the company may at the reasonable cost of the Corporation alter the position of such apparatus to a depth below the surface of the roadway not exceeding 2 feet 6 inches measured from the upper side of the apparatus as the company may deem necessary:

- (4) In the event of such plans sections and description not being objected to by the company within fourteen days from the delivery thereof to them the said works shall be executed in accordance therewith:
- (5) The company may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any apparatus belonging to them will be interfered with or affected during their construction repair or renewal and the reasonable wages of such watchmen or inspectors shall be borne by the Corporation and be paid by them to the company:
- (6) If any interruption in the supply of gas by the company shall be occasioned by the execution of any of the works by this Act authorised for a longer period than is reasonably necessary the Corporation shall forfeit and pay to the company for the use and benefit of the company a sum not exceeding twenty pounds for every day during which such interruption shall continue:
- (7) The expense of all repairs or renewals of any apparatus of the company or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Corporation their contractors agents workmen or servants in the execution of any of the works by this Act authorised or rendered necessary by reason of any subsidence resulting from any such work whether during the construction thereof or at any time thereafter shall be borne and paid by the Corporation and may be recovered against the Corporation by the company in any court of competent jurisdiction:
- (8) If any difference shall arise with respect to any matter under this section between the Corporation and the

A.D. 1919.

company or their respective engineers or concerning any plans sections or description to be delivered to the company under the foregoing provisions of this section the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

Limit of
library rate
extended.

73. For the better and more effectually carrying into execution the powers and duties of the Corporation under the Public Libraries Acts 1892 to 1901 those Acts shall be read and have effect as if the limit thereby imposed on the amount authorised to be levied by or added to a rate were extended so as not to exceed the sum of twopence in the pound.

Costs of
Act.

74. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of the trolley vehicle undertaking and the omnibus undertaking or the borough fund or borough rate and out of the revenue of the water undertaking of the Corporation or the district fund or general district rate in such proportions as the Corporation may determine or out of money to be borrowed under the powers of this Act for the purpose.

The SCHEDULES referred to in the foregoing Act. A.D. 1919.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE
TAKEN UNDER SECTION 7.

Parish.	Numbers on deposited Plans.																	
Tynemouth - - -	1	2	3	4	5	6	7	8	9	10	11	12	14	15	16	17	18	
	19	20	21	23	25	26	27	28	29	30	34	35	38					
	39	40	41	43	44	45	46	47	48	49	50	51	52					
	53	54	62	63	65	66	67	74	75	77	80	85	86.					

THE SECOND SCHEDULE.

(Referred to in Section 61.)

THIS INDENTURE made this thirtieth day of November one thousand nine hundred and eighteen between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF TYNEMOUTH (hereinafter referred to as "the Corporation") of the one part and the BEDLINGTONSHIRE URBAN DISTRICT COUNCIL (hereinafter referred to as "the Urban Authority") of the other part.

WHEREAS under the powers conferred by the Tynemouth Corporation (Water) Act 1898 the Corporation have constructed a reservoir on the River Font and laid a gravitation main between the said reservoir and the borough of Tynemouth (hereinafter referred to as "the borough") and are empowered to construct further works under that Act and the Tynemouth Corporation Act 1916 :

And whereas by section 37 of the Tynemouth Corporation (Water) Act 1898 it is enacted that it shall be lawful for the Corporation to supply water by agreement in bulk for use beyond the limits of supply prescribed by the Tynemouth Corporation (Water) Act 1897 to any county council urban or rural district council parish council company

A.D. 1919. or persons within ten miles of the gravitation main by the said Act of 1898 authorised on such terms and conditions in all respects and for such periods as the Corporation and such council company or persons may from time to time agree subject to the proviso that the Corporation shall not under any such agreement supply water so as to interfere with their giving a proper supply of water for all purposes to persons within their limits of supply for the time being:

And whereas under an agreement dated the twenty-second day of June one thousand nine hundred and four and made between the same parties as the parties hereto the urban authority obtain a supply of water in bulk from the gravitation main of the Corporation for use within their district subject to the said section 37:

And whereas the urban authority have hitherto taken the greater part of their supply from the River Blyth:

And whereas the Corporation intend to exercise the powers conferred upon them by the Tynemouth Corporation Act 1916 to construct the further works by that Act authorised for the augmentation of their water supplies immediately the restrictions placed upon the Corporation by virtue of the regulations made under the Defence of the Realm (Consolidation) Act 1914 are removed:

And whereas the urban authority require a permanent supply of water for use within their district and they desire to obtain such permanent supply from the Corporation but so that such supply shall not be subject to the limitation lastly contained in the proviso to the said section 37 of the said Act:

And whereas the Corporation have agreed subject to the approval of Parliament to afford such supply on the terms and conditions hereinafter mentioned:

Now this indenture witnesseth that the Corporation and the urban authority do hereby agree with each other as follows:—

1. Subject to the provisions of this indenture the Corporation will afford and the urban authority will take and purchase a supply of water in bulk for use within the district of the urban authority delineated in pink on the plan annexed hereto Subject to the said provision such supply shall be the amount of water required for the said district Provided that if the council shall require on any one day in any quarter a quantity of water exceeding by more than one-fifth the average daily quantity supplied under this agreement in the corresponding quarter of the previous year they shall give to the Corporation not less than ten days' notice in writing of such requirement stating the approximate increased quantity of water required.

2. The supply shall commence from the thirtieth day of September or such other date as the Corporation and the urban authority shall

mutually agree as from which date the said agreement dated the twenty-second day of June one thousand nine hundred and four shall be and is hereby cancelled. A.D. 1919.

3. The water shall be measured by a meter to be provided and fixed by the Corporation at a point to be agreed upon or in default of agreement to be determined by arbitration under clause 15 hereof. Such meter shall be under the sole control of the Corporation and shall be maintained by them. The urban authority shall at all reasonable times be at liberty by themselves or their engineer clerk or surveyor on giving reasonably sufficient notice to the official of the Corporation having charge of such meter to enable him to have the meter opened for inspection to inspect such meter and to require the accuracy thereof to be tested all expenses of and incident to such testing being payable by the urban authority.

4. The supply shall be delivered by the Corporation at the point marked "A" on the said plan or at such other point as may be mutually agreed between the Corporation and the urban authority and shall be taken in a continuous flow and in as regular quantities as is reasonably feasible throughout each twenty-four hours.

5. The meter shall be fixed and all pipes valves and other apparatus connecting it with the gravitation main of the Corporation shall be laid fixed and connected by and at the cost of the Corporation and shall remain their property.

6. The register of the said meter shall be primâ facie evidence of the quantity of water supplied by the Corporation through such meter.

7. If at any time the meter shall cease to register or shall register incorrectly or shall at any time be removed for the purpose of repair or for any other reason then until such meter shall be repaired and refixed so as to register correctly the quantity of water passing through the same or until the same or some other meter correctly registering the water has been fixed the meter shall be deemed to have ceased to register or to register incorrectly immediately after the date on which the meter was previously read by the Corporation and as from that date the Corporation shall be entitled to charge and the urban authority shall be liable to pay for a daily quantity of water equal to the average daily quantity of water taken by the urban authority under this agreement during the nearest corresponding period of the previous year. In the event of the meter at any time registering incorrectly the Corporation on becoming aware thereof shall repair or replace the same with a correct meter within a reasonable time in that behalf and in the event of the meter being removed for any

[Ch. lvi.] *Tynemouth Corporation Act, 1919.* [9 & 10 GEO. 5.]

A.D. 1919: reason the Corporation shall refix or replace the same within such reasonable time.

8. The urban authority shall pay rent for the said meter at the rate charged for the time being by the Corporation for a meter of the same size.

9. The urban authority shall pay to the Corporation for the water supplied to them hereunder as follows:—

- (a) During the period of five years from the thirtieth day of September one thousand nine hundred and nineteen at the rate of fourpence per one thousand gallons;
- (b) During the period of ten years from the thirtieth day of September one thousand nine hundred and twenty-four at the rate of sixpence per one thousand gallons; and
- (c) Thereafter, at the cost to the Corporation of providing and affording the supply such cost price in default of agreement to be settled by arbitration and to be open to revision at the expiration of every subsequent ten years.

10. All payments to be made under this agreement shall be made quarterly on the twenty-first day of January the twenty-first day of April the twenty-first day of July and the twenty-first day of October in every year.

11. The urban authority shall not without the consent in writing of the Corporation supply or distribute within the said district any water except water obtained from the Corporation under this agreement provided always that this restriction shall not prevent the urban authority from using water obtained from another source for cleansing flushing and watering sewers drains and streets in the said district and public lavatories provided by the urban authority nor from obtaining some other supply of water to any part of the said district for which the supply of water obtained from the Corporation may not for the time being be available nor shall it apply during the periods (if any) when the Corporation shall fail to afford the full supply of water required by the urban authority for the said district.

12. The district of the urban authority and the urban districts of Cramlington Seaton Delaval and Newbiggin-by-the-Sea shall be entitled to the same quantity of water per head of population as the borough. Provided that if at any time or times the quantity of water available for supply shall be insufficient to meet in full all the demands upon the Corporation for water then in order to secure equality of treatment between the borough and each of the said districts the amount of water supplied in the borough and in each of

the said districts shall be reduced rateably according to the normal requirements of the borough and of each such district respectively except that the amount of water supplied in any one of the said districts shall not be reduced below thirteen gallons per head per day of the population therein until the amount of water supplied in the borough and all the said districts shall be reduced to that amount and in case of insufficiency the Corporation shall afford to the urban authority on demand such information and particulars as may be necessary in order to show whether due effect is being given to the provisions of this paragraph. A.D. 1919.

13. The Corporation shall not be liable for any damage which may be caused to the urban authority or to any person or persons by any failure deficiency or defect in the supply of water intended to be given under this agreement if such failure deficiency or defect shall be occasioned by frost unusual drought or unavoidable cause or accident.

14. The urban authority shall not without the consent in writing of the Corporation supply water taken under this agreement outside or for use outside the said district except on board ships frequenting a port in such district.

15. All disputes and differences arising between the parties hereto in reference to this agreement or the subject matter thereof shall be referred to a single arbitrator appointed in writing by the President of the Institution of Civil Engineers on the application of the Corporation and the urban authority or either of them and any such reference shall be considered a submission within the meaning of the Arbitration Act 1889.

16. Any notice or consent under or in connexion with this agreement may be given under the hand of the town clerk of the borough of Tynemouth or the clerk to the urban authority.

17. The Corporation shall in the Bill to be promoted by them in the next available session of Parliament use their best endeavours to obtain parliamentary sanction to this agreement and such amendments in the Local Acts of the Corporation as may be necessary to give effect thereto and the urban authority shall at the request and expense of the Corporation do all such acts deeds and things as the Corporation may from time to time require to secure the passing of the Bill into law.

18. This agreement is conditional upon the said Bill passing into law and is made subject to such alterations as Parliament shall think fit to make therein but if Parliament shall make any material alteration therein it shall be competent for either of the parties hereto to withdraw from the same.

[Ch. lvi.] *Tynemouth Corporation Act, 1919.* [9 & 10 GEO. 5.]

A.D. 1919.

In witness whereof the Corporation and the urban authority have hereunto caused their common seals to be affixed the day and year first above written.

The common seal of the mayor aldermen and bur-
gesses was affixed hereto in the presence of

WILLIAM HUTCHINSON

Mayor.

STANLEY WILSON

Town Clerk.



The common seal of the Bedlingtonshire Urban
District Council was affixed hereto in the presence
of

R. J. WEEKS

Chairman of the Water Committee.



THE THIRD SCHEDULE.

AGREEMENTS AND STATUTORY ENACTMENTS CANCELLED AND
REPEALED BY SECTION 63.

Agreement or Enactment.	Extent of Cancellation or Repeal.
The agreement dated the 22nd of April 1904 and made between the Corporation of the one part and the Tynemouth Rural District Council of the other part.	So far as the same relates to the supply of water within the Blyth District the Cramlington District and the Seaton Delaval District.
The agreement dated the 28th of April 1904 and made between the Parliamentary Sub-Committee of the Corporation and the Representatives of the Cramlington Council.	The whole agreement.
The agreement dated the 18th of November 1908 and made between the Cramlington Council of the one part and the Corporation of the other part.	The whole agreement.
The agreements dated the 17th of April 1907 and the 26th of September 1917 and made between the Corporation of the one part and the Newbiggin Council of the other part.	The whole of each agreement.
Section 37 of the Act of 1907 - - -	The whole section.
Section 60 of the Act of 1916 - - -	The whole section.

THE FOURTH SCHEDULE.

A.D. 1919.

TERMS FOR SUPPLY OF WATER IN BULK TO CRAMLINGTON COUNCIL SEATON DELAVAL COUNCIL AND NEWBIGGIN COUNCIL PRESCRIBED BY CLAUSE 63.

1. For the purpose of this schedule the expression "the council" means the Cramlington Council the Seaton Delaval Council or the Newbiggin Council as the context shall require the expression "the district" means the Cramlington District the Seaton Delaval District and the Newbiggin District as the context shall require and the expressions "the water" and "the supply" shall mean the supply of water afforded to the council by the Corporation under the section of this Act of which the marginal note is "For supply of water in bulk to Cramlington Seaton Delaval and Newbiggin Councils."

2. Subject to the following provisions the supply shall be the amount of water required for the district which in the case of the Newbiggin District shall include any area hereafter added thereto which is not at the time of such addition within the limits of supply of any statutory water undertaker:

Provided that if the council shall require on any one day in any quarter a quantity of water exceeding by more than one-fifth the average daily quantity supplied under these terms in the corresponding quarter of the previous year they shall give to the Corporation not less than ten days' notice in writing of such requirement stating the approximate increased quantity of water required.

3. The water shall be measured by the existing meter or meters by which and at the point or points at which the supply is now being measured or by a meter or meters to be fixed at such other point or points as may be mutually agreed between the Corporation and the council and such meter or meters shall be under the sole control of the Corporation and shall be maintained by them. The council shall at all reasonable times be at liberty by themselves or their engineer clerk or surveyor on giving reasonably sufficient notice to the official of the Corporation having charge of such meter or meters to enable him to have the meter or meters opened for inspection to inspect such meter or meters and to require the accuracy thereof to be tested all expenses of and incident to such testing being payable by the council.

A.D. 1919.

4. The supply shall be delivered by the Corporation at the point or points at which the same is now being given or at such other point or points as may be mutually agreed between the Corporation and the council and shall be taken in such a continuous flow and in as regular quantities as is reasonably feasible throughout each twenty-four hours. Provided that any variation in the flow or quantity of the supply due to variations in the demand of consumers in the district shall not prevent the supply being deemed to be given and received in a continuous flow or regular quantities for the purposes of this paragraph.

5. The meter shall be fixed and all pipes valves and other apparatus connecting it with the gravitation main of the Corporation shall be laid fixed and connected by and at the cost of the Corporation and shall remain their property.

6. The register of the meter shall be primâ facie evidence of the quantity of water supplied by the Corporation through such meter.

7. If at any time the meter shall cease to register or shall register incorrectly or shall at any time be removed for the purpose of repair or for any other reason then until such meter shall be repaired and refixed so as to register correctly the quantity of water passing through the same or until the same or some other meter correctly registering the water has been fixed the meter shall be deemed to have ceased to register or to register incorrectly immediately after the date on which the meter was previously read by the Corporation and as from that date the Corporation shall be entitled to charge and the council shall be liable to pay for a daily quantity of water equal to the average daily quantity of water taken by the council under these terms during the nearest corresponding period of the previous year. In the event of the meter at any time registering incorrectly the Corporation on becoming aware thereof shall repair or replace the same with a correct meter within a reasonable time in that behalf and in the event of the meter being removed for any reason the Corporation shall refix or replace the same within such reasonable time.

8. The council shall pay rent for the said meter at the rate charged for the time being by the Corporation for a meter of the same size.

9. The council shall pay to the Corporation for the water supplied to them hereunder as follows:—

(a) During the period of five years from the thirtieth day of September one thousand nine hundred and nineteen at the rate of fourpence per one thousand gallons;

(b) During the period of ten years from the thirtieth day of September one thousand nine hundred and twenty-four at the rate of sixpence per one thousand gallons; and

(c) Thereafter at the cost to the Corporation of providing and affording the supply such cost price in default of agreement to be settled by arbitration and to be open to revision at the expiration of every subsequent ten years.

10. All payments to be made hereunder shall be made quarterly on the first day of January the first day of April the first day of July and the first day of October in every year or on such other dates as may be agreed upon between the Corporation and the council.

11. The council shall not without the consent in writing of the Corporation supply or distribute within the district any water except water obtained from the Corporation hereunder provided always that this restriction shall not prevent the council from using water obtained from some other source for cleansing flushing and watering sewers drains and streets in the district and public lavatories provided by the council nor from obtaining some other supply of water to any part of the district for which the supply of water obtained from the Corporation may not for the time being be available nor shall it apply during the periods (if any) during which the Corporation shall fail to afford a full supply of water required by the council for the district.

12. The district and every other district to which the Corporation are required to afford a permanent supply of water in bulk under these terms shall be entitled to the same quantity of water per head of population as the borough provided that if at any time or times the quantity of water available for supply shall be insufficient to meet in full all the demands upon the Corporation for water then in order to secure equality of treatment between the borough and each of the said districts the amount of water supplied in the borough and in each of the said districts shall be reduced rateably according to the normal requirements of the borough and of each such district respectively except that the amount of water supplied in any one of the said districts shall not be reduced below thirteen gallons per head per day of the population therein until the amount of water supplied in the borough and all the said districts shall be reduced to that amount and in case of insufficiency the Corporation shall afford to the council on demand such information and particulars as may be necessary in order to show whether due effect is being given to the provisions of this paragraph.

13. The Corporation shall not be liable for any damage which may be caused to the council or to any person or persons by any failure deficiency or defect in the supply of water intended to be given under these terms if such failure deficiency or defect shall be occasioned by frost unusual drought or unavoidable cause or accident.

[Ch. lvi.] *Tynemouth Corporation Act, 1919.* [9 & 10 GEO. 5.]

A.D. 1919.

14. The council shall not without the consent in writing of the Corporation supply water taken under these terms outside or for use outside the district.

15. All questions required by these terms to be settled by arbitration and all disputes and differences arising between the Corporation and the council in reference to these terms or the subject matter thereof shall be referred to a single arbitrator to be from time to time (in default of agreement) appointed in writing by the President of the Institution of Civil Engineers on the application of the Corporation and the council or either of them and such reference shall be considered a submission within the meaning of the Arbitration Act 1889.

16. Any notice or consent under or in connexion with these terms may be given under the hand of the town clerk or the clerk to the council.

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FOR

WILLIAM RICHARD CODLING, Esq., C.B.E., M.V.O., the King's Printer of Acts of Parliament.

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