CHAPTER ccxliii.

An Act for conferring further powers on the Imperial Tramways Company Limited for constructing tramways and widening and altering roads and acquiring lands in the North Riding of the county of York and for other purposes. [15th August 1904.]

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WHEREAS the Imperial Tramways Company Limited (in this Act called "the Company") under and by virtue of the Middlesbrough Stockton-on-Tees and Thornaby Tramways Order 1897 (in this Act called "the Order of 1897") are the owners of tramways and other works in the North Riding of the county of York and the county palatine of Durham:

And whereas it is expedient that the Company should be empowered to construct the tramways in this Act described and in connexion therewith to widen and alter the roads and make the new roads and acquire the lands in this Act mentioned or referred to in that behalf and that the other powers in this Act mentioned or referred to should be conferred upon the Company:

And whereas plans and sections showing the lines and levels of the works by this Act authorised such plans showing the lands to be taken compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the North Riding of the county of York and are in this Act referred to respectively as the deposited plans sections and book of reference:

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

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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):—

Short title.

1. This Act may be cited for all purposes as the Middlesbrough Stockton-on-Tees and Thornaby Tramways Act 1904.

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts:

Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870.

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings And

The expression "the tramways" means the tramways by this Act authorised;

The expression "the corporation of Middlesbrough" means the mayor aldermen and burgesses of the borough of Middlesbrough.

Correction of errors &c. in deposited plans and book of reference.

4. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the North Riding of the county of York for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said North Riding and a duplicate thereof shall also be deposited with the town clerk of the county or other borough or the clerk to the district council of the urban district or the clerk to the parish council of the parish in which the lands affected

thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate. A.D. 1904.

Power to make tramways.

5. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramways herein-after described with all proper rails plates sleepers works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The tramways herein-before referred to and authorised by this Act will be situate in the North Riding of the county of York and are—

Tramway No. 1 (a double line) 1 furlong and 4·80 chains in length commencing by a junction with the Company's existing tramway in North Ormesby Road at a point 14 yards or thereabouts west of a point in that road in line with the centre of Clyde Street passing thence along North Ormesby Road Langbaurgh Place and Smeaton Street as the same are proposed to be altered as herein-after mentioned and terminating in the last-mentioned street at a point 28 yards or thereabouts east of a point in line with the eastern side of George Street:

Tramway No. 1 will be situate in the parish and county borough of Middlesbrough and the parish and urban district of Ormesby:

Tramway No. 2 (a double line) 2 miles 6 furlongs and 8·40 chains in length commencing by a junction with Tramway No. 1 at its termination in Smeaton Street before described and passing thence along Smeaton Street and New Road to a point 250 yards or thereabouts west of the level crossing of that road by the North Eastern Railway (Normanby Branch) at South Bank thence along an intended new road (to be carried by means of a

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bridge over the said branch) to the junction of Station Road and Middlesbrough Road South Bank thence along Middlesbrough Road and Eston Road and terminating in Eston Road at a point 30 yards or thereabouts north of the centre of Grangetown Subway:

Tramway No. 2 will be situate in the parish and urban district of Ormesby the parish of Normanby and urban district of South Bank in Normanby and the parish and urban district of Eston:

Tramway No. 2A (a double line) 1 mile and 1·50 chains in length wholly in the parish and urban district of Eston commencing by a junction with Tramway No. 2 at its termination before described passing thence under the intended new bridge in substitution for the Grangetown Subway under the private railway belonging to Messrs. Bolckow Vaughan and Company Limited and along Bolckow Road Whitworth Road Bessemer Street and Station Road and terminating in that road at a point opposite the entrance to Eston Grange Station:

Tramway No. 3 (a double line) 6 furlongs and 0·39 chain in length being so much of the tramway described on the deposited plans as Tramway No. 3 as is situate in the borough of Thornaby-on-Tees commencing by a junction with the Company's existing tramway in Middlesbrough Road in the borough of Thornaby-on-Tees at a point 47 yards or thereabouts west of the western side of the North Riding Malthouse passing thence along Middlesbrough Road and terminating in Middlesbrough Road at the boundary between the said borough and the parish of Linthorpe by a junction with the Company's existing tramway and in connexion therewith the Company may alter the levels of Middlesbrough Road in the said borough between a point 150 yards or thereabouts east of the commencement of Tramway No. 3 as herein-before described and the termination of the said tramway as herein-before described and may take up and remove and appropriate to and use in the construction of the said tramway so much of the existing tramway in Middlesbrough Road as may be convenient or desirable:

Tramway No. 3 will be situate in the parish of Thornaby in the borough of Thornaby-on-Tees.

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Street widenings &c. on route of tramways.

6. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections make the new road mentioned or referred to in the foregoing description of Tramway No. 2 and may widen the streets roads and bridges upon which the tramways are intended to be laid and the carriageways thereof at the places and to the extent and in the manner delineated or shown on the deposited plans and may enter upon take and use for those purposes and for the general purposes of their undertaking and may hold sell let or exchange all or any of the lands delineated on the said plans and described in the deposited book of reference relating thereto.

Widenings to form part of highway.

7. Any lands acquired under the powers of this Act which shall be added to any street or road being a public highway for the purpose of widening the same shall be deemed to form part of the highway of the street or road to which the same have been added and shall vest in the authority in whom the adjacent portions of the street or road are vested and shall be paved and made up by and at the cost of the Company to the reasonable satisfaction of the said authority and shall be maintained repaired cleansed and lighted by the said authority.

New roads and alterations of levels in connexion with Tramway No. 1.

8. Subject to the provisions of this Act the Company may for the purposes of and in connexion with Tramway No. 1 make in the lines and according to the levels shown on the deposited plans and sections the new roads and alterations of levels of roads herein-after mentioned and may enter upon take and use for those purposes and for the general purposes of their undertaking and may hold sell let or exchange all or any of the lands delineated on the deposited plans thereof and described in the deposited book of reference relating thereto (that is to say):—

(A) They may alter the levels of North Ormesby Road Langbaurgh Place and Smeaton Street between the commencement and termination of the said tramway as herein-before described and may carry the same over the North Eastern Railway (Guisborough Branch) by means of a bridge and in connexion therewith may divert Marton Beck West:

(B) They may make a new road along the south side of North Ormesby Road between a point in that road 13 yards or thereabouts west of Clyde Street and the northern end of Borough Road East:

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(C) They may make a new road on the north-west side of Smeaton Street between a point in George Street North Ormesby 13 yards or thereabouts north-west of Smeaton Street and a point in Smeaton Street 40 yards or thereabouts north-east of George Street:

(D) They may alter the levels of West Terrace North Ormesby for a distance of 40 yards or thereabouts eastward from the intersection of the centre lines of Smeaton Street and West Terrace.

Works below high-water mark not to be commenced without consent of Board of Trade.

9. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

10. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

11. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to

its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Before road interfered with temporary road to be provided.

12. Before the commencement of the work specified in paragraph (A) of the section of this Act of which the marginal note is "New roads and alterations of levels in connexion with Tramway No. 1" the Company shall provide to the reasonable satisfaction of the surveyor to the corporation of Middlesbrough and shall at their own expense maintain until the said work is completed and the altered road opened for public traffic a temporary road for passengers and carriages in lieu of the portions of road interfered with and shall cause the temporary road to be properly lighted to the satisfaction of the road authorities.

For protection of corporation of Middlesbrough and Ormesby Urban District Council.

13.—(1) The works connected with the alteration of the levels of North Ormesby Road Langbaurgh Place and Smeaton Street by this Act authorised to be made shall be carried out and completed to the reasonable satisfaction of the road authorities within their respective districts and no part of the Tramway No. 1 shall be opened for public traffic until the road authorities shall have certified in writing under their respective common seals that the works within their respective districts have been so completed.

(2) The said portion of road including the footways between the commencement and termination of the said tramway shall have at least the same width of roadway and footways as the present road and shall (so far as they are vested in the said road authorities or either of them) be sufficiently fenced and be made and paved with such materials as the road authorities respectively shall reasonably require.

(3) Any difference between the Company and any road authority under this section shall unless otherwise agreed be determined by an arbitrator to be nominated by the Board of Trade.

For protection of North Eastern Railway Company.

14. For the protection of the North Eastern Railway Company (in this section called "the North Eastern Company") the following provisions shall unless otherwise agreed between the Company and the North Eastern Company be observed and have effect (that is to say):—

(i) Before opening for traffic any portion of Tramways Nos. 1 and 2 by this Act authorised the Company shall carry

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out and complete the alteration of levels of North Ormesby Road by this Act authorised and the new road mentioned or referred to in the foregoing description of Tramway No. 2 and notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions shall apply and have effect with regard to the said works :—

(A) The said North Ormesby Road when altered shall be carried over the North Ormesby level crossing of the North Eastern Company's Guisbrough Branch Railway by a bridge with a clear span on the square of sixty-eight feet and a clear headway throughout above rail level of fifteen and a half feet The said bridge and its abutments shall be constructed in the position shown upon the plan marked No. 1 and signed in duplicate by Henry Hobhouse the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords and another in the Private Bill Office of the House of Commons The Company shall also construct a road to give access to the North Eastern Company's cottages now or hereafter erected on the property now belonging to the North Eastern Company situate on the south-west side of the said crossing in accordance with the said plan No. 1 with a further access by steps at the point marked "A" thereon ;

(B) The said new road shall be carried over the North Eastern Company's Eston Branch Railway near Normanby crossing by a bridge with a clear span on the square of seventy-six feet and a clear headway above rail level of fifteen and a half feet and the width of the bridge and approaches shall be not less than forty feet between the fences The said bridge shall be constructed in the position shown upon the plan marked No. 2 and signed and deposited as aforesaid Provided that the North Eastern Company shall have the option of requiring the said bridge to be built with a clear

span of one hundred feet subject to their paying to the Company the extra cost in construction consequent upon such increased span :

(ii) The diversion of Ormesby and Marton West Becks shall be carried out to the reasonable satisfaction of the North Eastern Company's engineer and the width of the culvert carrying Marton West Beck under the railway shall be not less than twenty feet :

(iii) The Company shall use their best endeavours to acquire and if they acquire shall if requested by the North Eastern Company sell to the North Eastern Company the land required by them for the purpose of widening their railway and for the new approach road shown on the said plan marked No. 2 The price to be paid for such land shall in case of difference be settled in accordance with the provisions of the Lands Clauses Acts :

(iv) The Company shall not construct so much of the tramways and works by this Act authorised as affects any property of the North Eastern Company except in accordance with the provisions of this section and under the superintendence and to the reasonable satisfaction of the North Eastern Company's engineer (in this section referred to as "the engineer") and of such quality and strength of material and design and method of construction and according to such plans sections and specifications as shall have been previously submitted to and approved by the engineer or in case of difference between him and the engineer of the Company by an arbitrator to be appointed as herein-after provided Provided that if the engineer fail for a period of one month after the submission of such plans sections and specifications to signify to the Company his disapproval thereof and the grounds of such disapproval he shall be deemed to have approved of the same :

(v) The Company shall maintain the portion of the tramways and works in the last subsection mentioned in substantial repair and good order and condition in accordance with the plans sections and specifications so approved as aforesaid to the reasonable satisfaction

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in all respects of the engineer and if and whenever the Company fail so to do the North Eastern Company may do in and upon the lands of the Company as well as their own lands all such works and repairs as may be reasonably requisite in that behalf and the reasonable amount of their expenditure in so doing (as certified by the engineer) shall upon demand be repaid to them by the Company:

(vi) The Company shall not in the execution maintenance or repair of the tramways and works by this Act authorised remove or disturb any of the rails or interfere with the safe user of any railway siding or other work belonging or leased to the North Eastern Company or except when and so far as may be absolutely necessary interrupt obstruct hinder or interfere with the free user of any such railway siding or work or any traffic thereon and shall during the execution or repair of any of their works execute all such temporary works as shall be reasonably necessary for the purpose of avoiding risk to the railways or works of the North Eastern Company or interruption to the traffic thereon:

(vii) The Company shall bear and on demand pay to the North Eastern Company the reasonable expense of the employment by that company during the execution or repair of so much of the proposed tramways and works as affect any property of the North Eastern Company of such inspectors watchmen and signalmen to be appointed by the North Eastern Company as may be reasonably necessary for watching and signalling the same with reference to and during the execution or repair of such tramways and works and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employment of the Company or of their contractors with reference thereto:

(viii) If by reason of the construction of the said bridges it shall become necessary to erect any additional signal posts signals or other similar works or to alter any signal cabins signal posts signals or other similar

works on any railway belonging or leased to the North Eastern Company the North Eastern Company may make such additions and alterations and the reasonable expense of such additions and alterations shall be repaid by the Company on demand including a sum to cover the cost of maintaining and working any such additional signal posts signals or works and the increase (if any) in the cost of maintaining and working any such altered signal cabins signal posts signals or works occasioned by the alteration thereof:

(ix) If by reason of the execution or failure of any of the works of the Company or any act or omission of the Company or their contractors or of any person in the employment of the Company or their contractors any railway siding or work of the North Eastern Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the North Eastern Company may make good the same and the reasonable expenses thereof as certified by the engineer shall be repaid to the North Eastern Company by the Company on demand and the Company shall indemnify the North Eastern Company against all losses which the North Eastern Company may sustain and shall pay all costs charges and expenses which the North Eastern Company may be put to or incur by reason of the execution or failure of any of the works of the Company or any act or omission of the Company or their contractors or any person in the employment of the Company or their contractors:

(x) The Company and the North Eastern Company may agree upon any variation of or alteration in the works in this section provided for or the manner in which the same shall be executed:

(xi) If any difference shall arise between the Company and the North Eastern Company or their respective engineers as to the true intent and meaning of this section or anything to be done or not to be done thereunder the same shall be determined by an

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engineer to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either party after notice to the other.

For protection of urban district of Ormesby.

15. For the protection of the council of the urban district of Ormesby (in this section called "the council") the following provisions shall unless otherwise agreed between the council and the Company be observed and have effect :—

(1) Tramways No. 1 and No. 2 shall be laid and maintained throughout the district as a double line :

(2) Such alteration of the contours and levels of the existing roadways in the said district as shall be rendered necessary by the laying of the tramways shall be carried out by the Company to the reasonable satisfaction of the council :

(3) The Company shall not stop up any portion of George Street North Ormesby until the new road described in paragraph (c) of the section of this Act whereof the marginal note is "New roads and alterations of levels in connexion with Tramway No. 1" has been completed to the reasonable satisfaction of the council and dedicated to the public use :

(4) The Company shall except as in this section otherwise provided pave and maintain such portions of the roadways in the said district as they are by section 28 of the Tramways Act 1870 required to maintain with granite or whinstone setts or scoria bricks as the council may determine five inches deep and laid on a bed of concrete not less than six inches in depth Provided that if at any part or parts of any roadway it is in the opinion of the surveyor to the council necessary that the concrete shall be laid of a greater depth than six inches such additional depth of concrete shall be laid and maintained by the Company accordingly :

(5) The Company shall if so required by the Council pave and maintain with wood paving to the satisfaction of the council for the whole width of the roadway the parts of Smeaton Street and New Road which are opposite to the public elementary school in Smeaton Street and to the public elementary school about to be erected in New Road :

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(6) Before any part of Tramway No. 2 in the said district is opened for public traffic the Company shall make up with macadam of a depth of not less than six inches well consolidated by rolling the surface of Smeaton Street for the entire length and breadth thereof except such parts of the street as they are required by subsections (4) and (5) of this section to pave and maintain with other materials:

(7) In consideration of the modification of section 43 of the Tramways Act 1870 provided by the section of this Act whereof the marginal note is "As to purchase of undertaking" the Company shall pay to the council on the first day of January in every year beginning with the year one thousand nine hundred and twenty the sum of one hundred and five pounds:

(8) Notwithstanding anything contained in the section of this Act the marginal note of which is "As to purchase of undertaking" if the council at any time within six months after the sixth day of August one thousand nine hundred and eighteen shall have passed a resolution and given a notice to the Company as provided by section 43 of the Tramways Act 1870 they shall be entitled to purchase from the Company and the Company shall sell to the council so much of the tramway as is within the district of the council upon the terms provided for by subsection (3) of the said section of this Act with the addition thereto of an allowance in consideration of the said portion of the tramways being purchased at the time aforesaid instead of at or within six months after the expiration of thirty years from the passing of this Act and the amount to be paid on such purchase shall failing agreement be determined by an engineer or other fit person to be nominated as referee by the Board of Trade on the application of either party.

For protection of South Bank in Normanby Urban District Council.

16. For the protection of the South Bank in Normanby Urban District Council (in this section called "the council") the following provisions shall have effect unless otherwise agreed in writing between the council and the Company (that is to say):—

(1) Notwithstanding anything shown on the deposited plans or in the sections of this Act whereof the marginal

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notes are "Power to make tramways" and "Power to double tramway lines" that part of Tramway No. 2 which is situate in Middlesbrough Road between Normanby Road and the Wesleyan Chapel shall be constructed as a single line with passing places:

(2) The Company shall subject as herein-after mentioned pave and maintain such portions of the roadway in Middlesbrough Road from Station Road to Normanby Road as the Company are required to maintain with granite setts five inches deep laid on a concrete bed not less than six inches deep and if the surveyor of the council and the engineer of the Company shall be of opinion that a concrete foundation exceeding six inches in depth should be laid on any portions of the new road from North Ormesby to Eston within the district of the council such additional depth of concrete as may be requisite shall be laid by the Company at their own cost:

(3) The Company shall pave and maintain with hard wood blocks laid on a concrete bed not less than six inches deep the whole breadth of the carriageway of the roads along which the tramways may be laid in the district of the council adjoining the Catholic schools and church the Wesleyan church the county buildings and any similar buildings to be hereafter erected:

(4) The Company shall dedicate for public use the intended new road mentioned in the description of Tramway No. 2 and the council shall not be under any responsibility or liability to maintain or repair the said road;

(5) The provisions of section 28 of the Tramways Act 1870 shall apply to any road or part of a road which under the provisions of this section the Company are required to maintain or repair:

(6) The Company shall not use the tramways within the district of the council for the conveyance of goods (other than parcels and passengers' luggage) or minerals save at such times and under such regulations as the council may prescribe:

(7) In consideration of the modification of section 43 of the Tramways Act 1870 provided by the section of this Act whereof the marginal note is "As to purchase of

undertaking" the Company shall pay to the council on the first day of January in every year beginning with the year one thousand nine hundred and twenty the sum of one hundred and five pounds:

(8) All alterations in the contours and levels of any road or street within the district of the council authorised by this Act or rendered necessary by or consequent upon the execution of the works or any of them authorised by this Act shall be carried out to the satisfaction and approval of the council and at the expense of the Company:

(9) The council may without making any compensation in respect thereof at all times affix and fasten to any standards or poles put up erected or constructed by the Company for the purpose of working the tramways in the district any pipes lamps or other things which may be considered by the council to be necessary or expedient for the lighting of any part of the district including electric lighting Provided always that nothing shall be affixed or fastened to the said standards or poles which shall or may injuriously affect or interfere with the efficient electrical working of the tramways:

(10) The Company shall put up and maintain and keep lighted at all proper times whilst the cars are running two cluster electric lights to be served from the trolley wire one at the end of Station Road and the other in Normanby Road in such situations as the council may approve:

(11) If any difference shall arise between the Company and the council under this section it shall unless otherwise agreed be referred to an arbitrator to be appointed under and subject to the provisions of the Arbitration Act 1889.

For protection of Eston Urban District Council.

17. For the protection of the Eston Urban District Council (in this section called "the council") the following provisions shall have effect unless otherwise agreed in writing between the council and the Company (that is to say):—

(1) The Company shall subject as herein-after mentioned pave and maintain such portions of the roadways in the district of the council on which the tramways are

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laid as the Company are required to maintain with granite or whinstone setts or scoria bricks (as the council may determine) five inches deep laid on a concrete bed not less than six inches deep and if the surveyor of the council and the engineer of the Company shall be of opinion that a concrete foundation exceeding six inches in depth should be laid on any portions of the said roadways such additional depth of concrete as may be requisite shall be laid by the Company at their own cost :

(2) The Company shall pave and maintain with hard wood blocks laid on a concrete bed not less than six inches deep the whole breadth of the carriageway of the roads along which the tramways may be laid in the district of the council adjoining any public elementary schools and places of public worship and any similar buildings to be hereafter erected :

(3) The provisions of section 28 of the Tramways Act 1870 shall apply to any road or part of a road which under the provisions of this section the Company are required to maintain or repair :

(4) In consideration of the modification of the provisions of section 43 of the Tramways Act 1870 provided by the section of this Act whereof the marginal note is "As to purchase of undertaking" the Company shall pay to the council on the first day of January in every year beginning with the year one thousand nine hundred and twenty the sum of one hundred and five pounds :

(5) All alterations in the contours and levels of any road or street and all alterations of manholes to sewers and hydrants authorised by this Act or rendered necessary by or consequent upon the execution of the works or any of them authorised by this Act shall be carried out to the satisfaction and approval of the council and at the expense of the Company :

(6) Any surplus paving metalling or material excavated by the Company from any road within the said district and not used or required for the reinstatement of such road shall be delivered by the Company to such place or places as the council may reasonably require ;

(7) The council may without making any compensation in respect thereof at all times affix and fasten to any standards or poles put up erected or constructed by the Company for the purpose of working the tramways in the district any pipes lamps or other things which may be considered by the council to be necessary or expedient for the lighting of any part of the district including electric lighting Provided always that nothing shall be affixed or fastened to the said standards or poles which shall or may injuriously affect or interfere with the efficient electrical working of the tramways:

(8) If any difference shall arise between the Company and the council under this section it shall unless otherwise agreed be referred to an arbitrator to be appointed under and subject to the provisions of the Arbitration Act 1889.

For protection of Tees Conservancy Commissioners.

18. If the Company widen or alter the bridge carrying Tramway No. 3 by this Act authorised and the widened part of Middlesbrough Road over the old course of the River Tees otherwise known as Stainsby Beck the said bridge as widened or altered shall have a span and headway not less than those of the existing bridge over the said beck and the works connected with the said widening or alteration shall be executed in accordance with a plan and section to be submitted to the Tees Conservancy Commissioners for approval and approved by them before the works are commenced and the said works shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of the said commissioners and shall thereafter be maintained in proper condition and repair by the Company Provided that if the said commissioners shall for a period of twenty-eight days after the submission to them of the said plan and section fail to signify to the Company their disapproval thereof and the grounds of such disapproval they shall be deemed to have approved of the same.

For protection of corporation of Thornaby-on-Tees.

19. For the protection of the mayor aldermen and burgesses of the borough of Thornaby-on-Tees (in this section called "the corporation") the following provisions shall have effect unless otherwise agreed between the corporation and the Company (that is to say):—

(1) If the Company in connexion with Tramway No. 3 alter the levels of Middlesbrough Road from the Brewery

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Bank to Stainsby Beck Bridge they shall alter the levels of the footways at the same time and to the same extent and shall make all alterations in the levels of the side streets and other roads connecting with the Middlesbrough Road which the corporation may reasonably require:

(2) The Company shall before Tramway No. 3 is opened for public traffic widen the Middlesbrough Road from Stainsby Beck Bridge to the Harewood Arms so as to give a minimum width of fifty feet whereof thirty-six feet shall be carriageway with a footway of seven feet on each side and the corporation shall sell to the Company so much of their land adjoining the said road as may be required for the purposes of such widening at a price failing agreement to be determined by arbitration:

All moneys received by the corporation under the provisions of this subsection shall be applied towards the repayment of any outstanding loan of the corporation or to such other purposes to which capital is properly applicable as may be approved by the Local Government Board Provided that any money used to pay off borrowed money shall not be applied to the payment of instalments or to payments into a sinking fund except to such extent and upon such terms as may be approved by the Local Government Board:

(3) The Company shall in widening the said road comply with the reasonable requirements of the corporation and shall in particular cause the footways on each side to have Yorkshire kerbs ten inches by seven chamfered on one edge and shall cover the foundation with half-inch annealed slag chippings to the level of the crown of the roadway and shall make the necessary alterations in all manholes sewers surface-water drains and gullies lamp-posts and services and shall erect a creosoted post and three-rail fence on either side of the road:

(4) The Company shall execute all the works which by this Act they are authorised or required to execute in the borough of Thornaby-on-Tees to the reasonable satisfaction of the Corporation:

(5) The Company shall indemnify the corporation against all claims which may be made for compensation in respect of the alteration of the level of any road or street under the provisions of the section of this Act of which the marginal note is "Power to make tramways" or this section:

(6) The Company shall pay all costs and expenses (including a reasonable allowance for superintendence by the officers of the corporation) incurred by the corporation in relation to the supervision of the works of the Company in the borough:

(7) If any difference shall arise between the Company and the corporation under or in relation to the provisions of this section it shall be referred to arbitration and the Arbitration Act 1889 shall apply to such arbitration:

(8) Section 43 of the Tramways Act 1870 in its application to Tramway No. 3 shall be read and construed as though that tramway had been authorised by the Order of 1897:

(9) The Company shall in lieu of the proportion of profits to which the corporation are entitled under section 48 (As to accounts and division of profits) of the Order of 1897 pay to the corporation on the sixth day of August one thousand nine hundred and four and on the sixth day of August in every subsequent year the sum of two hundred pounds in respect of every route mile of tramway (whether single or double line) owned or worked by the Company within the said borough during any part of the then preceding period of twelve months.

Certain parts of tramways not to be made until streets or carriageways widened.

20. Where any part of any street or road along which the tramways are intended to be laid or the carriageway thereof is by this Act authorised to be widened the Company shall not lay down or construct any tramway under the powers of this Act in the part of the street or road or carriageway to be so widened unless and until the street or road or carriageway shall have been widened to such extent as may be necessary to leave a space of nine feet six inches between the outside of the footpath and the nearest rail of the tramway on the side of the street or road or carriageway on which such widening is to be made or

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unless the tramways are in such part of the street or road or carriageway shown on the deposited plans as intended to be so constructed that a less space than nine feet six inches will intervene between the outside of the footpath and the nearest rail of the tramway.

For protection of sewers of corporation of Middlesbrough.

21.—(1) In executing the works described in paragraph (A) of the section of this Act of which the marginal note is "New roads and alterations of levels in connexion with Tramway No. 1" the Company shall not injure any sewer or drain of the corporation of Middlesbrough laid in the road between the commencement and termination of Tramway No. 1.

(2) If it should be necessary to alter or divert any such sewer or drain the Company shall at their own expense carry out such alteration or diversion in such manner as the corporation shall reasonably require and according to plans and sections and particulars to be submitted by the Company to the corporation for approval and the Company shall not commence the works until the corporation shall have signified their approval of the said plans sections and particulars with or without alteration and if the corporation do not signify their disapproval and the grounds thereof within one month after delivery of such plans sections and particulars they shall be deemed to have approved the same and the Company shall comply with and conform to all reasonable requirements of the corporation in the execution of the said works All such works shall be done under the superintendence (if such superintendence shall be given) of the borough engineer of Middlesbrough at the costs charges and expenses in all respects of the Company and when such works have been completed the same shall thereafter be vested in and as fully and completely under the direction jurisdiction and control of the corporation and be maintained by them as any other sewers or works under the control of the corporation If any difference shall arise between the Company and the corporation with respect to the carrying out of the said works or the sufficiency or efficiency of such works or as to the plans sections or particulars or touching any other question arising under this section the same shall be referred to arbitration under the provisions of the Arbitration Act 1889.

As to diversion of Marton Beck West.

22. The diversion of Marton Beck West by this Act authorised shall be of at least equal capacity to that of the portion of the existing beck to be diverted and shall be carried out and

completed according to plans and sections to be submitted by the Company to the corporation of Middlesbrough for approval and the Company shall not commence the works until the said corporation shall have signified their approval of the said plans and sections with or without alteration and if the said corporation do not signify their disapproval and the grounds thereof within one month after delivery of such plans and sections they shall be deemed to have approved the same The said diversion shall be so constructed as not in any way to injure or interfere with the main sewer of the said corporation laid in North Ormesby Road and shall be executed under the superintendence (if such superintendence shall be given) of the borough engineer of Middlesbrough whose reasonable costs charges and expenses shall be paid by the Company.

If any difference shall arise between the Company and the said corporation or the borough engineer with respect to the carrying out of the said works or the sufficiency of such works or as to the plans or sections or touching any other question arising under this section the same shall be referred to arbitration under the provisions of the Arbitration Act 1889.

Power to acquire easements over certain roads.

23. As regards any portion of any road along which Tramways Nos. 1 and 2 authorised by this Act are proposed to be laid which is not a public carriageway the Company may subject to the payment of such sums as are provided for by the section of this Act of which the marginal note is "As to toll-gates" and to the other provisions of this Act construct lay down maintain repair renew work and use the said tramways and the works connected therewith in such portion of road.

For protection of owners of Middlesbrough Estate Limited and of J. W. Pennyman.

24. For the protection of the owners of the Middlesbrough Estate Limited (in this section referred to as "the Middlesbrough owners") and of James Worsley Pennyman or other the owner or owners for the time being of the mansion house known as Ormesby Hall in the North Riding of the county of York (in this section referred to as "the Ormesby owner") the following provisions shall unless otherwise agreed in writing between the Middlesbrough owners and the Ormesby owner (in this section together referred to as "the owners") on the one hand and the Company on the other hand notwithstanding anything contained in this Act have effect (that is to say) :—

(1) In executing the Works (A) and (B) described in the section of this Act of which the marginal note is

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"New roads and alterations of levels in connexion with Tramway No. 1" (in this section respectively referred to as "Work (A)" and "Work (B)") the following provisions shall have effect (that is to say):—

(A) Not less than one month before commencing to construct Work (A) or Work (B) the Company shall submit to the Middlesbrough owners and to the Ormesby owner plans sections and specifications of the whole of such work and of the new toll-gate and toll-house herein-after referred to and subject as herein-after provided the Company shall not construct such work unless or until the owners shall have approved the said plans sections and specifications Provided always that if within the said period of one month the Middlesbrough owners or the Ormesby owner shall not have notified in writing to the Company their or his disapproval of the said plans sections and specifications and shall not have required any alteration or amendment thereof the owners shall be deemed to have approved the same and the Company may construct Work (A) and Work (B) in accordance with such plans sections and specifications but not otherwise Provided also that if any question shall arise as to whether the approval of the Middlesbrough owners or the Ormesby owner is unreasonably withheld or whether any requirement made by them respectively is unreasonable such question shall be determined by arbitration in manner herein-after provided;

(B) The Company shall not stop up or in any way interfere with or obstruct the free and uninterrupted user of North Ormesby Road Langbaurgh Place Smeaton Street and Borough Road East (in this section referred to as "the existing roads") or any of them or any part thereof respectively until they shall have provided to the reasonable satisfaction of the owners a temporary road on the southern side of North Ormesby Road and Langbaurgh Place as a substituted means of communication sufficient for traffic of all kinds The

Company shall maintain the said temporary road to the reasonable satisfaction of the owners until Work (A) and Work (B) shall have been completed in accordance with the provisions of this section and opened for the accommodation of traffic of all descriptions and such works shall after commencement be proceeded with and completed with all reasonable despatch;

(C) The Company shall to the reasonable satisfaction of the owners erect in substitution for the toll-gate on the North Ormesby Road a temporary toll-gate and toll-house and the owners shall be at liberty to levy tolls on traffic passing through such temporary toll-gate and the Company shall maintain such temporary toll-gate and toll-house until Work (A) and the new toll-gate and toll-house have been completed as herein-after provided;

(D) The Company shall construct on either side of each of the existing roads proper parapets or fences of such height and method of construction as the owners may reasonably approve;

(E) The Company shall provide to the reasonable satisfaction of the owners a new toll-gate and toll-house on Work (A) at or near the site of the said existing toll-gate;

(F) Forthwith after the completion and opening for traffic of Work (A) and the completion of the said new toll-gate and toll-house the Company shall remove the temporary toll-gate and toll-house aforesaid and shall not at any time permit the said temporary road to be used for the passage of vehicles of any description so as to enable the payment of tolls at the said new toll-gate to be avoided nor shall any land which may at any time have been acquired by the Company adjoining or near to Work (A) be so used except the road to be constructed by the Company as shown on the plan marked "No. 1" mentioned in the section of this Act of which the marginal note is "For protection of North Eastern Railway Company" which last-named road shall only be used for the purpose

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of giving access to the existing or future cottages of the North Eastern Railway Company described or referred to in the last-mentioned section :

(2) The Company shall not acquire any greater right or interest in or over the existing roads than the easement or right of altering the same in accordance with the provisions of this Act and constructing laying down maintaining repairing renewing working and using the tramway and the works connected therewith by this Act authorised :

(3) The Company shall carry North Ormesby Road as altered over the existing railway or siding of the Middlesbrough owners by means of a bridge which if practicable shall be of a single span of not less than twenty-five feet measured on the square or if a single span bridge be not practicable shall be of two spans of not less than thirteen feet each measured on the square and shall have a headway above the surface of the rails of not less than fourteen feet six inches throughout and shall at all times properly maintain the structure of such bridge and of the bridge for carrying Work (A) over the North Eastern Railway (Guisborough Branch) including the parapets and approaches thereto and all works connected therewith and if and whenever the Company fail so to maintain the bridge over the said railway or siding of the Middlesbrough owners or any portion of the said approaches such owners may do in and upon the lands of the Company as well as upon their own land all such works and repairs as may be reasonably requisite in that behalf and the reasonable amount of their expenditure in so doing shall upon demand be repaid to them by the Company :

(4) The Company shall make up metal channel and kerb with such material and in such manner as the owners shall direct and to their reasonable satisfaction the roadway and footways of the altered portions of the existing roads (including bridges) and West Terrace and of Work (B) :

(5) The Company shall make provision in such manner as the Middlesbrough owners may reasonably prescribe

to secure convenient access to the brine pipes of those owners which will be crossed or interfered with by the line of Tramway No. 1 for the purpose of enlargement renewal or repair and all works affecting such pipes shall be carried out to the reasonable satisfaction and under the superintendence of the engineer of the Middlesbrough owners:

(6) The Company shall construct the diversion of the Marton Beck West in the line shown on the deposited plans and of such width not being less than twenty feet or more than twenty-five feet as may be determined by arbitration as herein-after provided and of a depth of not less than the existing depth and shall carry out such diversion with proper and sufficient culverts for carrying the water in the said beck under the altered portion of North Ormesby Road and the said branch railway to the reasonable satisfaction and under the superintendence of an engineer to be appointed by the owners and the Company shall not obstruct or interfere with the flow of water in the existing beck until such diversion shall have been completed and shall after such completion for ever maintain the culverts carrying the said diversion under the roads as altered under the powers of this Act and the aforesaid branch railway:

(7) In the construction of the works by this Act authorised and in exercising the powers of this Act over or affecting the aforesaid railway or siding of the Middlesbrough owners the Company shall not interfere with the safe user thereof or except when and so far as may be absolutely necessary interrupt obstruct hinder or interfere with the free user thereof or passage of traffic thereon and shall during the execution and repair of any of the works by this Act authorised execute all such temporary works as shall be reasonably necessary for that purpose:

(8) In executing the Work (D) described in the said section of this Act of which the marginal note is "New roads and alterations of levels in connexion with Tramway No. 1" the Company shall commence the alteration of the level of West Terrace at such point not

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being northward of the southernmost boundary of the Smeaton Street School as the Ormesby owner may require and shall form and make up the portion of the said road so altered of a uniform gradient and of not less width than that of the existing road and of such materials and in such manner as the Ormesby owner may reasonably require Provided that the Ormesby owner shall indemnify the Company against all claims by any owner lessee or occupier of houses abutting upon West Terrace arising out of or in consequence of the commencement of the said work at a point distant more than forty yards eastward from the intersection of the centre lines of Smeaton Street and West Terrace:

(9) In carrying out the said Work (D) the Company shall provide such temporary means of communication as the Ormesby owner may reasonably require and shall not close any part of the existing road for traffic for any longer period than shall be reasonably necessary:

(10) The Company shall to the reasonable satisfaction of the Ormesby owner construct and at all times thereafter maintain proper and sufficient culverts for carrying under and across Langbaurgh Place and New Road the water in the becks crossing the said roads or one of them:

(11) The Company shall at all times during the execution of the works by this Act authorised upon any road or land of the Middlesbrough owners or the Ormesby owner keep the same properly watched and lighted:

(12) If any question shall arise under the foregoing provisions of this section between the Company on the one hand and the Middlesbrough owners or the Ormesby owner on the other hand such question shall be determined by an arbitrator to be agreed upon by the parties in difference or failing agreement to be appointed on the application of either of such parties by the Board of Trade.

For protection of Elizabeth Caroline Brown.

25. For the protection of Elizabeth Caroline Brown or other the owner or owners for the time being of the lands in the districts of Ormesby and South Bank in Normanby in the North Riding of the county of York of which the said Elizabeth

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Caroline Brown is or claims to be the owner (which lands are in this section referred to as "the Ormesby Estate" and which person or persons is and are in this section referred to as "the owner") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and unless otherwise agreed between the owner and the Company apply and have effect (that is to say):—

(1) In this section the expression "the existing road" means that portion of the road upon which Tramway No. 2 is proposed to be constructed which is situate on the Ormesby Estate and shall where the context admits include such road when and as widened in manner herein-after provided:

(2) The Company shall not acquire any greater right or interest in the existing road or in any land taken or used for widening the same than an easement or right of constructing laying down maintaining renewing working and using Tramway No. 2 and concurrently with the construction of such tramway the Company shall widen the existing road throughout to a width of forty feet between the fences:

(3) The Company shall not without the consent of the owner enter upon take or use any greater quantity of land of the owner than shall be necessary for widening the existing road to a width of forty feet between the fences and the frontages to the existing road when widened shall remain the property of the owner But the Company shall if required by the owner erect a proper fence to the reasonable satisfaction of the owner between the said road when widened and the remainder of the property of the owner subject to the right of the owner at any time to remove the same and the Company shall provide in such fencing such number of gates as the owner may reasonably require to give access from and to the existing road to and from the remainder of her property:

(4) The Company shall make up pave metal channel and kerb with proper materials and in a proper manner the widened portions of the existing road:

(5) The Company shall make good to the reasonable satisfaction of the owner all drains and drainage works

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affecting the property of the owner which may be interfered with by the construction of the works of the Company:

(6) The owner shall be entitled to free right of access to and user for all purposes of the existing road free of charge:

(7) The tramway shall be laid and maintained in the existing road in such a position as to leave a space of not less than nine feet six inches on both sides thereof between the edge of the kerb and the nearest rail of the tramway:

(8) The owner shall be at liberty to make a crossing to be constructed on the existing road for the purposes of constructing a railway or siding across the road and the Company shall permit and afford all reasonable facilities to the owner for the construction of the same and it shall be lawful for the owner from time to time to repair maintain work and use such railway or siding and to execute and do on the existing road all such works as may be reasonably necessary in that behalf Provided that before commencing to construct such crossing plans thereof shall be submitted to the Company and the Board of Trade and shall be approved by that Board:

(9) The said railway or siding shall be so worked as not unduly to interfere with or obstruct the traffic on any such tramway but neither the Company or lessees for the time being of the said tramway or any persons travelling over the same shall have any claim whatever for any delay which may occur in the passage of carriages or cars along the said tramway by reason of the proper user of such railway or siding by any person entitled to use the same:

(10) If any difference shall arise between the owner and the Company under this section such difference shall be determined by an arbitrator to be agreed on between the owner and the Company or failing agreement by an arbitrator to be appointed on the application of either party by the Board of Trade.

For protection of C. L. A. Ward Jackson.

26. For the protection of Charles Lionel Atkins Ward Jackson or other the owner for the time being of the Normanby

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Hall Estate near Middlesbrough in the county of York (all of whom are in this section referred to as "the owner") the following provisions shall have effect unless otherwise agreed between the owner and the Company (that is to say):—

(1) In this section the expression "the intended road" means the intended new road mentioned or referred to in the description of Tramway No. 2 by this Act authorised and the expression "the existing road" means that portion of the road shown on the deposited plans and thereon numbered 4 in the parish of Normanby in the urban district of South Bank in Normanby which lies between the boundary of the said parish and urban district at Spencer Beck and the proposed junction therewith of the intended road:

(2) Before the Company commence the construction of the intended road or enter upon any part of the properties of the owner numbered on the deposited plans 7 8 10 11 and 12 in the parish of South Bank in Normanby the Company shall purchase the whole of such properties which is included within the limits of land to be acquired shown on such plans:

(3) Notwithstanding anything in this Act or shown on the deposited plans—

(A) The Company shall not acquire any greater right or interest in the existing road than an easement or right of constructing laying down maintaining repairing renewing working and using the said Tramway No. 2 and concurrently with the construction of such tramway the Company shall widen the existing road throughout to a width of forty feet between the fences;

(B) The Company shall not without the consent of the owner enter upon take or use any greater quantity of the land of the owner than the premises referred to in subsection (2) of this section and such land as shall be necessary for widening the existing road to a width of forty feet and the frontages to the existing road when widened shall if so required by the owner remain the property of the owner but the Company shall if required by the owner erect a proper fence to his reasonable

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satisfaction between the land of the owner and the said road subject to the right of the owner at any time to remove the same :

(4) The Company shall make up pave metal channel and kerb with such material and in such manner as the owner shall direct and to his reasonable satisfaction the widened portions of the existing road and shall at their own expense reconvey to the owner without payment or compensation therefor the land of the owner added to such road subject to the right of the Company of constructing laying down maintaining repairing renewing working and using the tramway thereon :

(5) The owner shall be entitled to free right of access to and user for all purposes of the intended road free of charge :

(6) The tramway shall be laid and maintained in the existing road in such a position as to leave a space of not less than nine feet six inches on both sides thereof between the edge of the kerb and the nearest rail of the tramway :

(7) The owner shall be at liberty to make openings in the tramway to be constructed along the existing road for the purposes of constructing railways or sidings across the road and the Company shall permit and afford all reasonable facilities to the owner for the construction of the same and it shall be lawful for the owner from time to time to repair and maintain work and use such railways and sidings and to execute and do on the said roads all such works as may be reasonably necessary in that behalf :

(8) Such railways and sidings shall be so worked as not unduly to interfere with or obstruct the traffic on any such tramways but neither the Company or lessees for the time being of the said tramway or any persons travelling over the same shall have any claim whatever for any delay which may occur in the passage of carriages or cars along the said tramway by reason of the proper user of such railways and sidings by any persons entitled to use the same ;

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(9) Any difference which may arise between the Company and the owner under this section shall be determined by an engineer to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either party after notice to the other.

As to tramways laid on private roads.

27. The provisions of the Tramways Act 1870 shall so far as applicable extend and apply to those portions of the tramways which are laid on any road which is not a public carriageway and to such roads and to the Company and the owners of such roads in respect thereof and for the purposes of those provisions the said owners respectively shall be deemed to be the road authorities in respect of the roads vested in them until such time as such roads respectively shall be dedicated to the public use and taken over by the local authority or the road authority as the case may be.

Power to owners to grant easements &c.

28. 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 Company 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.

Owners may be required to sell parts only of certain properties.

29. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company 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 Company 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:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties";

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(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company 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 Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property 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 Company have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property 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 Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company 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:

(5) If the tribunal determine that the portion of the scheduled property 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 arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property 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 Company 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:

(7) If the tribunal determine that the portion of the scheduled property 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 Company 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.

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 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Period for compulsory purchase of lands.

30. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of tramways.

31. The tramways shall be completed within five years from the passing of this Act and on the expiration of that period the

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powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed:

Provided always that no part of Tramways Nos. 2 and 2A by this Act authorised shall be opened for traffic until Tramway No. 1 by this Act authorised has been completed and opened for traffic

Penalty imposed unless tramways opened within limited time.

32. If the Company fail within the period limited by this Act to complete the tramways or any of them and open the same for public traffic the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said tramways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the uncompleted tramway or tramways And the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening any tramway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

33. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof in respect of the non-completion of which the same was recovered and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected

therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

Power to make additional cross-overs &c.

34. The Company may subject to the provisions of this Act with the consent of the Board of Trade and of the road authority make maintain alter and remove such cross-overs passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage houses or works of the Company.

Power to double tramway lines.

35. Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade and of the road authority lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways authorised by the Order of 1897 or this Act and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

Consent of road authority not to

36. The consent of the road authority under the last two preceding sections shall not be unreasonably withheld and if any

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be unreasonably withheld.

question arises as to whether any such consent is unreasonably withheld such question shall be referred to a single arbitrator appointed by the Board of Trade on the application of either party.

Powers not to be exercised in certain cases.

37. If in the construction of any works under either of the sections of this Act of which the marginal notes are "Power to make additional cross-overs &c." and "Power to double tramway lines" any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Provisions as to motive power.

38. The carriages used on the tramways may be moved by animal power or subject to the following provisions by electrical power (that is to say) :—

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

(2) The Board of Trade shall make regulations (in this Act 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 power on the tramways and for regulating the use of electrical power :

(3) The Company or any other company or person using any electrical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such 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 Company or such other company or person have or has 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 power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Company or such other company or person to cease to use such electrical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person 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:

Provided that save under exceptional and temporary circumstances animal power shall not be used on the tramways.

Special provisions as to use of electrical power.

39. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Company 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 their 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 from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The electrical power shall be used only in accordance with the Board of Trade regulations 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

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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 Company 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 Company 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:

(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 Company and any other party with respect to anything herein-before 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:

(7) The expression "company" in this section shall include licencees and any person owning working or running carriages over any tramway of the Company.

Alteration of telegraph lines of Postmaster-General.

40. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging

to or used by the Postmaster-General the provisions of section seven of the Telegraph Act 1878 shall apply (instead of the provisions of section thirty of the Tramways Act 1870) to any such alteration.

For protection of post office telegraph lines.

41. In the event of any tramways of the Company being worked by electricity the following provisions shall have effect:—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's 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 their 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 Company as to compliance with this subsection shall be determined by arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company 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 tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company 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 Company 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

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by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works 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 by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company 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 Company pursuant to the Board of Trade regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall 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) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance 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:

40

(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:

(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 determined by 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 Company 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 Company by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways of the Company.

Power to erect posts &c.

42. The Company may execute all such works on or in connexion with the tramways and in over or under the streets roads or bridges in or over which the same are laid as may be necessary or expedient for working the tramways by mechanical power as aforesaid and may enter upon and open the surface of and lay down construct erect and maintain on in under or over the surface or bed of any street road footway bridge river or place but as regards any private property (other than a road on which any of the tramways are laid) only with the consent in writing of the owner and occupier thereof such posts conductors

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wires tubes mains plates cables boxes and apparatus and may make and maintain such openings and ways in on or under any such surface or bed as may be necessary or convenient either for the working of the tramways or for connecting any portions of the tramways or for providing access to or forming connexions with any generating station or other stations engines machinery or apparatus and all works to be executed by the Company in pursuance of the powers of this section shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

As to posts standards and brackets.

43.—(1) Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade the size position and design of all posts standards and brackets and their several attachments erected in the district of any road authority under the powers of this Act shall be such as the authority and the Company may agree or as in case of difference between them may be determined by the Board of Trade Provided that—

(A) Before the erection of any such posts standards brackets and attachments in the district of a road authority the Company shall deliver to the authority a drawing and a description of the same and a plan showing the proposed position thereof and if the authority do not within twenty-eight days give notice to the Company of any objection such authority shall be taken to have agreed to the size position and design of such posts standards brackets and attachments as shown by the said drawing description and plan; and

(B) If any post or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of the road authority an obstruction the Company shall alter the position thereof in such manner as the road authority direct but the Company may appeal against such direction to the Board of Trade and the decision of the Board shall be final; and

(c) The Company shall properly maintain and keep in good order and repair to the reasonable satisfaction of the road authority all such posts standards brackets and attachments and if any question arises as to the reasonable satisfaction of the road authority that question shall be determined by the Board of Trade.

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(2) The local authority shall upon giving not less than fourteen days notice to the Company of their desire to do so have the right without payment to use any posts standards and brackets erected in the streets within their district for the support of any electric wires or lamps or any gas lamp belonging to the local authority or to any contractor with them for the lighting of street lamps Provided that the said notice shall be accompanied by sufficient plans showing the method and position in which such wires or lamps are to be supported and that in placing maintaining or altering such wires or lamps no obstruction shall be caused to the working by the Company of the undertaking and no unnecessary damage shall be caused to such posts standards or brackets and that if any damage is caused thereto the local authority shall be responsible for and shall make good the same to the Company.

(3) Before commencing to erect any posts standards or brackets and before any electric wires or lamps of the local authority are supported on any such posts standards or brackets under this section plans showing the position and design of the posts standards or brackets and where wires or lamps of the local authority are to be supported on any such posts standards or brackets the method and position in which they are to be so supported must be sent by the Company to the Board of Trade and the posts standards or brackets shall not be erected nor shall wires or lamps be supported on any such posts standards or brackets except according to plans approved by the Board of Trade.

(4) If the Company shall discontinue the use of any posts brackets or overhead electric wires placed or maintained in or over any road for supplying electrical motive power the Company shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such streets and roads to the satisfaction of the road authority and in case of default by the Company the road authority may do the work themselves and the cost thereof shall be a debt due from the Company and be recoverable by the road authority summarily.

(5) Advertisements shall not be displayed upon any such posts standards or brackets but such posts standards and brackets may be used for indicating the stopping places of cars running on the tramways.

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(6) In construing this section with respect to any road on which any of the tramways are laid which is not a public carriageway the expression "road authority" shall mean the owner of such road and the expression "the district of any road authority" shall mean the portion of such road belonging to such owner and owners of any such road shall have the like rights and powers as are conferred upon local authorities by subsections (2) and (3) of this section.

Apparatus used for mechanical power to be deemed part of tramway.

44. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Company for the purposes of mechanical power were parts of the tramway.

Attachment of brackets to buildings.

45. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power:

Provided that—

(1) Where in the opinion of the Company 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 Company 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):

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

For the purpose 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.

Byelaws.

46. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

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

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

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

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

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

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

Incorporating provisions of Order of 1897.

47. The sections herein-after referred to of the Order of 1897 are hereby incorporated with this Act and shall extend and apply to the tramways and to the Company in respect thereof as fully and effectually as if those sections had been re-enacted in this Act with reference thereto (that is to say) :—

Section 7 Gauge of tramways ;

Section 14 Provisions as to construction of tramways ;

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Section 15 As to rails of tramways;
Section 16 Penalty for not maintaining rails and roads in good condition;
Section 17 Road authority may repair tramway on default of promoters;
Section 18 Sanitary authority to have access to sewers;
Section 19 Tramways to be kept on level with surface of road;
Section 21 Temporary tramways may be made when necessary;
Section 22 Application of road materials excavated in construction of promoters' works;
Section 23 Agreements between promoters and road authorities;
Section 24 Tramways not to be opened until certified by Board of Trade;
Section 35 Traffic upon tramways;
Section 37 Local authority may use tramways for certain purposes;
Section 38 Promoters to run regular daily services of cars;
Sections 39 to 45 Tolls;
Section 51 Provisions as to arbitration;
Section 52 Form and delivery of notices;
Section 54 Saving as to powers of borrowing on mortgage:

And in construing the said sections for the purposes of this Act the expression "the tramways" shall mean the tramways by this Act authorised and the expression "this Order" shall mean this Act.

Tramway No. 3 to form part of undertaking under Order of 1897 for certain purposes.

48. For the purposes of sections 48 and 49 of the Order of 1897 Tramway No. 3 by this Act authorised shall be deemed to be part of the undertaking authorised by the Order of 1897.

Traffic upon tramways.

49. No merchandise traffic shall be carried on the tramways by this Act authorised but nothing in this section shall prevent any local authority from using the tramways as provided in section 37 of the Order of 1897.

As to construction of carriages.

50. All new carriages used upon the tramways of the Company after the passing of this Act shall be so constructed and maintained in repair as to prevent as far as practicable noise arising in the passage of the carriages along such tramways.

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As to toll-gates.

51. The existing toll-gates on the roads or portions thereof along which it is proposed to construct Tramways No. 1 and No. 2 shall at all reasonable times be opened for the passage of the tramcars belonging to the Company free of any toll charge or payment either in respect of such tramcars or the passengers or other persons therein and the Company may temporarily remove any of the said toll-gates which it may be necessary to remove for the purpose of carrying out any of the works authorised by this Act:

Provided that the Company shall pay to the owners of the said toll-gates respectively in consideration of the rights conferred by the section of this Act of which the marginal note is "Power to acquire easements over certain roads" and in consideration of the rights of free passage and removal granted by this section such sums as failing agreement shall be determined by arbitration in manner provided by the Arbitration Act 1889.

Agreements for varying certain provisions of Order of 1897.

52. The Company on the one hand and any of the local authorities mentioned or referred to in section 48 of the Order of 1897 on the other hand may enter into and carry into effect agreements for and in relation to the alteration of all or any of the provisions of that section upon such terms and conditions and for such consideration including if thought fit the surrender or alteration of any rights of either party under the said Order as the Company and any such local authority may think fit.

As to purchase of undertaking

53. Section 43 of the Tramways Act 1870 shall in its application to the undertaking authorised by this Act exclusive of Tramway No. 3 and so much of Tramway No. 1 as is situate in the borough of Middlesbrough and to the Company in respect thereof be modified as follows (that is to say):—

(1) The Company shall not be required to sell any part of the undertaking authorised by this Act unless each of the local authorities in whose districts the tramways are situate shall pass a resolution as provided by the said section and shall have given notice to the Company under that section to purchase the part of the said undertaking situate within the district under their jurisdiction:

(2) The period of twenty-five years shall be substituted for the period of twenty-one years mentioned in the said section:

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(3) The terms upon which the Company may be required to sell the said undertaking or any part thereof shall be the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase:

(4) On any sale to the local authorities such arrangements as may be approved by the Board of Trade shall be made for vesting in each local authority the portion of the said undertaking situate in their district and for a scheme or schemes for the future maintenance management and working of the tramways and the sale shall not take effect until an instrument has been properly executed in a form approved by the Board of Trade for carrying into effect such arrangements.

Saving rights of Crown.

54. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Copy of Act to be registered.

55. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Provision as to general Tramway Acts.

56. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Costs of Act.

57. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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The SCHEDULE referred to in the foregoing Act.

PROPERTIES OF WHICH PARTS ONLY ARE REQUIRED TO BE TAKEN.

Borough District or Parish.	Numbers on deposited Plans.
Middlesbrough - -	15 16 17 18 19 20 25 28 32 35 36 40.
Ormesby - -	3 4 15 16 29 31 32 34 35 36 37 40 41 42 43 44 45 46 47.
Normanby - -	5 6 15 16 17 18.
Eston - - -	3 4 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51.
Thornaby - - -	2 3 4 5 6 12 13 16 17 18 19 20 21 22 23 24.

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