CHAPTER lv.

An Act for incorporating the North Ormesby South Bank Normanby and Grangetown Railless Traction Company and for other purposes. [7th August 1912.] A.D. 1912.

WHEREAS the running of trolley vehicles as defined by this Act for the conveyance of passengers and parcels along the routes hereinafter described in the urban districts of Ormesby South Bank in Normanby and Eston in the north riding of the county of York would be of public and local advantage:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to carry the undertaking into execution on being incorporated into a company for that purpose and it is expedient that they be so incorporated and that the powers hereinafter contained be conferred upon them:

And whereas plans and sections showing the lines and levels of the roadway by this Act authorised the plans showing also the lands to be taken or used compulsorily under the powers of this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the north riding of the county of York and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and

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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:—

Short title.

1. This Act may be cited as the North Ormesby South Bank Normanby and Grangetown Railless Traction Act 1912.

Incorporation of Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with or expressly varied by this Act are hereby incorporated with and form part of this Act (that is to say):—

The Companies Clauses Consolidation Act 1845:

Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863:

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

The following provisions of the Tramways Act 1870 (namely):—

Part II. Relating to the construction of tramways (except sections 22 25 28 and 29);

Section 41 Tramways to be removed in certain cases;

Section 42 Proceedings in case of insolvency of promoters;

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

Section 47 Penalties may be imposed in byelaws;

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

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

Section 51 Penalty on passengers practising frauds on the promoters;

Section 52 Transient offenders;

Section 53 Penalty for bringing dangerous goods on the tramway;

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

Section 56 Recovery of tolls penalties &c.;

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

Section 61 Power for local or police authorities to regulate traffic in roads;
Section 62 Reservation of right of public to use roads;
Section 63 Regulating inquiries before referee appointed by the Board of Trade;
Section 64 Rules for carrying Act into effect:

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Provided that the provisions of the Tramways Act 1870 incorporated with this Act shall be read and have effect as if trolley vehicle equipment as defined by this Act were tramways and as if trolley vehicles were carriages used on tramways and in construing Part II. of the said Act the expression "road" shall for the purposes of this Act mean any road whether a public highway or not forming part of the trolley vehicle routes hereinafter defined and shall include the footways thereof and the expression "road authority" shall mean the person in whom such road is vested.

Interpretation.

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

The expression "the Company" means the company incorporated by this Act;

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

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

The expression "trolley vehicles" means mechanically propelled vehicles adapted for use upon roads and moved by electrical power transmitted thereto from some external source;

The expression "trolley vehicle equipment" means and includes all posts poles standards brackets cables conductors tubes mains transformers feeders wires and other apparatus and equipment for the purpose of working and lighting trolley vehicles;

The expression "the trolley vehicle routes" means the routes upon which the Company are by this Act authorised to work and use trolley vehicles;

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The respective words "street" and "road" shall unless a contrary intention appears have the same meaning as is assigned to the word "street" by the Public Health Act 1875;

"South Bank Road" means the road leading from the eastern end of Smeaton Street to South Bank and formerly known as the new road.

Company incorporated.

4. Sir Hugh Bell Baronet Erasmus Darwin John William Clarke James Smart Crone Charles Lionel Atkins Ward-Jackson William Hustler Hustler Thomas Neil Muller John Edward Stead George Straker Falck Edwards Tristram Edwards Walter William Storr and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of providing and working trolley vehicles as provided by this Act for the conveyance of passengers and parcels and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The North Ormesby South Bank Normanby and Grangetown Railless Traction Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Capital.

5. The capital of the Company shall be forty thousand pounds in forty thousand shares of one pound each.

Issue of shares.

6. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow.

8. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole ten thousand pounds and of that sum they may borrow five thousand pounds

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in respect of each twenty thousand pounds of the capital by this Act authorised but no part of either such sum of five thousand pounds shall be borrowed until the whole of the portion of capital in respect of which the borrowing power is exercised is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Appointment of receiver.

9. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Receipt in case of persons not sui juris.

10. If any money is payable to a shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of moneys.

11. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

12. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Scale of voting.

13. The prescribed scale of voting at general meetings of the Company shall be one vote for each share held by any shareholder.

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Number of directors

14. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than seven or less than three.

Qualification of directors.

15. The qualification of a director shall be the possession in his own right of not less than one hundred shares.

Quorum of directors

16. The quorum of a meeting of directors shall be three when the number of directors is five or more than five and two when the number of directors is less than five.

First and subsequent directors.

17. Walter William Storr John William Clarke Tristram Edwards and James Smart Crone and one person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) eligible for election.

At the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845.

The several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead.

Power to use trolley vehicles.

18. The Company may provide maintain and equip trolley vehicles and may work and use the same upon the routes in the north riding of the county of York hereinafter mentioned (that is to say):—

Route No. 1 In the urban districts of Ormesby South Bank in Normanby and Eston commencing in North Ormesby at or near the junction of Langbaurgh Place West Terrace and Smeaton Street passing thence along Smeaton Street

and South Bank Road to a point two hundred and thirty yards or thereabouts west of the level crossing of the last-mentioned road by the North Eastern Railway (Normanby branch) at South Bank thence along the roadway by this Act authorised to the junction of Station Road and Middlesbrough Road South Bank thence along Middlesbrough Road and Eston Road to Bolckow Road thence along Bolckow Road to its junction with Whitworth Road thence along Whitworth Road into and around the Market Square Grangetown :

Route No. 1A In the urban district of Ormesby along Langbaurgh Place from the commencement of Route No. 1 to the eastern end of the bridge carrying Langbaurgh Place over Ormesby beck :

Route No. 1B In the urban district of Ormesby along George Street North Ormesby :

Route No. 2 In the urban districts of South Bank in Normanby and Eston commencing in South Bank at or near the junction of Middlesbrough Road and Normanby Road and passing thence in a southerly direction along Normanby Road to the road leading from Stockton to Redcar and thence in an easterly direction along that road to Jubilee Road and around the open space at or near the junction of Jubilee Road and High Street Eston :

And the Company may subject to the provisions of this Act on over under along and across any streets or roads forming part of the trolley vehicle routes and any streets roads and property shown on the deposited plans and included within the limits of easements to be acquired marked on those plans and also any public streets or roads adjoining or intersecting the trolley vehicle routes in which it may be necessary so to do for the purpose of obtaining access to any lands depôts sheds or property of the Company place erect lay down maintain renew alter and repair trolley vehicle equipment and may make and maintain openings and ways for the purpose of working the trolley vehicles by electrical power and of obtaining access as aforesaid and may for those purposes subject to the provisions of this Act and of Part II. of the Tramways Act 1870 so far as the same are incorporated with this Act open and break up any such streets and

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roads as aforesaid and any railways tramways or sidings crossed by the trolley vehicle routes and any sewers drains pavements pipes tubes wires and apparatus in upon over or under any such streets and roads:

Provided that no post or other apparatus shall be erected upon the carriageway of any public street or road except with the consent of the Board of Trade and the road authority.

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

19. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 save and except for the purposes of sections 1 and 6 of that Act and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

Saving of excise duties.

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

Approval of trolley vehicles and equipment by Board of Trade.

21.—(1) Trolley vehicles shall be of such form weight construction and dimensions as the Board of Trade may approve.

(2) No trolley vehicle shall be used by the Company which does not comply with the requirements of the Board of Trade nor until the trolley vehicle equipment has been approved by the Board of Trade.

(3) No trailers shall be drawn by trolley vehicles without the consent of the Board of Trade.

Fares for passengers.

22. The Company may demand and take for every passenger travelling upon the trolley vehicles including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile:

Provided that the Company may appoint stages for the trolley vehicles each of not less than half a mile in length and may demand and take for every such passenger including every

such incidental expense a fare not exceeding one penny for any two consecutive stages or portion thereof travelled by such passenger :

Provided also that in no case shall the Company be bound to charge a less sum than twopence.

As to fares on Sundays or holidays.

23. The Company shall not take or demand on Sunday or any public holiday any higher fares than those levied by them on ordinary week days.

Passengers' luggage.

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

Cheap fares for labouring classes.

25.—(1) The Company at all times after the opening of the trolley vehicle routes for public traffic shall and they are hereby required to run a proper and sufficient service of trolley vehicles for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and other public holidays always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance but in no case shall the Company be bound to charge a less sum than one penny On Saturdays the Company in lieu of running such vehicles after six o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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

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

Rates for parcels.

26. The Company may demand and take in respect of parcels conveyed by them on trolley vehicles including every expense

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incidental to such conveyance any rates or charges not exceeding the following (that is to say):—

	Any Distance.
	s. *d.*
For any parcel not exceeding seven pounds in weight - - - - - -	0 3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - -	0 5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight -	0 7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight -	0 9

Lists of fares &c. to be exhibited.

27. A list of the fares rates and charges authorised to be taken shall be exhibited in a conspicuous place inside and outside each of the trolley vehicles of the Company.

Payment of fares rates and charges.

28. The fares rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the trolley vehicles and in such manner and under such regulations as the Company may by notice to be annexed to the list of fares rates and charges appoint.

Company not to carry animals and goods other than small parcels.

29. The Company shall not carry on the trolley vehicles any goods animals or other things other than passengers and passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels not exceeding fifty-six pounds in weight.

Company to have exclusive right of using trolley vehicle equipment.

30. Subject to the provisions of this Act the Company shall have the exclusive right of using any trolley vehicle equipment provided erected or maintained by them under and for the purposes of this Act and any person using the said equipment otherwise than by agreement with the Company shall for every offence be liable to a penalty not exceeding twenty pounds.

Board of Trade may authorise new routes.

31.—(1) If at any time hereafter the Company desire to use trolley vehicles upon any street or road (other than on the trolley vehicle routes hereinbefore specified) they may make application to the Board of Trade and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any route or routes

to which such application relates and to insert in such Provisional Order any provisions which may be necessary or expedient to give full effect to the powers of such Provisional Order.

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

(*a*) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the district to which such application relates;

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

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

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

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the district to which the same relates in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or with

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out amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

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

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

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

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

(10) The Board of Trade shall not make a Provisional Order under this section relating to any county main road in the north riding of Yorkshire except with the consent of the county council of that riding.

Provisions as to motive power.

32. The trolley vehicles used by the Company may be moved by electrical power subject to the following provisions (that is to say):—

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

(2) The Board of Trade shall make regulations (in this 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 for propelling the trolley vehicles of the Company and for regulating the use of electrical power:

(3) If the Company use any electrical power for the trolley vehicles contrary to the provisions of this Act or of the Board of Trade regulations they 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 have made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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

may by order either direct the Company 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 shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electrical power.

33. The following provisions shall apply to the use of electrical power in connection with the trolley vehicles:—

(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 trolley vehicle equipment 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

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water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The 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 hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

Inspection by Board of Trade.

34. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Conveyance of mails.

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

Alteration of telegraph lines of Postmaster-General.

36. Notwithstanding anything in this Act 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 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of Post Office telegraph lines.

37.—(1) The Company shall construct their trolley vehicle equipment 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 trolley vehicle equipment 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 trolley vehicle equipment or by the working of their undertaking 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 trolley vehicles 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

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line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the 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 used 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.

(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 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" shall include any person using the trolley vehicle equipment of the Company for the purpose of working trolley vehicles.

Use of posts and standards by Postmaster-General.

38.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Company in connection with the trolley vehicles authorised by this Act and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(*a*) In placing maintaining or altering such telegraph no obstruction shall be caused to the working or user of the trolley vehicles:

(*b*) The Postmaster-General shall give to the Company not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the

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nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided :

(*c*) Unless otherwise agreed between the Postmaster-General and the Company the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or trolley vehicle equipment of the Company or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :

(*d*) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided :

(*e*) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :

(*f*) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :

(*g*) The Postmaster-General shall make good to the Company and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused

by or arise from gross negligence on the part of the Company their officers or servants:

(*h*) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Company and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Company or failing agreement determined as hereinafter provided:

(*i*) The Company shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicles or by any accident arising thereon or by the authorised use by the Company of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Company their officers or servants:

(*j*) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Company the value of the same Provided that if the Company or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section shall prevent the Company from using their posts standards or brackets for the support of any of their trolley vehicle equipment or shall take away any existing right of the local authority of using the posts standards or brackets of the Company in connection with the lighting of the streets or otherwise Provided that any difference between the

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Postmaster-General and the local authority in relation to the use of the posts standards or brackets by the Postmaster-General and the local authority respectively shall be determined as hereinafter provided.

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

(4) In this section—

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

(5) In this section the expression "the Company" shall include any person using the trolley vehicle equipment of the Company for the purpose of working trolley vehicles.

Attachment of brackets to buildings &c.

39. The Company may with the consent of the owner of any building or bridge attach to that building or bridge such brackets wires and apparatus as may be required for the working of the trolley vehicles of the Company by electrical 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 or bridge 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 or bridge 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):

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

For the purpose of this section any occupier of a building or bridge whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

Byelaws.

40. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to the trolley vehicles 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 trolley vehicles:

For providing that trolley vehicles shall be brought to a stand at such places as the Board of Trade may deem proper for securing safety:

For regulating the entrance to exit from and accommodation in the trolley vehicles and the protection of passengers from the apparatus used for propelling such trolley vehicles:

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the trolley vehicles by exhibition of the same in some conspicuous place on the trolley vehicles 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.

Company may appoint stopping and starting places.

41. The Company may appoint the stations and places from which the trolley vehicles used by the Company shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such trolley vehicles shall be allowed to remain at any such place.

Shelters or waiting rooms.

42. The Company may erect and maintain shelters or waiting rooms for the accommodation of passengers and of the servants of the Company and may use for that purpose portions of any street or road Provided that such powers shall only be exercised in the case of a public street or road with the consent

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of the local and road authority or in the case of a private street or road with the consent of the owner thereof:

Provided also that the Company shall not erect any shelters or waiting rooms in such a position as to cause or to be likely to cause any interference with or damage to the works or apparatus of the South Bank and Normanby Gas Light and Coke Company Limited or of the Cleveland and Durham County Electric Power Company or to render the same more difficult of access.

Trees or shrubs overhanging streets and footpaths.

43.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the working of the trolley vehicles or the erection maintenance and user of any trolley vehicle equipment or with the clear and safe passage of the trolley vehicles and the passengers thereon the Company may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Company may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Company under this section may appeal to a court of summary jurisdiction within three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the Company and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Company under this section.

As to removal of snow &c.

44. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the working of trolley vehicles on the trolley vehicle routes the Company may remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any road Provided that any snow or other matter removed by the Company under this section shall not be allowed to remain on the road but shall be at once taken away by the Company.

Power to make roadway.

45. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the

levels shown on the deposited plans and sections the roadway hereinafter in this section described with all necessary and convenient approaches embankments cuttings walls fences culverts drains works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose The roadway hereinbefore referred to and authorised by this Act will be situate in the parish of Normanby in the urban district of South Bank in Normanby in the north riding of the county of York and is—

A roadway to be carried by means of a bridge over the North Eastern Railway (Normanby Branch) commencing on the northern side of South Bank Road and terminating on the western side of Station Road South Bank.

Limits of deviation.

46. In constructing the roadway the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent not exceeding five feet.

Power to make subsidiary works in connection with roadway.

47. Subject to the provisions of this Act and within the limits of deviation and of land to be acquired shown on the deposited plans the Company may in connection with the roadway and as part and for the purposes thereof make junctions and communications with any existing roads or footpaths which may be intersected or interfered with by or contiguous to the roadway and may make diversions or alterations of the lines or levels of any existing roads or footpaths for the purpose of connecting the same with the roadway and may raise lower alter or remove any steps or approaches to houses or property contiguous thereto or any cellars or area under or adjoining any roadway or footway but full compensation shall be made to the owners lessees and occupiers (if any) whose property shall be injuriously affected by the exercise of the powers of this section.

Power to alter drains pipes &c.

48. Subject to the provisions of this Act the Company may for any purpose in connection with the roadway upon any lands acquired by them under the powers of this Act and also in any road within the limits of deviation and of land to be acquired shown on the deposited plans raise sink or otherwise alter remove or interfere with the position of any sewer drain channel

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water pipe gas pipe or hydraulic pipe belonging to or connected with any house or building adjoining or near to such works and also any main or other pipe for carrying a supply of gas or water or for hydraulic purposes or any pipe tube wire or apparatus laid down or used for telegraphic telephonic or electric purposes and may remove any other obstruction making in case of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company or person who suffers damage by such alteration:

Provided that the Company shall not raise sink or otherwise alter or interfere with any pipe tube wire or other apparatus laid down or used for telegraphic or telephonic purposes by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to take lands.

49. Subject to the provisions of this Act the Company may for the general purposes of their undertaking and for the purpose of working their trolley vehicles enter upon take hold and use the following lands and premises at North Ormesby in the urban district of Ormesby shown on the deposited plans and described in the deposited book of reference (that is to say):—

(*a*) A triangular plot of land containing four hundred square yards or thereabouts with the buildings and other premises thereon situate on the south-west side of George Street;

(*b*) Lands blacksmith's shop and premises lying between George Street Langbaurgh Place and the premises known as No. 7 Langbaurgh Place;

but the Company shall not on any such lands so long as the same are held by them create or permit a nuisance.

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

50. And whereas in the construction of the roadway 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 hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(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 (hereinafter 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

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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 determination of any matters under this section 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.

As to toll gates.

51. The existing toll gates on the portion of South Bank Road which forms part of Route No. 1 by this Act authorised shall at all reasonable times be opened for the passage of the trolley vehicles omnibuses vans cars and other vehicles belonging to the Company free of any toll charge or payment whatsoever:

Provided that the Company shall pay to the respective owners of the said toll gates in consideration of the rights of free passage granted by this section such annual or other sum or sums as failing agreement shall be determined by arbitration in manner provided by the Arbitration Act 1889.

Acquisition of easements and other rights over private roads.

52.—(1) The Company may acquire by compulsion or agreement easements or rights of erecting laying down maintaining renewing altering repairing and using all necessary or convenient trolley vehicle equipment on over under along across and through the streets roads and property in the parishes of Ormesby and Normanby shown on the deposited plans and described in the deposited book of reference and included within the limits of easements to be acquired marked on those plans and any railways sidings tramways bridges toll bars or toll gates situate in or upon any such streets and roads and for the purpose of the proper working and running of trolley vehicles the Company may break up alter and make good the surface of any such streets and roads aforesaid so as to put the same in a suitable condition of repair.

(2) The Company shall make to the owners lessees and occupiers of and other parties having any estate or interest in such streets roads and property compensation for the easements or rights in such streets roads and property which may be acquired by compulsion under the powers of this section and may give notice to treat in respect of such easements or rights and the provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to the purchase of such easements or rights as if such purchase were a purchase of land within the meaning of such Acts Provided that nothing in this section shall entitle the owners of any toll gates referred to in the section of this Act of which the marginal note is "As to toll gates" to make any claim for or receive any compensation for the rights of free passage granted by that section in addition to the compensation payable for such rights under that section.

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Correction of errors in deposited plans and book of reference.

53. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on 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 appears 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 north riding of the county of York and a duplicate thereof shall also be deposited with the clerk to the district council for the district in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk to the district council 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.

Period for compulsory purchase of lands and easements.

54. The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act shall cease after the expiration of two years from the passing of this Act.

Purchase of lands by agreement.

55. In addition to the other lands which the Company are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of their undertaking any lands not exceeding five acres and they may erect or construct on such lands and may purchase or take on lease by agreement and may hold and use depôts yards wharves sidings offices buildings works and other conveniences in connection with their undertaking and cottages and other buildings for persons in their employ but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them under the powers of this section.

Persons under disability may grant easements &c.

56. 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.

Period for completion of roadway and equipment.

57. If the roadway and the trolley vehicle equipment authorised by this Act are not completed within four years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Agreements for supply of electrical energy.

58. The Company may subject to the provisions of section 23 of the Electric Lighting Act 1909 enter into and carry into effect contracts and agreements for and with respect to the supply of electrical energy to the Company for the purposes of working and lighting the trolley vehicles for the time being run by the Company under the powers of this Act.

Power to provide and run omnibuses and vans.

59.—(1) The Company may provide maintain work and run omnibuses in connection with their trolley vehicle system or when the running of trolley vehicles on the trolley vehicle routes is impracticable or during the construction alteration or repair of the trolley vehicle equipment or any part thereof or in prolongation of any trolley vehicle route the extension of which may be contemplated by the Company Provided that the Company shall not work or run any such omnibus within the borough of Middlesbrough without the previous consent in writing of the mayor aldermen and burgesses of that borough who shall be at liberty to withhold their consent at their absolute discretion notwithstanding the provisions of the section of this Act of which the marginal note is "Consents of local and road authorities."

(2) The Company may convey passengers and parcels in their omnibuses and may demand take and recover fares rates and

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charges for the use of such omnibuses and for such conveyance as aforesaid.

(3) The Company may also provide maintain work and run within the urban districts of Ormesby South Bank in Normanby and Eston vans for the conveyance of parcels and may demand take and recover tolls rates and charges for such conveyance.

(4) The Company may work such omnibuses and vans by animal steam electrical or other mechanical power.

(5) No parcel conveyed by the Company under the powers of this section shall exceed fifty-six pounds in weight.

(6) The powers of this section shall only be exerciseable by the Company subject to such byelaws as the local authority or local authorities as the case may be within whose district or districts such omnibuses or vans may be run are now or may hereafter be empowered to make and enforce with reference to omnibuses and vans.

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

(8) The Company shall perform in respect of the omnibuses and vans provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(9) The Town Police Clauses Act 1889 shall apply to any omnibus supplied or used under the provisions of this section.

(10) In this section the expression "omnibus" means any vehicle adapted for use upon roads and moved by steam petrol electricity or other mechanical power contained in and carried along with the vehicle or drawn by animal power.

For protection of Imperial Tramways Company Limited.

60. For the protection of the Imperial Tramways Company Limited (in this section called "the tramways company") the following provisions shall apply and have effect unless otherwise agreed upon in writing between the tramways company and the Company (that is to say):—

(1) Nothing contained in the section of this Act of which the marginal note is "Board of Trade may authorise new routes" shall authorise the Company to make

an application to the Board of Trade for a Provisional Order to authorise the placing erection or laying down of any trolley vehicle equipment within the municipal boroughs of Middlesbrough Thornaby-on-Tees or Stockton-on-Tees and the parishes of Linthorpe and Norton as existing at the passing of this Act:

(2) The Company shall not under the powers contained in the section of this Act of which the marginal note is "Power to provide and run omnibuses and vans" work or use any omnibus on or along any route within the municipal boroughs of Middlesbrough Thornaby-on-Tees or Stockton-on-Tees and the parishes of Linthorpe and Norton as existing at the passing of this Act.

For protection of South Bank and Normanby Gas Light and Coke Company Limited.

61. For the protection of the South Bank and Normanby Gas Light and Coke Company Limited (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the Company and the gas company apply and have effect (that is to say):—

(1) In exercising the powers of opening and breaking up streets and roads or any pipes and apparatus belonging to the gas company under the section of this Act the marginal note whereof is "Power to use trolley vehicles" the Company shall be subject to the restrictions of section 30 of the Tramways Act 1870:

(2) The Company shall take all reasonable precautions for preventing any damage to the mains pipes and apparatus of the gas company (in this section hereinafter referred to as "apparatus") and shall make good all damage done and shall make full compensation to the gas company for any loss or damage which they may sustain or be put to by reason of any interference by the Company with such apparatus or by reason of the running or working of the trolley vehicles or any omnibuses or vans run in connection therewith and if the supply of gas in or through the mains or pipes of the gas company shall by reason of such interference running or working or of any act or omission of the Company or any

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act or acts done in connection with the construction or repairing of any trolley vehicle equipment or the running or working of the trolley vehicles omnibuses or vans by any of their contractors agents workmen or servants or any person in their employ be interfered with or interrupted the Company shall compensate the gas company for and indemnify them against all damages losses claims or expenses incurred by or caused to them by or by reason or in consequence of such interference or interruption Provided that the Company shall not be liable under this subsection for any damage loss claims or expenses incurred by or caused to the gas company by reason of the breakage of or injury to any pipes or apparatus laid in the carriageway of any road forming part of the trolley vehicle routes on account of the running or working of the trolley vehicles omnibuses or vans unless such pipes or apparatus are laid at least eighteen inches below the surface of such carriageway:

(3) The gas company on giving to the Company not less than forty-eight hours' notice (except in cases of emergency) in writing of their intention so to do may by their own engineer and workmen execute any work in connection with their apparatus that may be reasonably necessary for the diversion shoring up or supporting or otherwise altering the position of and restoring and protecting any such apparatus which it may be necessary to divert shore up support alter restore or protect by reason of the execution of any works of the Company and for preventing any interruption to the supply of gas by the gas company and the Company shall on completion pay to the gas company the reasonable expenses incurred by them in the execution of such works:

(4) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the gas company:

(5) Any dispute or difference which may arise between the Company and the gas company or their respective engineers touching any of the matters referred to in this section shall be determined by arbitration.

For protection of undertakers under Electric Lighting Acts.

62. Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

For protection of North Eastern Railway Company.

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

(1) The Company shall not without the consent in writing of the railway company purchase or take any property of the railway company but they may purchase and take such right or easement or privilege over or upon any lands or works of the railway company and delineated upon the deposited plans as shall be necessary for the purpose of constructing and maintaining the roadway and the bridge and works in connection therewith and the Company shall not either temporarily or permanently enter upon or use or interfere with any railway or property of the railway company save only so far as may be necessary for the purpose of constructing and maintaining the roadway and the said bridge and works in accordance with the provisions of this Act:

(2) The roadway shall be open for the use of the public for all descriptions of traffic and so soon as the same is completed the Company shall use their best endeavours to secure the abolition of the level crossing of South Bank Road by the railway company's Normanby branch situate south-east of the roadway:

(3) The following provisions shall apply and have effect with regard to the construction and maintenance of the roadway and the said bridge and works in connection therewith and with regard to the placing erection and maintenance of the trolley vehicle equipment:—

(A) The roadway shall be carried over the railway company's Normanby branch near the Normanby level crossing by a bridge with a clear

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span on the square of seventy-six feet and a clear headway above rail level of fifteen feet and the width of the bridge between the parapets and of the approaches thereto and of the roadway including footpath between the fences shall be not less than thirty-five feet Provided that the railway 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 of construction consequent upon such increased span;

(B) The Company shall not construct so much of the roadway trolley vehicle equipment and works by this Act authorised as affects any property of the railway company except in accordance with the provisions of this section and under the superintendence and to the reasonable satisfaction of the railway 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 hereinafter 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;

(c) The Company shall maintain the portion of the roadway trolley vehicle equipment 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 in all respects of the engineer and if and whenever the Company fail so to do the railway 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;

(D) The Company shall not in the execution maintenance user or repair of the roadway trolley vehicle equiqment or other works remove or disturb any of the rails or interfere with the safe user of any railway siding or other work belonging to the railway 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 or any traffic thereon and during the execution or repair of any of their works the Company shall execute all such temporary works as shall be reasonably necessary for the purpose of avoiding risk to the railways or works of the railway company or interruption to the traffic thereon;

(E) The Company shall bear and on demand pay to the railway company the reasonable expense of the employment by that company during the execution or repair of so much of the roadway trolley vehicle equipment or other works as affects any property of the railway company of such inspectors watchmen and signalmen to be appointed by the railway company as may be necessary for watching and signalling the same with reference to and during the execution or repairs of the roadway trolley vehicle equipment or other 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;

(F) If by reason of the construction or user of the roadway trolley vehicle equipment or other works it shall become necessary to erect any additional signal posts signals or other similar works or to alter any signal cabins signal posts

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signals or other similar works on any railway belonging to the railway company the railway 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;

(G) If by reason of the execution user or failure of the roadway trolley vehicle equipment or other 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 railway 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 railway company may make good the same and the reasonable expenses thereof as certified by the engineer shall be repaid to the railway company by the Company on demand and the Company shall indemnify the railway company against all losses which the railway company or any person using their railway may sustain and shall pay all costs charges and expenses which the railway company may be put to or incur by reason of the execution or failure of the roadway trolley vehicle equipment or other 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;

(H) If having regard to the proposed position of any trolley vehicle equipment or other works of the Company by this Act authorised when considered in relation to the position of the works of the railway company at any point where any trolley vehicle equipment or other works will be constructed over the railway or other works of the

railway company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the railway company shall be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the railway company by the Company;

(I) The Company and the railway 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:

(4) In the event of a bridge with approaches being hereafter constructed in substitution for the existing North Ormesby level crossing the Company shall make such alterations in their works as shall in the opinion of the engineer be necessary or desirable for facilitating the construction of such bridge and approaches and shall bear any additional cost incurred by reason of the existence of the works of the Company:

(5) If any difference shall arise between the Company and the railway 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 referred to and determined by an engineer to be appointed failing agreement by the Board of Trade on the application of either party after notice to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For further protection of North Eastern Railway Company.

64. For the further protection of the North Eastern Railway Company (in this section called "the railway company") the following provisions shall apply and have effect unless otherwise agreed upon in writing between the railway company and the Company (that is to say):—

(1) Notwithstanding anything contained in the section of this Act of which the marginal note is "Board of Trade may authorise new routes" the Company shall not make an application to the Board of Trade for

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a Provisional Order to authorise the placing erection or laying down of any trolley vehicle equipment along any route not within the urban districts of South Bank in Normanby or Eston as existing at the passing of this Act nor within so much of the urban district of Ormesby as is within the parliamentary borough of Middlesbrough as so existing:

(2) The Company shall not under the powers contained in the section of this Act of which the marginal note is "Power to provide and run omnibuses and vans" work or use any omnibus or van on or along any route not being a route within the urban districts of South Bank in Normanby or Eston as existing at the passing of this Act nor a route within so much of the urban district of Ormesby as is within the parliamentary borough of Middlesbrough as so existing.

For protection of North Riding County Council.

65. For the protection of the county council of the north riding of Yorkshire (in this section called "the county council") the following provisions shall notwithstanding anything in this Act and unless otherwise agreed in writing apply and have effect with respect to the use of trolley vehicles on any main road under the jurisdiction and maintained at the cost of the county council (that is to say):—

(1) Notwithstanding anything contained in this Act the Company shall not use trolley vehicles upon any part of the Stockton and Redcar main road of which the width between the fences is less than thirty-six feet until such width shall have been increased to not less than thirty-six feet:

(2) If any trolley vehicle equipment of the Company interferes with the construction by the county council of any new road or footpath or the improvement of any main road or any footpath thereof or the reconstruction or alteration of any main road or in the opinion of the county council becomes an obstruction to traffic on any main road the Company shall alter the position thereof in such manner as the county council may reasonably direct and if any question arises as to the reasonableness of any such direction

such question shall be determined by arbitration as hereinafter provided:

(3) If the Company in the execution of any works in or affecting any main road shall cause any damage injury or disturbance to such main road and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions of section 27 of the Tramways Act 1870 then it shall be lawful for the county council after reasonable notice to the Company of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Company shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence:

(4) The width of tyre on the back or driving wheels of the trolley vehicles shall not be less than six inches and the diameter of such wheels shall not be less than two feet six inches The tyres of all wheels used on the trolley vehicles shall be of rubber or such other substances as may be agreed upon between the county council and the Company or failing agreement be settled by arbitration in manner hereinafter provided:

(5) A number shall be assigned to each trolley vehicle and a plate bearing such number shall be fixed in conspicuous positions outside the vehicle at the front and back thereof and easily distinguishable by day and night:

(6) All trolley vehicle equipment erected or laid in or along any main road shall be erected or laid in such position in along or at the side of such road and in the case of underground works at such depth as the county council in writing under the hand of their surveyor may reasonably direct:

(7) If the Company abandon their undertaking or any part of the same they shall forthwith take up and remove from the whole or such part thereof as may be abandoned all trolley vehicle equipment laid in or along any main road with all convenient speed and

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in all cases within six weeks at the most (unless the county council otherwise consent in writing) fill in the ground and make good the surface and to the reasonable satisfaction of the county council reinstate the portion of the main road upon or in which such trolley vehicle equipment was erected or laid and clear away all rubbish occasioned thereby and they shall in the meantime cause all places in which any works are being carried out by the Company under the provisions of this section to be fenced and watched and properly lighted at night:

(8) All works shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road:

(9) The county council shall not be liable for or in respect of any damage or injury done to any work of the Company (A) by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use by the county council of any steam or other roller not exceeding fifteen tons in weight for the repair of such road or any traction engine not exceeding the weight aforesaid or (B) from the passage of the traffic in such road or (C) in repairing any such road in a proper and reasonable manner:

(10) If any difference at any time arises between the county council and the Company under the provisions of this section such difference shall be settled by arbitration.

For protection of Ormesby Urban District Council.

66. For the protection of the urban district council of Ormesby (in this section referred to as "the council") the following provisions shall unless otherwise agreed between the council and the Company apply and have effect within the urban district of Ormesby (that is to say):—

(1) Trolley vehicles shall not be run in Langbaurgh Place or West Terrace save and except so far as may be necessary to run trolley vehicles round the lamp post at the west end of Smeaton Street and no trolley vehicle equipment shall be placed in Langbaurgh Place

or West Terrace except so far as may be necessary to enable trolley vehicles so to run as aforesaid and trolley vehicles shall not stop for taking up or setting down passengers in Smeaton Street west of the junction of that street with George Street:

(2) Trolley vehicle equipment erected or laid in or along any public street or road repairable by the council shall be erected or laid in such position as the council in writing under the hand of their surveyor may reasonably direct:

(3) The design of all posts poles and brackets in any such public street or road shall be such as may be reasonably approved by the council:

(4) No advertisements shall be exhibited on any trolley vehicle equipment of the Company:

(5) All works in or affecting any such public street or road shall be constructed and done so as to cause as little interference as possible with the ordinary road traffic:

(6) If the Company in the execution of any works shall cause any damage injury or disturbance to any sewer drain pipe or other apparatus of the council or to any public street or road repairable by the council and shall fail to properly make good all such damage injury or disturbance in accordance with the incorporated provisions of the Tramways Act 1870 then it shall be lawful for the council after reasonable notice to the Company of the alleged failure and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the council all costs charges and expenses which they shall reasonably and properly incur in carrying out such works including all reasonable expense of superintending the same:

(7) The Company shall make full compensation to the council for any damage caused to any sewer or drain of the council by reason of the running of the trolley vehicles motor omnibuses or vans by this Act authorised:

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(8) If the Company abandon their undertaking or any part of the same in or along any public street or road repairable by the council they shall forthwith take up and with all convenient speed remove all trolley vehicle equipment laid in or along any such street or road and in all cases within three months (unless the council otherwise consent in writing) fill in the ground and make good the surface and to the reasonable satisfaction of the council restore the portion of the street or road upon or in which such equipment was erected or laid and clear away all rubbish occasioned by such work and they shall in the meantime cause all places in which any works are being carried out by the Company under the provisions of this section to be fenced and watched and properly lighted at night:

(9) The council 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 or standards of the Company in any street or road for the support of any electric wires or lamps or any gas lamps belonging to the council Provided that the said notice shall be accompanied by sufficient plans to be approved by the Company (such approval not to be unreasonably withheld) showing the method and position in which it is proposed that such wires or lamps should be supported and that in placing maintaining or altering such wires or lamps no obstruction or interference shall be caused to or with the working of the trolley vehicles and no unnecessary damage shall be caused to such posts or standards and that if any damage be caused thereto the council shall be responsible for and shall make good the same to the Company Provided also that if the council use the posts or standards for any of the purposes aforesaid they shall not have any claim upon the Company in respect of any damage caused by the user of electricity by the Company for the purposes of this Act:

(10) If any difference at any time arises between the council and the Company under the provisions of this section such difference shall be settled by arbitration:

(11) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the council.

Power to provide vehicles and equipment.

67. The Company may manufacture purchase provide and hire trolley vehicles trolley vehicle equipment omnibuses vans motors repairing and other cars and all other apparatus and things which may be necessary for or incidental to the working of trolley vehicles and the exercise of the powers conferred upon the Company by this Act.

Power to hold patent rights.

68. The Company may acquire and hold patent and other rights and licences (not being exclusive) in relation to the manufacture of trolley vehicles and trolley vehicle equipment and the use of electrical power for the purposes of this Act.

Penalty for malicious damage.

69. If any person wilfully does or causes to be done with respect to any trolley vehicle equipment of the Company anything which is calculated to obstruct or interfere with the working of their trolley vehicles or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Recovery of penalties.

70. Any penalty under this Act or under any byelaws made in pursuance of this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Recovery of demands.

71. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Provisions as to arbitration.

72. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to an arbitrator appointed by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply thereto.

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Consent of local and road authorities.

73. Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Company such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration.

Orders &c. of Board of Trade.

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

Form and delivery of notices.

75. With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect (namely):—

(1) Every notice shall be in writing and if given by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk:

(2) Any notice to be delivered by or to the Company or to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company as the case may be or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company as the case may be may from time to time by notice to the other request that such notices may be sent or delivered.

Provision as to general Trolley Vehicle Acts.

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

Costs of Act.

77. 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.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE REQUIRED TO BE TAKEN BY THE COMPANY.

Nos. on deposited Plans.	Parish	Description of Property.
1	Ormesby - - -	Land and blacksmith's shop and premises.
2	Ditto - - -	Warehouses lofts yards buildings and premises.
12	Normanby - -	Allotment gardens and access road (part of) pigstyes sheds posts telegraph and telephone posts and wires.
16	Ditto - - -	Railway railway sidings land fences telegraph wires and posts signals signal apparatus culverts and tool cabin.
19	Ditto - - -	Allotment gardens (part of) pigstyes poultry houses pond posts and fences and access road to allotments.

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