CHAPTER xcv.

An Act to empower the mayor aldermen and burgesses of the borough of West Hartlepool to provide and work trolley vehicles and for other purposes. [2nd August 1923.]

A.D. 1923.

WHEREAS the mayor aldermen and burgesses of the borough of West Hartlepool (in this Act called "the Corporation") are the owners of tramways and light railways within that borough and it is expedient to empower them to provide and work vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") along the routes described in this Act along some of which routes or some part thereof tramways and light railways have been constructed or are authorised to be constructed and to confer upon the Corporation all necessary and convenient powers in regard thereto:

And whereas it is expedient to empower the Corporation to abandon and remove or discontinue to use such tramways and light railways or some of them when trolley vehicles have been provided and are being worked along the roads in which the same have been constructed:

And whereas by the West Hartlepool Corporation Act 1919 the Corporation were authorised to construct Tramroad No. 2 in that Act referred to and by section 11 of the said Act powers were conferred upon the Corporation for the construction of a public carriage road

[*Price* 2*s*. 3*d*. *Net*.]

A.D. 1923.

eighty feet in width along the route of the said Tramroad No. 2:

And whereas part of the said public carriage road has already been constructed but the construction of the said Tramroad No. 2 has not yet been commenced:

And whereas by section 17 of the said Act of 1919 it is provided as follows:—

> If within two years after the passing of this Act the aerodrome on the lands of the Earl of Eldon has been removed the Corporation shall if required by the Earl of Eldon apply for the necessary statutory powers to enable them to deviate the part of Tramroad No. 2 by this Act authorised between the North Eastern Railway and the road of the Tees Conservancy Commissioners in such convenient position to the south of the line of the said tramroad shown upon the plans deposited in connection with the Bill for this Act as may be agreed between the Earl of Eldon and the Corporation and in default of agreement in such position as shall be determined by an engineer to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to the determination of the difference between the parties:

And whereas it has been agreed between the Corporation and the said Earl of Eldon that a portion of the said carriage road where the same crosses the lands of the said Earl of Eldon shall be abandoned and that so much of the said carriage road as has not yet been constructed shall be constructed in manner provided by this Act and it is expedient to sanction and confirm the construction by the Corporation of so much of the said road as has already been constructed and to authorise the Corporation to construct the continuation thereof in accordance with the provisions of this Act:

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

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

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

	£
For the provision of the trolley vehicles authorised by this Act - - -	12,900
For the provision of the electrical equipment and the construction of other works necessary for working the trolley vehicles authorised by this Act - -	40,000
For the purchase of land and easements for and for the construction of the public carriage road authorised by this Act - - - - - - - -	55,360

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

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

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

Short title.

1. This Act may be cited as the West Hartlepool Corporation Act 1923.

Incorporation of Acts.

2. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with

A.D. 1923. the provisions of this Act) are hereby incorporated with this Act but with the following exceptions namely:—

(*a*) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement;

(*b*) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands).

Interpretation.

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

"The Corporation" means the mayor aldermen and burgesses of the borough of West Hartlepool;

"The borough" means the borough of West Hartlepool;

"The council" means the council of the borough;

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough;

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

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

"Road authority" means with reference to any road or part of a road over which any proposed trolley vehicle service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

"The Order of 1912" means the West Hartlepool Corporation Tramways Order 1912 (confirmed by the Tramways Orders Confirmation Act 1912);

"The Act of 1919" means the West Hartlepool Corporation Act 1919.

Repeal of power to construct tramroad.

4. So much of the Act of 1919 as authorises the Corporation to construct Tramroad No. 2 referred to in that Act is hereby repealed.

Power to use trolley vehicles.

5.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following trolley vehicle routes all in the borough except where otherwise stated (that is to say):—

Route No. 1 (in the borough and in the parish of Seaton) From the eastern end of Church Street along Church Street Church Square Upper Church Street Stockton Street Stranton Stockton Road (to its junction with Brenda Street) Brenda Street and the public carriage roads the construction of which is sanctioned and confirmed and authorised by this Act with branch routes along Stockton Road from its junction with Brenda Street to the boundary of the borough and along Sydenham Road to its junction with Studley Road;

Route No. 2 From the eastern end of Victoria Road along Victoria Road Grange Road and The Parade with branch routes along York Road to its junction with Stockton Road and along Granville Avenue;

Route No. 3 From the northern end of Mainsforth Terrace along Mainsforth Terrace Newburn Bridge Seaton Road The Cliff and The Front to the boundary of the borough with a branch route along Station Lane Seaton Carew to the said boundary;

Route No. 4 From the southern end of Clarence Road along Clarence Road and Cleveland Road to the boundary of the borough;

Route No. 5 From the junction of Mainsforth Terrace with Newburn Bridge along Mainsforth Terrace in a southerly direction Greatham Street Baltic Street Oxford Street and Oxford Road to the boundary of the borough with a branch route along Burn Road;

Route No. 6 From the northern end of Lynn Street along Lynn Street Burn Road Studley Road and Kendal Road with branch routes along Whitby Street and along Burn Road to its junction with Stockton Road;

A.D. 1923.

Route No. 7 From the southern end of Hart Road along Hart Road Raby Road Chester Road Thornhill Gardens Serpentine Road Wooler Road Park Road Stranton and Musgrave Street with a branch route along Howbeck Lane;

Route No. 8 From the eastern end of Burbank Street along Burbank Street Stranton Elwick Road Wooler Road Serpentine Road Hart Lane and Middleton Road with a branch route along Murray Street:

Provided that unless authorised by Provisional Order made by the Minister of Transport and confirmed by Parliament under the provisions of the section of this Act of which the marginal note is "Minister of Transport may authorise new routes" the Corporation shall not carry passengers or parcels or passengers' luggage in any trolley vehicle run by them upon so much of Route No. 4 authorised by this section as lies between the junction of Middleton Road with Clarence Road and the northern termination of that route.

(2) (*a*) Unless and until an order be made by the Minister of Transport under the section of this Act of which the marginal note is "As to abandonment of tramways and light railways" in relation to any of the tramways or light railways of the Corporation the Corporation shall not be required to provide a service of tramway or light railway cars (as the case may be) upon the route of any of such tramways or light railways along which a service of trolley vehicles is provided by the Corporation under the provisions of this Act so long as such service of trolley vehicles continues to be so provided.

(*b*) Nothing in this subsection shall relieve the Corporation of any liability imposed upon them by section 41 of the Tramways Act 1870 or section 68 of the West Hartlepool Light Railways Order 1897.

(*c*) As from the date upon which and so long as a service of trolley vehicles is provided by the Corporation upon the route or routes of any of the tramways or light railways of the Corporation the revenue of the tramway or light railway undertakings of the Corporation shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in

connection with the maintenance and repair of roads under any statutory enactment relating to those undertakings or either of them but nothing in this subsection shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair. A.D. 1923.

As to electrical works.

6.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station in the borough place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and in this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles:

Provided that—

(*a*) No post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport;

(*b*) The route in which any electrical apparatus is to be laid or erected for the purpose of connecting the trolley vehicle routes with a generating station shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and

A.D. 1923.

equipment already provided by them for working tramways or light railways in streets or roads along which they are or may be authorised to run trolley vehicles.

(4) In this section the expression generating station has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

7. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Vehicles not to be deemed light locomotives or motor cars.

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

Licence duties on trolley vehicles.

9. 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 authorised by this Act as hackney carriages.

Approval of vehicles by Minister of Transport.

10. The trolley vehicles and the electrical equipment thereof used under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport.

Inspection by Minister of Transport.

11. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by the Minister of Transport.

A.D. 1923.

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

12. The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :—

Part II.	(Relating to the construction of tramways) except sections 25 28 and 29;
Section 41	(Tramways to be removed in certain cases);
Section 46	(Byelaws by local authority Promoters may make certain regulations);
Section 47	(Penalties may be imposed in byelaws);
Section 48	(Power to local authority to license drivers conductors &c.);
Section 49	(Penalty for obstruction of promoters in laying out tramway);
Section 51	(Penalty on passengers practising frauds on the promoters);
Section 52	(Transient offenders);
Section 53	(Penalty for bringing dangerous goods on the tramway);
Section 55	(Promoters or lessees to be responsible for all damages);
Section 56	(Recovery of tolls penalties &c.);
Section 57	(Right of user only);
Section 60	(Reserving powers of street authorities to widen &c. roads); and
Section 61	(Power for local or police authorities to regulate traffic in roads) :

Provided that nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

Application of certain provisions

13.—(1) The following provisions of the Order of 1912 and of the Act of 1919 as amended by this Act shall extend and apply to the trolley vehicles authorised by this

A.D. 1923.

relating to tramways of Order of 1912 and Act of 1919 to trolley vehicles.

Act as if those provisions were with all necessary modifications re-enacted in this Act (that is to say):—

The Order of 1912—

Section 18 (Provisions as to motive power);
Section 19 (Mechanical power works) except paragraph (*c*) thereof;
Section 21 (Byelaws);
Section 22 (Amendment of Tramways Act 1870 as to byelaws by local authority);
Section 23 (Special provisions as to use of electric power);
Section 24 (For protection of Postmaster-General);
Section 25 (Use of tramway posts by Postmaster-General);
Section 26 (Traffic upon tramways);
Section 27 (Promoters' lessees not bound to carry animals goods &c.);
Section 28 (Provisions as to carriage of animals goods &c.);
Section 29 (Agreements with respect to traffic);
Section 30 (Passengers' fares);
Section 31 (As to fares on Sundays and holidays);
Section 32 (Passengers' luggage);
Section 33 (Cheap fares for labouring classes);
Section 34 (Rates and charges for animals goods &c.);
Section 35 (Payment of rates);
Section 36 (Periodical revision of rates and charges);
Section 39 (Working agreements);
The Schedule.

The Act of 1919—

Section 21 (Calculation of maximum fares rates and charges);
Section 22 (Power to require intending passengers to wait in lines or queues);
Section 27 (Shelters or waiting rooms);
Section 28 (Power to reserve cars for special purposes);

Section 29 (Penalty for malicious damage);
Section 30 (Lost property);
Section 31 (Payment of fares rates and charges);
Section 32 (Stopping and starting places);
Section 33 (Through cars and omnibuses);
Section 35 (Attachment of signs indicating stopping places to lamp posts &c.);
Section 37 (Removal of obstructions);
Section 39 (Power to acquire patent rights);
Section 45 (Temporary stoppage of streets);
Section 54 (Application of revenue of tramway undertaking).

(2) (*a*) In the application of the said provisions of the Order of 1912 and the Act of 1919 the same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said Order and Act and as if trolley vehicles were carriages used on the tramways of the Corporation and as if the trolley vehicle undertaking authorised by this Act formed part of the tramway undertaking authorised by that Order or that Act as the case may be.

(*b*) In the application of the said sections 30 and 33 of the Order of 1912 those sections shall be read and have effect as the same are amended by the section of this Act of which the marginal note is "Further provisions as to fares on tramways &c."

Where the Minister of Transport causes any inquiry under the provisions of the said section 36 of the Order of 1912 (as extended and applied to the provisions of this Act) to be held all expenses incurred by the Ministry in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representations the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

14. The following provisions for the protection and benefit of the General Electric Tramways Company

For protection of General

A.D. 1923.

Electric Tramways Company Limited.

Limited or their successors or assigns as the case may be (each of which is hereinafter referred to as "the company") shall except so far as may be otherwise agreed between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the powers conferred upon them by this Act (that is to say):—

(1) In using the trolley vehicles upon Route No. 4 and so much of Route No. 1 as forms part of the through route referred to in section 40 (As to through service between Hartlepool and West Hartlepool) of the Order of 1912 the Corporation shall not unreasonably obstruct or interfere with the exercise of the powers conferred upon the company by the said section 40:

(2) Any question arising between the company and the Corporation under the provisions of this section shall be referred to and determined by the arbitration of a single arbitrator to be appointed failing agreement by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Minister of Transport may authorise new routes.

15.—(1) (*a*) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads in this Act hereinbefore referred to) they may make application to the Minister of Transport and the Minister of Transport is hereby empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

(*b*) Any order made by the Minister of Transport under this section in relation to a road along which any of the tramways or light railways of the Corporation are for the time being situate may make provision for and in relation to the temporary or permanent abandonment or discontinuance of such tramways or light railways.

(*c*) The Minister of Transport shall not make any Provisional Order under this section—

(i) relating to any road outside the borough except with the consent of the local authority and (where the local authority is not the road authority) of the road authority of the district in which such road is situate; or

(ii) relating to so much of the through route referred to in section 40 (As to through service between Hartlepool and West Hartlepool) of the Order of 1912 which lies between Middleton Road and the termination of the said through route in the borough of Hartlepool without the consent of the General Electric Tramways Company Limited;

but such consent or consents shall in no case be unreasonably withheld and any question arising as to whether any such consent is unreasonably withheld shall be determined by the said Minister.

(2) No such application shall be entertained by the Minister of Transport unless the Corporation shall—

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

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

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

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

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

A.D. 1923.

(4) The Minister of Transport shall consider any such application and may if he thinks fit direct an inquiry to be held in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him 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 Minister of Transport expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

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

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

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

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

Conveyance of mails.

16. The Corporation shall perform in respect of trolley vehicles such services in regard to the conveyance

f mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

As to abandonment of tramways and light railways.

17.—(1) At any time after the passing of this Act the Minister of Transport may by order authorise or require the Corporation to abandon or discontinue temporarily or permanently any of their tramways or light railways (for the time being) along the route of which the Corporation have provided and equipped trolley vehicles under the provisions of this Act or any Provisional Order made thereunder.

(2) Before making any such order the Minister of Transport may hold such inquiry as he may consider desirable.

(3) Any order made under the provisions of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation by any Act or order relating to any tramway or light railway to be abandoned or discontinued in pursuance of such order and may provide for the removal of the rails of such tramway or light railway and the restoration of the portion of the road upon which such rails were laid to as good a condition as that in which it was before such rails were laid down.

(4) Except with the consent of the mayor aldermen and burgesses of the borough of Hartlepool and of the General Electric Tramways Company Limited or their successors or assigns no order shall be made by the Minister of Transport under the provisions of this section in relation to any tramway or part of a tramway forming part of the through route referred to in section 40 (As to through service between Hartlepool and West Hartlepool) of the Order of 1912 before the second day of August nineteen hundred and twenty-five or after that date unless for a period of not less than two years a through service of tramcars from the present termination of the tramways in Hartlepool to the intersection of the centre lines of Lynn Street and Church Street in the borough shall cease to be provided under the provisions of subsection (1) of the said section 40 of the Order of 1912 by the General Electric Tramways Company Limited or any company body or person for the time being working the tramways in the borough of Hartlepool.

A.D. 1923.

(5) Where the Minister of Transport causes any inquiry to be held under the provisions of this section all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct and the Minister may certify the amount of the expenses incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

Attachment of brackets &c. to buildings.

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

Provided that—

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

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

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

(4) Notwithstanding anything contained in this section no brackets wires or apparatus shall be attached to any bridge or building forming part of the railway or dock undertaking of the London and North Eastern Railway Company without the previous consent in writing of that company or if such consent be unreasonably withheld the consent of the Minister of Transport.

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

Cloak-rooms &c.

19. The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles and other vehicles at any depôt or building used by them in connection with their tramway light railway trolley vehicle and omnibus undertakings and at any places on the routes of the Corporation tramways or light railways or on any trolley vehicle or omnibus route and the Corporation may make charges for the use of such cloak-rooms rooms and sheds and for the deposit of articles and things and bicycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority:

Provided that no cloak-rooms or sheds shall be erected or maintained in any street or road so as unreasonably to obstruct or render less convenient the access to or exit from any station or depôt belonging to the London and North Eastern Railway Company.

Power for Corporation to suspend traffic.

20. The Corporation may on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of the Corporation tramways or light railways or any part thereof or the running of trolley vehicles on any trolley vehicle route or part thereof shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the

A.D. 1923. Corporation shall not be liable to pay compensation for damages in respect thereof:

Provided that nothing contained in this section shall enable the Corporation to make an order which will prevent or interfere with the exercise by the General Electric Tramways Company Limited or any company body or person for the time being working that part of the through route referred to in section 40 (As to through service between Hartlepool and West Hartlepool) of the Order of 1912 which lies within the borough.

Trolley vehicles to form part of tramway undertaking.

21. Subject to the provisions of this Act the trolley vehicle undertaking authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation Provided that in the accounts of the Corporation relative to their tramway undertaking the income and expenditure upon and in connection with trolley vehicles shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connection with the remainder of such undertaking.

As to construction of public carriage road.

22.—(1) The construction of the public carriage road referred to in section 11 of the Act of 1919 from the point of commencement of Tramroad No. 2 authorised by that Act to the junction of such carriage road with Seaton Lane in the parish of Seaton is hereby sanctioned and confirmed.

(2) (*a*) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the public carriage road hereinafter described together with all necessary and proper works and conveniences connected therewith or incident thereto and may by agreement purchase and take such of the lands delineated on the deposited plans and described in the deposited book of reference or such easements and rights in those lands as they may require for such construction.

(*b*) The public carriage road hereinbefore referred to and authorised by this Act will be situate in the parish of Seaton and will commence at the termination of the carriage road referred to in sub-section (1) of this section and terminate at a point 1 furlong 6·23 chains or thereabouts measured in a north-easterly direction along the centre of the Middlesbrough Road (described in the

Act of 1919 as the road of the Tees Conservancy Commissioners) from the centre of the bridge on the London and North Eastern Railway (Seaton Snook Branch).

(3) The following provisions of the Act of 1919 are hereby repealed (namely):—

The words "including the construction of a public "carriage road eighty feet in width along the route "of Tramroad No. 2 authorised by this Act" in section 11 (Purchase of lands by agreement);

Section 17 (For protection of Earl of Eldon).

(4) The following sections of the Act of 1919 shall with any necessary modifications extend and apply to the construction of the public carriage road authorised by this section in the same manner as if those sections had been re-enacted in this Act (namely):—

Section 6 (Correction of errors in deposited plans and book of reference);

Section 16 (For protection of North Eastern Railway Company);

Section 42 (Limits of deviation);

Section 43 (Subsidiary works):

Provided that notwithstanding anything contained in the said section 42 the Corporation may for the purpose of constructing any bridge for carrying the said public carriage road over any existing or intended railway or other work deviate from the levels shown on the deposited sections to any extent upwards.

(5) The Corporation may divert the footpath shown upon the deposited plans as crossing the proposed public carriage road in manner shown upon those plans and they may (when such diversion has been completed) stop up and discontinue the existing footpath to the extent to which the same is rendered unnecessary by such diversion.

(6) The Corporation and the Durham County Council or the Hartlepool Rural District Council (or both of those authorities) may enter into and carry into effect agreements for and in relation to the maintenance and repair by either or both of those authorities of the public carriage roads referred to in this section.

A.D. 1923.

Confirmation of scheduled agreement.

23. The agreement dated the eighteenth day of June nineteen hundred and twenty-three and made between the Right Honourable John third Earl of Eldon of the one part and the Corporation of the other part and set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing and the said Earl (on behalf of and so as to bind himself and his successors in title) and the Corporation (on behalf of and so as to bind themselves and every other highway authority on whom the duty of maintaining the road referred to in the said agreement when made may devolve) are hereby respectively empowered to execute and do all such deeds and things as may be necessary for carrying the same into effect.

For protection of Durham County Council.

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

(1) The Corporation shall so lay out and erect the apparatus and equipment for working the trolley vehicles on Route No. 1 by this Act authorised that no part of such apparatus or equipment shall be erected upon or project over the Middlesbrough Road (being the road described in the Act of 1919 as the road of the Tees Conservancy Commissioners) or be so close thereto as to enable the trolley vehicles to turn or stand upon any part of that road or of the widening thereof (when constructed) which is authorised by the Tees Conservancy Act 1912:

(2) The junction of the public carriage road by this Act authorised with the Middlesbrough Road with all necessary drains works and conveniences in connection therewith or incidental thereto (in this section referred to as "the works") shall be executed at the expense of the Corporation and under the superintendence if the same be given and to the reasonable satisfaction of the surveyor of the county council or such other person as they may appoint for the purpose and in accordance with plans and sections to be

submitted to and reasonably approved by him in writing before the commencement of such work and the Corporation shall in executing such work conform to all the reasonable requirements of the said surveyor or such other person as aforesaid Provided that if the said surveyor does not disapprove of any plans and sections so submitted to him within a period of fourteen days after their submission he shall be deemed to have approved thereof and any question arising as to whether the approval of the said surveyor is unreasonably withheld shall be settled by arbitration as hereinafter provided:

(3) The works shall be executed so as not to stop or unreasonably impede or interfere with the traffic over or along the Middlesbrough Road and the Corporation shall during the progress of the works take all necessary steps at their own expense for protecting the public using the road from injury and shall indemnify the county council against all costs losses and damages that may be incurred or suffered consequent upon their neglect or omission to provide such protection:

(4) The Corporation shall pay to the county council the expense (if any) necessarily incurred by the county council in making good any injury or damage which may be caused to any part of the Middlesbrough Road by the concentration of traffic thereon consequent upon the execution of the works:

(5) If any difference shall arise between the Corporation and the county council under the provisions of this section the same shall be referred to and determined by a single arbitrator to be appointed in default of agreement by the Minister of Transport on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For protection of London and

25. For the protection of the London and North Eastern Railway Company (in this section referred to as "the company") the following provisions shall unless

A.D. 1923.

North Eastern Railway Company.

otherwise agreed in writing between the company and the Corporation apply and have effect with reference to the exercise by the Corporation of the powers of this Act (that is to say):—

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

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

(3) The Corporation shall give to the company twenty-eight days' notice in writing of their intention to commence the erection of the trolley vehicle equipment under or upon the bridge and shall at the same time send to the company particulars as to such equipment which shall be erected under the superintendence (if such superintendence shall be given) and to the reasonable satisfaction of the company's engineer and shall thereafter be maintained to the like satisfaction;

(4) The erection of the trolley vehicle equipment under or upon the bridge shall be carried out by the Corporation under the superintendence (if given) and to the reasonable satisfaction of the engineer of the company:

(5) If the company hereafter require under their existing statutory powers to widen lengthen strengthen reconstruct alter or repair the bridge or to widen or alter any railway thereunder or to lift or support the bridge the company may require the Corporation at their own expense to alter the trolley vehicle equipment in such manner as the circumstances of the case may reasonably require and in such case the company shall at the same time send sufficient plans sections specifications and other information to show the nature of the works proposed to be executed by the company and the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it should be reasonably necessary for such purpose that the trolley vehicle equipment under or upon the bridge be wholly or in part removed or the user thereof or the running or working of any trolley vehicles of the Corporation under or over the bridge stopped or delayed and if the company gives to the Corporation fourteen days' notice in writing in that behalf (or in case of emergency such notice as may be reasonably practicable) then such part of the trolley vehicle equipment shall be removed by the Corporation or the user thereof stopped or delayed to such extent (if at all) as may be reasonably required by such notice but no such user running or working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such part of the trolley vehicle equipment shall be restored with all possible despatch and in such case the company shall not be liable to pay compensation in respect of such removal stoppage delay or taking up as aforesaid:

(6) The Corporation shall not in the execution maintenance user or repair of the trolley vehicle equipment or the running or working of any

A.D. 1923.

trolley vehicles obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the company or any traffic thereon:

(7) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company by or by reason of the erection failure or repair of the trolley vehicle equipment or by reason of any act or omission of the Corporation or their contractors or of any person in the employment of either of them and the Corporation shall effectually indemnify the company from all claims and demands upon or against them by reason of such erection failure or repair or of any such act or omission:

(8) The Corporation shall on demand pay to the company the reasonable expense of the employment by the company during the erection or repair of the trolley vehicle equipment under or upon the bridge of such inspectors watchmen and signalmen (if any) as may be reasonably necessary for preventing interference obstruction danger and accident from any of the operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them:

(9) Any additional expense in the maintenance under their existing statutory powers of the bridge or any other work of the company which is occasioned to the company by the construction or user of the trolley vehicle equipment shall be borne by the Corporation:

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

running and the Corporation shall repay to the company any moneys reasonably expended by them in so doing:

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

(12) Nothing contained in this Act shall impose any obligation on or enlarge any obligation of the company to strengthen adapt alter or reconstruct any bridge maintainable by them:

(13) If any difference arises under this section between the Corporation and the company that difference shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Further provisions as to fares on tramways &c.

26.—(1) The second proviso to section 20 (Application of Order of 1912) of the Act of 1919 is hereby repealed.

(2) Notwithstanding anything contained in section 30 (Passengers' fares) of the Order of 1912 the Corporation may charge for any less distance than two miles not being less than half a mile a sum not exceeding twopence and notwithstanding anything contained in section 33 (Cheap fares for labouring classes) of the Order of 1912 the Corporation shall not be bound in any case to charge under the provisions of that section a less sum than one penny.

A.D. 1923.

Power to borrow.

27.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenue funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely):—

1. Purpose.	2. Amount.	3. Charge.	4. Period for Repayment.
	£		
(*a*) For the provision of trolley vehicles.	12,900	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	Ten years from the date or dates of borrowing.
(*b*) For the provision of electrical equipment and the construction of other works necessary for working the trolley vehicles authorised by this Act.	40,000	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	Twenty years from the date or dates of borrowing.
(*c*) For and in connection with the purchase of land and easements for and for the construction of the public carriage road authorised by this Act.	55,360	The improvement fund and improvement rate.	Forty-five years from the date or dates of borrowing.
(*d*) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

(2) The Corporation may apply in or towards the construction of the carriage road the construction of

which is sanctioned and confirmed by this Act any moneys which they have borrowed or may borrow for the construction of the carriage road authorised by section 11 of the Act of 1919 under the authority of the consent of the Minister of Health dated the fourteenth day of December nineteen hundred and twenty-two.

(3)—(*a*) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes (including the provision of a fund for working capital) of their tramway undertaking which expression includes for this purpose their light railway trolley vehicle and omnibus undertakings and may with the consent of the Minister of Health borrow such further money as may be necessary for any of the other purposes of this Act.

(*b*) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister with whose consent the money is borrowed.

(*c*) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister with whose consent it is borrowed.

(4) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 55 (Power to use one form of mortgage for all purposes) of the Act of 1919.

Protection of lender from inquiry.

28. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of any Act relating to the Corporation or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Receipt in case of persons not sui juris.

29. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Application of provisions of Act of 1919.

30. The following sections of the Act of 1919 shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner

A.D. 1923.

as if those sections had been re-enacted in this Act (namely):—

Section 11 (Purchase of lands by agreement) as amended by this Act;
Section 12 (Persons under disability may grant easements &c.);
Section 13 (Retention and disposal of lands);
Section 14 (Proceeds of sale of surplus lands);
Section 47 (Section 234 of Public Health Act 1875 not to apply);
Section 48 (Mode of raising money);
Section 49 (Provisions of Public Health Act 1875 as to mortgages to apply);
Section 50 (Mode of payment off of money borrowed);
Section 51 (Sinking fund);
Section 52 (Appointment of receiver);
Section 53 (Application of money borrowed);
Section 61 (Expenses of execution of Act);
Section 66 (Audit of accounts);
Section 68 (Recovery of penalties &c.);
Section 69 (Recovery of demands in county court);
Section 70 (Informations by whom to be laid);
Section 71 (Powers of Act cumulative);
Section 73 (Judges not disqualified); and
Section 74 (Crown rights).

Accounts to be furnished to Minister of Transport.

31. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking (including their light railway trolley vehicle and omnibus undertakings).

Costs of Act.

32. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of money to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the foregoing Act.

A.D. 1923.

AN AGREEMENT made the eighteenth day of June nineteen hundred and twenty-three between the Right Honourable JOHN THIRD EARL OF ELDON (hereinafter shortly called "Lord Eldon") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF WEST HARTLEPOOL (hereinafter shortly called "the Corporation") of the other part.

WHEREAS under and by virtue of an indenture of resettlement dated the twenty-first day of May eighteen hundred and ninety-eight (hereinafter called "the resettlement of 1898") Lord Eldon is tenant for life in possession of several pieces or parcels of land in the parish of Seaton in the county of Durham known respectively as Red Barns Farm Tofts Farm and Hunter House Farm and of a strip of land running from the south-east corner of Hunter House Farm to the sea which said pieces of land are delineated on the plan hereto annexed on which Red Barns Farm is edged with pink Tofts Farm is edged with mauve Hunter House Farm is edged with green and the said strip of land is etched with red:

And whereas the Corporation have made application for a Bill in Parliament (hereinafter called "the said Bill") to empower them to provide and work trolley vehicles and for other purposes:

And whereas the Corporation seek power by the said Bill to construct a carriage road with a trolley vehicle route thereon part of which road is intended to be constructed upon the said lands of which Lord Eldon is such tenant for life as aforesaid entering the same near to the north-west corner of Tofts Farm and thence running in a south-easterly direction over the line of the London and North Eastern Railway Company (by a bridge) and through Tofts Farm and Hunter House Farm to the existing road known as "Middlesborough New Road" with which it is intended to form a junction which said intended road is shown on the said plan and is thereon coloured red blue and brown:

And whereas the said intended road will cut off a large area of Lord Eldon's land from access by rail to the sea by means of the land etched with red on the said plan:

And whereas it is apprehended that the construction of the said intended road subject to the conditions and stipulations hereinafter contained will be for the benefit of the said lands of which Lord Eldon is tenant for life:

A D. 1923.

Now it is hereby mutually agreed between Lord Eldon and the Corporation as follows :—

1. In consideration of the agreements by the Corporation hereinafter contained Lord Eldon on behalf of himself and his successors in title under the resettlement of 1898 shall grant to the Corporation without requiring any money consideration therefor an easement or right to make and maintain a road on the lands coloured red and blue on the said plan and according to the levels shown thereon The said easement or right shall extend throughout to a width of eighty feet with such additional width where the said road is coloured blue on the said plan as may be found necessary for constructing the embankment for carrying the said road over the London and North Eastern Railway Company's line In the first instance the actual carriageway of the said road may be only fifty feet in width including footpaths on each side thereof the remainder of the full width of eighty feet being kept in reserve for widening the said road if and when required by the Corporation who shall be at liberty at any time to widen the said road up to the full width Provided that until so required Lord Eldon and his successors in title shall have full power to construct across such remaining part of the full width such private roads leading on to the said intended road as he or they may think fit Such strips shall be kept in a neat and orderly condition by the Corporation who shall from time to time as may be reasonably necessary cut the grass and weeds thereon.

2. The ownership of the soil beneath the said intended road shall remain as at present vested in Lord Eldon and his successors in title under the resettlement of 1898 and in particular all mines minerals and other substances forming part of such soil shall be reserved to him and them with full powers to work and get the same but nevertheless the Corporation and Lord Eldon and his successors in title shall have the like respective rights as are conferred by sections 78 to 85 inclusive of the Railways Clauses Consolidation Act 1845 on "the company" and "the owner lessee or occupiers of any mines or minerals" with this alteration videlicet that two hundred yards be substituted for forty yards in section 78 of that Act.

3. Within six calendar months after the said Bill receives the Royal Assent the Corporation shall commence the work of constructing the said intended road as provided in clause 1 hereof and shall with all reasonable despatch continue and complete the construction thereof including in such construction all necessary works for the surface drainage of the road into gullies which gullies shall discharge into roadside ditches to be constructed by the Corporation alongside of the said road on the strips referred to in clause 1 hereof and maintained so as not to overflow over the adjoining lands of Lord Eldon or his successors in title

If any dispute shall arise as to whether the Corporation are complying with this paragraph such question shall be referred to arbitration as hereinafter provided. A.D. 1923.

4. The Corporation will at their own expense and before commencing the construction of the said intended road erect to the reasonable satisfaction of Lord Eldon stock proof fences on each side of the said intended road at the outer edges of the lands coloured red on the said plan except where an embankment is necessary and there where reasonably necessary at the outer edges of such embankment and will maintain the fences so erected by them for a period of ten years thereafter and shall also if so required by Lord Eldon in writing at the time of the erection of such fences (*a*) construct in such fences one gate for each field belonging to him at such points on the boundary between the lands of Lord Eldon and the said road and of such character as Lord Eldon shall reasonably require and (*b*) pipe and cover the above-mentioned ditches so as to give access from those gates to the said road.

5. The Corporation shall if and when Lord Eldon or his successors in title shall so require construct at their own expense on the site of the said intended road and of such additional land as may be required for making the necessary embankments one bridge with approach slopes to carry the said intended road so as to enable Lord Eldon or his successors in title to construct a railway running under such bridge for the purpose of providing access between those portions of Lord Eldon's lands which lie to the westward of the said intended road and the strip of land etched with red on the said plan Such bridge shall be constructed with a span and headway not less than the span and headway of the bridge some time since erected for the like purpose by the Tees Conservancy Commissioners which last-mentioned bridge carries the Middlesbrough New Road and is situated near to the said strip of land etched with red on the said plan The position of the proposed new bridge shall be selected by Lord Eldon or his successors in title whose decision shall be final Within one year from the completion of any such embankment the Corporation shall at their expense soil and seed the slopes thereof.

6. The Corporation shall also at their own expense make good to the reasonable satisfaction of Lord Eldon all drains and water supplies which may be severed by the said intended road including the provision of any watering place where the same is reasonably required in any case in which part of a field shall be cut off from its present watering place and for that purpose shall to the like satisfaction supply all necessary pipes and culverts.

7. The said road and footpaths drains gutters bridge and other works (but not fences except as aforesaid or gates) shall be constructed and when constructed shall for ever thereafter be

A.D. 1923. maintained and kept in repair by the Corporation or their successors free from all expense to Lord Eldon and his successors in title save in so far as he or they may be ordinary ratepayers Lord Eldon and his successors in title may at any time before or after the completion of the said intended road at his or their own expense place and maintain additional gates in the said fences or may after the said fences are completed at the like expense remove the fences and gates erected by the Corporation or any of them or any part or parts of such fences and gates and thereupon all obligations of the Corporation or their successors with reference to the maintenance of such fences shall to the extent of the fences removed cease and determine Provided that Lord Eldon or his successors in title shall to the reasonable satisfaction of the Corporation restore any portion of any fence not so removed which may be damaged or injuriously affected by or in consequence of the removal of any other portion adjoining such first-mentioned portion.

8. It shall be lawful for Lord Eldon and his successors in title at his or their own costs and charges to make and maintain over or under any part of the lands on which the said intended road or embankments supporting the same shall be constructed such and so many bridges subways tunnels sewers drains pipes wires and cables as he or they may think fit provided that—

(*a*) No electricity main or cable shall be carried overhead above the said intended road;

(*b*) No work so made by Lord Eldon or his successors in title shall during the making or any operation for the maintainance thereof interfere unreasonably with the free passage of vehicular and other traffic along the said intended road or after the making thereof interfere in any way with such traffic except so far as may be reasonably necessary for carrying out any such operation for maintenance;

(*c*) Lord Eldon or his successors in title (as the case may be) shall make good to the satisfaction of the Corporation any damage done to the said intended road during or by reason of the execution of any such works as aforesaid;

(*d*) All such works as aforesaid shall be constructed and maintained in accordance with plans sections and specifications to be previously submitted to and approved by the Corporation or other the authority for the time being responsible for the maintenance of the said intended road such plans sections and specifications to be so submitted not less than twenty-eight days before the commencement of the work and if within such

period of twenty-eight days the Corporation or such authority as aforesaid shall fail to approve such plans sections and specifications a dispute shall be deemed to have arisen between the parties which dispute shall be referred to arbitration as hereinafter provided.

9. Where any embankment or a slope of any cutting or any retaining wall shall be constructed by the Corporation under the powers aforesaid upon any part of the said lands Lord Eldon or his successors in title may remove all or any part of such embankment or slope lying beyond a distance of forty feet from the centre line of the said intended road and build upon the site so cleared and may also build up to and on any part of any such retaining wall or support lying beyond that distance of forty feet he or they nevertheless erecting and thereafter maintaining proper retaining walls or supports for the said intended road in place of such part of any embankment or slope which he shall have so removed and maintaining all walls and supports on which any such buildings as aforesaid may actually rest and also making good all damage done to any works or property of the Corporation or of such road authority as aforesaid Provided always that before any works shall be commenced under this clause twenty-eight days' previous notice in writing of the intention to commence the same shall be given to the Corporation or such road authority as aforesaid and that the work shall be executed under the superintendence and to the reasonable satisfaction of the Corporation or such road authority (as the case may be) and shall be maintained thereafter to the like satisfaction If any dispute shall arise as to the reasonableness of the requirements in that behalf of the Corporation or such road authority the same shall be referred to arbitration.

10. The Corporation shall pay all compensation (other than permanent reduction of rent) or damages which may be payable to Lord Eldon's tenants for entering upon and making the said intended road over the lands occupied by them respectively and shall keep Lord Eldon and his successors in title indemnified against all such claims.

11. Any question arising under this agreement shall be referred to and determined by a single arbitrator to be appointed by agreement or failing agreement by the President of the Surveyors' Institute and subject as aforesaid the Arbitration Act 1889 shall apply to any such reference and determination.

12. This agreement is subject to the approval of Parliament and to such alterations as may be made by Parliament therein and shall be scheduled to the said Bill but in the event of either House of Parliament making any material alteration in this agreement it shall be competent to either party on giving notice to the other of them before the said Bill is read the third time

A.D. 1923. in the House of Commons to withdraw from this agreement and in that case and in the event of the said Bill failing to become law this agreement shall be void and of no effect.

In witness whereof Lord Eldon has hereunto set his hand and seal and the Corporation has caused its corporate seal to be hereunto affixed the day and year first before written.

Signed sealed and delivered by the said Right Honourable John third Earl of Eldon in the presence of } ELDON. SEAL.

C. H. MAY
49 Lincoln's Inn Fields
London W.C.
Solicitor.

The corporate seal of the mayor aldermen and burgesses of the borough of West Hartlepool was hereunto affixed in the presence of } SEAL.

J. W. WILSON
Mayor

HAROLD W. STANTON
Town Clerk.

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

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