



CHAPTER ccv.

An Act to confer further powers upon the Tyneside Tramways and Tramroads Company with respect to the construction and maintenance of works and the acquisition of lands and for other purposes.

A.D. 1904.

[15th August 1904.]

WHEREAS by the Tyneside Tramways and Tramroad Act 1901 (hereinafter called "the Act of 1901") the Tyneside Tramways and Tramroads Company (hereinafter called "the Company") were incorporated and empowered to construct and maintain the tramways and tramroad therein described in the county of Northumberland:

And whereas by the Tyneside Tramways and Tramroads Act 1902 (hereinafter called "the Act of 1902") the Company were authorised to construct and maintain additional tramways and tramroads in the said county:

And whereas it is expedient that the Company be empowered to construct the new tramway hereinafter described being a deviation of their intended Tramway No. 7 described in and authorised by the Act of 1902 and to abandon the construction of a portion of the said intended tramway which has not been made and will be rendered unnecessary by the construction of the said new tramway:

And whereas the Company have in the construction of a portion of their Tramroad No. 1A authorised by the Act of 1901 in the borough of Wallsend deviated from the line thereof as authorised by that Act and such deviation is completed and open for public traffic and it is expedient that the Company be authorised to maintain and work the same as part of their authorised

A.D. 1904. — undertaking and to abandon the construction of the portion of the said Tramroad No. 1A hereinafter mentioned :

And whereas it is expedient that the agreement between the Company and the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne set forth in the Second Schedule to this Act be confirmed :

And whereas it is expedient that the Company be authorised to acquire additional lands for the purposes hereinafter mentioned and that such other provisions be made as are hereinafter contained :

And whereas plans and sections showing the line situation and levels of the said new tramway authorised by this Act the plans also showing the additional lands intended to be taken and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Northumberland and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the objects of this Act cannot be attained 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 with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Tyneside Tramways and Tramroads Act 1904.

Incorporation of general Acts.

2. The following enactments (that is to say) :—

The Lands Clauses Acts ;

Sections 3 (Interpretation of terms) and 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 ;

so far as they are applicable to the purposes and are not varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings unless

there be something in the subject or context repugnant to such construction : A.D. 1904.

“ The tramway ” means the tramway by this Act authorised to be made ;

“ The corporation ” means the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne ; and

“ The recited Acts ” mean the Act of 1901 and the Act of 1902.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the line and situation and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramway hereinafter described with all necessary and proper rails plates foundations sleepers crossings passing-places pillars posts poles brackets wires apparatus works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. Power to make tramway.

The tramway hereinbefore referred to and authorised by this Act will be situate in the urban district of Gosforth in the county of Northumberland and is—

A tramway (part single and part double line) six chains and ten links in length commencing in Rothwell Road by a junction with the Company's authorised Tramway No. 7 authorised by the Act of 1902 at a point one hundred and ten yards or thereabouts north of the intersection of Spital Terrace and Rothwell Road passing thence in a northerly direction along Rothwell Road and in a westerly direction along an intended new road leading therefrom to the North Road parallel with and adjacent to the southern side of the Coxlodge waggon-way and terminating in the North Road by a junction with Tramway No. 7 aforesaid at a point eight yards or thereabouts south of the point at which the Coxlodge waggon-way crosses the said tramway.

5. The tramway shall be constructed with two rails on a gauge of four feet eight and a half inches and shall where laid along or across the carriageway of any road or street be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the carriageway and Gauge of tramway.

A.D. 1904. — the Company shall not use on the tramway carriages or trucks adapted for use on railways.

Inspection
by Board of
Trade.

6. The tramway shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramway to
form part of
undertaking
authorised by
Act of 1902.

7. The tramway shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the undertaking of the Company authorised by the Act of 1902 as if the same had been constructed under the powers of that Act instead of the portion of Tramway No. 7 authorised by the Act of 1902 and by this Act authorised to be abandoned.

Power to
take addi-
tional lands
and execute
works.

8. Subject to the provisions of this Act the Company may enter upon take and use the lands and hereditaments hereinafter described for the purpose of widening and improving the public roads and may execute the works hereinafter mentioned (that is to say):—

In the urban district of Gosforth in the county of Northumberland—

(a) Certain land in the parish of South Gosforth containing an area of about 60 square yards situate at the south-eastern corner of Rothwell Road aforesaid being part of a piece of land belonging to the Reverend Thomas Wilkinson and others and in the occupation of the Reverend Thomas Reilly being the property numbered on the deposited plans 1 in the said urban district and the Company may set back the footpath at and near the said corner:

In the urban district of Willington Quay in the county of Northumberland—

(b) Two cottages and land in Keelman's Row being the easternmost cottages in the said row belonging to the corporation of Newcastle-upon-Tyne being the premises numbered on the deposited plans 1 and 2 in the said urban district.

Incorpora-
tion of cer-
tain sections
of recited
Acts.

9. The sections of the recited Acts which are set forth in the First Schedule to this Act shall with the necessary modifications and alterations extend and apply to and in respect of the tramway as if the same were re-enacted in this Act and section 17 (For protection of Postmaster-General and section 59 of recited Act

repealed) of the Act of 1902 (except so much thereof as repeals section 59 of the Act of 1901) shall extend and apply to and in respect of the tramway and to and in respect of the tramroad by this Act authorised and confirmed. A.D. 1904.
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10. The powers by this Act granted to the Company for the compulsory purchase of lands shall cease after the expiration of two years from the passing of this Act. Period for compulsory purchase of lands.

11. If the tramway be not completed within three years from the passing of this Act then on the expiration of that period the powers granted by this Act to the Company for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed. Period for completion of tramway.

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

13. If the Company fail within the period limited by this Act to complete the tramway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the tramway is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per cent. on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Paymaster-General for and on behalf of the Supreme Court in England in the Bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided but no penalty shall accrue Imposing penalty if tramway not opened within period limited.

A.D. 1904. — in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the tramway by unforeseen accident or circumstances beyond their control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing
for applica-
tion of
penalty.

14. If the Company do not previously to the expiration of the period limited by this Act for the completion of the tramway complete the same and open it for public traffic then and in every such case any sum of money recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and also in compensating all road authorities for the expense incurred by them in taking up the tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of the tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the court may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the sum or sums of money recovered by way of penalty as aforesaid or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the tramway has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

Confirming
scheduled
agreement.

15. The agreement between the Company and the corporation dated the twenty-first day of July one thousand nine hundred and four set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto and shall be given

effect to accordingly and the Company and the corporation may enter into and carry into effect any agreement for varying all or any of the terms of the said agreement. A.D. 1904.

16. During the continuance of the said agreement or any agreement for varying the same the tramways of the Company which under the said agreement shall be used by the cars of the corporation and the tramways of the corporation which under the said agreement shall be used by the cars of the Company shall for the purposes of fares and rates to be taken in respect of traffic carried over the same by the Company and the corporation respectively be considered as one tramway and the corporation and the Company respectively may demand and take rates and charges upon and in respect of the tramways so used not exceeding the rates and charges for the time being authorised to be demanded in respect thereof and the regulations and byelaws for the time being in force on the tramways so used shall be at all times observed so far as such regulations and byelaws are applicable. As to rates and charges to be taken in respect of traffic.

17. The Company and the corporation respectively may make all necessary junctions between their tramways for the purpose of giving effect to the said agreement and all such works as shall be carried out by the Company shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of the corporation and all such works as shall be carried out by the corporation shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of the Company and if any difference shall arise between the said engineer and the engineer of the Company as to the mode of carrying out such works the same shall be determined by an engineer to be appointed by the Board of Trade on the application of the Company. Junctions with other tramways.

18. In determining the fair market value of the tramways of the Company under the provisions of section 83 of the Act of 1901 or section 37 of the Act of 1902 the arbitrator therein mentioned shall not have regard to any increase of value in his opinion directly due to the use by the Company of the tramways of the corporation under the agreement scheduled to this Act or any modification of such agreement or produced by the exercise of the powers by this Act conferred upon the Company of running over and using the tramways of the corporation and not in his opinion due to any natural or other cause affecting the volume of traffic on such tramways. Exercise of running powers not to enhance value of Company's tramways on purchase by local authorities.

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Confirming
construction
of tramroad
by Company
in Wallsend.

19. The construction by the Company of the tramroad in the borough of Wallsend between West House and the Newcastle and Tynemouth Main Road including the junction thereof with the Company's authorised tramway laid in that road is hereby authorised and confirmed and the Company may maintain work and use the said tramroad subject to the provisions of the Act of 1901 in all respects as if it had been authorised by that Act and the same shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of Tramroad No. 1A authorised by that Act as if the same had been constructed under the powers of that Act and the Company may demand and take the same tolls rates and charges in respect of passengers parcels and goods carried by them on the said tramroad as are authorised to be taken in respect of the said Tramroad No. 1A.

Certain
tramroad to
be main-
tained as
tramway.

20. So soon as the new road which is intended to be made along the line of the said tramroad between West House and the Newcastle and Tynemouth main road mentioned in the last preceding section has been made and declared to be a highway repairable by the inhabitants at large such tramroad shall be deemed to be a tramway within the meaning and for the purposes of section 28 of the Tramways Act 1870 and the Company shall pave and thereafter maintain and keep in good condition and repair such portion of the said road in accordance with the provisions of that section.

Abandon-
ment of con-
struction of
certain works
authorised by
Acts of 1901
and 1902.

21. The Company may abandon the construction of—

(a) So much of Tramway No. 7 authorised by the Act of 1902 in the urban district of Gosforth as lies between the point of commencement of the tramway authorised by this Act and High Street (Gosforth):

(b) So much of Tramroad No. 1A authorised by the Act of 1901 in the borough of Wallsend as lies between West House and its authorised point of termination at the junction of York Street aforesaid and High Street West (Wallsend).

Release of
deposit in
respect of
abandoned
works.

22. On application by the Company at any time after the passing of this Act the High Court may and shall order that the sum of one hundred and ninety-one pounds two shillings and sevenpence two and three quarters per centum consolidated stock or the securities representing the same being the portion of the deposit fund mentioned in section 27 of the Act of 1902

applicable in respect of the portion of Tramway No. 7 authorised by that Act and by this Act authorised to be abandoned and that the sum of three hundred and thirty-nine pounds ten shillings and sevenpence two and three quarters per centum consolidated stock or the securities representing the same being the portion of the deposit fund mentioned in section 78 of the Act of 1901 applicable in respect of the portion of Tramroad No. 1A authorised by that Act and by this Act authorised to be abandoned shall be transferred or paid to the depositors of the said funds respectively or as they shall direct. A.D. 1904.

23. Nothing herein contained shall be deemed or construed to exempt the Company or the tramway authorised to be made by this Act from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum tolls or charges authorised by this Act or the recited Acts. Provision as to general Tramways and Tramroads Acts.

24. 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. Costs of Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

INCORPORATED PROVISIONS OF THE ACT OF 1901.

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| Section 29 | Correction of errors &c. in deposited plans and book of reference. |
| Section 35 | As to rails of tramways. |
| Section 36 | Further provisions as to construction of tramways. |
| Section 37 | Passing places to be constructed where less than a certain width left between footway and tramway. |
| Section 38 | Penalty for not maintaining rails in proper order. |
| Section 39 | Tramway to be kept on level of surface of roads. |
| Section 40 | Application of road materials excavated in construction of tramways. |
| Section 42 | Temporary tramways may be made when necessary. |
| Section 43 | Power to lay double or interlacing lines in place of single lines and vice versâ. |
| Section 44 | Junctions with tramways and tramroads which can be worked in connection with Company's lines. |
| Section 45 | Local authority to have access to sewers. |
| Section 46 | As to manholes. |
| Section 47 | As to removal of snow &c. |
| Section 48 | Agreements between Company and road authorities. |
| Section 53 | Motive power. |
| Section 54 | Attachment of brackets to buildings. |
| Section 55 | As to posts standards and brackets. |
| Section 56 | As to position of electric wires. |
| Section 57 | Company may lop trees overhanging public highway. |
| Section 58 | Special provisions as to use of electrical power. |
| Section 60 | Electrical power works to be subject to sections 26 to 33 of Tramways Act 1870. |
| Section 61 | Byelaws by Board of Trade. |
| Section 62 | Power to Company to make byelaws. |
| Section 63 | Tolls for passengers. |
| Section 64 | Fares not to be raised on Sundays and holidays. |
| Section 65 | Passengers' luggage. |
| Section 66 | List of rates to be exhibited. |
| Section 67 | Purposes for which tramways and tramroad may be used. |

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Section 68	Rates for animals goods &c.	A.D. 1904.
Section 69	Small parcels.	—
Section 70	Regulations as to rates.	
Section 71	Cheap fares for labouring classes.	
Section 72	Periodical revision of rates and charges.	
Section 73	As to mode of payment &c. of tolls.	
Section 74	Service of cars.	
Section 75	Lights on carriages.	
Section 77	Local authorities and road authorities may use tramways for certain purposes.	
Section 81	Agreements as to supply of electrical power.	
Section 82	Agreements with other companies &c.	
Section 83	As to purchase of undertaking.	
Section 84	Amendment of Tramways Act 1870 as to byelaws by local authority.	
Section 85	Orders and byelaws.	
Section 86	Recovery of penalties.	
Section 87	Company to be responsible for all damages.	

INCORPORATED PROVISIONS OF THE ACT OF 1902.

Section 26	Power to make additional crossings &c.
Section 35	Foregoing charges not to apply to special carriages.

THE SECOND SCHEDULE.

ARTICLES OF AGREEMENT made the twenty-first day of July one thousand nine hundred and four between the **TYNESIDE TRAMWAYS AND TRAMROADS COMPANY** (hereinafter called "the Company") of the one part and the **MAYOR ALDERMEN AND CITIZENS OF THE CITY AND COUNTY OF NEWCASTLE-UPON-TYNE** (hereinafter called "the corporation") of the other part.

WHEREAS under certain Acts of Parliament the Company have constructed and work amongst others the following tramways (hereinafter collectively called "the Company's tramways") (that is to say):—

- ... A tramway (herein called "Tramway A") commencing in the Shields Road (Wallsend) at the westernmost point of the boundary between the urban district of Walker and the borough of Wallsend passing thence along High Street (West) High Street (East) to Park Road (Wallsend);
- ... A tramway (herein called "Tramway B") commencing at the termination of the corporation tramway in Neptune Bank at the boundary

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between the urban district of Walker and the borough of Wallsend passing thence along Neptune Bank Buddle Street Hadrian Road and Park Road to the junction of that road with High Street Wallsend ;

A tramway (herein called "Tramway C") commencing at the termination of the tramway of the corporation in High Street Gosforth passing thence northwards along the North Road to the main entrance gate into Gosforth Park :

And whereas under certain other Acts of Parliament the corporation own and work amongst others the following tramways or portions of tramways (hereinafter collectively called "the corporation tramways") (that is to say) :—

A tramway (herein called "Tramway D") commencing in the Shields Road at the westernmost point of the boundary between the urban district of Walker and the borough of Wallsend in that road passing thence generally in a westerly and southerly direction along Shields Road (Walker) Byker Hill Long Row Shields Road (Newcastle) Byker Bridge Ridley Terrace Ridley Villas New Bridge to the Earl Grey Monument and thence along Blakett Street and Stanhope Street ;

A tramway (herein called "Tramway E") commencing at the foot of Neptune Bank Wallsend at the boundary between the urban district of Walker and the borough of Wallsend passing thence generally in a westerly direction along Fisher Street Victoria Street Station Road Walker Road (partly in Walker and partly in Newcastle) New Glasshouse Bridge and Street City Road Pilgrim Street Mosley Street St. Nicholas Square Collingwood Street Westgate Road ;

A tramway (herein called "Tramway F") commencing in High Street Gosforth at or near its junction with Henry Street passing thence generally in a southerly direction along High Street (Gosforth) North Road (Gosforth and Newcastle) to the Central Station of the North Eastern Railway Company aforesaid :

And whereas it has been agreed between the corporation and the Company that certain through communication as hereinafter mentioned should be established between the Company's tramways and the corporation tramways :

It is hereby agreed as follows :—

(Wallsend Traffic.)

1. The Corporation shall operate in each direction through services of cars from some point or points upon the corporation's system of tramways and the eastern end of Tramways A and B respectively of which services a sufficient number of cars shall start from Pilgrim Street or some point to the westward thereof and for the purposes aforesaid may run over and use with their cars and their officers and servants in charge thereof the said

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Tramways A and B and may from time to time at their option increase the number of cars so run. A.D. 1904.

2. The Corporation shall not charge for the carriage of passengers on Tramways A and B more than one halfpenny for each half mile Provided that the corporation shall not be bound to take any less fare than one penny.

3. The corporation shall pay to the Company in respect of each passenger conveyed by the corporation upon a car of the corporation over Tramways A and B or any part thereof a sum equal to four fifths of one halfpenny except that in respect of a child or a workman entitled to be carried at a reduced fare the corporation shall pay such sum as bears to four fifths of one halfpenny the same proportion as the reduced fare payable by such child or workman for any given length of journey bears to the ordinary fare for the similar journey.

(Willington Quay and Shields Traffic.)

4. The Company shall operate in each direction through services of cars between the eastern terminus of the tramway system of the Company and Stanhope Street or some point on Tramway D between Stanhope Street and the Earl Grey Monument such service to consist of a car run in each direction every sixteen minutes and for that purpose may run over and use with their cars and their drivers in charge thereof Tramway D or such portion thereof as lies to the eastward of the point aforesaid.

5. The conductor of the Company's car shall on passage of the car on to Tramway D be replaced by a conductor employed by the corporation who shall remain upon the car so long as it remains on any of the corporation tramways provided that if such change of conductor proves unreasonably wasteful and unworkable some other arrangement shall be mutually agreed upon.

6. The corporation shall be entitled to all receipts taken in respect of the conveyance of passengers by the cars of the Company on any of the corporation tramways.

7. The corporation shall pay to the Company in respect of each car of the Company running under this agreement upon any of the corporation tramways the sum of twopence for every mile traversed by such car upon the corporation tramways.

8. The Company shall to the reasonable satisfaction of the corporation operate punctually all cars running under this agreement between the eastern terminus of the tramway system of the Company and the said point on Tramway D.

(Gosforth Park Traffic.)

9.—(a) The corporation shall operate in each direction a through service of cars over the whole of Tramways F and C and for the purposes aforesaid may run over and use with their cars and their officers and servants in charge thereof the said Tramway C.

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(b) Such service of cars shall on each day on which race meetings are held at Gosforth Park consist of such number of cars operated in each direction over the said Tramways F and C at such intervals of time and between such hours as shall in all respects be reasonably necessary to accommodate the requirements of the travelling public regard being had to the requirements of the whole tramway system of the corporation and to the number of cars for the time being owned by the corporation.

(c) On days other than days on which race meetings are so held such service shall consist of cars running in each direction at intervals of an hour or such other intervals as shall be reasonably necessary to accommodate the requirements of the public.

10. On each day on which race meetings are held at Gosforth Park—

(a) The corporation shall subject as hereinafter mentioned have entire control management and regulation of the operation of cars and conveyance of passengers upon Tramway C and all cars run by the Company over Tramway C shall be run subject to any rules and regulations of the corporation in regard thereto as if such tramways were a tramway belonging to the corporation :

(b) The Company may notwithstanding the foregoing provisions run over and use the said Tramway C with their cars and with their officers and servants in charge thereof for the purpose of conveying passengers parcels and passengers' luggage over the Company's system from Shields and Wallsend to Gosforth Park :

(c) The Company in addition to the cars which they may run over Tramway C under the provisions of subsection (b) of this article may run a service of cars not exceeding four over Tramway C for the accommodation of local traffic and such cars shall not turn at any point upon the North Road in the urban district of Gosforth :

(d) The corporation shall not exercise the powers of subsection (a) of this article so as unreasonably to interfere with the use by the Company of Tramway C for the purposes of subsections (b) and (c) of this article.

11. The payments to be made by the corporation to the Company or by the Company to the corporation as the case may be in respect of the running over and use by the corporation or by the Company of Tramway C for the purposes of conveying passengers to or from Gosforth Park or intermediate places on that route are hereby agreed as follows:—

(a) On days on which race meetings are held at Gosforth Park—

(1) The corporation shall in respect of each passenger carried by the corporation at a special fare on a car of the corporation over Tramway C or any part thereof pay to the Company seven seventeenths of the special through fare to be charged by the corporation from the Central Station of the

North Eastern Railway Company to Gosforth Park and such special through fares shall from time to time be settled by agreement between the parties hereto; A.D. 1904.

(2) The Company shall pay to the corporation the sum of one penny for every passenger carried by the Company over Tramway C under Article 10 (c) hereof at such times as the Company charge a special fare of not less than sixpence for every passenger so carried and one halfpenny in respect of every passenger carried by the Company at a special fare lower than sixpence. The fares to be charged by the Company for passengers so carried shall vary concurrently with the special through fares between Gosforth Park and the Central Station of the North Eastern Railway Company to be agreed between the parties hereto as aforesaid:

(b) On days other than days on which race meetings are held at Gosforth Park—

(1) The corporation shall pay to the Company two thirds of all fares taken by the corporation in respect of the carriage of passengers on Tramway C. Provided that the corporation shall not charge in respect of such carriage a less fare than twopence for any distance greater than one mile nor less than one penny for any distance less than one mile.

12. The provisions of this agreement and all arrangements made for carrying the same into effect in so far as they relate to Tramway C may be determined by the Company by six months' notice in writing to the corporation and shall also be subject to the approval of the urban district council of Gosforth.

(General.)

13. In each case where the corporation or the Company as the case may be (in this article respectively called "the operators") run over and use with their cars any tramways belonging to the other party (in this article called "the owners") the following provisions shall have effect:—

- (a) The owners shall at their own expense generate transmit and distribute all electrical energy required by the cars of the operators upon and over the tramways of the owners:
- (b) The owners shall maintain their tracks and all poles cables wires plant and appliances connected therewith on such of the tramways of the owners as the operators are by this agreement authorised to run over and use in a state of repair and efficiency to the reasonable satisfaction of the operators:
- (c) The operators shall so long as their cars are upon the tramways of the owners be liable for all damage caused by or to such cars and shall indemnify and save harmless the owners from all such liability:
- (d) All officers and servants of the operators except in so far as hereinbefore otherwise expressly provided in regard to cars running on

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Tramway C on the days on which race meetings are held at Gosforth Park shall be under the superintendence and subject to the control of the owners :

- (e) The cost of making and maintaining all necessary junctions between the tramways of the corporation and the Company for the purposes of carrying into effect the provisions of this agreement shall be borne and paid by the owners and operators in equal shares :
- (f) All cars used by the Company in the city shall be so far as possible free from advertisements :
- (g) The operators shall maintain all cars run by them upon tramways of the owners in good condition and repair to the reasonable satisfaction of the owners.

14. During the continuance of this agreement neither of the parties hereto shall without the consent of the other party make any application to Parliament or to the Board of Trade or to the Light Railway Commission in relation to running powers or traffic facilities over any tramway of the other party now made or authorised or authorised during the present session of Parliament.

15. This agreement shall be binding upon the parties hereto for ten years from the date hereof and for such further period (if any) as the undertaking of the Company shall belong solely to the Company.

16. At the expiration of the said period of ten years or at the expiration of every succeeding period of five years during the currency of this agreement either party hereto shall be entitled to require the revision of the financial terms and conditions of this agreement as hereby agreed or as revised from time to time hereunder and in default of agreement such revision shall be made by an arbitrator appointed (failing agreement) by the Board of Trade. The terms and conditions so revised shall have effect and be binding on the parties as if they had been hereby agreed and in substitution for the terms and conditions hereby agreed so far as they may be inconsistent therewith.

17. Notwithstanding anything hereinbefore contained any question between the parties hereto with respect to the intent or meaning of this agreement shall be settled by a single arbitrator appointed failing agreement by the Board of Trade.

(Signed) W. SPELMAN BURTON
For the Company.

(Signed) HILL MOTUM
For the Corporation.

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FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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