



### CHAPTER lviii.

An Act to confer powers upon the mayor aldermen and burgesses of the borough of Middlesbrough with respect to tramways and omnibuses to authorise them to construct street works to incorporate the Teesside Railless Traction Board and for other purposes.

A.D. 1919.

[15th August 1919.]

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

And whereas in pursuance of powers conferred by the Middlesbrough Stockton-on-Tees and Thornaby Tramways Acts and Order 1897 to 1911 (hereinafter referred to as "the Tramway Acts and Order") tramways have been constructed in the borough and in the adjacent boroughs of Thornaby-on-Tees and Stockton-on-Tees by the Imperial Tramways Company Limited (hereinafter referred to as "the tramways company") and by section 43 of the Tramways Act 1870 which is incorporated with the Tramway Acts and Order or some or one of them the corporation and the mayor aldermen and burgesses of the boroughs of Thornaby-on-Tees and Stockton-on-Tees respectively (hereinafter referred to as "the Thornaby Corporation" and "the Stockton Corporation" respectively) are empowered within six months from the sixth day of August one thousand eight hundred and ninety-seven and within six months after the expiration of every subsequent period of seven

60 & 61 Vict.  
c. cliii.  
4 Edw. 7.  
c. cexliii.  
7 Edw. 7.  
c. xevi.  
1 & 2 Geo. 5.  
c. xci.

[Ch. lviii.] *Middlesbrough Corporation* [9 & 10 GEO. 5.]  
*Act, 1919.*

A.D. 1919. years and with the approval of the Board of Trade to purchase so much of the undertaking authorised by the Tramway Acts and Order as is within the borough and the boroughs of Thornaby-on-Tees and Stockton-on-Tees respectively:

And whereas the Corporation and the Thornaby Corporation and the Stockton Corporation have each with the approval of the Board of Trade served notice requiring the tramways company to sell to them so much of the undertaking as aforesaid as is situate within their respective boroughs pursuant to and in accordance with the provisions of the said section:

And whereas it is expedient to empower the Corporation to construct and maintain the tramways by this Act authorised and to work such tramways and the tramways of the tramways company in the borough when purchased by the Corporation and to make further provision with regard to the tramways for the time being belonging to the Corporation and to enable the Corporation to acquire work and run omnibuses as in this Act provided:

And whereas the tramways company also own certain omnibuses which they run in the borough and the borough of Stockton-on-Tees and adjoining districts and certain omnibus depôts and workshops:

And whereas the Corporation and the Stockton Corporation are willing to purchase the omnibus undertaking of the tramways company and it is expedient that the agreement which has been made for the simultaneous completion of the said several purchases and which is scheduled to this Act be confirmed:

2 & 3 Geo. 5.  
c. lv.

And whereas by the North Ormesby South Bank Normanby and Grangetown Railless Traction Act 1912 (hereinafter referred to as "the Trolley Vehicle Act") the North Ormesby South Bank Normanby and Grangetown Railless Traction Company thereby incorporated and hereinafter referred to as "the Trolley Vehicle Company" were empowered to provide maintain and equip trolley vehicles and to work and use the same along certain routes therein described and situate in the urban districts of Ormesby South Bank in Normanby and Eston:

3 & 4 Geo. 5.  
c. cxlii.

And whereas by the Middlesbrough Extension Order 1913 which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 18) Act 1913 the portion of the urban district of Ormesby through which the Trolley Vehicle Company



were by the Act of 1912 authorised to work and run trolley vehicles was added to the borough: A.D. 1919.

And whereas by an Order made by the council of the North Riding of the county of York under the provisions of the Local Government Act 1888 on the thirteenth day of May nineteen hundred and fourteen and confirmed by the Local Government Board on the twenty-second day of February nineteen hundred and fifteen the urban districts of South Bank in Normanby and Eston were amalgamated and are now known as the urban district of Eston:

And whereas the Trolley Vehicle Company have erected the trolley vehicle equipment along the greater part of the routes aforesaid but have not yet commenced to run trolley vehicles thereon and it is expedient to constitute and incorporate a board as by this Act provided representing the Corporation and the urban district council of Eston and to authorise such board to acquire carry on and exercise the undertaking of the Trolley Vehicle Company and the rights powers authorities and privileges conferred upon them by virtue of the Trolley Vehicle Act:

And whereas it is expedient to empower the Corporation to construct the street works by this Act authorised and to acquire lands for and in connexion with the construction thereof and of the tramways by this Act authorised and for the erection of buildings for the purposes of their tramway and omnibus undertakings:

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 and in connexion with the construction of the tramways by this Act authorised - -	86,035
For the provision of tramway rolling stock -	9,600
For the provision of electrical equipment and other works necessary for working the tramways by this Act authorised - - -	7,667
For the provision and equipment of omnibuses -	8,000

[Ch. lviii.] *Middlesbrough Corporation* [9 & 10 GEO. 5.]  
Act, 1919.

A.D. 1919.

For the purchase of lands for the purposes of the tramway and omnibus undertakings of the Corporation and for the erection of buildings thereon - - - - -	£ 15,000
For and in connexion with the purchase of lands and the construction of the street works by this Act authorised - - - - -	4,459

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

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Middlesbrough Corporation Act 1919.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—  
Part I.—Preliminary.  
Part II.—Tramway Provisions.



- Part III.—Provisions common to Tramways and Omnibuses of Corporation. A.D. 1919.
- Part IV.—Power to Corporation to work Tramways and Omnibuses.
- Part V.—Working Agreements and Running Powers.
- Part VI.—Lands.
- Part VII.—Street Works.
- Part VIII.—Establishment of Board.
- Part IX.—Transfer of Trolley Vehicle Undertaking to Board.
- Part X.—Further Powers to Board.
- Part XI.—Financial and Miscellaneous Provisions.

3. The Lands Clauses Acts and section 3 (Interpretation of terms) Part II. (Construction of Tramways) and Part III. (General Provisions) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act: Incorporation of general Acts.

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

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

“The borough” means the county borough of Middlesbrough;

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

“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough;

“The district fund” and “general district rate” mean respectively the district fund and the general district rate of the borough;

A.D. 1919.

“The Tramway Acts and Order” means the Middlesbrough Stockton-on-Tees and Thornaby Tramways Acts and Order 1897 to 1911;

“The Order of 1897” means the Middlesbrough Stockton-on-Tees and Thornaby Tramways Order 1897;

“The tramways company” means the Imperial Tramways Company Limited;

“The tramways” means the tramways by this Act authorised;

“The existing tramways” means so much of the tramways authorised by the Tramway Acts and Order as is situate within the borough when acquired by the Corporation;

“The Corporation tramways” means the tramways the existing tramways and all tramways for the time being belonging to or leased to or worked by the Corporation;

“The tramway undertaking” means the portion of the tramway undertaking of the tramways company acquired by the Corporation and the tramway undertaking of the Corporation for the time being authorised;

“Mechanical power” includes electrical and every other motive power not being steam or animal power;

“Engine” includes motor;

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

“The Thornaby Corporation” means the mayor aldermen and burgesses of the borough of Thornaby-on-Tees;

“The Stockton Corporation” means the mayor aldermen and burgesses of the borough of Stockton-on-Tees;

“The scheduled agreement” means the agreement scheduled to and confirmed by this Act;

“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 and used by the board under the provisions of this Act;



“The Trolley Vehicle Act” means the North Ormesby South Bank Normanby and Grangetown Railless Traction Act 1912; A.D. 1919.

“The Trolley Vehicle Company” means the North Ormesby South Bank Normanby and Grangetown Railless Traction Company incorporated by the Trolley Vehicle Act;

“The undertaking of the Trolley Vehicle Company” means and includes the undertaking lands buildings works materials plant equipment trolley vehicles omnibuses and other vehicles and property and assets of the Trolley Vehicle Company (except uncalled and unpaid capital) and the rights powers authorities and privileges subject to the obligations and responsibilities (other than liability in respect of mortgages) exerciseable by or conferred or imposed upon them by virtue of the Trolley Vehicle Act or otherwise and contracts (other than mortgages if any) entered into by them in respect thereof as the same severally existed on the third day of February one thousand nine hundred and nineteen and any materials plant equipment or vehicles delivered after that day to the company under any such contract;

“The board” means the Teesside Railless Traction Board incorporated by this Act;

“The council” means the urban district council of Eston;

“Constituent authority” means either the Corporation or the council as the case may be;

“The district” means the urban district of Eston;

“The clerk to the constituent authority” includes the town clerk of the borough where the context so requires;

“The date of transfer” means such date as may be agreed between the Trolley Vehicle Company and the board or failing agreement the thirty-first day after the first meeting of the board;

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

“The Act of 1910” means the Middlesbrough Corporation Act 1910.

A.D. 1919.

## PART II.

## TRAMWAY PROVISIONS.

Power to  
maintain  
and make  
tramways.

5. Subject to the provisions of this Act the Corporation may use and maintain the existing tramways and may make form lay down use and maintain in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramways by this Act authorised with all proper rails plates junctions turntables turnouts crossings passing-places posts poles brackets wires waiting-rooms stables carriage-houses sheds buildings engines works and conveniences connected therewith.

The tramways by this Act authorised will be situate in the parish and borough of Middlesbrough in the North Riding of the county of York and are as follows:—

Tramway No. 1 A double line 1 mile 7 furlongs 8·3 chains or thereabouts in length commencing in Exchange Place by a junction with the existing tramway therein authorised by the Order of 1897 at a point thereon 18 yards or thereabouts measured in a northerly direction from the intersection of Exchange Place and Marton Road passing along Exchange Place Marton Road Park Road South and Linthorpe Road and terminating in Linthorpe Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point 18 yards or thereabouts measured in a northerly direction from the intersection of Linthorpe Road and Park Road South:

Tramway No. 1A A double line 1·50 chains or thereabouts in length commencing in Exchange Place by a junction with the existing tramway therein authorised by the Order of 1897 at a point 18 yards or thereabouts measured in a southerly direction from the intersection of Marton Road and Exchange Place and passing along Exchange Place into and terminating in Marton Road by a junction with Tramway No. 1 at a point 18 yards or thereabouts measured in an easterly direction from the intersection of Exchange Place and Marton Road:

Tramway No. 1B A double line 1·50 chains or thereabouts in length commencing in Linthorpe Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point 18 yards or thereabouts measured in a



A.D. 1919.

southerly direction from the intersection of Park Road South and Linthorpe Road and passing along Linthorpe Road into and terminating in Park Road South by a junction with Tramway No. 1 at a point 18 yards or thereabouts measured in an easterly direction from the intersection of Linthorpe Road and Park Road South:

Tramway No. 2 3 furlongs 4·8 chains or thereabouts in length being a double line in lieu of existing single line commencing in Linthorpe Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point 15 yards or thereabouts measured in a northerly direction from the intersection of Benson Street and Linthorpe Road passing along Linthorpe Road and Linthorpe Avenue and into and terminating in Linthorpe Crescent at the termination of the existing tramway therein authorised by the Order of 1897 by a junction with Tramway No. 3 hereinafter described at the commencement thereof:

Tramway No. 3 A double line 5·5 chains or thereabouts in length commencing in Linthorpe Crescent at the termination of the existing tramway therein authorised by the Order of 1897 by a junction with Tramway No. 2 hereinbefore described at the termination thereof and passing along Linthorpe Crescent into and terminating in Oxford Road at a point opposite Linden Grove:

Tramway No. 4 8 chains or thereabouts in length being a double line in lieu of existing single line commencing in Linthorpe Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point 20 yards or thereabouts measured in a southerly direction from the intersection of Grange Road West and Linthorpe Road and passing along Linthorpe Road and Grange Road West into and terminating in Albert Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point 20 yards or thereabouts measured in a northerly direction from the intersection of Grange Road West and Albert Road:

Tramway No. 4A A double line 1 furlong 5·5 chains or thereabouts in length commencing in Linthorpe Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point 20 yards or thereabouts

A.D. 1919.

measured in a southerly direction from the intersection of Borough Road and Linthorpe Road and passing along Linthorpe Road and Borough Road and into and terminating in Albert Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point 20 yards or thereabouts measured in a northerly direction from the intersection of Grange Road West and Albert Road :

Tramway No. 5 7 furlongs 1·5 chains or thereabouts in length (being a double line in lieu of existing single line) commencing in the Stockton and Thornaby Road at the boundaries of the boroughs of Middlesbrough and Thornaby-on-Tees by a junction with the existing tramway therein authorised by the Order of 1897 passing along Stockton and Thornaby Road and into and terminating in Newport Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point opposite Ayresome Road :

Tramway No. 6 1 furlong 0·5 chain or thereabouts in length (being a double line in lieu of existing single line) commencing in Marton Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point 1 chain 5 yards or thereabouts measured in a south-easterly direction from the intersection of Bright Street and Marton Road passing along Marton Road into and terminating in North Ormesby Road by a junction with the existing tramway therein authorised by the Order of 1897 at a point 1 chain 18 yards or thereabouts measured in a north-westerly direction from the intersection of Craggs Street and North Ormesby Road.

Notwithstanding anything shown on the deposited plans the distance between the centre lines of each tramway where double lines are to be laid shall be at least seven feet six inches on the straight and on curves such a distance as will provide at least one foot three inches clearance between the carriages to be run on each such tramway.

Gauge of tramways.

6.—(1) The tramways shall be constructed and the existing tramways shall be maintained on a gauge of three feet six inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Corporation



and carriages or trucks adapted to run on railways shall not be run thereon. A.D. 19 19

(2) So much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the Corporation tramways but no carriage or engine shall exceed six feet four inches in width or such other width as may from time to time be prescribed by the Board of Trade.

7. The rails of the tramways and of the existing tramways when reconstructed shall be such as the Board of Trade may approve. Rails of tramways.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they open or break up any road for the purpose of constructing any of the tramways or of reconstructing any of the existing tramways or of renewing any of such tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down or renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction reconstruction laying down and renewal of any of such tramways or part of any of such tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement. Plan of proposed mode of construction.

9. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the Corporation tramways is laid it shall in the opinion of the Corporation be expedient temporarily to remove or discontinue the use of that tramway or any part thereof the Corporation may construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued. Temporary tramways may be made when necessary.

10. For the purpose of constructing or altering any tramway in any street or road the Corporation may increase the width of the roadway of such street or road by reducing the width of the footway on each or either side of such street or road Corporation may reduce width of footway for constructing tramways.

A.D. 1919. Provided that no footway be so reduced to less than six feet six inches in width.

Cross-overs to be constructed in certain cases.

11. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs and to double tramway lines.

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

(2) Notwithstanding anything shown on the deposited plans the Corporation may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the Corporation tramways and may with the like consent at any time alter the position in the road of any of the Corporation tramways or any part thereof.

(3) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving notice from the Corporation express their objection thereto.



**13.**—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the Corporation tramways and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

A.D. 1919.  
Penalty for not maintaining rails and roads.

(2) In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with the provisions of this section or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the Board and if the officer reports that the default has been proved to his satisfaction then and in every such case a copy of that report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of the default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

**14.** If and whenever after the passing of this Act the level of any road along or across which any part of the Corporation tramways is laid or authorised to be laid is altered the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways to be kept on level of surface of road.

**15.** The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Inspection by Board of Trade.

**16.** The tramways shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of works.

**17.** The tramways shall subject to the provisions of this Act be deemed for all purposes to be part of the tramway undertaking of the Corporation.

Tramways to be part of tramway undertaking of Corporation.

A.D. 1919.

Provisions  
\* as to motive  
power.

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

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

(2) The Board of Trade shall make regulations (in this Act referred to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the Corporation tramways and for regulating the use of electrical power:

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

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

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

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

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



19. The following provisions shall apply to the use of electrical power on the Corporation tramways unless such power is entirely contained in and carried along with the carriages:—

A.D. 1919.  
Special provisions as to use of electrical power.

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

A.D. 1919.

- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:
- (6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the cost of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:
- (7) The expression "Corporation" in this section includes their lessees and any person owning working or running carriages on any of the Corporation tramways.

Mechanical  
power  
works.

20. For the purposes of working any of the Corporation tramways the Corporation and their lessees subject to the provisions of this Act and as to the lessees subject to the terms of their lease may in under or over the surface of the streets or roads in or along which they are or may be authorised to lay the tramways and in under or over the surface of the streets or roads along which it may be necessary or convenient so to do for the purpose of providing access for the carriages used on the Corporation tramways to any car shed or depôt used in connexion with the tramway undertaking of the Corporation or along which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station provide 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 Corporation tramways by electrical power and may for that purpose subject to the provisions of this Act or of any enactment incorporated therewith or applied thereby open and break up any such street



or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder: A.D. 1919.

Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade:

Provided that nothing in this section contained shall authorise any interference with any level crossing or with any bridge or approach thereto or with any street or road belonging to and forming the approach to any station or depôt of the North Eastern Railway Company nor shall the Corporation or their lessees in carrying out the works authorised by this section obstruct or interfere with the convenient access to any such street or road without in any of such cases obtaining the consent in writing of the Company which consent shall not be unreasonably withheld:

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

**21.**—(A) Notwithstanding anything in this Act contained if any of the works by this Act authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of  
Postmaster-  
General.

(B) In the event of any of the Corporation tramways being worked by electrical energy the following provisions shall have effect:—

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such

A.D. 1919.

- telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
  - (3) Before any electric line is laid down or any act or work for working the Corporation tramways by electrical energy is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration:
  - (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's work or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and



A.D. 1919.

the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations:

- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall (except as hereinafter mentioned) be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (6) Nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:
- (10) Any question or difference arising under this section which is directed to be determined by arbitration

A.D. 1919.

shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

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

Use of  
tramway  
posts by  
Postmaster-  
General.

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

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the Corporation tramways:

(B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:



- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the Corporation tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section : A.D. 1919.
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided :
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and

A.D. 1919.

placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided:

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

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

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



relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided. A.D. 1919.

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

(4) In this section the expression "Corporation" includes their lessees the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

**23.** 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 for the working of the Corporation tramways by mechanical power: Attachment  
of brackets  
&c. to build-  
ings.

Provided that---

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):
- (3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building:

A.D. 1919.

(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 North Eastern Railway Company without the previous consent in writing of that company or if such consent be unreasonably withheld the consent of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers.

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

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

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

Byelaws.

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

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

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

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

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

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



Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings. A.D. 1919.

**26.** The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the Corporation tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised. Byelaws by local authority.

### PART III.

#### PROVISIONS COMMON TO TRAMWAYS AND OMNIBUSES OF CORPORATION.

**27.** The provisions of this Part of this Act shall so far as the same are applicable in that behalf extend and apply mutatis mutandis to and in relation to the omnibuses run by the Corporation and to their omnibus routes and undertaking and to the Corporation in respect thereof. Application of this Part of Act to omnibuses.

**28.** Subject to the provisions of this Act the Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers on the routes of the Corporation tramways and of the servants of the Corporation and may for that purpose use portions of the public park walks or pleasure grounds within the borough and portions of any street or road and the powers of section 46 and section 47 of the Tramways Act 1870 enabling the Corporation to make byelaws and impose penalties for the breach thereof shall extend to and shall enable the Corporation to make and enforce byelaws for the regulation use and management of any such shelters or waiting-rooms and the provisions of that Act shall apply accordingly: Shelters or waiting-rooms.

Provided that no shelter or waiting-room shall be erected or maintained in any public street or road except with the consent of the local and road authority nor in any private street or road except with the consent of the owner thereof nor in such a position in any street or road as to cause or be likely to cause any interference with or damage to the works or apparatus of the Cleveland and Durham County Electric Power Company or to render the same difficult of access.

A.D. 1919.  
Cloak-rooms  
&c.

**29.** Subject to the provisions of this Act the Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connexion with the Corporation tramways and at any places on the routes thereof and the Corporation may make charges for the use of such cloak-rooms and sheds and for the deposit of articles and things and bicycles tricycles or other vehicles therein.

Lost pro-  
perty.

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

Corporation  
may appoint  
stopping  
and starting  
places.

**31.** Subject to the provisions of this Act the Corporation may appoint the stations and places from which the carriages used on the Corporation tramways shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such carriages shall be allowed to remain at any such place:

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

Power to  
require  
intending  
passengers  
to wait in  
lines or  
queues.

**32.**—(1) For the better regulation of persons desiring to travel in the carriages on the Corporation tramways the Corporation may subject to the provisions of this Act erect and maintain barriers and posts at any stopping-place or terminus and for that purpose may with the consent of the road authority use part of the highway and the Corporation may make byelaws requiring persons waiting to enter carriages at any stopping-place or terminus upon any of the Corporation tramways to wait in lines or queues and to enter such carriages in the order in which they stood in such line or queue.

(2) Any byelaws made under this section shall be made subject and according to the provisions of section 46 and section 47 of the Tramways Act 1870 and those provisions shall apply accordingly.



**33.** Notwithstanding anything contained in the sections of this Act whereof the marginal notes are "Shelters or waiting-rooms" "Cloak-rooms &c." and "Power to require intending passengers to wait in lines or queues" no shelter waiting-room cloak-room or other room shed barrier or post shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station or depôt of the North Eastern Railway Company except with the consent in writing of that company which consent shall not be unreasonably withheld nor except with the like consent on any bridge carrying any street or road over such railway.

A.D. 1919.  
For protec-  
tion of North  
Eastern  
Railway  
Company.

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

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

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

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

**35.** Notwithstanding anything to the contrary in this Act contained the Corporation shall not erect any sheds shelters waiting-rooms gangways barriers or posts in nor attach any sign or direction to any lamp-post pole standard or other similar erection erected in any road constructed under the authority of the Tees Conservancy Act 1912 without the consent in writing of the Tees Conservancy Commissioners so long as such road remains vested in or under the jurisdiction of those Commissioners :

For protec-  
tion of Tees  
Conservancy  
Commis-  
sioners.

A.D. 1919.

Provided that such consent shall not be unreasonably withheld and that if any difference shall arise between the Corporation and the Tees Conservancy Commissioners under this section such difference shall be referred to a single arbitrator who in default of agreement shall be appointed by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to such reference.

Penalty for  
malicious  
damage.

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

Dwelling-  
houses for  
persons in  
Corpora-  
tion's  
employment  
and other  
buildings.

**37.** The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their tramway undertaking and offices and other buildings for the purposes of that undertaking and may erect maintain and let dwelling-houses for such persons and offices and other buildings for the purposes of that undertaking upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking.

Application  
of Convey-  
ance of Mails  
Act 1893.

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

Passenger  
fares.

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



(2) A list of all fares authorised to be taken for passengers shall be exhibited in a conspicuous place inside each of the carriages. A.D. 1919.

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

**41.** The Corporation shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary weekdays. As to fares on Sundays or holidays.

**42.—(1)** The Corporation at all times shall and they are hereby required to run upon the Corporation tramways a proper and sufficient service of carriages for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance Provided nevertheless that the Corporation shall not be required to take any fare less than one penny On Saturdays the Corporation in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes. Cheap fares for labouring classes.

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

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

**43.—(1)** Notwithstanding anything contained in any Act to the contrary the Corporation may on days on which racing takes place or on any other special occasion run and reserve carriages on any of the Corporation tramways for any special purpose which the Corporation may consider necessary or desirable. Power to reserve carriages for special purposes.

A.D. 1919. able provided that during the running of such special carriages the Corporation shall maintain a reasonably sufficient service of carriages for ordinary traffic.

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

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

Tolls for goods.

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

		Any Distance.
	s.	d.
For every parcel not exceeding seven pounds in weight - - - - -	0	6
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - -	0	10
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight -	1	2
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight -	1	6
For any parcel exceeding fifty-six pounds in weight such sum as the Corporation may think fit.		

Corporation not bound to carry goods.

45. The Corporation shall not be bound unless they think fit to carry passengers' luggage exceeding twenty-eight pounds in weight nor any parcel or goods.

Payment of fares rates and charges.

46. The fares rates and charges authorised by this Act or by the provisions incorporated therewith shall be paid to such persons and at such places upon or near to the Corporation tramways and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint.



47. If at any time after three years from the commencement of this Act or after three years from the date of any order made in pursuance of this section in respect of the Corporation tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the Corporation tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges by this Act authorised by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the Corporation tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

A.D. 1919.  
Periodical  
revision of  
rates and  
charges.

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

Orders &c.  
of Board of  
Trade.

#### PART IV.

##### POWER TO CORPORATION TO WORK TRAMWAYS AND OMNIBUSES.

49. The scheduled agreement is hereby confirmed and made binding on the parties thereto and shall be carried into effect accordingly except so far (if at all) as the same may be varied or altered by agreement between the parties thereto.

Confirming  
scheduled  
agreement.

50. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of any of the Corporation tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient

Power to  
Corporation  
to work  
tramways.

A.D. 1919. working or user of the Corporation tramways by animal or mechanical power but nothing in this section shall empower the Corporation to create or permit a nuisance or to manufacture any such plant appliances and conveniences required for the working or user of the Corporation tramways.

Regulations by Corporation.

**51.** The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Existing tramways not to be interfered with until acquired.

**52.** Notwithstanding anything contained in this Act the Corporation shall not (except with the consent of the Tramways Company) interfere with any tramway constructed under the powers of the Tramway Acts and Order until after the completion of the purchases provided for by the scheduled agreement.

Repeal of recited Tramway Acts.

**53.** Upon the completion of the purchases provided for by the scheduled agreement the provisions of the Tramway Acts and Order (except so much of section 13 of the Order of 1897 as relates to the existing tramways) shall cease to apply to those tramways.

Power to Corporation to use trailer and coupled carriages.

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

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

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

User of tramways for carriage

**55.** The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and



to any byelaws for the time being in force with respect to the Corporation tramways) use or permit the use of the Corporation tramways for sanitary or road watering purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation either free of or subject to tolls rates and charges in respect of such use. A.D. 1919.  
of road  
materials &c.

**56.**—(1) The Corporation may provide and maintain (but shall not manufacture) and may run omnibuses on any street or road within the borough and outside the borough along the following routes:— Power to  
provide  
and run  
omnibuses.

In the county of Durham—

- (A) From the transporter bridge of the Corporation over the River Tees at Port Clarence along the northern approach road thereto along Haverton Hill Road to Haverton Hill and thence along the Haverton Hill-to-Billingham Road (also known as Haverton Hill Road) to a point in the last-mentioned road 2·5 chains or thereabouts measured in a north-easterly direction from the centre of the level crossing in that road giving access to the Tees Salt Works and Casebournes' (Pioneer) Cement Works ;
- (B) From the said transporter bridge along the said northern approach road thereto Haverton Hill Road and the new road constructed under the authority of the Tees Conservancy Act 1912 to Seaton Carew as far as the centre of the bridge carrying the last-mentioned road over Greatham Creek :

In the county of the North Riding of York—

- (c) From the borough boundary in Marton Road along Marton Road crossing the Stockton to Redcar Road and on to Marton Nunthorpe Stokesley and Broughton ;
- (d) From the borough boundary in Marton Road along Marton Road crossing the Stockton to Redcar Road and on to Marton Nunthorpe Great Ayton Stokesley and Broughton ;
- (E) On holidays half-holidays race days and other special occasions from the borough boundary in Marton.

A.D. 1919.

Road along Marton Road the Stockton to Redcar Road through Normanby Eston Eazenby (in each of which places the same road is called "High Street") and Kirkleatham thence along Kirkleatham Lane and Coatham Road and Portland Terrace Redcar to High Street Redcar Provided that whenever the Corporation run an omnibus over any portion of this route they shall unless and so far as it may be otherwise agreed between them and the board run such omnibus over the whole of such route;

(F) And (with the consent of the Board of Trade and the local and road authority of the district) along any other route outside the borough and within the Cleveland District of the North Riding of Yorkshire or within so much of the county of Durham as lies within ten miles of the boundary of the borough:

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

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



within twelve months before the expiration of every successive A.D. 1919.  
period of seven years:

Provided that any such consent shall not be unreasonably withheld and any difference as to whether or not any such consent is unreasonably withheld shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers:

Provided further that the Corporation shall not without the consent of the board run omnibuses along any of the trolley vehicle routes described in section 18 of the Trolley Vehicle Act or any authorised route of the board so long as the board run trolley vehicles or omnibuses thereon except in so far as the omnibus route (E) by this Act authorised is co-extensive with Trolley Vehicle Route No. 2 described in the said section:

Provided also that until the completion of the purchases provided for by the scheduled agreement the Corporation shall not run omnibuses without the consent of the tramways company.

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

(3) The Corporation may demand and take for the conveyance of passengers in any omnibuses run under the powers of this section the same fares and charges as they are for the time being authorised to demand and take for passengers travelling on the Corporation tramways and may also demand and take for the carriage of parcels the same rates and charges as they are for the time being authorised to demand and take for parcels carried on the same tramways.

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

A.D. 1919.

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

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

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

Omnibus undertaking to form part of tramway undertaking.

**57.** The omnibus undertaking acquired or established by the Corporation under the provisions of 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 their receipts and expenditure upon or in connexion with omnibuses shall (so far as may be reasonably practicable) be distinguished from their receipts and expenditure upon or in connexion with the remainder of the undertaking.

Contribution towards adaptation of Haverton Hill Road.

**58.** If at any time within three years from the passing of this Act the Durham County Council or the Stockton Rural District Council shall adapt for omnibus traffic the portion of Haverton Hill Road between the junction of Haverton Hill Road with the northern approach road to the transporter bridge of the Corporation and a point 2.5 chains or thereabouts measured in a north-easterly direction from the centre of the railway level crossing in Haverton Hill Road giving access to the Tees Salt Works and Casebournes' (Pioneer) Cement Works then if and when both the Corporation and the Stockton Corporation run omnibuses over the whole or any part of the said portion of Haverton Hill Road each corporation shall pay one half of one third of the cost of such adaptation of the section of road run over. Provided that if one corporation only shall run over any part of the said portion of road such corporation shall pay the whole of the said one third in respect of that part. There shall be mutual adjustment of accounts and payments between the two corporations to give effect to the provisions of this section. Provided further that the contribution by either or both



of the said corporations in respect of one third of the cost of such adaptation shall not exceed three thousand pounds nor fifteen hundred pounds in respect of one half of the said one third. Provided also that if any work executed by the Durham County Council or the Stockton Rural District Council in respect of such adaptation of the said portion of road involves an alteration of a telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration as if the said county council or the said rural district council (as the case may be) were "undertakers" within the meaning of that Act. A.D. 1919.

**59.**—(1) In this section the expression "road authority" means in the case of a main road the county council of the North Riding of Yorkshire or of the county of Durham as the case may be and in the case of a district road the district council of the district in which the same is situate. As to road  
maintenance.

(2) The Corporation shall pay—

(A) to the road authority for a road in the North Riding of Yorkshire an annual sum equal to one penny per car mile; and

(B) to the road authority for a road in the county of Durham an annual sum equal to one penny and one farthing per car mile

run by the omnibuses over the road in question towards the cost of the maintenance by the road authority of such road. All sums of money payable to the road authority under the provisions of this section shall be deemed to be a debt due to the road authority and recoverable from the Corporation accordingly.

(3) The Corporation shall keep statements for the purposes of this section showing in proper detail the mileage run by each omnibus on the roads of the road authority and shall furnish copies of such statements annually to the road authority and the Corporation shall allow any person duly authorised by the road authority in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Corporation relating to the running of all such omnibuses.

(4) In consideration of the payments to be made by the Corporation to the road authority under this section the road authority shall not under section 23 of the Highways and

[Ch. lviii.] *Middlesbrough Corporation* [9 & 10 GEO. 5.]  
*Act, 1919.*

A.D. 1919. Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act, 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any such road by the omnibuses of the Corporation.

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

For further protection of Tees Conservancy Commissioners.

60.—(1) Until the new road from Haverton Hill to Seaton Carew (including the bridges) constructed under the authority of the Tees Conservancy Act 1912 shall have been transferred to the county council of Durham or taken over by the local authority or local authorities having charge of public highways in the district or districts in which such road is situate the Corporation shall if and so long as they shall run omnibuses thereon and except so far as it may otherwise be agreed between the Corporation and the Tees Conservancy Commissioners pay in each half-year to the Tees Conservancy Commissioners an amount equivalent to so much of the cost of the maintenance and repair of the said road as shall be due to the running of the omnibuses of the Corporation which amount in default of agreement between the Corporation and the Tees Conservancy Commissioners shall be determined by arbitration under the Arbitration Act 1889 or any statutory modification of that Act by a surveyor or engineer appointed by the Board of Trade on the application of either party.

(2) The Corporation shall not run omnibuses along any other route situate outside the borough and for the time being vested in the Tees Conservancy Commissioners without the consent in writing of such commissioners first had and obtained.

(3) As and when the new road from Haverton Hill to Seaton Carew or any portion or portions thereof or any other road vested in the Tees Conservancy Commissioners shall have been transferred to the county council of Durham or taken over by the local authority or local authorities having charge of public highways in the district or districts in which such roads are respectively situate the provisions of the section of this Act the marginal note whereof is "As to road maintenance" shall



apply thereto or to such portion or portions thereof as shall have been so transferred or taken over as aforesaid. A.D. 1919.

(4) Any contribution paid to the Tees Conservancy Commissioners under this section shall be applied in discharge of the cost incurred by the commissioners in maintaining and repairing the said road.

**61.**—(1) The Corporation shall pay to the North Eastern Railway Company (in this section referred to as "the company") an annual sum equal to one penny per car mile run by the omnibuses under the powers of this Act over any road wholly or in part repairable by the company towards the cost of maintenance thereof.

For further  
protection  
of North  
Eastern  
Railway  
Company.

(2) The Corporation shall keep statements for the purposes of this subsection showing in proper detail the mileage run by each omnibus on the said roads and shall furnish copies of such statements annually to the company and the Corporation shall allow any person duly authorised by the company in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Corporation relating to the running of such omnibuses.

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

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

#### PART V.

##### WORKING AGREEMENTS AND RUNNING POWERS.

**62.**—(1) Subject to the provisions of this Act the Corporation on the one hand and the board and any local authority company or persons having statutory powers to own or work any tramways trolley vehicles or omnibuses which can be worked

Traffic and  
other agree-  
ments.

A.D. 1919. — with any of the tramways or omnibuses owned by the Corporation on the other hand may enter into contracts and agreements for effecting the following or some of the following purposes (that is to say):—

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

The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways trolley vehicles or omnibuses of rolling stock and plant necessary for the purposes of such agreement and the supply of machinery and when each of the contracting parties own or work either tramways or trolley vehicles the supply of electrical energy or power necessary for the purposes of such agreement :

The appointment and removal of officers and servants :

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

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

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

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



applicable if the conveyance took place for the entire distance over those tramways only. A.D. 1919.

In this subsection the word "tramways" includes trolley vehicle routes and omnibus routes.

**63.** So soon as the purchases provided for by the scheduled agreement shall have been completed the following provisions shall apply and have effect:— Reciprocal  
running  
powers.

(1)---(A) In this section the expression "the corporations" means the Corporation the Thornaby Corporation and the Stockton Corporation and any corporation company or person lawfully working or using the existing tramways of any of the corporations and the expression "the existing tramways" means the existing tramways in Stockton Road Newport Road Corporation Road and North Ormesby Road and Tramways No. 5 and No. 6 by this Act authorised in the borough the existing tramways in the borough of Thornaby-on-Tees or the existing tramways in the borough of Stockton-on-Tees as the context may require;

(B) For the purpose of affording a through route from the termination of the existing tramway in North Ormesby Road in the borough to the termination of the existing tramways at Norton in the borough of Stockton-on-Tees each of the corporations may with their engines carriages and waggons and officers and servants in charge of engines carriages and waggons and for the purposes of traffic of every description run over and use the existing tramways of the other corporations together with all passing places junctions plant machinery motive power apparatus works and conveniences on or connected with the same and as regards traffic of every description conveyed by them each of the corporations may demand and take upon and in respect of the tramways run over the rates and charges which the owners of such tramways are entitled to demand and take:

(2) The existing tramways of any two or more of the corporations when run over by any one of the corporations in exercise of the powers of this section

A.D. 1919.

shall for the purpose of calculating the maximum fares rates and charges to be taken in respect of traffic conveyed thereon be deemed to be one tramway :

(3) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other considerations to be paid by each of the corporations for and in respect of the use of the tramways works and conveniences run over and used shall be such as subject to the provisions of this Act or of the Acts or Order regulating the existing tramways in the boroughs of Thornaby-on-Tees and Stockton-on-Tees respectively may be agreed upon between the corporation exercising such running powers and the owners of such tramways, or failing agreement as may be determined in manner provided by the Tramways Act 1870 with respect to differences between promoters and a local authority :

(4) In running over and using the existing tramways of another of the corporations and using any apparatus works and conveniences in accordance with the provisions hereinbefore contained the regulations and byelaws for the time being in force on the tramways so used shall be at all times observed by the corporation running over or using the same so far as such byelaws shall be applicable.

#### PART VI.

##### LANDS.

Power to acquire lands.

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

Period for compulsory purchase of lands.

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

Owners may be required to sell parts only of cer-

**66.**—(1) Whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of



certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. Therefore the following provisions shall have effect:—

A.D. 1919.  
tain lands  
and build-  
ings.

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

(B) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(C) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the arbitrator or other authority to whom the question of disputed compensation shall be submitted shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(D) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat

A.D. 1919.

or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

- (E) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (F) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (G) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845



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

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

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

Power to purchase additional lands by agreement.

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

Persons under disability may grant easements &c.

**69.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under or for the purposes of this Act and may sell exchange

Power to retain sell &c. lands.

A.D. 1919. or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

## PART VII.

## STREET WORKS.

Power to  
construct  
works.

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

The works hereinbefore referred to and authorised by this Part of this Act will be situate in the parish and borough of Middlesbrough in the North Riding of York and are as follows:—

Street Work No. 1 A widening of Grange Road West on the northern side thereof between the eastern boundary of the premises known as No. 1 Grange Road West and the western boundary of the premises known as No. 31 Grange Road West:

Street Work No. 2 A widening of Linthorpe Road on the eastern side thereof between the northern boundary of the premises known as No. 436 Linthorpe Road and the southern boundary of the premises known as No. 442 Linthorpe Road.

Limits of  
deviation.

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

Subsidiary  
works.

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



A.D. 1919.

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

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

Power to alter steps areas pipes &c.

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

For protection of electric lighting undertakers.

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

For further protection of Postmaster-General.

### PART VIII.

#### ESTABLISHMENT OF BOARD.

**76.**—(1) A board to be called the "Teesside Railless Traction Board" shall be established for the purpose of acquiring by purchase and of completing managing and carrying on the under-

Establishment of board.

A.D. 1919. taking of the Trolley Vehicle Company and of exercising and enjoying the rights powers authorities and privileges of that company which are not by this Act repealed and generally for the purpose of carrying the unrepealed powers of the Trolley Vehicle Act into execution.

(2) The board shall be a body corporate with perpetual succession and a common seal and with power to acquire hold and dispose of lands without any licence in mortmain.

(3) The board shall consist of three members appointed by the Corporation and three members appointed by the council.

(4) The chairman of the board shall be elected by and from the members of the board Provided that the chairman shall in alternate years be a member representing the Corporation and the council alternately unless the board shall otherwise unanimously resolve.

Proceedings  
of board.

77. Subject to the provisions of this Act the provisions of the Third Schedule to this Act with respect to the constitution and proceedings of the board shall have effect.

#### PART IX.

##### TRANSFER OF TROLLEY VEHICLE UNDERTAKING TO BOARD.

Transfer to  
board of  
trolley  
vehicle  
under-  
taking.

78.—(1) On and from the date of transfer the undertaking of the Trolley Vehicle Company (except as hereinafter mentioned) shall by virtue of this Act and subject to the provisions thereof become and be transferred to and be vested in and belong to and be exerciseable by the board freed and discharged as between the Trolley Vehicle Company and the board from the then existing mortgages (if any) of the Trolley Vehicle Company and such transfer and vesting are in this Part of this Act referred to as "the transfer" Provided that there shall be excepted from the transfer to the board and retained by the Trolley Vehicle Company a sum equal to the amount of the cash of the Trolley Vehicle Company in the bank and in hand on the third day of February one thousand nine hundred and nineteen and of the capital called up prior to but paid to the Trolley Vehicle Company after that date.

(2) In consideration of such transfer and vesting the board shall pay to the Trolley Vehicle Company the following sums (that is to say):—

(A) The sum of forty thousand pounds:



- (B) A sum equal to the contract cost of all trolley vehicles paid by the Trolley Vehicle Company prior to the date of transfer : A.D. 1919.
- (c) A sum equal to the total of all sums properly expended by the Trolley Vehicle Company (otherwise than for trolley vehicles or for payment of mortgages or interest thereon) from the third day of February one thousand nine hundred and nineteen to the date of transfer :
- (D) Interest at the rate of five per centum per annum from the third day of May one thousand nine hundred and nineteen to the date of transfer upon the total of the following amounts that is to say (i) the sum of forty thousand pounds (ii) such part of the contract price for the trolley vehicles as shall have been paid on or before the third day of May one thousand nine hundred and nineteen and (iii) all sums properly expended by the Trolley Vehicle Company otherwise than for cars between the fourth day of February one thousand nine hundred and nineteen and the third day of May one thousand nine hundred and nineteen (both inclusive) :
- (E) Interest at the rate of five per centum per annum on all sums properly expended by the Trolley Vehicle Company on cars or otherwise except on mortgages (if any) or mortgage interest after the third day of May one thousand nine hundred and nineteen from the respective dates of payment of such sums up to the date of transfer :

Provided that a sum equal to the total receipts of the Trolley Vehicle Company between the third day of February one thousand nine hundred and nineteen and the date of transfer (other than interest received on any bank balances existing on the said third day of February and other than any moneys received since the said third day of February in respect of any capital called up before or after that date and any interest received in respect of such moneys) shall be deducted from the moneys payable to the Trolley Vehicle Company by the board as aforesaid.

(3) If the several sums mentioned in paragraphs (A) (B) and (c) of subsection (2) of this section shall not be paid to the Trolley Vehicle Company by the board on the date of transfer

A.D. 1919. the board shall pay to the Trolley Vehicle Company interest at the rate of six per centum per annum on the total of such sums at half-yearly intervals from the date of transfer to the date when such sums shall be paid to the Trolley Vehicle Company.

Provisions  
as to ex-  
penses and  
receipts after  
transfer.

**79.** The board shall be entitled to all revenues and sums of money (other than as aforesaid) which shall be due on or accrue due after the date of transfer in respect of the undertaking of the Trolley Vehicle Company and shall be liable for and shall discharge all costs charges expenses outgoings and liabilities (other than mortgages and interest on mortgages and costs charges and expenses relating to the winding-up of the Trolley Vehicle Company) which shall have been incurred or become payable before the date of transfer and be unpaid at that date or which shall be or become payable in respect of the said undertaking on or after that date.

Provision of  
purchase  
money.

**80.**—(1) The several sums to be paid by the board to the Trolley Vehicle Company under the provisions of this Act shall be provided as to one equal third part by the Corporation and as to two equal third parts by the council.

(2) Not less than ten days before the date of transfer the board shall cause an estimate to be prepared of the total amount to be paid by them to the Trolley Vehicle Company as aforesaid and not less than three days before the date of transfer the Corporation and the council shall respectively pay to the board one equal third part and two equal third parts respectively of that amount together with the further sums of two hundred pounds and four hundred pounds respectively to meet unascertained payments to be made by the board.

Evidence of  
transfer.

**81.** The production of a King's Printers' or Royal Assent copy of this Act duly stamped together with a receipt for the moneys payable to the Trolley Vehicle Company under the foregoing provisions of this Act purporting to be signed by three directors of the Trolley Vehicle Company or by the cashier of the Bank of England shall (unless it be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the board of the undertaking of the Trolley Vehicle Company.



**82.** The receipt in writing of three directors of the Trolley Vehicle Company for money paid by the board shall effectually discharge the board from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss mis-application or non-application thereof. Provided that if from any cause the board are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the board by the cashier of the bank for the money which shall have the same effect as the receipt of three directors of the Trolley Vehicle Company.

A.D. 1919.  
Receipt for  
purchase  
money.

**83.** If at the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the Trolley Vehicle Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the board as and when it might have been continued prosecuted and enforced by or against or in favour of the Trolley Vehicle Company if this Act had not been passed but not further or otherwise.

Pending  
actions &c.

**84.** Subject to the provisions of this Act all purchases sales agreements contracts conveyances deeds and other instruments affecting the undertaking of the Trolley Vehicle Company and in force at the date of transfer shall after the transfer be as binding and of as full force and effect against or in favour of the board and may be enforced as fully and effectually as if instead of the Trolley Vehicle Company the board had been a party thereto.

Contracts of  
company to  
be binding  
on Corpora-  
tion.

**85.** All obligations debts and liabilities of the Trolley Vehicle Company (other than mortgages and the interest thereon) which at the date of transfer remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the board.

Liabilities  
to be paid  
by board.

**86.—(1)** From and after the transfer the Trolley Vehicle Company shall subsist only for the purpose of receiving and recovering the moneys payable to them as provided by this Act and of paying their mortgages if any and distributing the balance

Winding up  
of Trolley  
Vehicle  
Company.

A.D. 1919. of the said moneys in accordance with the provisions of this Act and for winding up their affairs and carrying into effect the purposes of this Act so far as they relate to them and the directors of the Trolley Vehicle Company who are in office at the date of transfer and the survivors or survivor of them shall continue in office without re-election and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section.

If the number of directors of the Trolley Vehicle Company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors or director shall from time to time choose a shareholder or shareholders of the Trolley Vehicle Company to fill the vacancy or vacancies so caused.

(2) Forthwith after the receipt of the moneys payable to the Trolley Vehicle Company under the provisions of this Act the directors of the Trolley Vehicle Company shall proceed to wind up the affairs of that company and after paying the mortgages if any of the Trolley Vehicle Company and interest due thereon and the expenses and liabilities incurred in and about the winding-up of the Trolley Vehicle Company and such bonus (if any) as the Trolley Vehicle Company may determine to grant to any of the directors officers solicitors or servants of the Trolley Vehicle Company shall pay and distribute the net moneys rateably to and among the several persons who at the date of transfer were the registered holders of shares in the capital of the Trolley Vehicle Company or their respective executors administrators and assigns according to the holding of each such shareholder and for the purpose of such distribution the several persons whose names shall appear in the books of the Trolley Vehicle Company at the date of transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the Trolley Vehicle Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the Trolley Vehicle Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the shares or interest in respect of which the money is paid.



(3) Where the directors of the Trolley Vehicle Company are for three months after the moneys payable to them under the provisions of this Act unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same they may pay the same into the High Court or if not exceeding five hundred pounds into the county court holden at Middlesbrough in the North Riding of York under any Act for the time being in force for the relief of trustees and every such payment shall effectually discharge the Trolley Vehicle Company and the directors thereof from all further liability with respect to the money so paid in. A.D. 1919.

(4) After the transfer and until the Trolley Vehicle Company shall be finally wound up and dissolved the Trolley Vehicle Company shall be entitled to retain the directors' minute books the register of shareholders and other books relating solely to the holders of shares in and to the constitution of the Trolley Vehicle Company and shall have access at all reasonable times to the other books documents and accounts relating to the transferred undertaking for the purpose of making up the accounts of the Trolley Vehicle Company to the date of transfer and for all other reasonable purposes in relation to the winding-up of the Trolley Vehicle Company and upon the winding-up of the Trolley Vehicle Company any books retained by them (other than the directors' minute books and such of the books of the Trolley Vehicle Company as relate exclusively to the shareholders in and the members and constitution of the Trolley Vehicle Company) shall be handed over to the board and the board shall have access at all reasonable times to the said minute books and be entitled to make extracts therefrom.

(5) Upon the purposes specified in this section being fulfilled the Trolley Vehicle Company shall ipso facto be dissolved.

87. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Trolley Vehicle Company shall after the transfer be admitted in evidence in respect of the same or the like matter for or against the board. Books &c. to remain evidence.

88. Until the date of transfer the undertaking of the Trolley Vehicle Company shall be maintained and (if delivery shall have been made to them of any trolley vehicles omnibuses or vans) carried on by the Trolley Vehicle Company in accordance with Main-tenance of undertaking of Trolley Vehicle Company.

A.D. 1919. the reasonable requirements of the Corporation but the Trolley Vehicle Company shall not without the previous consent of the Corporation under the hand of the town clerk make or enter into any new contract agreement or obligation except such as shall be necessary in the ordinary course of business or save as hereinafter provided raise or call up any further capital or expend any money on capital account Provided that the Trolley Vehicle Company shall be entitled until the date of transfer to raise by borrowing such sum or sums as may be necessary for paying for any trolley vehicles Provided also that the Corporation shall not make any requirement on the Trolley Vehicle Company under the provisions of this section without the consent in writing thereto of the clerk to the council until the formation of the board and thereafter of the clerk to the board.

Application of Trolley Vehicle Act to board.

89.—(1) Subject to the provisions of this Act as from the date of transfer the provisions of the Trolley Vehicle Act except sections 4 to 17 inclusive shall apply to the board and their trolley vehicle undertaking as if the expression "the company" wherever occurring in that Act meant the board.

(2) Sections 4 to 17 of that Act shall as from the final winding-up and dissolution of the Trolley Vehicle Company under the provisions of this Act be by virtue of this Act repealed.

## PART X.

### FURTHER POWERS TO BOARD.

Power to board to use trailer and coupled carriages.

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

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



**91.**—(1) Notwithstanding anything contained in any Act to the contrary the board may on days on which racing takes place in the neighbourhood or on any other special occasion run and reserve trolley vehicles on any of their trolley vehicle routes for any special purpose which the board may consider necessary or desirable provided that during the running of such special trolley vehicles the board shall maintain a reasonably sufficient service of trolley vehicles for ordinary traffic.

A.D. 1919.  
 Power to board to reserve trolley vehicles for special purposes.

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

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

PART XI.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

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

Power to Corporation to borrow.

1.	2.	3.
Purpose.	Amount.	Period.
(A) For and in connexion with the purchase of the undertaking of the tramway company.	£ The sum requisite.	Thirty years from the date or dates of borrowing.
(B) For and in connexion with the purchase of the undertaking of the Trolley Vehicle Company as by this Act provided.	The sum requisite.	Twenty years from the date or dates of borrowing.
(C) For and in connexion with the construction of the tramways by this Act authorised.	86,035	Thirty years from the date or dates of borrowing.
(D) For the provision of tramway rolling stock.	9,600	Fifteen years from the date or dates of borrowing.

[Ch. lviii.] *Middlesbrough Corporation* [9 & 10 GEO. 5.]  
*Act, 1919.*

A.D. 1919.

1.	2.	3.
Purpose.	Amount.	Period.
(E) For the provision of electrical equipment and other works necessary for working the tramways by this Act authorised.	£ 7,667	Twenty years from the date or dates of borrowing.
(F) For the provision and equipment of omnibuses.	8,000	Five years from the date or dates of borrowing.
(G) For the purchase of lands for the purposes of the tramway and omnibus undertakings of the Corporation and for the erection of buildings thereon.	15,000	Fifty years from the date or dates of borrowing.
(H) For and in connexion with the purchase of lands and the construction of the street works by this Act authorised.	4,459	Sixty years from the date or dates of borrowing.
(I) For paying so much of the costs charges and expenses referred to in the final section of this Act as are thereby required to be paid by the Corporation.	The sum requisite.	Five years from the passing of this Act.

(2)—(A) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of Part VII. (Street Works) of this Act and may with the consent of the Board of Trade borrow such further money as it may be necessary for them to raise for any of the other purposes of this Act.

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

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

- (A) As regards money borrowed for the purposes (A) (C) (D) (E) (F) (G) and (I) mentioned in subsection (1) of this section the revenue of the tramway undertaking of the Corporation and the borough fund and borough rate;
- (B) As regards money borrowed for the purpose (B) their one-third share of the surplus revenue of the undertaking of the board and the borough fund and borough rate;
- (C) As regards money borrowed for the purpose (H) mentioned in subsection (1) of this section the district fund and general district rate;



(D) As regards money borrowed with the consent of the Local Government Board or the Board of Trade such revenue fund or rate as may be prescribed by the Board with whose consent such money is borrowed. A.D. 1919.

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by section 35 (Security for principal moneys) of the Act of 1910 in its application to the moneys borrowed under the authority of this Act.

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

1.	2.	3.
Purpose.	Amount.	Period.
For and in connexion with the purchase of the undertaking of the Trolley Vehicle Company.	The sum requisite.	Twenty years from the date or dates of borrowing.
For paying so much of the costs charges and expenses referred to in the final section of this Act as are thereby required to be paid by the council.	The sum requisite.	Five years from the passing of this Act.

(2)—(A) The council may also with the consent of the Board of Trade borrow such further money as it may be necessary for them to raise for the purposes of this Act.

(B) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Board of Trade.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the council may mortgage or charge their two-thirds share of the surplus revenue of the undertaking of the board and the district fund and general district rate of the district.

**94.**—(1) The following sections of the Act of 1910 as amended by this Act are incorporated with this Act and shall apply to moneys borrowed under the authority of this Act and to the body by whom such moneys are borrowed as if the Incorporation of certain sections of Act of 1910.

A.D. 1919. same with the necessary modifications were set out in this Act  
namely :—

- Section 3 Interpretation ;
- Section 22 Certain regulations of Public Health Acts not to apply ;
- Section 23 Mode of raising money ;
- Section 24 Provisions of Public Health Act 1875 as to mortgages to apply ;
- Section 26 Mode of payment off of money borrowed ;
- Section 27 Sinking fund ;
- Section 28 Protection of lender from inquiry ;
- Section 29 Corporation not to regard trusts of moneys lent ;
- Section 30 Appointment of a receiver ;
- Section 31 Power to re-borrow ;
- Section 32 Return to Local Government Board as to repayment of debt ;
- Section 33 Application of money borrowed :

Provided that the said section 32 in its application to the council shall be read and have effect as if the clerk to the council were substituted therein for the borough accountant.

(2) The following sections of the Act of 1910 are also incorporated with this Act and shall apply to the Corporation as if the same with the necessary modifications were set out in this Act namely :—

- Section 34 Expenses of execution of Act ;
- Section 48 Recovery of penalties &c. ;
- Section 49 As to appeal ;
- Section 51 Judges not disqualified ;
- Section 52 Authentication and service of notices &c. ;
- Section 53 Inquiries by Local Government Board.

Repeal of  
section 50 of  
Act of 1910.

**95.** Section 50 (Penalties to be paid over to treasurer &c.) of the Act of 1910 is hereby repealed.

Application  
of moneys  
from sale  
&c. of land.

**96.** The Corporation shall apply all moneys from time to time received by them in respect of any sales or dispositions of lands and premises or by way of fine or premium on any lease under this Act in or towards paying off moneys borrowed



and for the time being owing under this Act Provided that A.D. 1919.  
such proceeds shall not be applicable to the payment of instal-  
ments appropriations or annual repayments or to payments into  
the sinking fund except to such extent and upon such terms  
as may be approved by the Local Government Board.

**97.** Where under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament or of any order made under any such Act or Order the Corporation are empowered or required to form a sinking fund for the payment off of money borrowed then if the sinking fund is an accumulating sinking fund the rate for the investment of the fund on which the amount of the annual payments to the fund is based shall be—

Rate of accumulation of payments to sinking fund.

- (1) For a period of ten years from the thirty-first day of March one thousand nine hundred and twenty three pounds ten shillings per centum per annum;
- (2) For the remainder of the period during which the sinking fund is being formed three pounds per centum per annum;

or in either case such higher rate as may from time to time be approved by the Local Government Board.

**98.** The Corporation shall apply all money received by them on account of revenue in respect of the tramway undertaking in the manner and in the order following (that is to say):—

Application of revenue of tramway undertaking of Corporation.

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

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

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

A.D. 1919.

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

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being by the Corporation upon the tramway undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the tramway undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the tramway undertaking or for payment of the cost of renewing any part of the Corporation tramways or of the works connected therewith and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum :

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

Provision  
in case of  
deficiency of  
revenue of  
tramway  
undertaking  
of Corpora-  
tion.

**99.** If in any year the revenue actual or estimated of the tramway undertaking shall be insufficient for the payment of the charges thereon and the Corporation shall not deem it expedient to make up such deficiency out of the reserve fund (if any) formed in respect of that undertaking then the deficiency shall be made up out of the borough fund by carrying an adequate sum therefrom to the credit of the account of the tramway undertaking and the Corporation in preparing



the estimates of the amount required in their judgment to be raised by means of a borough rate for the purposes of the borough shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency from time to time arising or expected to arise as aforesaid in the revenue of the tramway undertaking Provided that in the case of an actual deficiency such deficiency shall be made good by an increase of the next borough rate.

A.D. 1919.

**100.** The board shall apply all money from time to time received by them in respect of the trolley vehicle undertaking except money received on capital account as follows (that is to say):—

Application  
of revenue of  
undertaking  
of board.

First In maintaining the trolley vehicles equipment buildings and works owned leased or worked by the board:

Secondly In paying all working and other expenses properly chargeable to revenue:

Thirdly In providing a reserve fund or a renewal fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the board from the trolley vehicle undertaking or to meet any extraordinary claim or demand at any time arising against the board and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens:

Lastly The surplus (if any) including the interest on the reserve fund when such fund amounts to five thousand pounds shall from time to time be paid as to one equal third part thereof to the Corporation and as to two equal third parts thereof to the council and the money so paid shall be carried by them to the credit of the borough fund and to the credit of the district fund of the district respectively but the board may retain in hand at the

[Ch. lviii.] *Middlesbrough Corporation* [9 & 10 GEO. 5.]  
*Act, 1919.*

A.D. 1919.

close of any financial year so much of the surplus as they shall think necessary for the purpose of carrying on the trolley vehicle undertaking and paying the current expenses connected therewith.

Deficiency  
in revenue  
of board to  
be made  
good by  
Corporation  
and council.

**101.**—(1) If in any year there is a deficiency in the net revenue of the board the board are hereby authorised and required in every such case forthwith to ascertain and determine the amount of such deficiency and to apportion the same as to one equal third part thereof to the Corporation and as to two equal third parts thereof to the council.

(2) The board shall issue precepts to the Corporation and the council for the amounts so respectively apportioned and the Corporation and the council shall within the time limited in the precept pay to the board the amounts apportioned as aforesaid respectively.

(3) Such amounts shall be paid by the Corporation out of the borough fund or borough rate and by the council out of the district fund and general district rate of the district which fund and rate are hereby charged with the payment of the same accordingly and the Corporation and the council are hereby authorised and required to make and levy any rate that may be necessary for the purposes aforesaid.

(4) If either of the constituent authorities fail to pay any amount so apportioned within the time aforesaid the same shall be a debt due to the board from that authority and shall bear interest till payment at the rate of five pounds per centum per annum and the board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

(A) The board may sue the defaulting constituent authority for the amount unpaid in any court of competent jurisdiction :

(B) The board may by precept empower some officer of the board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting constituent authority such sum (the amount to be specified in the precept) as in the opinion of the



board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting constituent authority to account as the defaulting constituent authority would have under any Act or otherwise and the officer of the board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the board) to the defaulting constituent authority. A.D. 1919.

(5) Any receiver appointed in respect of moneys payable to the board under this Act shall be entitled to receive the amounts so apportioned by the board to the constituent authorities and in case the board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the board for recovering the amounts so apportioned.

**102.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein. Application of section 265 of Public Health Act 1875.

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

**104.—(1)** The Corporation during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same. Temporary stoppage of streets.

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

[Ch. lviii.] *Middlesbrough Corporation* [9 & 10 GEO. 5.]  
*Act, 1919.*

A.D. 1919.

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

Power to  
acquire  
patent  
rights.

**105.** For the purposes of the tramway undertaking the Corporation may acquire hold and exercise patent and other rights or licences but not so as to acquire any exclusive right therein.

Agreements  
for supply  
of electrical  
energy.

**106.** The Corporation may subject to the provisions of section 23 of the Electric Lighting Act 1909 enter into and carry into effect contracts and agreements with the Cleveland and Durham County Electric Power Company for and with respect to the supply of electrical energy to the Corporation for the purposes of working and lighting the tramways for the time being run by the Corporation under the powers of this Act.

Provision as  
to general  
Tramway  
Acts.

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

Costs of  
Act.

**108.**—(1) The costs charges and expenses of the Corporation 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 borough rate or out of money to be borrowed by the Corporation under the powers of this Act for the purpose and the council shall repay to the Corporation two equal third parts of so much of the said costs charges and expenses as relates to the negotiations for and the preparation application and insertion in this Act of the provisions for the establishment of the board and the purchase and carrying on of the undertaking of the Trolley Vehicle Company.

(2) The costs charges and expenses of the council relating to the negotiations for and the preparation application and insertion in this Act of the provisions for the establishment of the board and the purchase and carrying on of the undertaking



of the Trolley Vehicle Company as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the council out of the district fund and general district rate of the district or out of money to be borrowed by the council under the powers of this Act for the purpose and the Corporation shall repay to the council one equal third part of such costs charges and expenses.

A.D. 1919.  
—

(3) The costs charges and expenses by this section required to be apportioned shall if required by the Corporation or the council be apportioned by the taxing officer by whom the same shall be taxed.

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

THE FIRST SCHEDULE.

(Containing a Copy of the Agreement between the Three Corporations and the Tramway Company confirmed by Section 49.)

Stamp  
Ten shillings.

AN AGREEMENT made the seventeenth day of June one thousand nine hundred and nineteen between the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF MIDDLESBROUGH (hereinafter referred to as "the Middlesbrough Corporation") of the first part the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF THORNABY-ON-TEES (hereinafter referred to as "the Thornaby Corporation") of the second part the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF STOCKTON-ON-TEES (hereinafter referred to as "the Stockton Corporation") of the third part and the IMPERIAL TRAMWAYS COMPANY LIMITED whose registered office is situate at Clare Street House Bristol (hereinafter referred to as "the Company") of the fourth part.

WHEREAS the Company are the owners of the tramway undertaking authorised by the Middlesbrough Stockton-on-Tees and Thornaby Tramways Acts and Order 1897 to 1911 and now situate wholly in the boroughs of Middlesbrough Thornaby and Stockton-on-Tees:

And whereas pursuant to section 43 of the Tramways Act 1870 which is incorporated with the said Acts and Order the Middlesbrough Corporation the Thornaby Corporation and the Stockton Corporation (hereinafter together referred to as "the Corporations") on or about the twenty-ninth day of January one thousand nine hundred and nineteen served upon the Company separate notices requiring the Company to sell to them respectively so much of the said undertaking as is situate within their respective boroughs upon the terms prescribed by the said section 43:

And whereas the Company own certain motor omnibuses which they run in the said boroughs of Middlesbrough and Stockton-on-Tees and adjoining districts and for the purposes thereof the Company own omnibus depôts and workshops:

And whereas the Middlesbrough Corporation and the Stockton Corporation are each promoting a Bill in Parliament and the Thornaby Corporation have applied to the Board of Trade for and have been



A.D. 1919.

granted an Order under the Tramways Act 1870 whereby the Corporations are respectively seeking powers to work the portions of the said tramway undertaking within their respective boroughs when purchased from the Company and to make and carry into effect agreements for maintaining the existing through service of cars and the Middlesbrough Corporation and the Stockton Corporation are also seeking powers to acquire the omnibus undertaking of the Company or parts thereof:

And whereas the Company have deposited petitions against the said Bills in which they submit that the price of the whole tramway undertaking of the Company should be settled by one arbitration and the undertaking handed over as one undertaking at one and the same time and further that the omnibus undertaking of the Company should be purchased by the Middlesbrough Corporation and the Stockton Corporation:

And whereas the Corporations are willing that there should be one arbitration to ascertain the total amount due to the Company for their tramway undertaking in one sum and that the purchase of the said tramway undertaking should be completed and the said tramway undertaking handed over at one and the same time but desire that there should be separate conveyances to the Corporations of the respective parts of the said undertaking as hereinafter provided:

And whereas the Middlesbrough Corporation and the Stockton Corporation are willing to purchase the omnibus undertaking of the Company as hereinafter provided:

Now it is hereby agreed as follows:—

1. All necessary steps shall with all convenient speed be taken by the parties hereto to determine or have determined according to and in manner provided by section 43 of the Tramways Act 1870 the value as at the date of the service of the said notices of the tramway undertaking of the Company as a whole as if the Corporations had been authorised to serve and had served at the said date upon the Company one joint notice instead of three separate notices for the purchase of the tramway undertaking and such value shall be determined in one sum accordingly.

2. The sum so found to be payable to the Company (hereinafter referred to as "the total tramway price") shall as between the Corporations and the Company be deemed to be due and payable from the Corporations jointly but as between the respective Corporations the total tramway price shall be provided by the Corporations in such proportions or shares and the whole tramway undertaking of the Company shall be divided between the Corporations in such manner as they shall agree. Provided that if the Corporations shall not have come to agreement in these respects by the time when the total tramway

A.D. 1919. price shall have been fixed by agreement or by the time when the referee appointed pursuant to the said section 43 shall be in a position to make his award determining the total tramway price then such proportions or shares shall be determined as between the three Corporations by the said referee and he shall also determine as between and after hearing the three Corporations how much of the said undertaking is within each of the respective boroughs and how much of the lands buildings works materials and plant of the Company are suitable to and used by the Company for the respective portions of the said undertaking in the said three boroughs respectively.

3. The Middlesbrough Corporation and the Stockton Corporation shall purchase the whole of the omnibus undertaking of the Company as the same now exists upon the terms of section 43 of the Tramways Act 1870 as if such omnibus undertaking were a tramway undertaking situate wholly in the said boroughs of Middlesbrough and Stockton-on-Tees and as if the Middlesbrough Corporation and the Stockton Corporation were authorised to serve and had served upon the Company one joint notice to purchase such omnibus undertaking and the value of such undertaking shall be determined in one sum accordingly under the said section as at the date of this agreement.

4. The sum to be payable to the Company in respect of the omnibus undertaking (hereinafter referred to as "the total omnibus price") shall if not previously determined by agreement be fixed by the referee so to be appointed pursuant to the said section 43 for the purpose of fixing the total tramway price and the said two total prices shall be determined in one and the same reference.

5. The total omnibus price shall as between the Middlesbrough Corporation and the Stockton Corporation on the one hand and the Company on the other hand be deemed to be payable by such Corporations jointly but as between the said Corporations themselves shall be provided by such Corporations in such proportions or shares and the whole omnibus undertaking of the Company shall be divided between such two Corporations in such manner as they shall agree. Provided that if the said two Corporations shall not have come to agreement in these respects by the time when the total omnibus price shall have been fixed by agreement or by the time when the referee so to be appointed pursuant to the said section 43 shall be in a position to make his award determining such price then such proportions or shares shall be determined as between the two Corporations by the said referee and he shall also determine as between and after hearing the two Corporations how many of the omnibuses and how much of the lands buildings works materials and plant shall be allocated to the Stockton Corporation as suitable to and used by the Company for providing the service between Stockton and Yarm in the one case and



how many of the omnibuses and how much of the lands buildings works materials and plant shall be allocated to the Middlesbrough Corporation as suitable to and used by the Company for providing the services between Middlesbrough and Great Ayton Stokesley Kirby and Broughton in the other case. A.D. 1919.

6. The sale and purchase of the tramway and omnibus undertakings of the Company shall be completed simultaneously at the expiration of a period of three calendar months after the total prices shall have been fixed by agreement or determined by the decision of the referee as aforesaid and upon such completion there shall if the Corporations concerned so direct be three separate conveyances or assurances by the Company to the three Corporations respectively of so much of the said tramway undertaking as the Corporations shall direct and in the case of the Middlesbrough Corporation and the Stockton Corporation the conveyances or assurances shall also be of so much of the omnibus undertaking as those Corporations shall direct.

7. Until the completion of the said sale and purchase the Company shall continue to carry on and maintain the said tramway and omnibus undertakings in a usual and proper manner and shall retain the receipts derived from the said tramway and omnibus undertakings for their own benefit and shall not claim interest on the purchase price as from the date of service of the said notices.

8. The Corporations shall be jointly represented by one set of counsel only at any reference between the Corporations and the Company for fixing the total price of the tramway undertaking and the omnibus undertaking but may be separately represented by counsel on any questions subsequently arising under this agreement between the Corporations.

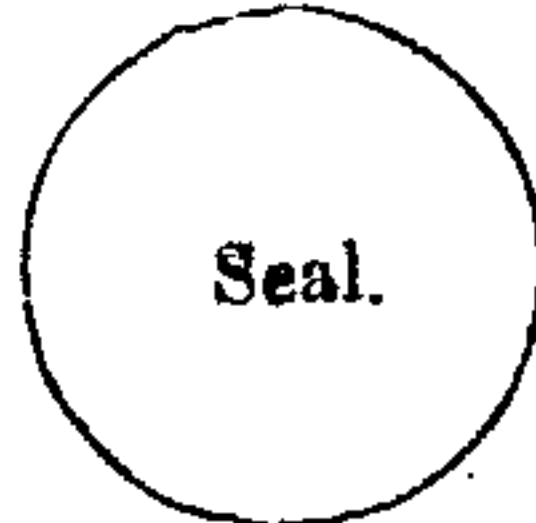
9. The Middlesbrough Corporation and the Stockton Corporation shall cause this agreement to be scheduled to the Bills promoted by them as aforesaid and insert in such Bills clauses confirming this agreement and making the same binding on the parties hereto and they shall use their best endeavours to obtain the passing of such clauses and the confirmation by Parliament of this agreement and the Company shall not if and so long as such clauses shall remain in the said Bills oppose either of the said Bills or the said Order further than may be necessary to secure the insertion therein of clauses or amendments to prevent any of the Corporations interfering with the tramways of the Company or running omnibuses until after the completion of the purchases herein provided for and the Corporations shall agree to the insertion in the said Bills of clauses to provide accordingly.

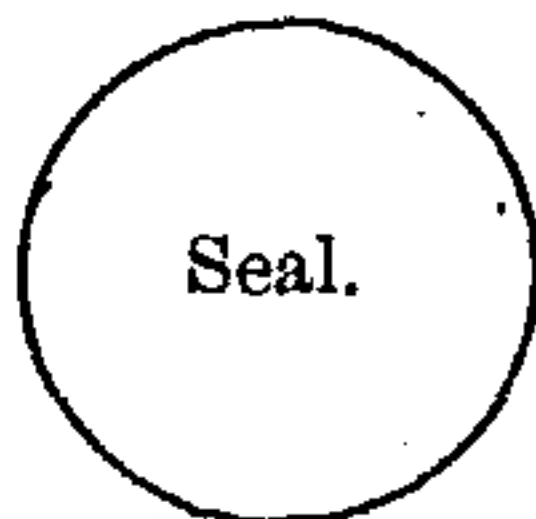
10. This agreement is subject to such alterations as Parliament may think fit to make therein Provided that if the Committee of

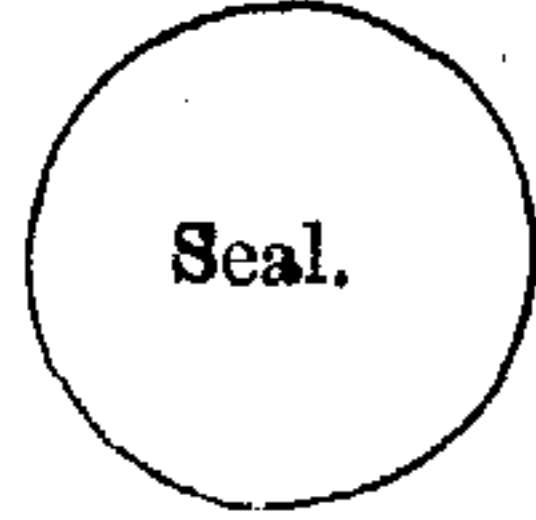
[Ch. lviii.] *Middlesbrough Corporation* [9 & 10 GEO. 5.]  
*Act, 1919.*

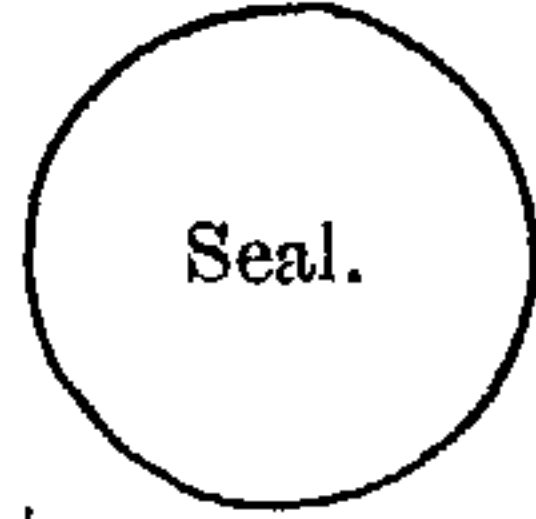
A.D. 1919. either House of Parliament to whom the Bill may be referred make any material alteration therein it shall be competent to any party thereto to withdraw the same.

In witness whereof the common seals of the Middlesbrough Corporation the Thornaby Corporation the Stockton Corporation and the Company were hereunto affixed the day and year first above written.

The common seal of the Middlesbrough Corporation was }  
 hereunto affixed in the presence of }   
 PRESTON KITCHEN  
 Town Clerk.

The common seal of the Thornaby Corporation was }  
 hereunto affixed in the presence of }   
 W. F. WHITWELL  
 Mayor.  
 THOS. K. DOBSON  
 Town Clerk.

The common seal of the Stockton Corporation was here- }  
 unto affixed in the presence of }   
 THOS. DOWNEY  
 Town Clerk.

The common seal of the Imperial Tramways Company }  
 Limited was hereunto affixed in the presence of }   
 SAML. WHITE  
 Director.  
 F. H. WITHERS  
 Secretary.

**THE SECOND SCHEDULE.**

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE  
 TAKEN UNDER SECTION 66.

Parish.	Numbers on deposited Plans.
COUNTY BOROUGH OF MIDDLESBROUGH.	
Middlesbrough Street Work No. 1	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16.
Middlesbrough Street Work No. 2	17 18 19 20.



THE THIRD SCHEDULE.

A.D. 1919.

RESPECTING THE CONSTITUTION AND PROCEEDINGS OF THE  
BOARD REFERRED TO IN SECTION 77.

PART I.

PROVISIONS AS TO APPOINTMENT AND QUALIFICATION OF MEMBERS  
TENURE OF OFFICE CASUAL VACANCIES &C. OF JOINT BOARD.

(1) The first appointment of members of the board of each constituent authority shall take place at a meeting of the constituent authority to be held within three months after the passing of this Act or within such further time as the Local Government Board shall allow and the members so appointed shall subject to the provisions of this Act continue in office for such period not being less than one year as the constituent authority by whom they are appointed shall determine but not beyond the thirty-first day of December one thousand nine hundred and twenty-two.

(2) Each constituent authority shall at their annual meeting in any year appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the board whom they are by this Act authorised to appoint to hold office for such period not being less than a year nor more than three years as they may determine.

(3) If either constituent authority fail to appoint first members of the board as by this Act provided it shall be competent nevertheless for the other members of the board to carry this Act into execution and if either constituent authority fail subsequently to appoint members of the board at the proper time for their appointment the then existing members of the board representing such authority and qualified to be members of the board shall continue in office till their successors are appointed.

(4) A person shall not be qualified to be a member of the board unless he is a member of the constituent authority by which he is appointed.

(5) A person who is a member of both constituent authorities shall not be capable of being appointed to represent more than one of them.

(6) If a member of the board ceases to be a member of the constituent authority by whom he has been appointed or becomes disqualified he shall cease to be a member of the board.

A.D. 1919.

(7) A person shall be disqualified for being appointed or being a member of the board if he—

- (a) holds any paid office under the board save as permitted by this Act; or
- (b) is concerned in any bargain or contract entered into with the Board or participates in the profit of any such bargain or contract or of any work done under the authority of the board:

Provided that a person shall not be disqualified for being appointed or being a member of the board by reason of being interested—

- (a) in the sale or lease of any lands or in the supply of electrical energy or in any loan of money to the board;
- (b) in any newspaper in which any advertisement relating to the affairs of the board is inserted; or
- (c) in any bargain or contract with the board as a shareholder in any company but he shall not vote at any meeting of the board on any question in which such company are interested.

(8) Whenever an appointment of a member of the board has been made the clerk to the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the board and shall forthwith transmit the certificate to the clerk to the board. Provided that in the case of the first appointment the clerk of each constituent authority shall return the names of the members appointed by his authority to the clerk of the other authority.

(9) A member of the board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the board.

(10) Any member of the board may be removed at any time by resolution of the constituent authority by whom he was appointed.

(11) Where any member becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office the board shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he is appointed in such manner as the board think fit.

(12) If any member of the board dies or resigns or is disqualified or ceases to be a member of the board the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint a member of the board in his place who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

(13) Subject to the provisions of this Act the term of office of chairman shall be one year.



(14) A chairman shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or otherwise ceases to be a member of the board before the appointment of his successor.

(15) On a casual vacancy occurring in the office of chairman by reason of death resignation disqualification absence or otherwise another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would regularly have gone out of office.

## PART II.

### PROVISIONS AS TO MEETINGS AND PROCEEDINGS.

(1) The board shall hold their first meeting in the council chamber of the corporation in Middlesbrough on the fourteenth day after the passing of this Act at 11 o'clock in the forenoon or at such other place or on such other day and at such other time as may be agreed between the Corporation and the council.

(2) The chairman or any three or more members of the board may at any time by writing addressed and sent to the clerk of the board require a special meeting to be convened and such clerk shall convene a meeting accordingly Provided that at least two clear days' notice thereof shall be given to each member of the board.

(3) The first meeting of the board shall be convened by the respective clerks to the constituent authorities each of whom shall convene the representatives of his authority on the board and every subsequent meeting shall be convened by circular delivered to each member of the board or sent by post to or delivered at his residence two clear days at least before the day of the meeting.

(4) To constitute a meeting of the board there must be present not less than four members.

(5) At their first meeting and subsequently at their annual meeting in each succeeding year the board shall appoint a chairman for the ensuing year.

(6)—(a) At every meeting the chairman of the board shall preside but if he is not present at the time appointed for the meeting the members then present shall choose one of their number to preside at that meeting.

(b) Subject to the provisions of this Act every question at a meeting of the board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall not have a second or casting vote and the question shall be deemed to be decided in the negative.

A.D. 1919.

(7) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and shall be signed by the chairman or other person presiding at that meeting or the next ensuing meeting.

(8)—(a) A minute of the proceedings of the board or of a committee of the board signed at the same or the next ensuing meeting by a member of the board describing himself as or appearing to be chairman or other person presiding at the meeting at which the minute is signed shall be received in evidence without further proof.

(b) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

### PART III.

#### GENERAL.

(1) Subject to the provisions of this Act the board may make standing orders for the regulation of their proceedings and business and may vary and revoke the same.

(2) The board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purpose which in the opinion of the board would be better regulated and managed by means of a committee and may delegate with or without any restrictions or conditions as they may think fit any of the powers or duties (except any power of raising money or of issuing any precept for contributions or of entering into any contract) to any committee of the board so appointed.

The provisions of section 82 of the Local Government Act 1888 with respect to proceedings of committees of county councils shall apply to committees of the board as if they were committees of a county council.

(3) The board may appoint pay and remove a clerk deputy clerk manager engineer treasurer and such other officers clerks and servants as they from time to time think requisite. No member of the board or of any of the constituent authorities shall be an officer of the board but the same person may be and continue an officer of the board and of a constituent authority. All acts and things required or authorised to be done by the clerk of the board may (subject to any restrictions imposed by the board) be done by his deputy clerk



[9 & 10 GEO. 5.] *Middlesbrough Corporation* [Ch. lviii.]  
*Act, 1919.*

and a deputy clerk of the board may act notwithstanding a vacancy in the office of the clerk. A.D. 1919.

(4) The board shall cause proper books of account and other books in relation thereto to be kept and shall prepare yearly balance sheets to the thirty-first day of March in each year showing in all necessary detail the receipts and expenditure of the board and shall report the same to each of the constituent authorities on or before the next ensuing twenty-fourth day of June.

(5) The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the board and of their committees and officers and to the audit thereof and the accounts of the board shall be made up yearly to the thirty-first day of March in each year.

(6) No act or proceeding of the board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the board or of any person not qualified or ceasing to be qualified acting as a member of the board.

(7) If at any time any difference arises between the board and either of the constituent authorities respecting any matter arising out of the provisions of this Act the same shall be referred to and be settled by an arbitrator appointed by the Local Government Board and the provisions of the Arbitration Act 1889 shall apply to the reference.

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