



### CHAPTER clxiv.

An Act to authorise the construction of Tramways in and near to the borough of Gateshead in the county of Durham; and for other purposes. [12th August 1880.] A.D. 1880.

**W**HEREAS the construction of tramways in the public streets and roads in and near to the borough of Gateshead in the county of Durham would be attended with public and local advantage :

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a company and should be empowered to make the said tramways, and that the powers herein-after contained should be conferred upon them for that purpose :

And whereas plans and sections showing the lines and levels of the proposed tramways and the lands to be taken for the purposes thereof, and a book of reference to those plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the clerk of the peace for the county of Durham, and are herein-after referred to respectively as the deposited plans, sections, and book of reference :

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

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen'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,)

1. This Act may be cited for all purposes as the Gateshead and District Tramways Act, 1880. Short title.

2. The following Acts and parts of Acts ; (that is to say,)

The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) of the Companies

[*Local.*-164.]

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Incorporation of  
Acts.  
8 & 9 Vict.  
c. 16.

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26 & 27 Vict.  
c. 118.  
32 & 33 Vict.  
c. 48.  
8 & 9 Vict.  
c. 16.  
23 & 24 Vict.  
c. 106.  
32 & 33 Vict.  
c. 18.  
33 & 34 Vict.  
c. 78.  
8 & 9 Vict.  
c. 20.

Clauses Act, 1863, as amended by the Companies Clauses Act, 1869;

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;

Section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870; and

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof,

so far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act, are incorporated with and form part of this Act, and shall apply to the undertaking of the Company: Provided always, that the said provisions of the last-named Act shall apply only to the portions of Tramway No. 4 and works by this Act authorised to be constructed on such of the lands delineated on the deposited plans and described in the deposited books of reference as are specified in the First Schedule to this Act annexed: Provided also, that in construing the said provisions of the last-named Act the expression "the railway" and "the centre of the railway" shall respectively be construed to mean the tramway and the centre line of the tramway, and the word "land" shall not include houses or other buildings.

Interpreta-  
tion of  
terms.

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

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

The expressions "the tramways" and "the undertaking" mean respectively the tramways and undertaking by this Act authorised;

The expression "person" includes company;

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly incorporated with this Act, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and

The word "contingencies" in section 122 of the Companies Clauses Consolidation Act, 1845, shall with reference to the Company be construed to include the contingency of the



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tramways or any part thereof being sold to the local authorities under section 43 of the Tramways Act, 1870, at a sum less than the aggregate amount of the capital and debts of the Company. A.D. 1880.

4. Walter Henry James, George Haynes, William Lloyd, Philip Quirk, William Watson Pattinson, Andrew Leslie, Edward Richardson, John Walton Robinson, John Greene, Charles Robinson Greene, Benjamin Barkus, Richard Cail, and William Haynes, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the tramways and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Gateshead and District Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "The Gateshead and District Tramways." Incorporation of Company.

5. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain in the lines and according to the levels shown on the deposited plans and sections, and in accordance with those plans and sections, the tramways herein-after described, in the county of Durham, with all proper rails, plates, sleepers, chairs, weigh-bridges, weighing-machines, embankments, cuttings, walls, fences, roadways, footpaths, bridges, arches, culverts, works, and conveniences connected therewith, and for the purposes thereof may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference, and specified in the First Schedule to this Act annexed, as are required for that purpose. Power to make tramways.

The tramways herein-before referred to and authorised by this Act are the following ; namely,

Tramway No. 1. A tramway two miles four furlongs nine chains and fifty links in length, consisting of one mile five furlongs seven chains and ten links of single line and seven furlongs two chains and forty links of double line, situate wholly in the borough of Gateshead, commencing in Wellington Street at a point twenty-three yards east of the centre of Hudson Street, and terminating in New Durham Road at the boundary of the borough :

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Tramway No. 2. A tramway one mile three furlongs nine chains and eighty links in length, consisting of one mile two furlongs seven chains and sixty links of single line and one furlong two chains and twenty links of double line, situate wholly in the borough of Gateshead, commencing in Wellington Street by a junction with and at a point eighty-three yards from the point of commencement of Tramway No. 1, and terminating in the Derwentwater Road ninety yards east of the centre of Low Team Bridge :

Tramway No. 3. A tramway six furlongs one chain and fifty links in length, consisting of five furlongs seven chains and ninety links of single line and three chains and sixty links of double line, situate wholly in the borough of Gateshead, commencing in High Street at a point twenty-three yards north of the centre of Jackson Street by a junction with Tramway No. 1, and terminating in the Hexham Road at a point thirty-eight yards south of the northern entrance gate of Saint Cuthbert's Churchyard :

Tramway No. 4. A tramway two miles six furlongs and nine chains in length, consisting of two miles four furlongs and twenty links of single line and two furlongs eight chains and eighty links of double line, commencing in the borough of Gateshead by a junction with Tramway No. 1 at a point in High Street seven yards north of the south-west corner of the Blue Bell Inn, and terminating in the South Shields Road, in the township of Nether Heworth, in the parish of Jarrow, at or near the boundary between the township of Nether Heworth and the united townships of Hedworth, Monkton, and Jarrow :

Tramway No. 4A. A tramway one furlong one chain and ten links in length, consisting of a single line, situate wholly in the parish of Jarrow and in the Sunderland Road, commencing at a point one hundred and ninety yards west of the south-west corner of the Swan Inn at Nether Heworth by a junction with Tramway No. 4, and terminating at a point in that road fifty yards south-east of the said corner :

Tramway No. 4B. A tramway six and a half chains in length, consisting of a single line, situate wholly in the parish of Jarrow, commencing in the Sunderland Road by a junction with Tramway No. 4A at a point opposite to the south-west corner of the Swan Inn at Nether Heworth, and terminating in South Shields Road by a junction with Tramway No. 4 at a point thirty-eight yards west of the centre of the entrance gates into Heworth Churchyard :



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Tramway No. 4c. A tramway seven chains and forty links in length, consisting of a single line, situate wholly in the parish of Jarrow and in South Shields Road, commencing at a point one hundred and fifty yards west and terminating at a point twelve yards east of the centre of the road leading from Pelaw Railway Station to Bill Quay. A.D. 1880.

All the tramways and works hereby authorised will be situate in the parishes of Gateshead and Jarrow, or one of them, in the county of Durham.

6. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Company may apply to any two justices of the peace for the correction thereof, after giving ten days notice to the owners, lessces, and occupiers of the lands affected by the proposed correction, and if it appears to such justices that the omission, misstatement, or erroneous description arose from mistake, they shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and every such certificate shall be deposited with the clerk of the peace for the county of Durham, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Company may enter on, take, hold, and use those lands accordingly. Correction of omissions in plans, &c.

7. The Company shall so construct and maintain Tramway No. 2 in Askew Road, in the borough of Gateshead, and Tramway No. 4 in the South Shields Road, in the township of Heworth, where such tramways respectively cross over the North-eastern Railway tunnels under the said roads, as not to injuriously affect the said tunnels, and in the event of any injury being occasioned to such tunnels, or any part thereof respectively, by the construction of such tramways on or over the same, whether such injury occur either during or after the construction of or in maintaining such tramways, the North-eastern Railway Company may, at the expense of the Company, restore such tunnels, or the part which may be injured, to as good a state and condition as they were in before such injury was occasioned, and the Company shall recoup to and indemnify the North-eastern Railway Company against all sums, costs, and expenses which they may pay or be put to in restoring such tunnels. Protection of the North-eastern Railway Company.

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— default by the Company) so much of the roads over the said  
tunnels as the Company are liable to maintain and repair under  
section 28 of the Tramways Act, 1870, and the North-eastern  
Railway Company may recover from the Company all such sums,  
costs, and expenses, together with full costs and charges, in like  
manner as any simple contract debt.

Company  
to repair  
damage done  
to county  
bridges.

8. If any damage be occasioned to any bridge, arch, culvert,  
footway, or roadway maintained or repairable by the justices of the  
peace for the county of Durham, or any of the fences, walls, but-  
tresses, retaining walls, or supports thereof, by any car, carriage, or  
other vehicle of the Company, or by the laying, repairing, or re-  
laying of the tramways, the Company shall at their own expense  
repair or make good any such damage under the superintendence  
(at the cost of the Company) and to the reasonable satisfaction of  
the surveyor of county bridges for the said county: Provided that  
if within forty-eight hours after notice in writing in that behalf to  
the Company under the hand of the said surveyor the Company  
shall not have commenced to repair and make good such damage,  
or if having commenced the same they shall not diligently proceed  
therewith so as to complete the same with all reasonable despatch,  
the said surveyor may, at the cost of the Company, execute and do  
all such works and things as may be reasonably necessary to repair  
and make good such damage.

Crossing  
tramways  
on level.

9. In the construction of any of the tramways across the rails  
of any railway, waggonway, or tramway belonging to any other  
company or person, now laid upon the level of any road, the same  
shall be constructed and maintained in accordance with a plan to  
be agreed upon by the engineers for the time being of the proprietor  
of such railway, tramway, or waggonway and of the Company, and  
under the superintendence and to the reasonable satisfaction of the  
engineer for the time being of such proprietor, at the cost of the  
Company, unless after seven days notice given by the Company of  
their intention to commence such works such superintendence is  
refused or withheld, and such portion of any tramway as is laid by  
the Company at the said level crossing shall be maintained and  
kept in constant and efficient repair by the Company to the reason-  
able satisfaction of the engineer for the time being of the said  
proprietor. The Company shall not stop their carriages or other  
vehicles upon the railway, tramway, or waggonway of the said  
proprietor at such level crossing, and the Company shall in respect  
of the traffic upon the tramways at such level crossing be subject  
to such rules, byelaws, and regulations relating thereto as may be

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agreed upon between the Company and the said proprietor, or, in default of agreement, as may be settled by the Board of Trade. In the event of any difference arising between the said proprietor or his engineer and the Company under the provisions of this section, the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section thirty-three of the Tramways Act, 1870. A.D. 1880.

10. The Company shall not use upon the tramways carriages or trucks constructed for use upon railways. Railway carriages not to be used.

11. The carriages used on the tramways may, subject to the provisions of this Act, be moved by animal power, steam power, and other mechanical power, or by any of those means. Motive power.

12. The capital of the Company shall be seventy-nine thousand pounds in seven thousand nine hundred shares of ten pounds each. Capital.

13. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof. Shares not to issue until one-fifth part paid up.

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

15. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipts in case of incapacitated persons.

16. The Company may from time to time borrow on mortgage any sum not exceeding in the whole nineteen thousand seven hundred and fifty pounds, but no part thereof shall be borrowed until the whole of the said capital of seventy-nine thousand pounds is issued and accepted and one half thereof is paid up, and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same were



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issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Appoint-  
ment of a  
receiver.

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

Debenture  
stock.

18. The Company shall not create debenture stock.

Short title of  
Act to be  
marked on  
mortgage.

19. Every mortgage granted by the Company shall be marked with the short title of the Act under which the same is granted.

Mortgage  
to comprise  
purchase  
money paid  
on compul-  
sory sale.

20. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase moneys which may be paid to the Company in the event of a compulsory sale to a local authority under section 43 of the Tramways Act, 1870, and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorse-  
ment of  
notice of  
power of  
future pur-  
chase.

21. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways in the event of a compulsory sale to a local authority under section 43 of the Tramways Act, 1870.

Priority of  
mortgages.

22. All moneys to be borrowed on mortgage under this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them.

Application  
of moneys.

23. All moneys raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act only.

First and  
subsequent  
ordinary  
meetings.

24. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of March and September in every year.

Quorum for  
general  
meetings.

25. The quorum for general meetings of the Company shall be twenty shareholders present in person or by proxy holding in the



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aggregate not less than five thousand pounds in the capital of the Company. A.D. 1880.

**26.** The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three. Number of directors.

**27.** The qualification of a director shall be the possession in his own right of not less than fifty shares. Qualification of directors.

**28.** The quorum for a meeting of directors shall be three whilst their number is five or four, and two when their number is three. Quorum.

**29.** George Haynes, William Lloyd, Philip Quirk, and William Haynes, and one other person to be named by them or the majority of them and consenting thereto, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or named as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or named as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.  
Election of directors.

**30.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act. Period for compulsory purchase of lands.

**31.** The tramways shall be completed within two years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for constructing the tramways or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed. Period for completion of works.

**32.** Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act passed in the session of Parliament held in the ninth and tenth years of the reign of Her present Deposit money not to be repaid except so

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far as tram-  
ways are  
opened.

Majesty, chapter twenty, a sum of two thousand three hundred and two pounds and ninepence consolidated three pounds per centum annuities, being not less than five per centum upon the amount of the estimate in respect of the tramways, has been transferred into the Court, that is to say, the Chancery Division of the High Court of Justice, in respect of the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund"): Be it enacted, that, notwithstanding anything contained in the said recited Act, the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors, or survivor are or is in this Act referred to as "the depositors"), unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the tramways for public traffic: Provided that if within the said period the Company open any portion of the tramways for public traffic, then, on production of the certificate of the Board of Trade (which certificate the Board of Trade are hereby empowered from time to time to issue with the concurrence of the respective local authority in whose district such portion is open) specifying the length of the portions of the tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways, the Court shall, on the application of the depositors, order the said portion of the deposit fund so specified in such certificate to be paid or transferred to them or as they shall direct, and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of that Board, be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit.

**33.** If the Company do not previously to the expiration of the period limited by this Act for the completion of the tramways open them for public traffic, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors as aforesaid, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways or any portion thereof, or who may have been subjected to injury or loss in consequence of



the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and also in compensating any road authority for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authority, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court may seem fit, and if no such compensation shall be payable, or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid to the depositors or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

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**34.** The Company may from time to time purchase and acquire by agreement for the purposes of their undertaking, and hold, in addition to any lands which they are authorised to take by compulsion, any lands not exceeding ten acres.

Purchase of  
lands by  
agreement.

**35.** The Company may erect or construct on any lands they may acquire under the powers of this Act, or they may take on lease, any offices, stables, sheds, workshops, or other buildings, yards, and conveniences for the purposes of their undertaking.

Company  
may erect  
or lease  
offices,  
stables, &c.

**36.** Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege (not being an ease-

Power to  
take ease-  
ments by  
agreement.

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A.D. 1880. — ment of water), 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, easements, rights, and privileges as aforesaid respectively.

General powers with respect to alteration, improvement, and maintenance of roadways, &c.

**37.** In addition to any lands which the Company are by this Act authorised to acquire by compulsion or agreement for the purposes of their undertaking, they may, by agreement with the owners and other persons having an interest in land abutting on any road in which any of the tramways may be laid, purchase any such land for widening and improving such road, and lay the same to such road where requisite for the purpose of facilitating the passage of traffic in and along the same, and may subject to the provisions of the Tramways Act, 1870, and of this Act strengthen or where necessary pull down and rebuild any bridges, arches, or culverts under any roads in which the tramways may be laid, and may, with the consent of the road authority, ease or improve the gradients of any such roads and as far as may be necessary and consequent thereupon of any adjacent roads, making compensation for any injury or damage which may be caused or done thereby to the adjoining property, and straighten or otherwise improve or set back the edge or kerb of any footpath or pavement on either side or on both sides of any road in which any tramway is or may be laid; and where any tramway or portion of tramway is or may be constructed or laid on or across land not forming part of any public road, the Company may agree with the local or road authority having the jurisdiction over any adjacent road or in the district in which such land is situate for and with respect to the transfer of such land or of any roadways to be constructed thereon by the Company to and the maintenance thereof by such local or road authority as a public highway, on such terms and conditions with respect to the formation or construction of roadways on such land or the maintenance and repair thereof or any portion thereof by the Company and the local or road authority, or by either party, or upon such other terms and conditions, pecuniary or otherwise, as may be agreed upon between the parties.

Gauge of tramways and width of groove.

**38.** Every tramway to be made, formed, or laid down under the powers of this Act shall be constructed with two rails on the gauge of three feet six inches, and in such manner that the groove of the rail shall in no case exceed in width one inch and a quarter in any curve of which the radius is less than two chains or one inch in other parts: Provided always, that so much of section 34 of the Tramways Act, 1870, as limits the extent of the carriage used on



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any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways, but no such carriage shall be of a greater width in any part than six feet and six inches. A.D. 1880.

39. Subject to the provisions of this Act, the Company shall construct the tramways according to such general specification as to weight, section, and construction of rail plates sleepers and chairs, and the mode or system of laying the same, and generally as to the entire construction and formation of the tramways, as shall be approved by the local authorities, or as, in case of difference between them, shall be determined by the Board of Trade. Construction of tramways.

40. The Board of Trade may from time to time, upon the application of the local authorities, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements. Company to adopt improvements if required by Board of Trade.

41. In addition to the requirements of section 26 of the Tramways Act, 1870, the Company shall at the same time as they give notice to any road authority of their intention to open or break up any road under the control of such road authority for the purpose of constructing, laying down, maintaining, or renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, or renewing such tramways and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, or renewal of any of the tramways or part of any of the 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, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the respective road authority, as provided by section 26 of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act. Further provisions as to construction of tramways.

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

[Ch. clxiv.] *Gateshead and District Tramways* [43 & 44 Vict.]  
*Act, 1880.*

A.D. 1880.

Provision as  
to paving  
and repairing  
roads.

**43.** The Company shall maintain in good and substantial order and repair the portion of roadway in which any tramway is laid between the rails of the tramway and so much of the roadway as extends twenty-five inches beyond the rails of and on each side of such tramway, and where the tramway is laid as a double line at a distance of not more than five feet between the lines the portion of roadway between the double line, but either the road authority or the Company may undertake to repair and maintain the whole of the roadway within the district of such authority upon such terms and conditions (pecuniary or otherwise) as may from time to time be agreed upon between them, or as may, in default of agreement, be fixed by the Board of Trade on the application of any party.

Penalty for  
not main-  
taining rails,  
&c. in  
proper order.

**44.** The Company 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 tramways and (except so far as repairs and maintenance are undertaken by the local authority) the paving, metalling, or other road materials laid down by the Company, and the substructure upon which the same rest, and if the Company at any time fail to comply with this provision or with any of the provisions of section 28 of the Tramways Act, 1870, they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such failure continues, and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority or by twenty inhabitant ratepayers of any district in which the tramways or any portion thereof are or is situate that the Company have made default in complying with the provisions in this section contained 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 said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report, certified by a secretary or an assistant secretary of the Board of Trade, may be adduced as evidence of such default, and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways  
to be kept  
on level of

**45.** If and whenever the level of any road along or across which any or any part of the tramways is laid or authorised to be laid



[43 & 44 VICT.] *Gateshead and District Tramways* [Ch. clxiv.]  
*Act, 1880.*

shall be altered, the Company 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.

A.D. 1880.

—  
surface of  
roads.

46. Any paving, metalling, or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of any road authority may be used or applied by the Company, so far as may be necessary, in or towards constructing the tramways and works connected therewith, and in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are required to maintain, and the Company shall, if so required by the road authority, convey the surplus paving, metalling, or material not used at the expiration of such period of six months for the purposes aforesaid to such place or places within the district of the road authority as they may direct: Provided that if within seven days after the expiration of such period of six months, and after notice given by the Company to that effect, the road authority shall not give directions to the Company with respect to the conveyance of the surplus thereof, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the Company and any road authority.

Application  
of road  
material  
excavated in  
construction  
of tramways.

47. The control over and duty of cleansing the surface of every road in which any tramway is laid shall continue in the road authority, who may cleanse the same without reference to the tramways, but whatever cleansing owing to snow or other matters impeding the traffic shall be requisite for the proper working of the tramways shall be executed by the Company, who shall in performing the same remove the snow or other matter to such other part of the road or other place and at such times as the road authority or their surveyor may direct, so as not to impede the traffic along the road, and should the Company in removing such snow or other matter place the same as to impede or cause an obstruction to the traffic, the road authority or their surveyor may thereupon remove such snow or other matters so impeding the traffic, and recover the cost of such removal in a summary manner.

Cleansing of  
roads.

[Ch. clxiv.] *Gateshead and District Tramways* [43 & 44 Vict.]  
*Act, 1880.*

A.D. 1880.

Passing-places to be constructed where less than a certain width left between footway and tramway.

Power to make additional crossings and sidings into private premises by agreement.

Temporary tramways may be made when necessary.

48. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches, the Company shall and they are hereby required to construct a passing-place or passing-places connecting the one tramway with the other, and by means of such passing-place or passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

49. The Company may, subject to the provisions of this Act, with the consent of the road authority, from time to time make, maintain, alter, and remove such crossings, passing-places, loops, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways or any of them, or for providing access to any warehouses, stables, carriage or engine houses, or works of the Company, or by agreement with any railway or other company, body, or persons to any stations, yards, wharves, warehouses, buildings, land, or premises of such company, body, or persons near to or abutting on any street or road in which any tramway of the Company is laid: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the Company express his objection thereto.

50. Where by reason of the execution of any work affecting the surface or soil of any road, or by reason of the alteration, widening, or diversion of any road or any part of any road along which any of the tramways is laid, it shall in the opinion of the road authority having the control of such road be necessary or expedient temporarily or permanently to remove or discontinue the use of any part of any such tramway, the Company shall, within fourteen days of receiving an order in writing from the road authority under the hand of their clerk or surveyor, discontinue or take up such tramway or part thereof either permanently or temporarily for such term as may be necessary for the execution of the said works: Provided that the Company may, subject to such conditions and in accordance and in all respects with such regulations as the road authority may from time to time make, construct on the same or any adjacent road, or on or along any part of the road as altered, widened, or diverted, and with the like consent, subject to the like conditions, and in accordance with the like regulations maintain either per-



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manently or so long as occasion may require a tramway or tramways in lieu of the part of the tramway so removed or discontinued. If any difference arises between the Company and any road authority with respect to the reasonableness of or necessity for any such permanent removal or discontinuance, or the reasonableness of any regulations, or with respect to the mode of constructing any such tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

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**51.** The local or road authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains and pipes to communicate therewith, without the consent or concurrence of the Company, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the local or road authority, as if the same were a pipe for the supply of gas or water.

Sewer authority to have access to sewers.

**52.** The Company and any road authority may, subject to the provisions of this Act, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situate within the district of such road authority, and the rails, plates, chairs, sleepers, and works connected therewith, and the facilitating of the traffic over the same.

Agreements between the Company and road authorities.

**53.** The particular system or systems of steam power and other mechanical power which the Company may from time to time adopt, and the use of any brake or system of brakes for the engines or carriages to be used on the tramways, shall be such as may be approved by the local authorities or the majority of them, subject in every case to the final approval of the Board of Trade.

System of steam and brakes used on tramways to be subject to approval by local authorities.

**54.** Subject to the provisions of this Act, the carriages used on the tramways may during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board, be moved by steam power or any mechanical power: Provided always, that in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power the Company shall be subject to the regulations set forth in the Second Schedule to this Act annexed, and to any regulations which may be added thereto or

Regulations as to use of steam or mechanical power.

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A.D. 1880. substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of those powers.

Penalty for using steam or mechanical power contrary to order or regulations.

55. The Company or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act, or to any of the regulations set forth in the Second Schedule to this Act annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always, that, whether any such penalty has been recovered or not, the Board of Trade, in case in their opinion the Company or any person using steam or any mechanical power on the tramways of the Company under the authority of this Act have or has made default in complying with the provisions of this Act, or with any of the regulations set forth in the Second Schedule to this Act annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the Company or such person to cease to exercise the powers aforesaid, and thereupon the Company or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws for regulating user of steam, &c.

56. Subject to the provisions of this Act, the Board of Trade may from time to time make, and when made may rescind, annul, or add to, byelaws with regard to all or any of the tramways of the Company upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes; that is to say,

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

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

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;



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

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For providing for the due publicity of all regulations and bye-laws in force for the time being in relation to the tramways of the Company by exhibition of the same in conspicuous places in or 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.

**57.** The provisions of the Tramways Act, 1870, with respect to the recovery of penalties shall apply to any penalty under this Act, and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Recovery of penalties.

**58.** 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 tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act, or by any regulation made by the Board of Trade under the authority of this Act, at which engines are to be driven or propelled on the tramways of the Company under the authority of this Act, but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Amendment of 33 & 34 Vict. c. 78. as to bye-laws by local authority.

**59.** All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Act.

Orders and byelaws of Board of Trade.

**60.** Before the Company or any person use steam or any mechanical power under the authority of this Act on the tramways or any part thereof they or he shall give two months previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend to use such power are or is situated. Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of such road

Contracts with road authorities where steam or mechanical power is to be used.

A.D. 1880. — authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Company or such person by such notice, or for such road authority by notice to be served upon the Company or such person not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement, and thereupon such contract, agreement, or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power on the tramways or any part thereof, and thereafter from time to time, the Company or such person and every such road authority may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is used, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Company or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority after request in writing by the Company or such person, or the Company or such person after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same, with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination, or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect



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to all differences between the promoters and any road authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrangement thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates. A.D. 1880.

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or such portion of the tramways a contract, agreement, or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract, agreement, or arrangement in accordance with the provisions of this section shall be applied by them towards the expense of repairing, improving, and maintaining the highways within their district, having regard in the first instance to the requirements of the roads upon which the tramways are laid.

**61.** Where steam or any mechanical power is used by the Company or any person on the tramways or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Where steam or mechanical power is used contract with road authority not to be for longer than two years at a time.

**62.** The Company may demand and take (in advance or otherwise) for every passenger travelling upon the tramways or any part thereof, including the use of the tramways and of the carriages and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile or fraction of a mile, but for any less distance than two miles any tolls or charges not exceeding twopence may be charged.

Tolls for passengers.

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Passengers  
luggage.

**63.** Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding forty 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.

List of tolls  
to be ex-  
hibited.

**64.** A list of the tolls and charges by this Act authorised to be taken for passengers, including therein the cheap fares for the labouring classes, and which shall be charged by the Company from time to time, shall be exhibited in a conspicuous place inside each of the carriages used upon any of their tramways.

Company  
to carry  
passengers,  
animals,  
goods, &c.

**65.** The tramways may, subject to the provisions of the Tramways Act, 1870, and this Act, and to any byelaws or regulations to be made under or in pursuance of those provisions, be used for the carriage of passengers, animals, goods, materials, articles, and things, but the Company shall not be bound to carry passengers luggage exceeding forty pounds in weight, nor animals, goods, materials, articles, or things of a dangerous, fragile, unwieldy, or otherwise objectionable character.

Tolls for  
animals,  
goods, &c.

**66.** The Company may demand and take in respect of any animals, goods, materials, articles, or things conveyed by them on the tramways, including the use of the tramways, waggons and trucks, and motive power, and every other expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection of goods, minerals, parcels, and other things, and any other service incidental to the business of a carrier where any such service is performed by the Company), any tolls or charges not exceeding the rates per mile following :

ANIMALS.

For every horse, mule, or other beast of draught or burden, per head sixpence :

For every ox, cow, bull, or head of cattle, per head sixpence :

For every calf, pig, sheep, or other small animal, per head threepence.

GOODS.

For all coals, culm, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton threepence :



For all timber, deals, staves, iron, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stone for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway or tramway chairs and plates, per ton fourpence : A.D. 1880.

For all sugar, grain, corn, flour, hides, dyewoods, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton sixpence :

For cotton, wools, drugs, manufactured goods, earthenware, and all other wares, coke, charcoal, merchandise, fish, vegetables, and all other articles, matters, or things not otherwise specially classed herein, per ton sixpence.

#### VEHICLES.

For every carriage of whatever description having two wheels, one shilling :

For every carriage of whatever description having four wheels, one shilling and sixpence.

With respect to small parcels not exceeding one hundred and twelve pounds in weight and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls and charges not exceeding the following ; (that is to say,)

#### SMALL PARCELS.

For any parcel not exceeding fourteen pounds in weight, one penny :

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, twopence :

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, threepence :

For any parcel exceeding fifty-six pounds and not exceeding one hundred and twelve pounds in weight, such sum as the Company may think fit :

For any parcel exceeding four feet in length or measuring more than twelve cubic feet, such sum as the Company may think fit :

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels (not less than fourteen pounds each), such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

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FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT.

For the carriage of any boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, such sum as the Company may think fit, not exceeding two shillings per ton :

For the carriage of any single piece of timber, stone, or machinery, or other single article, the weight of which, including the carriage, exceeds eight tons, such sum as the Company may think fit.

REGULATIONS AS TO TOLLS.

For animals, goods, materials, articles, or things conveyed on the tramways for a less distance than two miles the Company may demand tolls and charges as for two miles :

When the weight is less than half a ton the Company may demand tolls upon half a ton, and when the weight exceeds half a ton and is less than a ton the Company may demand tolls upon one ton :

For a fraction of a ton (where the original weight exceeds one ton) the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles except stone, timber, and bulky goods, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity :

With respect to bulky articles or goods the Company shall have the option of charging per ton measurement, reckoning at the rate of fifty cubic feet to the ton.

Mode, &c.  
of payment  
of tolls.

**67.** The tolls and charges by this Act authorised shall be paid at such times and places, and to such persons upon or near to the tramways, and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of tolls appoint.

Periodical  
revision of  
tolls.

**68.** If at any time after the opening for public traffic of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district



in which the tramways or such portion of the tramways are or is wholly or partly situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways 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 such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, 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 : Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

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**69.** The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sunday, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient for artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile, the Company nevertheless not being required to take any fare less than one penny, and the Company shall be liable to a penalty not exceeding one pound for every day, except as aforesaid, on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section : Provided also, that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Cheap fares for labouring classes.

**70.** The local authorities may use the tramways in their respective districts for sanitary purposes at any time between the hours of twelve o'clock at night and six o'clock in the morning on paying such tolls as may be agreed upon between the Company and the respective local authority, or as, in case of difference, may from time to time be fixed or directed by the Board of Trade.

User of tramways by local authorities for sanitary purposes.

**71.** During the construction of any works under the authority of this Act the Company shall where practicable so arrange and

Clear roadway during construction.

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Penalty for  
default of  
the Company  
in working  
tramways.

**72.** If the Company discontinue working the traffic upon the tramways for the space of an entire day (not being a Sunday, Christmas Day, or Good Friday), they shall be liable to pay to the local authorities a penalty of five pounds a day for every day, save and except the days herein-before named, on which they discontinue working such traffic (such penalty to be recovered by and on the application of any one of the local authorities as and for liquidated damages, and to be divisible among them in the proportions mentioned in section 24 of this Act): Provided always, that the Company shall not be liable to any such penalty if the discontinuance to work the tramways arises from accident or any other circumstances over which the Company have no control.

Tramways  
not to be  
used on  
Sundays.

**73.** The Company shall not run carriages on any tramway or portion of tramway nor suffer or permit the same to be used for public traffic on Sundays without the consent of the road authority having the control of the road in which such tramway or portion of tramway is laid.

Justices  
may stop  
traffic.

**74.** The justices in petty sessions assembled having jurisdiction in the district of any local authority may, if and when they think fit, by notice in writing direct the Company at any time after the expiration of twenty-four hours from the service of such notice to stop, delay, or suspend the working of the tramways in any of the roads or streets in which the tramways are laid for the purpose of facilitating traffic during the holding of any markets or fairs, or during the time of any public meeting, procession, or demonstration, or during such time as in the opinion of the said justices the said roads or streets are likely to be more than usually thronged or crowded: Provided always, that such stoppage, delay, or suspension shall continue so long only as may in the opinion of the justices be reasonably necessary for the purposes aforesaid or any of them.

Provisions  
as to arbi-  
tration.

17 & 18 Vict.  
c. 125.

**75.** Where under the provisions of the Tramways Act, 1870, and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and  
delivery of  
notices.

**76.** With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect; namely,



[43 & 44 VICT.] *Gateshead and District Tramways* [Ch. clxiv.]  
*Act, 1880.*

1. Every notice shall be in writing or print (including lithograph) or partly in writing and partly in print, and if given by the local or road authority shall be sufficiently authenticated by being signed by their clerk : A.D. 1880.

2. Any notice to be delivered by or to the Company to or by the local or road authority may be delivered by being left at the principal office of the local or road authority or of the Company (as the case may be), or such other office as the local or road authority or the Company (as the case may be) may from time to time by notice to the other request that such notices may be sent or delivered, or by being sent by post in a registered letter addressed to their respective clerk at such principal or other office as aforesaid, and every such letter shall be deemed to be received by the local or road authority or by the Company (as the case may be) on the day on which the same ought to be delivered at their principal or other office as aforesaid in the ordinary course of post.

77. The Company shall not, out of any money by this Act authorised to be raised by shares or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him : Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845. Interest not to be paid on calls paid up.

78. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

79. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act. Provisions as to general Tramway Acts.

80. The Company shall on demand repay to the road authority all reasonable charges and expenses incurred by them for supervision and inspection of any work to be done by the Company during the Certain expenses of road authorities to be

[Ch. clxiv.] *Gateshead and District Tramways* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880. construction of any tramways within the district of such road  
paid by the authority, and the road authorities are hereby respectively authorised  
Company. to order such supervision and inspection, provided that the charges  
and expenses of such supervision and inspection shall not exceed  
in the case of any road authority the sum of three guineas a week.

Saving for county authority. 41 & 42 Vict. c. 77. 81. Nothing in this Act shall take away, alter, or prejudicially  
affect the powers or liabilities of the county authority of the county  
of Durham with respect to main roads under the provisions of the  
Highways and Locomotive (Amendment) Act, 1878.

Expenses of Act. 82. All costs, charges, and expenses of and preliminary and  
incident to the preparing for, obtaining, and passing of this Act, or  
otherwise in relation thereto, shall be paid by the Company.



[43 & 44 Vict.] *Gateshead and District Tramways* [Ch. clxiv.]  
*Act, 1880.*

The FIRST SCHEDULE referred to in the foregoing Act. A.D. 1880.

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Parish.	Numbers on the deposited Plans.
Jarrow -	2, 5 to 10, both inclusive.

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The SECOND SCHEDULE referred to in the foregoing Act.

*Break Power of Engines.*

Every engine used on the tramways of the Company shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating, and for bringing such engine and any carriage drawn or propelled by such engine to a stand, as the Board of Trade may from time to time think sufficient.

*As to Fittings of Engines, &c.*

Every engine used on the tramways of the Company shall have its number shown in some conspicuous part thereof, and shall be fitted—

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell, whistle, or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine, so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above four inches from the level of the rails, and all fire used on such engine shall be concealed from view.

*As to Carriages.*

Every carriage used on the tramways of the Company shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriage, and their protection from the machinery of any engine used for drawing or propelling such carriage.

[Ch. clxiv.] *Gateshead and District Tramways* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880.

*Inspection of Engines and Carriages.*

The Board of Trade shall on the application of the local authority, and may on complaint made by any person, from time to time inspect any engine or carriage used on the tramways of the Company and the machinery therein, and may, whenever they think fit, prohibit the use on such tramways of any such engine or carriage which in their opinion may not be safe for use on such tramways.

*As to Speed.*

The speed at which engines and carriages may be driven or propelled along the tramways of the Company shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through moveable facing-points shall not exceed the rate of four miles an hour.

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