



CHAPTER cci.

An Act for rendering valid certain letters patent granted to William Phillips Thompson in respect of inventions communicated to him from abroad by Frederic Ellsworth Kip (1) for improvements in stop-motions for looms warping machines and the like and (2) for improvements in electrical stop-motions for warps.

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[11th August 1903.]

WHEREAS by letters patent (in this Act called “Kip’s first patent”) under the seal of the Patent Office bearing date the twenty-eighth day of October one thousand eight hundred and ninety-eight being the sixty-second year of the reign of Her late Majesty Queen Victoria and numbered 22703 Her late Majesty did give and grant unto William Phillips Thompson of the agency for foreign patent solicitors 6 Lord Street Liverpool and 6 Bank Street Manchester both in the county of Lancaster 118 New Street Birmingham in the county of Warwick and 322 High Holborn in the county of Middlesex civil engineer his executors administrators and assigns (therein referred to as “the said patentee”) Her especial licence full power sole privilege and authority that the said patentee by himself his agents or licensees and no others might at all times thereafter during the term of fourteen years from the date of the said letters patent make use exercise and vend within the United Kingdom of Great Britain and Ireland and Isle of Man an invention therein mentioned for “improvements in stop-motions for looms warping machines and the like” communicated to the said William Phillips Thompson from abroad by Frederic Ellsworth Kip of Montclair in the county of Essex in the State of New Jersey United States of America manufacturer :

A.D. 1903. — owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of Nottingham and with the clerk of the peace for the county of Derby and are hereinafter respectively referred to as the deposited plans sections and books of reference :

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

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

Short title.

1. This Act may be cited as the Nottinghamshire and Derbyshire Tramways Act 1903.

Incorporation of
general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by subsequent Acts 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.

Interpretation.

3. 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—

“The Company” means the Company incorporated by this Act;

“The tramways” and “the undertaking” mean respectively the tramways and other works and the undertaking by this Act authorised ;

The expression “street” includes main road ;

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

“Engine” includes motor ;

The word “contingencies” in the Companies Clauses Consolidation Act 1845 section 122 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company :

And in this Act and for the purposes of this Act in the Tramways Act 1870 and the recited Acts the expression “local authority” shall mean in reference to a rural district the district council of that district and the expression “road authority” shall in the case of main roads include a county council.

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4. Mansfeldt Henry Mills George Wigley Thomas Galland Mellors Walter Stowe Bright McLaren Ernest Rüffer and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the tramways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of “The Nottinghamshire and Derbyshire 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.

Company
incorporated.

WORKS AUTHORISED.

5. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 so far as incorporated with this Act the Company may make form lay down work use and maintain the tramways hereinafter described 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 with all proper rails plates posts tubes wires apparatus stations depôts works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

Power to
make tram-
ways and
other works.

The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 3 (2 miles 7 furlongs 3·51 chains in length of which 2 miles 3 furlongs 1·51 chains shall be laid as a single line and 4 furlongs 2·00 chains as a double line) wholly situate within the urban district of Heanor in the county of Derby commencing by a junction with Tramway No. 30A at its commencement proceeding thence in a north-westerly direction through Heanor passing along Market Place Market Street Red Lion Square High Street and Loscoe Road

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crossing on the level the Butterley Company's mineral railway passing through Loscoe and Cross Hill crossing the bridge over the Midland Railway at Cross Hill and Codnor Station thence through Codnor along Heanor Road Chapel Street and High Street and terminating at the boundary of the urban district of Heanor and the urban district of Ripley :

Tramway No. 4 (2 miles 1 furlong 2·34 chains in length of which 1 mile 5 furlongs 7·84 chains shall be laid as a single line and 3 furlongs 4·50 chains as a double line) wholly situate within the urban district of Ripley in the county of Derby commencing by a junction with Tramway No. 3 at its termination passing thence in a westerly and then northerly direction along the Nottingham Road under the mineral railway bridge thence along the Nottingham Road through Greenwich crossing the bridge over the Midland Railway near the railway station thence through Ripley passing along the Nottingham Road thence in a northerly direction along Chapel Street crossing the bridge over the Ripley and Heanor branch of the Midland Railway passing along Butterley Hill and crossing the bridges over the colliery tramway near the Butterley Works and the Midland Railway at Butterley Station and terminating at the boundary of the urban district of Ripley and the urban district of Alfreton :

Tramway No. 5 (3 miles 3 furlongs 2·79 chains in length of which 2 miles 6 furlongs 3·29 chains shall be laid as a single line and 4 furlongs 9·50 chains as a double line) wholly situate within the urban district of Alfreton in the county of Derby commencing by a junction with Tramway No. 4 at its termination passing thence in a northerly direction along the Derby Road to Alfreton Road through Swanwick along the Derby Road to Alfreton passing along Derby Road King Street and the west side of Market Place thence in an easterly direction along High Street and Mansfield Road crossing the bridge over the Midland Railway at Alfreton and South Normanton Station and terminating at the boundary of the urban district of Alfreton and the parish of South Normanton rural district of Blackwell :

Tramway No. 6 (1 mile 3 furlongs 5·88 chains in length of which 1 mile 1 furlong 1·88 chains shall be laid as a single line and 2 furlongs 4·00 chains as a double line) wholly

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situate within the parish of South Normanton rural district of Blackwell in the county of Derby commencing by a junction with Tramway No. 5 at its termination passing thence in an easterly direction along Carnfield Lane Mansfield Road and Alfreton Road then in a northerly direction along Normanton Common passing along Market Street and terminating in Market Place at a point 7·3 chains or thereabouts north of the intersection of the centre lines of Market Street and Lees Lane :

Tramway No. 7 (2 miles 1 furlong 5·90 chains in length of which 1 mile 6 furlongs 5·90 chains shall be laid as a single line and 3 furlongs as a double line) wholly situate within the parishes of South Normanton and Blackwell in the rural district of Blackwell in the county of Derby commencing by a junction with Tramway No. 6 at its termination proceeding thence along Market Street High Street Blackwell Road and Fordbridge Lane to the boundary between the parishes of South Normanton and Blackwell thence in a northerly direction by means of a bridge to be erected over the Blackwell branch of the Midland Railway thence across fields for a distance of three furlongs and 0·5 chain or thereabouts joining the road to Blackwell at a point 0·1 chain or thereabouts west of the centre line of its intersection with Hilcote Lane thence passing along Church Hill through Blackwell crossing the bridge over the Great Central Railway along Hucknall Lane and terminating at the boundary of the parish of Blackwell in the rural district of Blackwell and the urban district of Hucknall-under-Huthwaite :

Tramway No. 8 (6 furlongs 5·15 chains in length of which 5 furlongs 3·15 chains shall be laid as a single line and 1 furlong 2 chains as a double line) wholly situate within the urban district of Hucknall-under-Huthwaite in the county of Nottingham commencing by a junction with Tramway No. 7 at its termination passing thence in an easterly direction along Blackwell Road and Sutton Road into Hucknall-under-Huthwaite and terminating at the point of intersection of the centre lines of Sutton Road and Old Fall Street at the termination of Railway No. 3 authorised by the Mansfield and District Light Railways Order 1901 :

Tramway No. 9 (a single line 1·90 chains in length) wholly situate within the urban district of Ripley in the county of

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Derby commencing by a junction with Tramway No. 4 at a point 1·9 chains or thereabouts north of the intersection of the centre lines of Church Street and Chapel Street and terminating at a point 1·9 chains or thereabouts from its commencement by a junction with Tramway No. 10 in Church Street :

Tramway No. 10 (1 mile 5 furlongs 5·30 chains in length of which 1 mile 3 furlongs 1·30 chains shall be laid as a single line and 2 furlongs 4·00 chains as a double line) wholly situate within the urban district of Ripley in the county of Derby commencing by a junction with Tramway No. 4 at a point 1·1 chains or thereabouts south-east of the intersection of the centre lines of Church Street and Chapel Street passing thence in a westerly direction through Ripley along Church Street Market Place Cromford Road Hartshay Lane through Chadwickgrave Upper Hartshay and terminating at the boundary of the urban district of Ripley and the urban district of Heage :

Tramway No. 11 (1 mile 2 furlongs 9·20 chains in length of which 1 mile 8·20 chains shall be laid as a single line and 2 furlongs 1·00 chain as a double line) wholly situate within the urban district of Heage in the county of Derby commencing by a junction with Tramway No. 10 at its termination passing thence in a westerly direction along Ripley Road through High Green along Eagle Street thence in a south-westerly direction along Tenter Lane and New Road and terminating at the boundary of the urban district of Heage and the urban district of Belper :

Tramway No. 12 (2 miles 4 furlongs 2·86 chains in length of which 2 miles 3·86 chains shall be laid as a single line and 3 furlongs 9·00 chains as a double line) wholly situate within the urban district of Belper in the county of Derby commencing by a junction with Tramway No. 11 at its termination passing thence along New Road through Laund Road along Slate Nick and through Belper along Chesterfield Road Crich Lane Fieldhead Church Street Market Place Cheapside and New Road crossing the bridge over the Midland Railway near Park Foundry thence in a southerly direction along Derby Road crossing the bridge over the Midland Railway near the goods station and terminating at a point 2 chains or thereabouts south of the intersection of the centre lines of Derby Road and Becksitch Lane :

Tramway No. 19 (1 mile 1 furlong 4·50 chains in length of which 1 mile 3·50 chains shall be laid as a single line and 1 furlong 1·00 chain as a double line) situate wholly in the urban district of Beeston in the county of Nottingham commencing at the boundary between the parish of Chilwell rural district of Stapleford and the urban district of Beeston and passing thence north-eastward through Beeston viâ Chilwell Road and High Road thence south-eastward into and along Humber Road thence north-eastward into and along the partly constructed road known as Fletcher Road north-west of Humber Grove thence across private land abutting on to a public footpath and terminating at a point 10 chains or thereabouts north-east of the centre line of Albert Road :

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Tramway No. 20 (4 furlongs 5·40 chains in length of which 3 furlongs 7·90 chains shall be laid as a single line and 7·50 chains as a double line) wholly situate within the urban district of Beeston in the county of Nottingham commencing by a junction with Tramway No. 19 at its point of termination passing thence north-eastward across fields alongside of the footpath to Lenton and terminating at the Nottingham city boundary at the footbridge over Tottle Brook :

Tramway No. 21 (1 mile 1 furlong 2·30 chains in length of which 7 furlongs 4·00 chains shall be laid as a single line and 1 furlong 8·30 chains as a double line) wholly situate within the county and city of Nottingham commencing by a junction with Tramway No. 20 at its point of termination passing thence north-eastward alongside the Lenton-Beeston footpath into and along Beeston Road thence through Dunkirk Road thence northward through Abbey Street and Gregory Street thence north-eastward along Church Street and terminating therein by a junction with the existing tramways of the Nottingham Corporation at a point 0·50 chain or thereabouts west of the intersection of the centre lines of Church Street and Lenton Boulevard :

Tramway No. 30 (1 mile 1 furlong 5·54 chains in length of which 1 mile 0·54 chain shall be laid as a single line and 1 furlong 5·00 chains as a double line) wholly situate in the urban district of Heanor in the county of Derby commencing by a junction with Tramway No. 30A in Church Street proceeding along Church Street along Station

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Road thence over the bridge crossing the Midland Railway Ripley and Heanor branch thence over the level crossing of the Heanor goods branch of the Midland Railway passing through Langley Mill thence under the bridges carrying the Midland Railway at Langley Mill Station over the River Erewash thence to the boundary between the urban district of Heanor and the urban district of Eastwood and terminating at the said boundary at a point 2·40 chains or thereabouts east of the centre of the bridge over the River Erewash :

Tramway No. 30A (a single line 6·51 chains in length) wholly situate in the urban district of Heanor in the county of Derby commencing in the Market Place at a point 0·40 chain or thereabouts north-west of the intersection of the centre lines of the said street and Wilmot Street proceeding thence in a south-easterly and north-easterly direction along Church Street and terminating by a junction with Tramway No. 30 at a point 2·00 chains or thereabouts south-west of the intersection of the centre lines of Church Street and Hands Road :

Tramway No. 31 (1 mile 1 furlong 2·71 chains in length of which 1 mile 0·71 chain shall be laid as a single line and 1 furlong 2·00 chains as a double line) wholly situate in the urban district of Eastwood in the county of Nottingham commencing by a junction with Tramway No. 30 at its point of termination proceeding thence in a south-easterly direction along Derby Road over the Cromford Canal over the bridge carrying the road over the Nottingham Canal over the bridge crossing the Pinxton branch of the Great Northern Railway thence along Nottingham Road Eastwood to the boundary between the urban district of Eastwood and the parish of Greasley rural district of Basford and terminating at the said boundary at the point of intersection of the centre lines of Nottingham Road and Walker Street :

Tramway No. 32 (4 miles 6 furlongs 6·23 chains in length of which 4 miles 9·23 chains shall be laid as a single line and 5 furlongs 7·00 chains as a double line) wholly situate within the parishes of Greasley Kimberley Nuthall and Bilborough rural district of Basford in the county of Nottingham commencing by a junction with Tramway No. 31 at its point of termination proceeding thence in a south-easterly direction along the Nottingham Road through

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Giltbrook crossing on the level a mineral branch of the Great Northern Railway thence under the bridges carrying the Midland and Great Northern Railways along Main Street Nottingham Road through Nuthall passing Cinderhill Colliery and Gasworks under the bridge carrying the Cinderhill branch of the Midland Railway and terminating at the boundary between the parish of Bilborough rural district of Basford and the city of Nottingham at a point 0·20 chain or thereabouts north-west of the centre lines of the Cinderhill Road and the main road :

Tramway No. 33 (2 miles 2 furlongs 6·21 chains in length of which 1 mile 7 furlongs 9·21 chains shall be laid as a single line and 2 furlongs 7·00 chains as a double line) wholly situate in the county and city of Nottingham commencing by a junction with Tramway No. 32 at its termination proceeding thence in a south-easterly direction along Nuthall Road through White Moor crossing on the level the Nottingham and Mansfield branch of the Midland Railway thence along the Alferton Road and terminating in the said road by a junction with the existing Nottingham Corporation Tramways at a point 0·50 chain or thereabouts south-east of the intersection of the centre lines of Alferton Road and Bentinck Road :

Tramway No. 33A (1 mile 1 furlong 4·30 chains in length of which 7 furlongs 9·30 chains shall be laid as a single line and 1 furlong 5·00 chains as a double line) wholly situate in the county and city of Nottingham commencing in Carlton Road at a point 2·20 chains or thereabouts south-west of the intersection of the centre lines of North Street and Carlton Road passing thence along Carlton Road in a north-easterly direction and terminating therein at the city boundary at a point 2 furlongs 2·10 chains or thereabouts north-east of the intersection of the centre lines of Thorneywood Lane and Carlton Road :

Tramway No. 34 (1 mile 2·75 chains in length of which 7 furlongs 0·75 chain shall be laid as a single line and 1 furlong 2·00 chains as a double line) wholly situate in the urban district of Carlton in the county of Nottingham commencing by a junction with Tramway No. 33A at its point of termination proceeding thence in an easterly direction along Carlton Hill and Main Street West and terminating at

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the point of intersection of the centre lines of that street and Newgate Street :

Tramway No. 35 (2 furlongs 4·50 chains in length of which 1·00 chain shall be laid as a single line and 2 furlongs 3·50 chains as a double line) wholly situate in the county and city of Nottingham commencing at a point 0·90 chain or thereabouts north-east of the intersection of the centre lines of Mansfield Road and Newstead Road by a junction with the existing tramways of the Nottingham Corporation at their point of termination in Mansfield Road passing thence north-eastward along Mansfield Road and terminating therein at the Nottingham city boundary at the point of intersection of the centre lines of Mansfield Road and Spout Lane :

Tramway No. 36 (1 mile 4 furlongs 6·20 chains in length of which 1 mile 2 furlongs 7·20 chains shall be laid as a single line and 1 furlong 9·00 chains as a double line) wholly situate in the urban district of Arnold in the county of Nottingham commencing in the Mansfield Road by a junction with Tramway No. 35 at its point of termination passing thence north - eastward along Mansfield Road under the Nottingham and Basford line of the Great Northern Railway near Daybrook Station to a point near the Grove Inn Daybrook and thence north-eastward along the Nottingham Road and Front Street Arnold and terminating in the latter street at the point of intersection of the centre lines of the said street and Spout Lane :

Tramway No. 39 (2 miles 6 furlongs 2·80 chains in length of which 2 miles 2 furlongs 9·80 chains shall be laid as a single line and 3 furlongs 3·00 chains as a double line) wholly situate in the urban district of Alferton in the county of Derby commencing by a junction with Tramway No. 5 in High Street at a point 0·60 chain west of the point of intersection of the centre lines of High Street and Mansfield Road proceeding thence in a south-easterly direction along Nottingham Road through Somercotes and Pye Bridge to the boundary between the urban district of Alferton and the parish of Selston rural district of Basford and terminating at a point 0·70 chain or thereabouts west of the intersection of the centre lines of Nottingham Road and the road leading to Pye Bridge Station :

Tramway No. 40 (1 mile 4 furlongs 0·30 chain in length of which 1 mile 2 furlongs 5·30 chains shall be laid as a single line and 1 furlong 5·00 chains as a double line) wholly situate in the urban district of Alfreton in the county of Derby commencing in Nottingham Road by a junction with Tramway No. 39 at a point 2·30 chains or thereabouts north-west of the intersection of the centre lines of Mill Yard and Nottingham Road passing thence in a south-westerly direction into and along High Street south-westerly and westerly along Swanwick Lane and north-westerly along The Green and in a southerly direction into the Alfreton Road and terminating in the last-mentioned road at a point 0·50 chain or thereabouts south of the intersection of the centre lines of Pentrich Road and Alfreton Road and making a junction with Tramway No. 5.

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6. Where the metalled portion of the carriageway or the distance between the kerbs of any roadway within the jurisdiction of the Derbyshire County Council is less than twenty-four feet the Company shall widen the roadway to twenty-four feet or shall lay a double line of rails along such portion of the roads so as to leave a clear width of at least nine feet of metalled road on either side of such line of rails beyond the width of a laden truck or carriage running on such rails.

Width of
metalled road
at side of
rails.

7. The Company may by agreement with the local and road authority and owners and parties interested where there is grass or waste land alongside any road traversed by the tramways and the carriage-way of such road is of less width than twenty-four feet utilise such grass or waste land for the purpose of widening the carriage-way of such road.

As to waste
or grass land
alongside
roads.

STREET WIDENINGS AND WORKS.

8. Subject to the provisions of this Act the Company in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited books of reference and hereinafter described and according to the levels shown on the deposited sections may if they think fit make and maintain street widenings and works and may enter upon take and use such of the lands delineated on the said plans and described in the said books of reference and hereinafter described as may be required for that purpose The lands hereinbefore referred to and

Power to
make street
widenings
and works.

A.D. 1903. proposed to be acquired for the aforesaid purposes are the following :—

Tramway No. 3.

Strips of land in Loscoe Road in the parish of Codnor and Loscoe on the east side 1 furlong 3·2 chains in length commencing at a point 5·4 chains west of the intersection of Wellington Street and Loscoe Road and containing 1,000 square yards on the west side 7·50 chains in length commencing at a point 4·5 chains north-west of the Sir John Warren Inn and containing 500 square yards on the east side 7 chains in length commencing at a point 4·5 chains north of Gate Inn and containing 500 square yards on the north side 5·3 chains in length commencing at a point 6 chains east of the boundary between the parishes of Ripley and Codnor and Loscoe and containing 156 square yards :
Strip of land on the north side of Nottingham Road in the parish of Codnor Park commencing at a point 0·70 chain east of the boundary between the parishes of Ripley and Heanor and containing 48 square yards.

Tramway No. 4.

Strip of land on the north side of Nottingham Road in the parish of Ripley 2·3 chains in length commencing at the boundary of the parishes of Ripley and Codnor Park and containing 50 square yards :
Strip of land and the buildings thereon on the south-west side of the main road leading from Ripley to Heanor in the parish of Ripley commencing at a point 2·25 chains north-west of the intersection of the centre lines of Grosvenor Road and the before-mentioned road containing 100 square yards :
Strip of land on the north-east side of Nottingham Road in the parish of Ripley 4·5 chains in length commencing at a point 1·5 chains north-west of the western corner of the cricket ground and containing 100 square yards :
Portion of footpaths on either side of the road approaching the bridge over the railway at Butterley Station in the parish of Ripley for a distance of 2·3 chains commencing at the southern approach and containing 84 square yards.

Tramway No. 5.

Strip of land on the north side of High Street in the parish of Alfreton 5·7 chains in length commencing at a point

1·3 chains east of the intersection of High Street and Chapel Street and containing 124 square yards. A.D. 1903.

Tramway No. 7.

Strip of land on the west side of Blackwell Road in the parish of South Normanton 38 chains in length commencing at a point 0·9 chain from its junction with High Street and Church Street and containing 5,556 square yards :

Widen to 30 feet the bridge over the Normanton Brook at the point where such brook runs under the road and forms the boundary between the parishes of South Normanton and Blackwell :

Strip of land on the south side of Church Hill in the parish of Blackwell 5·3 chains in length commencing at a point 1·35 chains east of Saint Werburgh's Vicarage Gate and containing 156 square yards :

Strips of land in Hucknall Lane in the parish of Blackwell 18·2 chains in length commencing at a point 11·4 chains east of New Lane and containing 800 square yards 0·73 chain in length commencing at a point 0·75 chain west of the boundary between the parishes of Blackwell and Hucknall-under-Huthwaite and containing 25 square yards :

Strip of land in the parish of Blackwell 6·80 chains in length commencing at a point 0·78 chain north of the boundary between the parishes of South Normanton and Blackwell and containing 9,333 square yards.

Tramway No. 8.

Strip of land on the south side of Blackwell Road in the parish of Hucknall-under-Huthwaite 0·7 chain in length commencing at the boundary between the parishes of Blackwell and Hucknall-under-Huthwaite and containing 25 square yards :

Strip of land on the north side of Blackwell Road in the parish of Hucknall-under-Huthwaite 4·5 chains in length commencing at a point 1·2 chains east of the boundary between the parishes of Blackwell and Hucknall-under-Huthwaite and containing 300 square yards.

Tramway No. 10.

Strip of land on the south-west side of Hartshay Road in the parish of Ripley 2·3 chains in length commencing at a point

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1 furlong 9·7 chains west of the junction of Hartshay Lane with the road leading to Upper Hartshay and containing 67 square yards :

Strip of land on the north side of the road from Upper Hartshay to Heage in the parish of Ripley 4·5 chains in length commencing at a point 2 chains west of the junction of Bridle Lane with such road and containing 100 square yards.

Tramway No. 11.

Strip of land on the south-east side of Ripley Road in the parish of Heage 3·9 chains in length commencing at a point 4·2 chains west of the boundary between the parishes of Ripley and Heage and containing 84 square yards :

Strip of land on the south side of the road from Upper Hartshay to Heage in the parish of Heage 1·54 chains in length commencing at a point 1 furlong 1·4 chains west of the junction of Pingle Lane with such road and containing 56 square yards :

Strip of land on the south side of the road from Hartshay to Heage in the parish of Heage 3 chains in length commencing at a point 3·2 chains west of the entrance to Crow Trees Farm and containing 223 square yards.

Tramway No. 12.

Strip of land on the west side of Chesterfield Road in the parish of Belper 4 chains in length commencing at a point opposite the intersection of the centre lines of Chesterfield Road and Crich Lane and containing 112 square yards.

Tramway No. 19.

A strip of land in the urban district of Beeston 2 furlongs 6 chains in length measured from the end of the new road north-west of Humber Grove leading from Humber Road to Lenton containing 5,720 square yards.

Tramway No. 20.

A strip of land in the urban district of Beeston 7 furlongs 3 chains in length measured from a point 9 chains east of the centre line of Albert Road containing 16,000 square yards.

Tramway No. 21.

A strip of land in the city of Nottingham 1 furlong 2 chains in length extending eastward from Tootle Brook containing 2,600 square yards :

A strip of land in the city of Nottingham on the south-east side of Dunkirk Road Lenton and extending from Montpelier Road to Warwick Street and containing about 500 square yards : A.D. 1903.
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A strip of land in the city of Nottingham on the west side of Dunkirk Road and Abbey Street Lenton for the purpose of widening the bridge over the Nottingham Canal and the adjacent roads and extending from a point 3·2 chains south-west of Warwick Street to Cloister Square and containing about 590 square yards :

A strip of land in the city of Nottingham on the east side of Abbey Street for the purpose of widening the bridge over the River Leen and the adjacent streets and extending from Priory Street to the Canal Bridge and containing about 250 square yards :

A strip of land in the city of Nottingham on the east side of Abbey Street and extending from Gregory Street to a point 0·9 chain north of Priory Street and containing about 360 square yards :

A strip of land in the city of Nottingham in Old Lenton on the south side of Church Street extending from Gregory Street to a point about 2·3 chains east thereof and containing about 150 square yards.

Tramway No. 30.

Strips of land in Station Road in the urban district of Heanor on the south side 7 chains in length extending north-eastwards from a point 4 chains or thereabouts north-east of the intersection of the centre lines of Hands Road and Station Road and containing 260 square yards 1 furlong 9 chains in length commencing at its junction with the new road 3·5 chains south-west of the centre of the bridge over the Midland Railway and containing 400 square yards 5·5 chains in length commencing at a point 4 chains west of the centre of the bridge over the Bailey Brook and containing 300 square yards.

Tramway No. 30A.

Strip of land 4·50 chains in length commencing at the end of Ilkeston Road and Church Street and extending westwards and containing 160 square yards.

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Tramway No. 31.

Strip of land on the north side of Langley Mill Lane 5 chains in length commencing at a point 7 chains or thereabouts east of the centre of the bridge over the Great Northern Railway and containing 240 square yards :

Strip of land on the north side of Langley Mill Lane 3·5 chains in length commencing at a point 8·5 chains or thereabouts east of the centre of the bridge over the Great Northern Railway and containing 200 square yards.

Tramway No. 39.

Strip of land on the north side of Nottingham Road in the urban district of Alfreton extending from a point 7·30 chains north-west to a point 9·90 chains south-east of the road to Birchwood and containing 1,360 square yards :

Strip of land on the south side of Nottingham Road in the urban district of Alfreton extending from a point 1 furlong 0·80 chain to a point 0·60 chain north-west of the road to Pye Bridge Station and Nottingham Road and containing 600 square yards :

Strip of land in the urban district of Alfreton on the south side of Nottingham Road 5·60 chains in length commencing at a point 2·20 chains south-east from the intersection of the centre lines of Cinder Road and Nottingham Road and containing 432 square yards.

Tramway No. 40.

In the urban district of Alfreton in the county of Derby—

Strip of land on the east side of Swanwick Lane commencing at a point 8·40 chains north-east and terminating at a point 5·70 chains south-west from the intersection of the centre lines of Cemetery Road and Swanwick Lane and containing 827 square yards :

Strip of land on the south side of Swanwick Lane 2 furlongs 8·5 chains in length commencing at a point 2 furlongs 3·5 chains west of the intersection of the centre lines of Greenhill Lane and Swanwick Lane and containing 1,880 square yards.

Period for
completion
of street
widening
and works.

9. If the street widenings and works authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act

granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. A.D. 1903.

10. The Company in the construction of the street widenings and works by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and they may deviate vertically from the limits shown on the deposited sections to such extent not exceeding two feet as may be agreed with the local and road authority. Limits of lateral and vertical deviation for street works.

11. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Company in connection with the street widenings and works authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said street works and may to such extent as may be agreed with the local and road authority make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said street 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 or channel within the said limits the Company providing a proper substitute before interrupting the flow of water or sewage in any drain or sewer and making compensation for any damage done by them in the execution of the powers of this section. Power to make subsidiary works.

12.—(1) Subject to the provisions of this Act the Company within the limits of deviation defined upon the deposited plans in connection with the street works authorised by this Act and for the purposes thereof may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes or wires which for the purpose of conveying water electricity or gas to any house or other place shall be laid into or from any main cable or pipe laid down by the Company and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit the Company making compensation for any damage done by them in the execution of the powers of this section. Power to alter steps areas and pipes.

(2) The aforesaid provisions of this section shall not apply to any electric lines or works of the Derbyshire and Nottinghamshire

A.D. 1903. Electric Power Company but in lieu thereof the provisions of sections 17 and 18 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall apply to any alteration of or interference with the electric lines or works of that company.

Maintenance
of widenings
and altera-
tions of
streets and
roads.

13. The widenings and alterations of streets and roads by this Act authorised shall (subject to the provisions contained in the heads of agreement set forth in the Schedule to this Act) when carried out be maintained in repair to the reasonable satisfaction of the road authority by and at the cost of the Company for two years after their respective completion of which completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and from and after the expiration of such respective periods the said widenings and alterations shall be vested in and maintained in repair as public highways subject to the provisions of section 28 of the Tramways Act 1870 by and at the expense of the authority or persons by whom or at whose expense the roads or streets or portions of roads or streets are repairable. Provided that as regards the city of Nottingham the certificate of the engineer of that city shall for the purposes of that section be substituted for the certificate of two justices.

LANDS.

Power to
take and use
lands for
generating
stations.

14. Subject to the provisions of this Act the Company may enter upon take hold and use the lands shown upon the deposited plans and described in the deposited books of reference and hereinafter described and may on such lands not being the grass or waste land lying at the side of any road which shall not be used for such purposes construct a station or stations for generating electrical power and erect thereon car sheds depôts and buildings and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity or the working of tramways thereby. The lands hereinbefore referred to are as follows :—

Plot of land containing 2,000 square yards being a portion of a piece or parcel of land situate in the urban district of Hucknall-under-Huthwaite numbered 72 on the $\frac{1}{2500}$ Ordnance map of the county of Nottingham 1899 and bounded on the north by Sutton Road on the south by plot numbered 80 on the said $\frac{1}{2500}$ Ordnance map on the east partly by house property and partly by plot numbered 81 on the said $\frac{1}{2500}$ Ordnance map and on the west by property in Columbia Street :

Plot of land containing 2,000 square yards being a portion of a piece or parcel of land situate in the urban district of Belper numbered 855 on the $\frac{1}{2500}$ Ordnance map of the county of Derby 1900 and bounded on the north by Gibfield Lane on the south by plot numbered 904 on the said $\frac{1}{2500}$ Ordnance map on the east by the Midland Railway and on the west by Derby Road :

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Plot of land containing 4,840 square yards being a portion of a piece or parcel of land situate in the urban district of Ripley numbered 47 on the $\frac{1}{2500}$ Ordnance map of the county of Derby 1900 and bounded on the north south and east by land belonging to the Midland Railway Company and on the west by plot numbered 48 on the said $\frac{1}{2500}$ Ordnance map :

Plot of land containing 4,840 square yards being a portion of a piece or parcel of land situate in the urban district of Alfreton numbered 1,194 on the $\frac{1}{2500}$ Ordnance map of the county of Derby 1900 and bounded on the north by plot numbered 1,163 on the said $\frac{1}{2500}$ Ordnance map on the south by plot numbered 45 on the said $\frac{1}{2500}$ Ordnance map on the east by the main road from Butterley to Alfreton and on the west by plot numbered 1,193 on the said $\frac{1}{2500}$ Ordnance map :

Plot of land in the city of Nottingham situate on the south-east side of Carlton Road near the old brick yard containing 11,000 square yards :

Plot of land in the urban district of Arnold situate on the south-east side of the Mansfield Road and bordering on the lane by the side of the Black Swan public-house containing 10,000 square yards.

15. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county in which such lands are situate and a duplicate thereof shall also be deposited with the clerk of the urban district council for the urban district in which the lands affected thereby are situate and

Correction of errors &c. in deposited plans and books of reference.

A.D. 1903. — such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the council respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Period for
compulsory
purchase of
lands.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Restriction
on taking
houses of
labouring
class.

17. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company purchase or acquire any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression “house” means any house or part of a house occupied as a separate dwelling and the expression “labouring class” means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to
grant ease-
ments &c.

18. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall

extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1903

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

CONSTRUCTION AND MAINTENANCE.

20. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade. Inspection
by Board of
Trade.

21. If the tramways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed. Period for
completion
of tramways.

22. The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as the Board of Trade may approve and such gauge when once so approved shall not thereafter be altered without the consent of the local and road authorities but carriages or trucks adapted to run on railways shall not be run thereon. Gauge of
tramways.

23. If and whenever after the passing of this Act the road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Company shall at their own expense 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 sur-
face of road.

24. 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 the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining Plans of pro-
posed mode
of construc-
tion of tram
ways.

A.D. 1903. and renewing any of the tramways lay before the Board of Trade plans showing the proposed mode of constructing laying down maintaining and 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 and renewal of any of the tramways or part of any of the tramways respectively until such plans and statement have been approved by the road authority and the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plans and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

Tramrails. **25.** The rails of the tramways shall be such rails as the Board of Trade may approve.

Penalty for not maintaining rails and roads. **26.—**(1) 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 the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situated or by twenty inhabitant ratepayers of such district 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.

Sanitary authorities to have access to sewers. **27.** Every sanitary authority and 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 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 said authority as if the same were a pipe for the supply of gas or water. A.D. 1903.

28. The Company may subject to the provisions of this Act with the consent of the Board of Trade and the road authority make maintain alter and remove such crossings 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 tramways or for providing access to any warehouses stables or carriage houses or works of the Company notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit Provided that if in the construction of any works under this section any rail is intended to be so laid that 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 Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises 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 premises by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Power to
make
additional
crossings.

29. 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 Company shall if and when 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.

Passing-
places to be
constructed
in certain
places.

30. For the purpose of constructing the tramways in any street the Company may increase the width of the roadway of such street by reducing the width of the footway on each or either side of such street Provided that no footway shall be so reduced without

Company
may reduce
width of
footway for

A.D. 1903. the consent of the local and road authority and (in the case of a main road) of the county council.

widening
roadway.

Temporary
tramways
may be made
where neces-
sary.

31. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid it is in the opinion of the Company necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent in writing of the road authority construct in the same or any adjacent road and with the like consent maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application
of road
materials
excavated in
construction
of works.

32. Any paving metalling or material excavated by the Company in the construction of the tramways from any road or bridge under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road or bridge 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 by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice in writing duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose 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 or surveyor or other person 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 promoters and any road authority:

Provided that no materials excavated by the Company from any road shall be stored at the side of such road so as to be a nuisance or obstruction in the free use and enjoyment of the full width of the said road by the public and such materials excavated shall not be stored in any of the usual storage places used by the road authority for storing their road material without the previous consent in writing of such road authority.

33. The Company may erect and maintain sheds or shelters or waiting rooms for the accommodation of passengers and of the Company's servants and the Company may with the consent of the local and road authority for such period and on such terms as the road authority may impose use for that purpose portions of the public streets or roads within the district of the road authority.

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Shelters or
waiting
rooms.

34. Subject to the provisions of this Act the Company may during the execution of the works by this Act authorised with the consent of the road authority expressed in writing by the clerk of such authority stop up temporarily the carriage-way or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections provided that the powers of this section shall not be exercised in such a manner as to interfere unreasonably with the access to the houses in any road.

Stopping of
roads during
execution of
works.

35. The following provisions shall apply with respect to the metalled portion of any road on which the tramways are laid (that is to say) :—

Repair of
metalled por-
tion of road
where tram-
ways are laid.

- (1) The Company shall at their own expense at all times make repair maintain and keep in good condition in such manner as the road authority and the Company may agree or may have agreed or as in case of difference between them may be determined by the Board of Trade so much of the road as lies between the rails of the tramway and (where two lines of tramway are laid by the Company in any road at a distance of not more than four feet from each other) the portion of the road between such two lines of tramway and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of the tramway. Provided that the portion of the road repairable as aforesaid by the Company shall (unless and except so far as it may be or may have been otherwise agreed between the Company and the road authority or may be otherwise required by the Board of Trade) be made repaired and maintained with similar materials to those used in each case by the road authority in repairing and maintaining the other portions of such road in the same place except that the road authority may in all cases require the road on each side of each rail to be paved repaired and maintained with one row of setts of granite or other suitable material laid to an average width on each side of each rail of at least six inches. Provided

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also that where any road in front of any public building school or place of public worship is or is at any time being paved with wood by the road authority the Company shall if the road authority so require pave repair and maintain with wood paving so much of the portion repairable by the Company as aforesaid as lies in front of and extends fifty feet beyond each end of any such public building school or place of public worship :

- (2) If the Company abandon the undertaking or any part of the same and take up the tramway from any road they shall with all convenient speed and in all cases within six weeks at the most (unless the road authority otherwise consent in writing) fill in the ground and make good the surface and to the reasonable satisfaction of the road authority restore the portion of the road upon which the tramway taken up was laid to as good a condition as that in which it was before such tramway was laid thereon and clear away all surplus paving metalling or other material or rubbish occasioned by such work and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night :
- (3) If the Company fail to comply with the provisions of this section the road authority if they think fit may themselves at any time after seven days' notice to the Company open and break up the road and do the works necessary for the repair and maintenance or restoration of the road to the extent in this section above mentioned and the expense incurred by the road authority in so doing shall be repaid to them by the Company :
- (4) Any difference (except such as is to be determined by the Board of Trade as hereinbefore provided) which arises under this section between the Company and the road authority shall be referred to arbitration under this Act.

Rights of
authorities
and com-
panies &c. to
open roads.

36.—(1) Nothing in this Act shall take away or abridge any power to open or break up any road or the footpath of any road on which the tramway is laid or any other power vested in any local authority or road authority for any of the purposes for which such authority is respectively constituted or in any person for the purpose of laying down or repairing altering or removing any pipe or apparatus for the supply of gas or water or any tubes wires or apparatus for telegraphic or other purposes but in the exercise of

such power every such authority or person shall be subject to the following restrictions (that is to say) :— A.D. 1903.

- (A) They shall cause as little detriment or inconvenience to the Company as circumstances will reasonably admit :
- (B) Before they commence any work whereby the traffic on the tramway will be interrupted they shall (except in case of emergency when no notice shall be necessary) give to the Company notice of their intention to commence such work specifying the time at which they will begin to do so such notice to be given eighteen hours at least before the commencement of the work :
- (C) They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work or for loss of traffic occasioned thereby or for the reasonable exercise of the powers so vested in them as aforesaid :
- (D) Whenever for the purpose of enabling them to execute such work the local authority or the road authority shall so require the Company shall either stop traffic on the part of the tramway to which the notice shall refer where it would otherwise interfere with such work or shore up and secure the same at their own risk and cost during the execution of the work there Provided that such work shall be completed with all reasonable despatch :
- (E) No such authority or person shall execute such work so far as it immediately affects the tramway except under the superintendence of the Company unless the Company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work and they shall execute the work at their own expense and to the reasonable satisfaction of the Company Provided that any additional expense imposed on them by reason of the existence of the tramway in any road or place where any such mains pipes tubes wires or apparatus shall have been laid before the construction of the tramway shall be borne by the Company.

(2) If any difference arises under this section between the Company and any such authority or person that difference shall be referred to arbitration under this Act.

37. A local or road authority shall not be responsible to the Company for any damage sustained by the Company in consequence As to sub-
sistence of
road.

A.D. 1903. of any road subsiding after the constructing or relaying of any sewer drain gas or water main or any other pipes and apparatus has been completed and the ground above the same filled in provided such work shall have been executed with all care and in a proper and workmanlike manner If any question arises as to the mode in which the work is executed that question shall be referred to arbitration under this Act.

As to re-
moval of
snow.

38. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic of the tramway the Company shall at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any road Provided that any dirt or other matter removed by the Company from the grooves of the rails of the tramway shall not be allowed to remain on the road but shall be at once taken away by the Company.

Local autho-
rities and
road autho-
rities may
use tram-
ways for cer-
tain pur-
poses.

39. Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade and of any byelaws for the time being in force with respect to the tramways any local authority or road authority may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning but not so as to unduly impede obstruct or interfere with the ordinary traffic on the tramways and after giving due notice to the Company of their intention so to do use the tramways within their district by carriages moved by horses or otherwise for the removal of night soil and house refuse and for the conveyance of scavenging stuff road materials and other materials required by the works of such authority free from all tolls and charges in respect of such use Subject as aforesaid any local authority or road authority may enter into agreements with the Company for the purpose of this section and such authority shall have power to form connections between the tramways and the yards or works belonging to such authority Provided that in the construction of any such connection no damage shall be done to the tramways and they shall have first submitted to the Company plans showing such connections or works and the mode of constructing the same and if any question arise as to such plans or the mode of constructing such works that question shall be referred to arbitration under this Act Provided that such authority shall not save by agreement with the Company be entitled to use or employ for such

purposes any carriages trucks horses electric current or other motive power or officers and servants of the Company Provided also that such authority shall indemnify the Company against any damage done to the permanent way by such use. A.D. 1903.

40. For the purpose of making forming laying down maintaining repairing or renewing the tramway the Company may where and as far as it is necessary or may appear expedient for the purposes of preventing frequent interruption of the traffic by repairs or works in connection with the same alter the position of any main pipes or apparatus for the supply of gas or water or any tubes wires or apparatus for telegraphic or other purposes subject to the provisions of this Act and also subject to the following restrictions (that is to say) :— Provision as to gas and water companies &c.

- (1) Before laying down or altering as aforesaid the tramway in a road or place in which any such main pipes tubes wires or apparatus (hereinafter in this section referred to as “mains and apparatus”) may be laid the Company shall whether they contemplate altering the position of any mains or apparatus or not give seven days’ notice to the person to whom such mains or apparatus may belong or by whom they are controlled (hereinafter in this section referred to as “the owner”) of their intention to lay or alter the tramway and shall at the same time deliver a plan and section of the proposed works If it should appear to the owners that the laying down or alteration of the tramway as proposed would endanger any such mains or apparatus or interfere with or impede the supply of water or gas or the telegraphic or other communication the owners may give notice to the Company to lower or otherwise alter the position of the said mains or apparatus in such manner as may be considered necessary and all alterations to be made under this section shall be made with as little detriment and inconvenience to the owners or to the inhabitants of the district as the circumstances will permit and under the superintendence of the owners if they think fit to attend after receiving not less than forty-eight hours’ notice for that purpose which notice the Company are hereby required to give :
- (2) The Company shall not remove or displace any mains or apparatus or other works belonging to or controlled by the owners or do anything to impede the passage of water or gas or the telegraphic or other communication in to or through such mains or apparatus without the consent of the

A.D. 1903.

owners or in any other manner than the owners shall approve until good and sufficient mains or apparatus and other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication as sufficiently as the same was supplied by the mains or apparatus proposed to be removed or displaced shall at the expense of the Company have been first made and laid down in place thereof and ready for use and to the satisfaction of the owners :

- (3) The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to the owners or relating to telegraphs and shall lay down any water main or water pipe if so required by the owners at a depth not less than that at which it was previously laid and unless otherwise agreed between the Company and the owners in every case so as to leave a covering of at least thirty inches from the surface of the road above such main or pipe :
- (4) The Company shall make good all damage done by them to property belonging to or controlled by the owners and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes of any person supplied by the owners with water or gas :
- (5) If by any such operations as aforesaid the Company interrupt the supply of water or gas in or through any main or main pipe they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted :
- (6) Any works to be executed pursuant to this section in relation to the lowering or altering the position of any mains or apparatus shall if the owners so desire be executed by them at the reasonable expense of the Company and in that case the owners shall within seven days of receiving notice from the Company as aforesaid give notice of their intention so to execute such works and shall commence execute and complete the same with all reasonable despatch :
- (7) Any difference arising under this section between the Company and the owners shall be referred to arbitration under this Act :
- (8) Nothing in this section shall apply in the case of any electric lines or works of any undertakers the position of which may be altered under section 15 of the Electric Lighting Act 1882.

41.—(1) Where the tramways will interfere with any sewer drain watercourse subway defence or work or will affect the sewerage or drainage of any district the Company shall give to the proper authority fourteen days notice in writing of their intention to commence the tramway with all necessary particulars relating thereto and they shall not commence the same without the approval of such authority unless such authority fail to signify their approval or disapproval or give other directions within the said period of fourteen days.

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For protec-
tion of
sewers &c.

(2) The Company shall comply with all reasonable directions of the said authority and shall provide in such manner as such authority shall reasonably require for the protection of the said sewers and works and shall repay to the said authority any reasonable expenses to which they may be put by reason of the tramways.

(3) All such protective works shall be done by the Company under the superintendence (if such superintendence shall be given) of the said authority or may be executed by the said authority if they so desire at the reasonable expense of the Company. If such authority intend to execute such work themselves they shall and where they have received such notice as aforesaid from the Company within fourteen days after such receipt give to the Company notice accompanied by sufficient particulars of that intention and shall commence execute and complete the work with all reasonable despatch.

(4) If any difference arises under this section between the Company and any authority that difference shall be referred to arbitration under this Act.

(5) Nothing contained in this section shall relieve the Company of their obligations or shall deprive any authority of their rights under section 31 of the Tramways Act 1870.

42. Where the tramway is constructed or intended to be constructed or reconstructed over any manhole or entrance into any sewer of any authority or so close to such manhole or entrance as to make the use thereof dangerous the Company shall at their own expense if required by the authority alter the position of such manhole or entrance in such manner as may be reasonably necessary and approved by the authority or the authority may at their own option at the reasonable expense of the Company make such alteration in the position of such manhole or entrance. If such authority intend

As to man-
holes.

A.D. 1903. — to execute such work themselves they shall commence execute and complete the same with all reasonable despatch and in any case where the tramway is already constructed they shall give to the Company not less than forty-eight hours' notice before they commence the works. If any difference arises under this section between the Company and the authority that difference shall be referred to arbitration under this Act.

Power of
road autho-
rity to make
byelaws.

43. Subject to the provisions of this Act the road authority over any road on which the tramway is laid may make byelaws as to the following matters :—

The conditions under which heavy goods traffic may be loaded or unloaded on any road on which such part of the tramway is laid :

For regulating the placing and fixing on the carriages of advertisements boards and placards and notices and the removal thereof if the same are unsafe unsightly or inconvenient :

For preventing overcrowding of the carriages :

For regulating the hours for the conduct of any traffic other than that of passengers and small parcels.

General
provisions as
to byelaws.

44. Within one month after the making of any byelaw by a road authority under this Act notice thereof and a copy of the byelaw shall be published by the road authority making the same once at least in each of two successive weeks in a local newspaper circulated in the area in which the part of the tramway affected by such byelaw is situate and a copy of every such byelaw shall be sent to the Board of Trade and shall be delivered to the Company.

No such byelaw shall have any force or effect until it has been allowed by the Board of Trade.

Any such byelaw may impose reasonable penalties for offences against the same not exceeding forty shillings for each offence with or without further penalties for continuing offences not exceeding for any continuing offence ten shillings for every day during which the offence continues after conviction thereof but all such byelaws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Provided that the provisions of this Act relating to the making of such byelaws with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the road authority to make any byelaws sanctioning a higher rate of speed than that

authorised by the Board of Trade general regulations but the road authority may if they think fit make byelaws under this Act for restricting the rate of speed to a lower rate than that so authorised. A.D. 1903.

45. Nothing in this Act shall limit the powers of the local authority or police in any district to regulate the passage of any traffic along or across any road along or across which the tramways are laid down and such authority or police may exercise their authority as well on as off the tramways and with respect as well to the traffic of the Company as to the traffic of other persons. Saving for power to regulate traffic on roads.

46.—(1) Before opening for public traffic any portion of the tramways within the county of Derby the Company shall at their own expense and to the reasonable satisfaction of the county council for the county of Derby (in this section referred to as “the county council”) strengthen all drains bridges and culverts over along and underneath any main road within the county of Derby over which the tramways pass which shall require so to be strengthened by reason of the making of the tramways. For protection of Derbyshire County Council.

(2) The Company shall so construct maintain and use the tramways over any bridge or culvert belonging to the county council as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge or culvert by the construction maintenance or user of the tramways the Company shall make good at their own expense and restore the same to the reasonable satisfaction of the county council.

(3) The Company shall give fourteen days’ notice in writing to the county council of the intention to commence any works which affect or interfere with the structural work of any such bridge or culvert and shall at the same time send sufficient specifications or other information to show the nature of such works and such works shall be constructed under the superintendence and to the reasonable satisfaction of the county council the reasonable costs of such superintendence to be borne by the Company.

(4) If any such bridge or culvert as aforesaid upon or along which any of the tramways are laid be altered widened or rebuilt by the county council the county council may require the Company to alter any such tramway in such manner as the circumstances of the case may reasonably require and shall at the same time send sufficient specifications or other information to show the nature of the alterations required.

(5) Any works under this section in so far as they affect or interfere with the structural works of any such bridge or culvert

A.D. 1903. shall if the county council so require be executed by the county council at the expense of the Company and in that case the county council shall give notice to the Company of their intention so to execute such work and shall commence execute and complete the same with all reasonable despatch. Provided that unless the county council shall give the said notice to the Company within seven days after receiving any such notice from the Company as is hereinbefore prescribed the Company may themselves proceed to execute the work.

(6) In the event of any gas or water pipe laid under any road being removed or interfered with for the purpose of works constructed under the powers of this Act the Company shall in exoneration of the road authority be responsible to the owner or owners thereof for any damage that may occur thereto on the same or similar pipes being relaid under the same road by the use of a steam roller by the road authority in carrying out their ordinary works of repair to the said roads.

(7) If any question arises under this section between the Company and the county council that question shall be referred to arbitration under this Act.

FARES AND REGULATIONS.

Fares for
passengers.

47. The Company may demand and take for every passenger travelling upon the 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 in no case shall the Company be bound to charge a less sum than one penny.

Passengers'
luggage.

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

Animals and
goods.

49. The Company may carry goods animals and merchandise and may demand and take in respect of any such animals goods materials articles or things conveyed by them on the tramways including every expense incidental to the conveyance (except a reasonable sum for loading and 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 rates or charges not exceeding the following :—

A.D. 1903.
—*Animals.*

For every horse mule or other beast of draught or burden fourpence per head per mile :

For every ox cow bull or head of cattle threepence per head per mile :

For calves pigs sheep and small animals one penny halfpenny per head per mile.

Goods.

For all coal coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all materials for the repair of public roads or highways twopence per ton per mile :

For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron iron plates iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs twopence halfpenny per ton per mile :

For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings threepence per ton per mile :

For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein fourpence per ton per mile.

Small Packages.

For any parcel not exceeding seven pounds in weight threepence :

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence :

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

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

A.D. 1903.

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Company may think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels 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.

For the Carriage of Single Articles of Great Weight.

For the carriage of any iron 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 shall exceed four tons but shall not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile :

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

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than two miles the Company may demand rates and charges as for two miles :

For a fraction of a ton the Company may demand rates 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 and timber the weight shall be determined according to the imperial 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.

Cheap fares
for labouring
classes.

50.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans 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 with a minimum charge of one penny The Company on Saturdays in lieu of running such carriages after five 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. A.D. 1903.

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

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

51. It shall not be lawful for the Company or any other company or person working or using the tramways to take or demand on Sundays or any bank or other public holiday any higher rates or charges than those levied by them on ordinary week days. As to fares
on Sundays
and holidays.

52. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company 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 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 authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the 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. Periodical
revision of
rates and
charges.

53. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which Byelaws by
Board of
Trade.

A.D. 1903. 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 engines or carriages ;

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

For providing that the 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 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 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.

Amendment
of Tram-
ways Act
1870 as to
byelaws by
local autho-
rity.

54. 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 tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or 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.

Penalty for
malicious
damage.

55. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any tramway of the Company anything which is calculated to obstruct or interfere with the working of such tramway 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 or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Company shall be liable to a penalty not exceeding twenty pounds.

Consents of
local or road
authority.

56. Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers

by the Company and it is provided that such consent shall not be unreasonably withheld any difference as to whether such consent or approval is unreasonably withheld shall (where not otherwise provided) be referred to an arbitrator to be appointed by the Board of Trade. A.D. 1903.

57. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts. Recovery of penalties.

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

MOTIVE POWER.

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

- (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 tramways and for regulating the use of such power :
- (2) The Company or any other company or person using any mechanical power on the 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 Company or such other company or person using mechanical power 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 ;

A.D. 1903.

may by order either direct the Company or such other 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 Company or such other 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 :

- (5) The cars shall not be moved by animal power save in temporary emergency.

Power to
erect lay and
maintain
posts pipes
and appara-
tus and to
make open-
ings in
streets.

60. The Company with the consent of the road authority which consent shall not be unreasonably withheld may erect lay down and maintain in on over or under the surface of any street road footpath or public place such posts conductors wires pipes tubes mains plates brackets electric cables boxes and apparatus and may with the like consent make and maintain such openings or ways in on over or under any such surface as may be necessary or convenient either for the working of the tramways or for transmitting electrical energy for the purposes of this Act or for providing access to or forming connections with any stations engines machinery or apparatus.

Power to
attach
brackets
wires and
apparatus to
buildings.

61. The Company 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 tramways by mechanical power :

Provided that—

- (1) Where in the opinion of the Company the consent of any owner 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 Company notice in writing requiring the same 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) : A.D. 1903;

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

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 rack rent shall be deemed to be the owner.

In this section “petty sessional court” means the petty sessional court of the district in which the work is to be executed.

62. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :— Special provisions as to use of electrical power.

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their 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 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 Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and

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employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

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

Road authority to have right to use standards and brackets for lighting.

63. The road authority shall on giving not less than fourteen days' notice to the Company of their desire so to do have the right to use any posts standards and brackets erected in the streets within the district of such authority for the support of any electric wires or lamps or any gas lamp or direction arms belonging to such authority on payment of a reasonable rental for such use Provided that such electric wires or lamps or arms can be so erected and used without interfering with the supply of electric current given by the Company and that in placing maintaining or altering such wires or lamps or arms no damage shall be caused to such posts standards or brackets and no obstruction shall be caused to the working by the Company of the undertaking.

64. If the Company shall discontinue the use of any post brackets or overhead electric wires placed or maintained in or over any street or road for supplying electrical motive power to the carriages used upon the tramways or if the right of the Company to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Company shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such streets and roads to the satisfaction of the road authority and in case of default such road authority may do all things necessary for that purpose and recover the costs and expenses thereof from the Company summarily as a civil debt or they may sell and dispose of the posts brackets and wires and out of the proceeds thereof reimburse themselves the amount of such costs and expenses and the balance (if any) shall be paid to the Company.

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Posts to be removed if user discontinued.

65. The provisions of sections 26 to 33 and 41 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 Company for the purposes of mechanical power were parts of the tramway.

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

66.—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration and in case any such alteration be made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent.

For protection of Postmaster-General.

(B) In the event of any tramways or light railways of the Company being worked by electricity or of electrical power being supplied by the Company for any purpose the following provisions shall have effect :—

- (1) The Company 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

A.D. 1903.

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 telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3)—(A) Before any electric line is laid down or any act or work for working the tramways or light railways by electricity or for the supply of electrical power is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(B) Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the works of the Company 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 Company enter any of the works of the Company for the purpose of inspecting the plant of the Company and the working of the same and the Company

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

A.D. 1903.
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- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression “electric line” has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner

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as if the Company 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 Company by indictment action or otherwise in relation to any of the matters aforesaid :

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

Power to acquire patent rights.

67. For the purpose of using mechanical power the Company may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein.

CAPITAL &C.

Capital.

68. The capital of the Company shall be four hundred and fifty thousand pounds in forty-five thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

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

Calls.

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

Receipt in case of persons not sui juris.

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

Company not to create debenture stock.

72. The Company shall not create debenture stock.

Rights of mortgagees on sale of tramway.

73. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the 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 and every mortgage deed shall be

endorsed with notice that the mortgage will not be a charge upon the tramways or the tramway undertaking in the event of such sale. A.D. 1903.

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

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

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

77. All moneys to be borrowed on mortgage under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all 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. But nothing in this section shall affect any claim in respect of land Money borrowed on mortgage to have priority.

A.D. 1903. — acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

First ordinary meeting.

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

Number of directors.

79. The number of directors shall until the first ordinary meeting of the Company be four but the Company may vary the number provided that the number be never less than four nor more than seven.

Qualification of directors.

80. The qualification of a director shall be the possession in his own right of not less than forty shares.

Quorum of meetings.

81. The quorum of a meeting of directors shall be three.

First directors.

82. Walter Stowe Bright McLaren Duke Fox George Wigley and Henry Graham Harris 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 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 being (if they continue 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 hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Auditors not required to hold shares.

83. The auditors need not hold shares in the Company.

Power to pay interest out of capital during construction.

84. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less

period as the directors may determine but subject always to the conditions hereinafter stated (that is to say):— A.D. 1903.

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed twenty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall 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.

85. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of nineteen thousand nine hundred and twenty-six pounds sixteen shillings being equal to five per centum upon the amount of the estimate in respect of the tramways and four per centum upon the estimated amount in respect of the street widenings and other works

Deposit money not to be repaid except so far as tramways are opened.

A.D. 1903. — originally proposed to be authorised by this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas certain of the said tramways so originally proposed to be authorised are not included in this Act and nine thousand nine hundred and three pounds sixteen shillings is attributable to those tramways And whereas ten thousand and twenty-three pounds of the said first-mentioned sum is equal in value to five per centum on the amount of the estimate in respect of the tramways and four per centum upon the amount of the estimate in respect of the street widenings and other works by this Act authorised and such last-mentioned sum is referred to in this Act as “the deposit fund” Be it enacted that notwithstanding anything contained in the said Act the said 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 same for the public conveyance of passengers and if the Company shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion 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 High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall 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
fund.

86. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable

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and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has 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 if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall as and when the same become payable be paid to or on the application of the depositors.

87. The High Court may and shall at any time after the passing of this Act on the application of the depositors order that the sum of nine thousand nine hundred and three pounds sixteen shillings or the stock funds or other security in which the same has been invested (part of the sum originally deposited in respect of the application for this Act) for Tramways Nos. 1 2 13 14 15 16 17 18 22 23 24 25 26 27 28 29 37 38 struck out of the Bill for this Act during its passage through Parliament together with any interest or dividend accrued thereon shall be paid to the depositors or as they may direct and upon such order being made the same shall be paid accordingly.

Providing
for release of
portion of
deposit.

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MISCELLANEOUS.

For protec-
tion of gas
water and
electric
mains of
Nottingham
Corporation.

88. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the mayor aldermen and citizens of the city of Nottingham (in this section called “the corporation”) shall except so far as may be otherwise agreed in writing between the corporation and the Company have effect (that is to say) :—

- (1) During the construction of the tramways authorised by this Act the Company shall deviate in such places to such extent and in such manner as the engineer of the corporation may reasonably require for avoiding interference with any gas or water mains pipes or apparatus (all of which are in this section included in the expression “mains”) belonging to the corporation but (except with the consent of the Board of Trade) no such deviation shall be so made as to reduce the space between the nearest rail of the tramway to be deviated and the outside of the footpath to less than nine feet six inches :
- (2) Sections 30 32 and 33 of the Tramways Act 1870 shall (subject to the provisions of this section) extend and apply to the corporation with reference to their mains in like manner as they apply to a company or person being the owner of gas and water mains pipes or apparatus Provided that the Company shall not lower alter or interfere with any mains of the corporation to the lowering altering or interference with which having regard to their size or importance the corporation shall reasonably object :
- (3) Whenever in the execution of the powers contained in this Act or in section 30 of the Tramways Act 1870 it shall be necessary to lower alter interfere with or disturb any mains belonging to the corporation such lowering alteration interference or disturbance shall be effected by the corporation unless the corporation decline or neglect to carry out such work in which case the same shall be effected by the Company under the direction of the corporation and where the main to be lowered altered interfered with or disturbed is constructed on in or over a bridge the corporation may if they think fit reconstruct the same alongside the bridge and for that purpose may acquire all necessary rights easements and conveniences for and in respect of the construction repair and renewal of such main and for obtaining access thereto and all expenses incurred by the corporation in

pursuance of this subsection shall be repaid to them by the Company : A.D. 1903.

- (4) The cost of constructing providing and laying any new mains in substitution for any mains which may be rendered useless by the construction or user of the tramways and the value of any mains belonging to or under the control of the corporation rendered useless or unproductive to them by the works authorised by this Act shall be paid by the Company to the corporation :
- (5) When under the foregoing provisions of this section new mains shall be laid down in the place of existing mains the corporation may use mains of dimensions larger than those of the existing mains but the Company shall (unless the increased dimensions are rendered necessary by reason of the construction or use of the tramways) only be required to pay the expenses which would have been incurred by the substitution of mains of dimensions equal to those of the existing mains :
- (6) The corporation shall not be liable for and the Company shall indemnify the corporation against all loss to the Company by reason of suspension of traffic and all accidents damages or injuries to the tramways works and property of the Company and to the persons and property conveyed on or using the same which may either by the construction of the works of the Company or at any time thereafter in consequence thereof be caused by the bursting breaking or leakage of or escape of gas or water from any main of the corporation crossing or being underneath (either wholly or partially) or near to any tramway or work of the Company or which may have been affected by the works of the Company unless such damage or injury shall have arisen as the consequence of any act or default of the corporation their officers or servants Provided always that the corporation shall without unnecessary delay and (if the bursting breaking leakage or escape is caused by any act or default of the Company their officers or servants) at the cost of the Company execute and do all things necessary to make good any such bursting breaking leakage or escape :
- (7) The tramways of the Company shall be deemed to be specified in the Third Schedule annexed to the Nottingham Electric Lighting Order 1890 :

A.D. 1903.

- (8) If any dispute arises under this section between the Company on the one hand and the corporation on the other hand as to the construction of this section or as to the reasonableness of any requirement or objection or as to anything done or required to be done thereunder the same shall be referred to an arbitrator appointed (unless otherwise agreed) by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

For further
protection of
corporation
of Nottingham.

89. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the mayor aldermen and citizens of the city of Nottingham (in this section called “the corporation”) shall except so far as may be otherwise agreed in writing between the corporation and the Company have effect (that is to say) :—

- (1) In this section unless the subject or context otherwise requires—

“The city” means the city of Nottingham; and

“The tramways” means the tramways authorised by this Act to be constructed in the city :

- (2)—(A) The tramways shall be constructed and electrically equipped by and at the cost of the Company and shall be adapted for the same system of traction as the tramways of the corporation and shall in all respects be constructed so as to correspond and be capable of being worked in connection with the tramways of the corporation and so much of the roads within the city as the Company are by the Tramways Act 1870 or by this Act required to maintain and keep in good condition and repair shall be paved and made good with similar materials and in a similar manner to the roads on which the tramways of the corporation are constructed ;

(B) The obligations imposed on the Company by this section shall be performed by the Company under the direction and superintendence and to the reasonable satisfaction of the engineer to the corporation and in accordance with plans sections and specifications previously submitted to and reasonably approved by him ;

(C) The provisions of this subsection shall not be construed as imposing any obligation upon the Company to construct any of the tramways but if the Company shall commence the construction of any of the tramways they shall complete the construction of such of them as shall be so commenced :

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- (3) The Company shall execute at their own expense such widenings of streets and bridges in the city within the limits of deviation of the works authorised by this Act as may be reasonably required by the corporation for the purposes of the tramways or for the accommodation of traffic over the said streets and bridges and shall lay down the tramways in the centre of the streets and bridges when widened :
- (4) The tramways shall when completed be leased by the Company to the corporation for a term of twenty-five years from the date of the passing of this Act and the corporation may and shall take a lease accordingly :
- (5) The corporation may at any time not more than two years and not less than six months before the expiration of any such lease serve notice on the Company to the effect that they desire a renewal of the lease for a further period of twenty-five years dated from the expiration of the first-mentioned lease and thereupon the Company shall be bound to grant such renewal without any further consideration :
- (6) Each such lease in addition to the provisions usual in leases of tramways to local authorities shall contain the provisions following :—
- (A) The corporation shall pay to the Company as rent an annual sum equal to two and a quarter per centum interest on the cost of construction and equipment of the tramways leased such rent to commence as from the date on which the corporation take possession of the tramways ;
- (B) The corporation shall maintain the tramways leased and the portion of roadway repairable by the Company under this Act in good condition and repair and shall surrender the tramways to the Company in the like condition and repair (reasonable wear and tear excepted) on the expiration or determination of the lease ;
- (C) The corporation shall pay all outgoings including rates and taxes and shall indemnify the Company against all claims and demands in respect of the tramways leased ;
- (D) The corporation shall work the tramways leased as part of the corporation's system of tramways with the corporation cars and shall fix the fares subject to

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the provisions of this Act and the Company and the corporation respectively shall afford all facilities for the interchange of passengers travelling on their respective lines ;

- (E) The corporation may determine the lease at any time if an order is made with respect to any tramways of the Company under section 42 of the Tramways Act 1870 or the powers of the Company shall otherwise cease or determine :
- (7) The corporation shall be entitled to purchase the tramways at any time on paying the cost of construction and equipment less any depreciation not in breach of the covenants of the lease :
- (8) If and whenever the boundaries of the city are extended so as to include any portions of any tramways authorised by this Act outside the present boundaries of the city the corporation shall be entitled to purchase those portions at their then value without any allowance for compulsory purchase :
- (9) In the event of any application being made by the corporation for the extension of the city boundaries the Company shall not oppose the same :
- (10)—(A) If at any time in the opinion of the corporation it is necessary that any parts of the following streets in the city (viz.) Nuttall Road Abbey Street and Dunkirk Road through which or through portions of which the tramways may be constructed should be widened the corporation shall be at liberty to take all necessary steps to effect such widenings and the Company shall repay them the total cost thereof and if in the opinion of the corporation additional passing places are needed in any of the streets in the city through which the tramways are carried by a single line the Company shall take all necessary parliamentary and other steps to provide such additional passing places as in the judgment of the corporation may be required ;
- (B) The cost of such widenings and provision of additional passing places as from the respective dates on which it is incurred by the Company shall be considered as part of the cost of construction and equipment of the tramways for the purposes of subsections 6 (A) and 7 of this section :

- (11)—(A) The following provisions shall apply to any of the tramways leased to the corporation as if they belonged to the corporation (namely) :— A.D. 1903.

Section 41 (Power to corporation to work tramways) of the Nottingham Improvement Act 1897 ;

Section 22 (Rates for passengers) of the Nottingham Corporation Act 1899 ; and

Section 11 (Corporation may appoint stopping and starting places) and section 12 (Power to fix stages) of the Nottingham Corporation Act 1902 ;

(B) To enable the corporation to borrow for the purposes of this Act such purposes shall be deemed to be tramway purposes of the Nottingham Corporation Act 1899 ;

(C) Any tramways and works leased to or purchased by the corporation in pursuance of this section shall be deemed to form part of their tramways undertaking for the purposes of section 48 of the Nottingham Corporation Act 1899 :

- (12) If any dispute arises under this section between the Company on the one hand and the corporation on the other hand as to the construction of this section or anything done or required to be done thereunder or as to whether any requirement is reasonable within the meaning of this section or as to the terms of the said leases the same shall be referred to an arbitrator appointed (unless otherwise agreed) by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

90. For the protection of the Digby Colliery Company Limited owners or reputed owners of the Digby Colliery in the parish of Greasley in the county of Nottingham including the mineral railway hereinafter mentioned (who and whose successors in estate and assigns owners for the time being of the said colliery and mineral railway are hereinafter referred to as “ the owners ”) the following provisions shall have effect (that is to say) :—

For protec-
tion of Digby
Colliery
Company
Limited.

- (1) Whereas a mineral railway leading from the Digby Colliery crosses on the level the Nottingham Road on and along which Tramway No. 32 authorised by this Act is proposed to be laid at a point near the boundary between the parish of Greasley and the parish of Kimberley and the owners have at such point at their own expense erected and maintained gates on both sides of the road for the protection of the public and of the traffic passing along the road and by the construction of the tramways authorised by this Act such

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traffic will be increased and additional expense may be necessary for maintaining the gates and providing gate-keepers and otherwise for regulating the safe working and use of the said level crossing. If the owners within twenty-one days after the receipt of notice from the Company of their intention to lay the said Tramway No. 32 on the Nottingham Road at the said level crossing by notice in writing to the Company elect to lay the same they may and shall themselves with all reasonable despatch lay the rails of the said Tramway No. 32 across such level crossing in accordance with plans to be prepared by the owners and approved by the Company or the Board of Trade and make such alterations in their mineral railway and works as may be necessary to do so under the direction and in such manner as shall be reasonably required by the engineer of the Company and the reasonable costs and expenses of the owners in so doing including the expenses of watching shall be paid by the Company :

- (2) The trains and waggons of the owners shall at all times have priority over the tramway cars of the Company at the said level crossing and such tramway cars shall be brought to a standstill at least twenty yards from the gates on either side of the said crossing unless the gates are open for them to cross :
- (3) The Company shall conform to such rules and regulations relating to the said level crossing as may from time to time be agreed upon between the Company and the owners or as failing agreement shall be determined by the Board of Trade :
- (4) The Company shall pay to the owners all reasonable expenses which they may from time to time incur in erecting maintaining and repairing any additional signals or works that may be required by the Board of Trade in consequence of the working of the said Tramway No. 32 over the said level crossing and in providing any extra assistance as gate-keepers or otherwise at the said level crossing as may be rendered necessary by the running of the Company's cars and the increased traffic of the Company over such crossing :
- (5) If any difference arise between the Company and the owners respecting the matters and provisions aforesaid the same shall be settled by a single arbitrator to be appointed on the application of either party by the Board of Trade.

91.—(1) The Company shall at all times after the opening of the tramways or any portion thereof for public traffic provide such service of cars as may be reasonably required in the public interests. A.D. 1903.
Service of
cars.

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

(3) The Company shall be liable to a penalty not exceeding five pounds for every day on which they shall fail to comply with any order made by the Board of Trade under this section.

92. For the protection of Thomas Sherwin Pearson-Gregory or other the owner of the lands situate in the county and city of Nottingham (in this section referred to as “the owner”) the following provisions shall unless otherwise agreed between the owner and the Company have effect (that is to say) :— For protec-
tion of T. S.
Pearson-
Gregory.

(A) Before any portion of Tramway No. 21 is laid upon the lands of the owner numbered on the deposited plans 1 in the city of Nottingham the Company shall construct the carriage-way for a road 40 feet in width across the said lands in continuation of the Beeston Road from the termination of that road at the boundary of the estate of the owner to the Nottingham city boundary at the point of commencement of Tramway No. 21 The owner to make the necessary grant for the said roadway :

(B) The said road shall be formed to a level not lower than the highest part of the existing Beeston Road and shall be properly metalled kerbed and channelled and the owner shall have the right of laying a sewer therein for the drainage of any portion of his estate which may from time to time be developed for building purposes :

(c) The said road shall be properly fenced with material other than wood on either side throughout its whole length at an expense of not exceeding two hundred pounds and section 68 of the Railways Clauses Consolidation Act 1845 with respect to works for the accommodation of lands adjoining a railway and section 71 of the same Act with respect to the right of the owner to make additional accommodation works at his own expense shall apply to Tramway No. 21 where it passes through or over any lands of the owner as though the said tramway were a railway Provided that the owner shall also

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have the right of making openings in or altogether removing the fences from time to time if and as the estate of the owner or the frontage to the road shall become occupied with buildings :

- (D) The Company in constructing the widening of Dunkirk Road on the west side for the purposes of Tramway No. 21 shall not interfere with or in any way interrupt the free flow of drainage under the said road from the lands of the owner and other persons having a right of drainage through his lands on the western side of the said road and nothing in this Act contained shall affect the existing rights of the owner and others in respect of such drainage :
- (E) All minerals underlying any part of the estate of the owner shall be excepted from any conveyance or grant made by him under the provisions of this Act :
- (F) All works to be constructed under the provisions of this section shall be carried out to the reasonable satisfaction of the city engineer and the surveyor of the owner and at the expense of the Company and all expenses necessary for carrying out the provisions of this section shall be borne by the Company as though for a sale under the Lands Clauses Consolidation Act 1845 Provided that the owner shall not require any consideration in money for any conveyance or grant in respect of the works referred to in paragraph (A) of this section :
- (G) Any dispute or difference arising between the Company and the owner with regard to the foregoing provisions or any of them shall be determined by arbitration.

For protec-
tion of Not-
tinghamshire
County
Council.

93. For the protection of the county council of Nottinghamshire (in this section called "the council") the following provisions shall unless otherwise agreed be observed and have effect :—

- (1) The Company shall not construct the portion of Tramway No. 32 between the points marked A and B upon a certain plan numbered 29 and signed by Edgar Purnell Hooley county surveyor on behalf of the council and Henry Graham Harris on behalf of the Company which plan is in the custody of the clerk to the council without the consent of the council under their common seal :
- (2) The Company shall not construct any portion of the Tramways No. 31 No. 32 and No. 34 until the road widenings and improvements shown upon certain plans

numbered and signed by the said Edgar Purnell Hooley and Henry Graham Harris which plans are in the custody of the clerk to the council have been carried out in accordance with those plans. A.D. 1903.

94. Whereas with the view of facilitating the construction of the tramways by this Act authorised so far as the same are intended to be laid down in Front Street within the urban district of Arnold the urban district council of Arnold (hereafter in this section called “the council”) have acquired property and effected a widening of the said street the following provisions for the protection of the council shall unless otherwise agreed between the council and the Company apply and have effect (that is to say) :—

For protection of
Arnold
Urban Dis-
trict Council.

- (1) Before commencing the construction of the tramways within the said district the Company shall repay to the council the full amount of the expense incurred by the council in connection with the acquisition of property and widening of the street aforesaid provided that the amount to be so repaid to the council shall not exceed six hundred pounds :
- (2) If any difference shall arise between the council and the Company as to the actual sum payable by the Company under this section the same shall be referred to and determined by an arbitrator to be agreed upon between the parties and in case of disagreement to be appointed by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

95. The following provisions shall have effect for the protection of the Derwent Valley Water Board (hereinafter called “the board”) unless otherwise agreed upon in writing between the board and the Company (that is to say) :—

For protection of Der-
went Valley
Water
Board.

- (1) The board shall prepare and send to the Company within three months from the passing of this Act a map of the area in which the board are proposing to lay mains distinguishing the several roads in which the board now have or may hereafter lay mains for the supply of water :
- (2) Before the Company commence to lay down any tramway in any of the roads so distinguished upon the said map they shall give to the board not less than six months nor more than twelve months notice of their intention to commence the construction of each such tramway. Such notice shall be accompanied by plans sections and specifications showing

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the precise position in the roadway in which it is proposed to construct such tramway and the depth to which the Company propose to excavate for the foundations of the said tramway :

(3) The Company shall in constructing any such tramway make such provision as may be required by the engineer of the board for the laying of any main which the board may require to lay in the road in which such tramway is proposed to be constructed and the relative position of the tramway and any main or pipe of the board shall be such as to enable the Company to efficiently maintain and repair the tramway without interference with the main or pipe of the board and for the board to efficiently maintain and repair such main or pipe without interference with the tramway The Company shall alter the position of any tramway in any road to such extent as may be necessary to give effect to the provisions of this subsection Provided that no such alteration shall be made so as to leave a less space than nine feet six inches between the outer edge of the footpath of any roadway and the nearest rail of the tramway :

(4) If the Company construct any tramway in any road in which the board shall have laid any main or pipe or any portion of main or pipe the tramway shall either be so constructed that no portion of the same shall be over such main or pipe or the position of such main or pipe shall be altered by the board at the expense of the Company :

All works carried out by the Company in constructing the tramway in the portion of road in which such main or portion of main shall have been laid shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of the board :

(5) The cost of constructing providing and laying down any new main or pipe in substitution for any existing main or pipe or of the alteration of any existing main or pipe of the board or any additional expense to which they may be put in laying or repairing their mains by reason of the existence of any of the tramways shall be repaid to the board by the Company :

(6) At any point or points where the tramways or any of them cross or are constructed alongside any main or pipe belonging to the board the Company shall at their own expense and to the reasonable satisfaction of the engineer of

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the board lay and to the like satisfaction keep and maintain between the tramway and such main or pipe a bed of asphalte or other insulating material to be approved by the engineer of the board so as to effectually insulate the rails of the tramway and to prevent the electricity used by the Company from affecting or returning along any main or pipe of the board :

- (7) The board shall not be liable for and the Company shall indemnify the board against all loss to the Company by reason of suspension of traffic and all accidents damages or injuries to the tramways works and property of the Company and the persons and property being conveyed on or using the same and all actions suits and costs in respect thereof which may either during the progress of the works of the Company or at any time hereafter be caused by the bursting breakage or leakage of water from any main or pipe of the board crossing or being underneath (either wholly or partially) or near to any tramway or work of the Company or which may have been effected by the works of the Company unless such damage or injury shall have arisen as the consequence of any wilful act or default of the board or their officers or servants :
- (8) The board shall not be responsible to the Company for any damage the Company may sustain by reason of the Company having to repair or relay their lines from time to time in consequence of the road subsiding after the construction relaying enlarging examining or repairing of any main or pipe has been completed and the ground above the same filled in provided such work shall have been executed with all care and in a proper and workmanlike manner :
- (9) Notwithstanding anything contained in the Board of Trade regulations for the time being or this Act if it be proved that any injury or damage to any main or pipe of the board shall have resulted from the escape of electric energy or have been caused by any currents generated or used for the purpose of electric traction on any of the tramways for the time being belonging to or worked by the Company nothing in the said regulations or this Act shall relieve the Company from any liability to make compensation for such injury or damage which would have existed but for the said regulations and this Act :

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(10) Any difference which may arise between the board and the Company with reference to this section or anything to be done or not to be done thereunder shall (unless otherwise agreed or otherwise expressly provided for by this section) be determined by an arbitrator to be appointed in default of agreement by the Board of Trade.

For protec-
tion of James
Oakes and
Company.

96. For the protection of James Oakes and Company owners or reputed owners of the Alfreton Ironworks in the parish of Alfreton and county of Derby including the tramway leading from the said works to the Midland Railway hereinafter mentioned (who and whose successors in estate and assigns owners for the time being of the said ironworks and tramway are hereinafter referred to as "the owners") the following provisions shall have effect (that is to say):—

(1) Whereas the said tramway leading from the said ironworks to the Midland Railway crosses on the level the Nottingham Road on and along which Tramway No. 39 authorised by this Act is proposed to be laid at a point near the Pye Bridge Station on the said railway and the owners have at such point at their own expense erected and maintained gates on both sides of the road for the protection of the public and of the traffic passing along the road and by the construction of the tramways authorised by this Act such traffic will be increased and additional expense will be necessary for maintaining the gates and providing gatekeepers and otherwise for regulating the safe working and use of the said level crossing If the owners within twenty-one days after the receipt of notice from the Company of their intention to lay the said Tramway No. 39 on the Nottingham Road at the said level crossing by notice in writing to the Company elect to lay the same they may and shall themselves with all reasonable despatch lay the rails of the said Tramway No. 39 across such level crossing in accordance with plans to be prepared by the owners and approved by the Company or the Board of Trade and make such alterations in their tramway and works as may be necessary to do so under the direction and in such manner as shall be reasonably required by the engineer of the Company and the reasonable costs and expenses of the owners in so doing including the expenses of watching shall be paid by the Company :

(2) The trains and waggons of the owners shall at all times have priority over the tramway cars of the Company at the

said level crossing and such tramway cars shall be brought to a standstill at least twenty yards from the gates on either side of the said crossing unless the gates are open for them to cross : A.D. 1903.

- (3) The Company shall conform to such rules and regulations relating to the said level crossing as may from time to time be agreed upon between the Company and the owners or as failing agreement shall be determined by the Board of Trade :
- (4) The Company shall pay to the owners all reasonable expenses which they may from time to time incur in erecting maintaining and repairing any additional signals or works that may be required by the Board of Trade in consequence of the working of the said Tramway No. 39 over the said level crossing and in providing any extra assistants as gate-keepers or otherwise at the said level crossing as may be rendered necessary by the running of the Company's cars and the increased traffic of the Company over such crossing :
- (5) If any difference arise between the Company and the owners respecting the matters and provisions aforesaid the same shall be settled by a single arbitrator to be appointed on the application of either party by the Board of Trade.

97. For the protection of the Heanor Urban District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed apply and have effect :— For protec-
tion of Hea-
nor Urban
District
Council.

- (1) Before opening for public traffic any tramway by this Act authorised within the district of the council the Company shall at their own expense execute all the street widenings within the said district shown on the deposited plans and such other widenings as the council may reasonably deem necessary for the purposes of the tramways :
- (2) At the expiration of a period of thirty-five years from the passing of this Act the council shall have the option of purchasing such part of the undertaking as is situate within their district upon the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase and such right shall not be conditional on the other local authorities in whose districts the tramways by this Act authorised are situate purchasing the lines within their respective districts but the council shall grant to the Company running powers over the tramways within the

A.D. 1903.

district of the council upon such terms and subject to such conditions as shall be agreed between the Company and the council or as in default of agreement shall be fixed by the Board of Trade or some person whom they shall appoint :

- (3) On commencing the construction of any of the tramways within the said district the Company shall proceed continuously with the construction thereof and shall complete the whole of the tramways within the said district with all despatch :
- (4) Any difference which may arise between the council or their surveyor and the Company as to whether any requirement of the council is reasonable or as to any other matter within the provisions of this section shall be referred to arbitration under the Tramways Act 1870.

For protection of
Ripley Urban
District
Council.

98. Before commencing the construction of any tramway by this Act authorised within the district of the Ripley Urban District Council the Company shall carry out and complete such road widenings as are necessary for the purposes of such tramway and for the public safety within the said district as shall be reasonably required by the said council and such road widenings shall be carried out under the superintendence of and to the reasonable satisfaction of the surveyor for the time being of the council.

Any difference which may arise under the provisions of this section between the council or their surveyor and the Company shall be referred to arbitration under the Tramways Act 1870.

For protection of Babbington Coal Company.

99. For the protection of the Babbington Coal Company the following provisions shall unless otherwise agreed have effect (that is to say) :—

- (1) Whereas the Babbington Coal Company are the owners of a mineral railway which crosses on the level the Nottingham Road on and along which Tramway No. 32 authorised by this Act is proposed to be laid The trains and waggons of the Babbington Coal Company shall at all times have priority over the tramway cars of the Company at the said level crossing :
- (2) The tramway cars of the Company shall not be stopped on or otherwise allowed to interfere with or obstruct the traffic passing over or along the said mineral railway :
- (3) If any difference arise between the Company and the Babbington Coal Company respecting the matters and provisions aforesaid the same shall be settled by a single

arbitrator to be appointed on the application of either party by the Board of Trade. A.D. 1903.

100. The Company shall not convey or permit to be conveyed on the tramways any goods (except passengers' luggage and parcels) animals merchandise minerals or parcels in competition with the traffic of the Great Northern Railway Company or of the Great Central Railway Company. Goods &c.
not to be
carried in
competition
with Great
Northern
or Great
Central
Railway
Companies.

Any question arising under this provision between the Company and the Great Northern Railway Company or the Great Central Railway Company as to what is competitive traffic shall be referred to the Railway and Canal Commission.

101. The following provisions for the protection of the Great Northern Railway Company (hereinafter called "the Great Northern Company") shall unless otherwise agreed between the Company and the Great Northern Company in writing under their common seal apply and have effect :— For protec-
tion of Great
Northern
Railway
Company.

- (1) The expression "Great Northern property" when used in this section shall include any land railway siding canal work or convenience belonging or leased to the Great Northern Company or to any company whose railway is worked by the Great Northern Company :
- (2) The Company shall not without the previous consent of the Great Northern Company in writing under their common seal enter upon take use or interfere with any Great Northern property :
- (3) All works by this Act authorised where the same will be made over or under Great Northern property shall be constructed and maintained except as hereinafter expressly provided so as not to interfere with the structure of any bridge over or under any railway or canal belonging or leased to the Great Northern Company and in all things at the expense of the Company and to the reasonable satisfaction of the engineer of the Great Northern Company (hereinafter called "the engineer") according to plans sections and specifications to be previously approved by him or in case of difference between him and the engineer of the Company by an arbitrator to be appointed as hereinafter provided Before commencing any such works the Company shall give at least fourteen days' notice in writing to the Great Northern Company of their intention to execute the same All such works shall be executed and thereafter maintained according

A.D. 1903.

to the plans sections and specifications so approved and under the superintendence and to the reasonable satisfaction of the Great Northern Company :

- (4) The Company shall not in any manner in the execution maintenance or repair of any of their works obstruct hinder or interfere with the free uninterrupted and safe user of any railway canal or other work belonging or leased to or worked by the Great Northern Company or any traffic thereon :
- (5) The Company shall on demand pay to the Great Northern Company the reasonable expense of the employment by the Great Northern Company during the execution or repair of any work affecting any Great Northern property of a sufficient number of inspectors watchmen and signalmen for watching and signalling the same with reference to and during the execution or repair of any of their works and shall execute all such temporary works as the engineer may consider necessary for the purpose of avoiding risk to any railway canal or work belonging or leased to the Great Northern Company or to any traffic thereon :
- (6) If by reason of the execution user or failure of any of the works of the Company or any act or omission of the Company or of their contractors or of any person in the employment of the Company or of their contractors or otherwise any railway canal siding or work belonging or leased to or worked by the Great Northern Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Great Northern Company may make good the same and the reasonable expenses thereof as certified by the engineer shall be repaid to the Great Northern Company by the Company on demand and the Company shall indemnify the Great Northern Company against all losses which the Great Northern Company may sustain and shall pay all costs charges and expenses which the Great Northern Company may be put to or incur by reason of the execution user or failure of any of the works of the Company or any act or omission of the Company or their contractors or any person in the employment of the Company or their contractors or otherwise :
- (7) The Company shall at all times hereafter at their own expense repair and maintain the whole of the roadway and

A.D. 1903.
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footways over any bridge (including the approaches thereto) belonging or leased to or repairable by the Great Northern Company over which the tramways by this Act authorised shall be constructed and shall effectually indemnify and hold harmless the Great Northern Company from and against all claims or demands in respect of such repairs and maintenance :

- (8) If the engineer shall consider it necessary owing to the construction of the tramways that any bridge belonging or leased to or repairable by the Great Northern Company over which the tramways by this Act authorised will be constructed should be strengthened widened altered or reconstructed then the Great Northern Company shall execute such strengthening widening alteration or reconstruction as the case may be but in all things at the expense of the Company and according to plans sections and specifications to be approved by the engineer and the Company shall repay to the Great Northern Company all expenses of whatever nature which the Great Northern Company may incur in or in connection with or arising out of the execution of any such strengthening widening alteration or reconstruction and shall indemnify and hold harmless the Great Northern Company against all actions losses charges expenses claims and demands whatsoever in connection with or arising out of the matters aforesaid :
- (9) The Company shall pay the Great Northern Company compensation for all Great Northern property which may be used for the strengthening widening alteration or reconstruction of any bridge and such charge in case of difference shall be determined in the manner provided by the Lands Clauses Consolidation Act 1845 :
- (10) Any additional expense in the maintenance of any bridge occasioned to the Great Northern Company by the construction or user of the tramways or the strengthening widening alteration or rebuilding thereof as hereinbefore provided for shall be repaid by the Company to the Great Northern Company at the end of every year :
- (11) No stays posts wires or other appliances or apparatus to be used in connection with electric traction on the tramways or otherwise belonging to the Company shall be attached or fastened to or be constructed so as to be in contact with any bridge or other works or property of

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the Great Northern Company except with the consent of the Great Northern Company and in accordance with plans sections and specifications to be approved by the engineer but except as to details such consent shall not be unreasonably withheld :

- (12) If having regard to the proposed position of the works of the Great Northern Company when constructed in relation to the position of the works of the Company at any point where the tramways by this Act authorised are or will be constructed over under or across any railway or canal of the Great Northern Company the engineer shall think it advisable that the electric telegraphic telephonic or signal wires or apparatus of the Great Northern Company should be altered the Great Northern Company may execute any works reasonably necessary for such alteration and the expense of executing such works and any reasonable additional expense incurred by the Great Northern Company in the maintenance of such wires or apparatus by reason of their being altered as aforesaid or in the laying or maintenance of new wires or apparatus at any such point as aforesaid by reason of the construction or user of the tramways shall be borne by the Company :
- (13) Whenever and so often as the Great Northern Company shall require to widen lengthen reconstruct alter strengthen or repair any bridge or approaches or to widen or alter their railways or canals the Company shall afford the Great Northern Company all proper and reasonable facilities for those purposes or any of them and if the Company shall find it necessary for any such purposes that the working or user of any portion of the tramways shall be wholly or in part stopped or delayed or that any portion of the tramways shall be wholly or in part taken up or removed and the Great Northern Company shall give to the Company seven days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal the working or user of such portion of the tramways shall be stopped or delayed or such portion of the tramways shall be taken up or removed at the expense of the Company and under their superintendence if such superintendence shall be given but only for so long as may be reasonably necessary for effecting such purpose and the Great Northern Company shall not be liable for any

compensation claims damages or expenses in respect of such stoppage delay taking up or removal as aforesaid and the Company shall pay to the Great Northern Company all reasonable additional expenses they may incur or be put to in effecting any such widening lengthening reconstructing altering strengthening or repairing by reason of the existence or user of the tramways : A.D. 1903.

- (14) If in the opinion of the Great Northern Company or (in case of difference between them and the Company) in the opinion of an arbitrator to be appointed as hereinafter provided it shall be necessary for the Great Northern Company by reason of the construction or user of any works by this Act authorised to purchase or pay compensation for any minerals required to be left unworked (A) For the protection and safety of any works constructed under the powers of this Act then the Company shall on demand pay to the Great Northern Company all costs and expenses incurred by them in relation to any such purchase or payment of compensation or (B) For the protection and safety of Great Northern property not being works constructed under the powers of this Act as well as of the said works to be constructed under the powers of this Act then the Company shall on demand pay to the Great Northern Company a fair proportion of the costs and expenses incurred by them in relation to any such purchase or payment of compensation and the proportion of such costs and expenses payable by the Company shall in case of difference be determined by arbitration as hereinafter provided :

- (15) Any question arising between the Great Northern Company and the Company under the last subsection shall be determined unless otherwise agreed by an arbitrator to be appointed by the Board of Trade on the application of either party.

102. The following provisions for the protection of the Great Central Railway Company (in this section referred to as “the Great Central Company”) shall unless otherwise agreed between the Company and the Great Central Company in writing apply and have effect (that is to say) :— For protection of Great Central Railway Company.

- (1) All works by this Act authorised where the same will be made upon across under or over any bridge or other work belonging to or maintainable by the Great Central Company or will otherwise interfere with the same shall be executed

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according to plans sections and specifications to be previously submitted to and approved by the Great Central Company or in case of difference between them and the Company by an arbitrator to be appointed as hereinafter provided All such works shall be executed and thereafter maintained according to the plans sections and specifications so approved and to the reasonable satisfaction of the Great Central Company and under their superintendence if they so desire :

- (2) The Company shall so construct maintain and use the tramways as not to injuriously affect any such bridge or other work and in the event of any injury being occasioned to such bridge or work by the construction maintenance or user of the tramways upon across under or over the same the Great Central Company may make good the injury and may recover from the Company the reasonable expenses of so doing :
- (3) The Company shall not in any manner in the execution of any of their works obstruct or interfere with the free uninterrupted and safe user of any railway siding canal or other work belonging to the Great Central Company or any traffic thereon :
- (4) The Company shall on demand pay to the Great Central Company the reasonable expenses of the employment by the Great Central Company during the execution of any work affecting any bridge railway siding canal or other work belonging to the Great Central Company of a sufficient number of inspectors watchmen and signalmen to be appointed by the Great Central Company for watching and signalling the same with reference to and during the execution of any such work and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or of their contractors or any person in the employment of the Company or of their contractors with reference thereto or otherwise :
- (5) The Company shall be responsible for and make good to the Great Central Company all losses damages and expenses which may be occasioned to the Great Central Company or any of their works or property or to the traffic on their railways or canals or to any company or person using the same or otherwise by or by reason of the execution or failure of any of the works by this Act authorised or by or

A.D. 1903.

by reason of any act or default or omission of the Company or of any person in their employment or of any contractors for the intended works or any part thereof or otherwise and the Company shall effectually indemnify and hold harmless the Great Central Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

- (6) If by reason of the traffic carried on the tramways or of the character of the motive power used by the Company or of the weight of the carriages engines or other rolling stock of the Company any bridge belonging to or maintainable by the Great Central Company and upon which the tramways are laid though otherwise of sufficient strength and having been kept in proper repair is or is in danger of becoming too weak for the traffic upon it or if the construction of the tramways will render any such bridge unsafe and it is therefore necessary to reconstruct or to strengthen the same the Great Central Company shall give notice accompanied by sufficient plans and specifications to the Company of such works as may be reasonably necessary and may require the Company to execute the same or they may themselves after fourteen days from the date of the notice proceed with all due despatch to execute the same and the Great Central Company may recover from the Company all moneys reasonably expended by them in the execution of such works as aforesaid :
- (7) Any additional expense in the maintenance of any such bridge or other work occasioned to the Great Central Company by the construction or user of the tramways shall be borne by the Company :
- (8) Whenever the Great Central Company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or the approaches thereto or to widen or alter their railways or canals or to lift or support any such bridge owing to the subsidence thereof caused by the minerals thereunder having been or being worked and they find it necessary for effecting any such purposes that the working and user of the tramways over any such bridge or approaches should be wholly or partly stopped or delayed or that such tramway should be temporarily diverted or wholly or in part taken up or removed after seven clear days' notice in writing requiring such stoppage delay or diversion taking up or

A.D. 1903.

removal shall have been given (except in cases of emergency) by the Great Central Company to the Company the working and user of such tramway shall be stopped or delayed or such tramway shall be diverted or taken up or removed as stated in such notice at the reasonable expense of the Company and under their superintendence if they shall give such superintendence but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose and the tramways shall be restored with all possible despatch and the Great Central Company shall not be liable for any compensation claims damages or expenses in respect of such stoppage or delay or in any way relating thereto :

- (9) It shall not be lawful for the Company in working the tramways to stop or permit to stop any engine carriage or other vehicle used on the tramways in front of or opposite to the entrance to any station or goods yard belonging to or maintainable by the Great Central Company so as to impede the free access to or egress therefrom for passengers carts and carriages :
- (10) The Company shall not alter the level of the approaches to any bridge belonging to or maintainable by the Great Central Company or the level of any road so as to affect the access to any premises of the Great Central Company without in either case the consent in writing of the Great Central Company :
- (11) If having regard to the proposed position of any works of the Company by this Act authorised when considered in relation to the position of the works of the Great Central Company at any point where the tramways will be constructed over or under any railway of the Great Central Company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the Great Central Company shall be altered the Great Central Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Company :
- (12) The Company shall pay the cost of such additions to or alterations in the earth or metallic circuits of the Great Central Company as the Board of Trade may consider necessary to prevent interference with the signals and appa-

ratus of the Great Central Company by reason of the tramways crossing the bridges belonging to the Great Central Company : A.D. 1903.]

- (13) If any question arises under this section between the Company and the Great Central Company that question shall be referred to arbitration under this Act.

103. The Company shall not convey or permit to be conveyed on the tramways any goods (except passengers' luggage and parcels) animals merchandise minerals or parcels in competition with the traffic of the Midland Railway Company. Goods &c.
not to be
carried in
competition
with Mid-
land Rail-
way Com-
pany.

Any question arising under this provision between the Company and the Midland Railway Company as to what is competitive traffic shall be referred to the Railway and Canal Commission.

104. For the protection of the Midland Railway Company (hereinafter in this section called "the Midland Company") the following provisions shall apply and have effect :— For protec-
tion of Mid-
land Rail-
way Com-
pany.

- (1) So much of Tramways Nos. 3 4 5 12 and 30 as will pass over bridges carrying public roads over the Midland Railway and so much of Tramways Nos. 30 and 32 as will pass under bridges carrying the Midland Railway over public roads shall be so constructed and maintained as not injuriously to affect the structure of the said bridges or the approaches piers and abutments thereof respectively :
- (2) The Company shall not for the purpose of electric traction make attachments to any part of the said bridges without the consent in writing of the principal engineer of the Midland Company such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connection with the maintenance reconstruction or alteration of the said bridges :
- (3) In the event of any injury being caused to the said bridges or the approaches piers or abutments thereof by the construction maintenance repairing user or removal of any of the tramways by this Act authorised or the works in connection therewith the Midland Company may at the expense of the Company restore such bridges or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Company shall at all times hereafter at their own expense repair and maintain the whole of the roadways and

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footways over any bridge (including the approaches thereto) belonging to leased or repairable by the Midland Company over which the tramways authorised by this Act shall be constructed and the Company shall effectually indemnify and hold harmless the Midland Company from and against all claims and demands in respect of such repairs or maintenance :

- (4) Whenever and so often as the Midland Company shall require to widen lengthen strengthen reconstruct alter or repair such bridges or to widen or alter their railways or to lift or support any such bridge owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of any of the tramways over or under such bridges should be wholly or partially stopped or delayed or that such tramways should be temporarily diverted or wholly or in part taken up or removed and shall except in cases of emergency give to the Company fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as the Midland Company may find it to be absolutely necessary for effecting such purpose and without their being liable for any compensation claims and demands charges costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :
- (5) In case it shall be found that any such strengthening is necessary owing to the carriages or other vehicles on any of the tramways being or being intended to be moved by steam electrical or any mechanical power such strengthening shall be effected in all things at the expense of the Company who shall also pay to the Midland Company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of the tramways so passing or any of the works connected therewith :
- (6) If in the opinion of the Midland Company or in case of difference between them and the Company of an arbitrator

to be appointed as hereinafter provided it shall be necessary for the Midland Company to purchase or pay compensation for any minerals required to be left unworked for the protection and safety of the works and property of the Midland Company or for the safety of any works constructed under the powers of this Act or for any additional minerals beyond those which but for this Act would have been required to be so left unworked then the Company shall on demand pay to the Midland Company all costs and expenses incurred by them in relation to any such purchase or payment of compensation and the amount of such costs and expenses or as the case may be the amount of the additional cost and expenses shall in case of difference be determined by arbitration as hereafter provided :

A.D. 1903.
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- (7) The proposed bridge to carry Tramway No. 7 over the Blackwell Branch of the Midland Railway shall be constructed by the Company in such manner as shall be approved by the principal engineer of the Midland Company and according to plans and specifications to be submitted to and reasonably approved by him and the said bridge shall be constructed with a clear span between the abutments of forty feet with a clear headway throughout of fifteen feet :
- (8) The proposed Tramway No. 33 shall be carried over the Midland Company's Nottingham and Mansfield line at Bobbers Mill level crossing by means of a bridge sufficient for the purposes of the Company to be constructed by them in such manner as shall be approved by the principal engineer of the Midland Company and according to plans and specifications to be submitted to and reasonably approved by him :
- (9) So much of Tramways Nos. 30 and 40 which are intended to cross on the level the railway of the Midland Company in Station Road and Swanwick Lane and are situate within the level crossing gates shall be constructed and maintained in accordance with plans to be agreed between the principal engineers of the Company and the Midland Company or in case of difference to be settled as hereinafter mentioned and in either case approved by the Board of Trade (such plans to show the apparatus to be employed for ensuring the due control of the traffic on the tramways when approaching the said level crossings) :

A.D. 1903.

- (10) The electric current for working the tramways over the said level crossings shall be carried over the said level crossings by means of overhead trolley wires which shall be fixed and maintained at a height of not less than seventeen feet six inches above rail level at any point throughout the extent of the Midland Company's property and no poles shall be fixed thereon. The return current shall be carried under the rails in such manner as the principal engineers of the Company and the Midland Company may agree or as in case of difference may be determined as hereinafter mentioned :
- (11) The carriages used on the said tramways shall not be stopped on or otherwise allowed to interfere with or obstruct the traffic of the Midland Company on the said level crossings and the traffic of the railway shall at all times have precedence of the traffic on the tramways which traffic shall be subject to such rules and regulations relating thereto as subject to the provisions of this Act may from time to time be agreed upon between the Company and the Midland Company or failing agreement may be made by the Board of Trade :
- (12) If by reason of the construction of the said tramways it shall become necessary to specially add to or alter any signal cabin signal posts signals telegraph poles or wires or other similar works upon the railway of the Midland Company the same shall be so added to or altered by the Midland Company and the reasonable expense thereof shall be repaid to the Midland Company by the Company :
- (13) The Company shall bear and on demand pay to the Midland Company the expense of the employment by the Midland Company during the execution or repair of any work under this Act affecting the said railway of a sufficient number of inspectors watchmen and signalmen to be appointed by the Midland Company for watching and signalling the same with reference to and during the execution of any work of the Company and for preventing all interference obstruction danger or accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employment of the Company or of their contractors with reference thereto :

- (14) The Company shall not commence any works for the purpose of carrying overhead trolley wires over the said level crossings until after one month's notice in writing to the Midland Company and the Midland Company may on the receipt of such notice execute all works necessary for and incidental to the removal of their electric telegraphic telephonic and signalling wires and apparatus over Station Road and Swanwick Lane and replacing the same underground or may make such other alterations in such wires or apparatus as may be reasonably necessary for the protection thereof and the expense thereof shall be repaid to the Midland Company by the Company on demand :
- (15) If during the execution or by reason of the failure of any of the works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors the railway of the Midland Company shall be injured or damaged or the traffic thereon delayed such injury or damage shall be forthwith made good by the Company at their own expense and in the event of their failing so to do the Midland Company may make good the same and recover the expense thereof with costs against the Company and the Company shall indemnify the Midland Company against all losses which the Midland Company may sustain and shall pay all costs charges and expenses which the Midland Company may be put to or incur during such execution or by reason of such failure act or omission as aforesaid :
- (16) In the event of any of the telegraphic telephonic or electrical signal communications of the Midland Company being at any time injuriously affected by the working and use of the said tramways by electricity the Company shall at their own expense execute such remedial works as may be necessary for the protection of the Midland Company any difference arising between the Company and the Midland Company regarding such remedial works to be determined by arbitration as hereinafter provided :
- (17) All works which may be necessary in constructing and maintaining any of the tramways or working the same by mechanical power over or under any bridge level crossing railway works or property of the Midland Company shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the

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principal engineer of the Midland Company in such manner and according to plans sections and specifications to be previously submitted to and reasonably approved by him :

- (18) Any dispute or difference that may arise between the Midland Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be nominated by the Board of Trade on the application of the Company or the Midland Company and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protec-
tion of East-
wood Urban
District
Council.

105. For the protection of the Eastwood Urban District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed apply and have effect :—

- (1) Before opening for public traffic any tramway by this Act authorised within the district of the council the Company shall carry out and complete such road widenings as the council may reasonably require for the purposes of such tramway and for the public safety within the said district and such road widenings shall be carried out under the superintendence of and to the reasonable satisfaction of the surveyor for the time being of the council :
- (2) The council shall have the right to acquire so much of the undertaking as is within their district at the expiration of a period of thirty-five years from the passing of this Act upon the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase and such right shall not be conditional on the other local authorities in whose districts the tramways by this Act authorised are situate purchasing the lines within their respective districts Provided nevertheless that unless each of such other local authorities shall at the expiration of the said period of thirty-five years exercise their power to purchase the parts of the undertaking within their respective districts the council shall grant to the Company running powers over the tramways within the district of the council upon such terms and subject to such conditions as shall be agreed upon between the Company and the council or as in default of agreement shall be determined by the Board of Trade :

- (3) If the tramways within the district of the council are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted for making or completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed : A.D. 1903.
- (4) On the Company commencing the construction of any part of the tramways within the district of the council they shall proceed with the construction thereof continuously and shall complete such construction with all despatch and on the Company constructing the tramways or any of them authorised by this Act within the district of the Heanor Urban District Council they shall at the same time construct the tramways authorised by this Act within the district of the council :
- (5) Any difference which may arise under the provisions of this section between the council or their surveyor and the Company shall be referred to arbitration under the Tramways Act 1870.

106. For the protection of the rural district council of Basford (in this section referred to as “the council”) the following provisions shall unless otherwise agreed apply and have effect :— For protection of Basford Rural District Council.

- (1) If in the laying or maintaining of any drain sewer gas or water main or the making or maintaining of any connections thereto or the execution or maintenance of any work which the council now are or may hereafter become entitled to carry out the council shall by reason of the construction of the tramways be put to any additional expense over and above the cost which such work would have entailed if the tramways were not in existence the Company shall bear and pay any such additional expense :
- (2) In the event of any road along or across which any tramway is laid being opened or broken up by the council the council shall not be liable to pay to the Company any compensation for injury done to the tramway by reason of any subsidence of the road or any other cause and the Company shall give to the council all reasonable assistance and facilities for the carrying out of the work in respect of which the road is so opened or broken up The council shall however cause as little detriment or inconvenience to the Company as circumstances admit :
- (3) Subsections (1) and (2) of this section shall apply to and enure for the benefit of any person or persons who are now

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or may hereafter become entitled to execute any work on or under any of the roads in the district of the council along which the tramways are laid :

- (4) The Company shall erect at every fixed stopping place within the district of the council and also at all such other places within the district of the council as shall be reasonably required by the council having regard to the safety of the public electric lamps to be served from the trolley wire to light the said places to the reasonable satisfaction of the surveyor for the time being of the council and shall at all times repair and maintain the said lamps in good order and condition and keep the same lighted and burning at all times after sunset at which the tramcars are running :
- (5) Any difference which may arise under the provisions of this section shall be referred to arbitration under the Tramways Act 1870.

For protection of
Blackwell
Rural District Council.

107. The following provisions shall have effect for the protection of the Blackwell Rural District Council (in this section called "the council") unless otherwise agreed between the council and the Company (that is to say) :—

- (1) Before opening for public traffic any part of Tramway No. 7 the Company shall at their own cost in accordance with the plan signed by Henry Silcock on behalf of the council and by Henry Graham Harris on behalf of the Company carry out and complete to the reasonable satisfaction of the council the further street and road widenings and improvements following (viz.) :—
 - (A) A widening on the north side of Church Hill (in substitution for the widening on the south side shown on the deposited plans) from a point 1 mile 1 furlong and 4 chains to a point measured in an easterly direction 5 chains so as to make the roadway between the kerbs of a width between the before-mentioned points of not less than 24 feet throughout ;
 - (B) A widening of Hucknall Lane on the south side from a point 1 mile 4 furlongs 9 chains to a point 1 mile 5 furlongs 1 chain so as to make the roadway between the kerbs of a width between the before-mentioned points of not less than 24 feet throughout :
- (2) Subject to the proviso hereinafter contained the Company shall not construct so much of Tramway No. 7 as is shown

upon the deposited plans in Hucknall Lane from a point measured 2 miles 5 chains from the commencement of such tramway to the termination thereof nor so much of Tramway No. 8 from the commencement thereof to a point on the said tramway measured 6 chains from its commencement but in lieu thereof shall construct a substituted tramway between the said points in the line and situation shown in red upon the aforesaid plan and marked "substituted tramway" Provided that the Company shall if they so elect in lieu of constructing such substituted tramway and before or contemporaneously with the construction of Tramway No. 7 widen Hucknall Lane between the before-mentioned point 2 miles 5 chains and the termination of Tramway No. 7 to a uniform width of at least 30 feet :

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- (3) If the Company are unable to obtain by agreement lands for the purpose of carrying out the aforesaid widenings or substituted tramway they shall use their best endeavours to obtain in the next available session of Parliament all powers which may be necessary but the construction of the said Tramway No. 7 may in the meantime if the council so agree and consent be proceeded with to the extent of such agreement and consent but no further or otherwise :
- (4) Notwithstanding anything shown on the deposited plans the tramways so far as they are situate within the Blackwell Rural District shall if required by the council and subject to the approval of the Board of Trade and so far as practicable be laid at the side of the road opposite to that upon which any houses abut and in particular instances (as shown in red on the aforesaid plan) between the points hereinafter mentioned but so far as is compatible with the provisions of this subsection the passing-places may be constructed at the distances shown on the deposited plans :—

Tramway No. 7—

- (A) On the northern side of Church Hill and Blackwell Road between the junction of Blackwell Lane with Church Hill and a point in Blackwell Road 1 chain north-east of Crag Lane ;
- (B) On the southern side of Blackwell Road and Hucknall Lane between the last-mentioned point and a point measured 1 mile 4 furlongs and 9 chains from the commencement of the tramway ;

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- (c) On the northern side of Hucknall Lane between the last-mentioned point and a point measured 2 miles and 5 chains from the commencement of the tramway :
- (5) The Company shall construct the bridge for carrying the Tramway No. 7 over the Blackwell Branch of the Midland Railway of sufficient strength to carry the ordinary vehicular traffic of the district and shall at all times permit the free user by the public for vehicular and other traffic of the roadway over the said bridge and also the new road to be made across the lands numbered 6 7 8 9 and 10 in the parish of Blackwell on the deposited plans :
- (6) The Company shall at their own costs for two years after the construction of the tramways maintain and keep maintained and repaired to the reasonable satisfaction of the council the new road referred to in the last preceding section :
- (7) Where on any road within the district the cars of the Company cannot be visible from both directions owing to any curve or angle the Company shall at all times give timely warning of the approach of the car to such curve or angle by means of a bell horn or other method sounded from such approaching car :
- (8) Any difference which may arise between the council and the Company with reference to this section or anything to be done or not to be done thereunder shall be determined by an arbitrator to be appointed in default of agreement by the Board of Trade.

Agreements
with road
authority.

108.—(1) The Company on the one hand and the road authority on the other hand may subject to the provisions of this Act enter into agreements with respect to the forming laying down maintaining renewing repairing working and using by the Company of the tramways and the rails plates sleepers posts wires apparatus and works connected therewith and for facilitating the passage of carriages and traffic over and along any roads or streets upon or along which any of the tramways are intended to be laid or any part thereof.

(2) The Company on the one hand and the road authority on the other hand may enter into and carry into effect agreements with respect to the cost of widening and improving by the road authority of any roads streets bridges courts passages and footpaths within the district of such authority and as to the contribution by the Company towards the moneys to be expended on such works.

109. The Company on the one hand and any local authority or other body or company on the other hand may with respect to any tramways light railways or railways owned worked or leased by the Company or such other company and which can be worked in connection with the tramways of the Company enter into and carry into effect contracts and agreements in regard to all or any of the following matters (that is to say) :—

A.D. 1903.
Company and local authorities may contract to lease tramways and light railways in neighbouring districts.

The lease working use management and maintenance by the contracting parties of all or any of the tramways and light railways in their respective districts and the works connected and used therewith or any part or parts thereof respectively ;

The making of all necessary junctions ;

The supply and maintenance under any agreement for all or any of the respective tramways and light railways of the contracting parties being worked and used by any one or more of them of rolling stock plant machinery and of electrical energy necessary for the purposes and during the continuance of such agreement ;

The appointment and removal of officers and servants ;

The payments to be made and the conditions to be performed in respect of 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 of the revenue arising from such traffic and the payment of any fixed or contingent rent ; and

The giving and taking of guarantees against any loss arising by reason of any such agreement and the paying out of their respective rates of any loss arising by reason of such guarantees.

110. The Company may form junctions between the tramways and any other tramways tramroads or light railways which can be worked in connection therewith but only with the consent of the owners and lessees of such tramways tramroads or light railways as last aforesaid.

Junctions with tramways which can be worked in connection with Company's tramways.

111. The Company on the one hand and any company or person or the local authority of any district in which any of the tramways may be situate having power to supply electrical energy on the other hand may enter into and carry into effect agreements

Agreements as to supply of electrical energy.

A.D. 1903. for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say):—

- (1) The supply to the Company by the local authority company or person of electrical energy for working any tramways which may for the time being be worked by the Company by electrical power under the foregoing provisions of this Act or otherwise Provided that any supply of electrical energy by any such local authority company or person to the Company shall be subject to the provisions of the respective Acts or Orders under which such local authority company or person may be empowered to supply electrical energy :
- (2) The payments to be made or other consideration to be given in respect of any such supply.

Limitation
of supply of
electrical
energy.

112. The Company shall not generate use or supply electrical energy or power except for the purpose of working the tramways by this Act authorised and any tramways tramroads light railways or railways owned worked or leased by the Company or any other company in connection therewith or over which they have running powers.

Confirming
scheduled
heads of
arrange-
ment.

113. The heads of arrangement dated the ninth day of May one thousand nine hundred and three between the county council of Nottinghamshire and the promoters of the Bill for this Act set forth in the Schedule to this Act shall be binding upon the said county council and the Company respectively and shall unless otherwise agreed between them be observed and carried into effect.

As to pur-
chase of
undertaking.

114. Section 43 of the Tramways Act 1870 in its application to the undertaking and to the Company in relation thereto shall (unless otherwise agreed between the Company and the local authority of any district in which any of the tramways are situate) be modified as follows (that is to say) :—

- (1) The Company shall not be required to sell any part of the undertaking unless each of the local authorities in whose districts the tramways are situate shall pass a resolution and serve a notice as provided by the said section :
- (2) The period of thirty-five years shall be substituted for the period of twenty-one years mentioned in the said section :
- (3) The terms upon which the Company may be required to sell the undertaking shall be the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase :

- (4) On any sale to the local authorities such arrangements as may be approved by the Board of Trade shall be made for vesting in each local authority the portion of the undertaking situate in their district and for a scheme or schemes for the future maintenance management and working of the tramways and the sale shall not take effect until an instrument has been properly executed in a form approved by the Board of Trade for carrying into effect such arrangements. A.D. 1903.

115. The Company on the one hand and the local authority of any district in which the tramways of the Company or any part thereof are or is situate or any of them on the other hand may enter into and carry into effect agreements for or with respect to the postponement of the date at which the right of such local authority as the case may be to purchase such tramway or tramways or portion of tramway or tramways shall be exercised for such periods not exceeding a period of forty-two years from the date of the agreement and on such terms and conditions as may have been or may be agreed between the Company and such local authority as the case may be and where any such agreement as aforesaid has been or may be entered into with any such local authority the powers of purchase of the tramways comprised in such agreement shall be exercised only in accordance with the provisions thereof. Agreements as to purchase of tramways by local authorities.

116. The Company on the one hand and the local authority of any district in which any of the tramways may be situate on the other hand may enter into and carry into effect agreements for or with respect to the removal and disposal of dust refuse nightsoil and other things and the provision management and control of dépôts in connection therewith. Agreements with local authorities as to removal of dust.

117. The Company may at any time after the passing of this Act by agreement entered into at the time take over the light railway authorised by the Mansfield and District Light Railways Order 1901 with all the rights powers authorities obligations and liabilities of the promoters of that Order and all such powers shall be vested in and may be exercised by and shall attach to the Company as if the Company had been authorised by the Order of 1901 to construct maintain and work such light railway. Transfer of Mansfield and District Light Railways Order to Company.

118. 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 Deposits for future Bills not to be paid out of capital.

A.D 1903. — 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.

Provision as
to general
Tramway
Acts.

119. Nothing in this Act contained shall exempt the Company or the 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 rates of fares and charges authorised by this Act.

Costs of Act.

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

SCHEDULE referred to in the foregoing Act.

A.D. 1903.

HEADS OF ARRANGEMENT between the COUNTY COUNCIL OF NOTTINGHAMSHIRE (hereinafter referred to as "the county council") and the PROMOTERS of the Nottinghamshire and Derbyshire Tramways Bill 1903 with respect to the carrying out of certain road and bridge widenings and other works to be executed by the Company to be incorporated by the said Act (hereinafter referred to as "the Company") and the county council respectively and shown upon the plans referred to.

1. Tramway No. 31 Plan No. 19 Company to widen the road and footpath No house property to be purchased County council to remetall the road and reconstruct the footpath after all levelling and filling is completed by the Company.

2. Tramway No. 31 Plan No. 20 Company and county council to contribute to cost of widening bridges The share of county council not to exceed one third of the total cost of the actual bridge widenings and shall not include any portion of the cost of purchasing the land for the necessary road widenings adjoining the bridges County council to remetall the road after the filling and levelling is completed by Company ready to receive the road metalling.

3. Tramway No. 31 Plan No. 21 Company to purchase land No buildings to be purchased or interfered with County council to bear cost of road metalling.

4. Tramway No. 31 Plans No. 22 and No. 23 County council to obtain land Company to widen and when complete county council to construct footpath and metal road.

5. Tramway No. 31 Plan No. 24 Company to obtain land County council to widen and construct footpath when necessary levelling is completed by Company.

6. Tramway No. 31 Plan No. 25 Company to carry out the whole of the road widening remetalling and reconstruction of the road and footpath at its own expense.

7. Tramway No. 31 Plan No. 26 County council to remetall and make good footpath Company to purchase land and re-erect wall.

8. Tramway No. 32 Plan No. 28 Company to purchase land and set back wall County council to remetall the widened road and reconstruct footpath.

9. Tramway No. 32 Plan No. 29A Company to purchase land and erect fence County council to remetall widened road and reconstruct footpath.

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10. Tramway No. 32 Plan No. 29B County council to remetal widened road and reconstruct footpath Company to purchase land and set back fence.

11. Tramway No. 32 Plans Nos. 29C 29D and 29E Company to purchase land and set back fence County council to remetal widened road and reconstruct footpath.

12. Tramway No. 32 Plan No. 29F Company to carry out the whole of the road widening remetalling and reconstructing footpath at its own expense.

13. Tramway No. 32 Plan No. 29G Company to purchase two portions of land on north side of road and set back fences County council to remetal widened road and reconstruct footpath County council agree to abandonment of suggested widening on the south side.

14. Tramway No. 32 Plan No. 29H Company to purchase land and set back wall and fence County council to remetal widened road and reconstruct footpath.

15. Tramway No. 32 Plan No. 29I Company to purchase land and set back fence County council to remetal widened road and reconstruct footpath.

16. Tramway No. 32 Plan No. 29J County council agree to abandon this widening for the present on the understanding that if a favourable opportunity occurs to carry out the work later Company will contribute one third of the total cost incurred.

17. Tramway No. 32 Plan No. 29K County council agree to the widenings being carried out on the south side Company to carry out the work and county council to remetal the widened road and reconstruct the footpath.

18. Tramway No. 32 Plan No. 29L Company to purchase land and set back fence County council to remetal the widened roadway and reconstruct footpaths.

19. Tramway No. 32 Plan No. 29M Company to purchase land on the north side as well as on portions of the south side and set back fence as a means of avoiding purchase of buildings County council to remetal the widened roadway and reconstruct the footpath.

20. Tramway No. 32 Plan No. 29N Company to purchase land and set back fence County council to remetal the widened roadway.

21. Tramway No. 32 Plan No. 29O The Company to purchase land as far as the buildings and set back fence If necessary piping in existing ditch-stream to be with 18-inch glazed pipes County council to remetal roadway over pipes.

22. Tramway No. 34 Plans No. 30 and No. 31 Company to carry out the widenings at these points to the satisfaction of the urban district council of Carlton.

23. Any difference between county council and Company as to the nature or extent of the works to be executed or the mode of carrying out same or otherwise under the foregoing heads to be decided by arbitration under the Arbitration Act 1889 by a single arbitrator to be appointed by the Board of Trade on the application of either party.

NOTE.—The plans referred to in the foregoing heads are those signed by Edward Purnell Hooley county surveyor on behalf of the county council and Henry Graham Harris C.E. on behalf of the promoters and in the custody of the clerk to the county council and show the works hereinbefore referred to. A.D. 1903.

Dated this 9th day of May 1903.

JESSE HIND

For the Nottinghamshire County Council.

ASHWELL AND TUTIN

For the Promoters of the pending Bill.

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