



CHAPTER cxlii.

An Act to vest the existing tramways in the city of Oxford in the City of Oxford Electric Tramways Limited and to authorise that Company to remove and reconstruct the same and to construct additional tramways in and adjacent to the city and for other purposes. A.D. 1907.

[21st August 1907.]

WHEREAS by the Oxford Tramways Order 1879 (confirmed by the Tramways Orders Confirmation Act 1879) the Oxford Tramways (Extensions) Order 1883 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1883) the Oxford Tramways (Extensions) Order 1886 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1886) and the Oxford Tramways (Extension) Order 1898 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1898) certain tramways were constructed in the city of Oxford by the City of Oxford and District Tramways Company Limited (herein-after called "the original company"):

And whereas under the Oxford Tramways (Extension) Order 1898 the powers of purchase by section 43 of the Tramways Act 1870 were made exerciseable by the mayor aldermen and citizens of the city (herein-after called "the corporation") as if the construction of the whole of the tramways had been authorised by the Order of 1886:

And whereas by an agreement dated the 6th day of September 1905 and made between the original company of the one part and the corporation of the other part the original company agreed to sell the existing tramways in the city of Oxford to the corporation as from the 31st December 1906:

And whereas it has been agreed between the corporation and the City of Oxford Electric Tramways Limited (herein-after called

A.D. 1907. “the Company”) that the Company shall pay to the corporation the amount required to be paid by them for such tramways to the original company and shall promote the Bill for this Act to vest the existing tramways in the Company on the terms and for the consideration herein-after provided and subject to the right of the corporation to purchase the same in accordance with the provisions of this Act :

And whereas the existing tramways are constructed on a gauge of four feet and are worked by animal power and it is expedient that the Company should be authorised to remove and reconstruct the same on a gauge of four feet eight and a half inches so as to adapt them for the use of mechanical power and also to construct additional tramways in the city of Oxford and in districts adjacent :

And whereas plans and sections showing the lines and levels of the tramways and other works by this Act authorised and indicating the position thereof in the streets along which they are to be laid and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of Oxford and are herein-after respectively referred to as the deposited plans sections and book 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 Oxford and District Tramways Act 1907.

Incorporation of general Acts.

2. The following Acts and parts of Acts (that is to say) :—

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

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—

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Interpreta-
tion.

“The Company” means the City of Oxford Electric Tramways Limited ;

“The corporation” means the mayor aldermen and citizens of the city of Oxford ;

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

“The existing tramways” means the tramways constructed under the powers of the Orders herein-before recited and the lands buildings stables depôts horses cars plans and conveniences used therewith ;

“The undertaking” means the undertaking of the Company under this Act ;

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

“Engine” includes motor :

And in this Act and for the purposes of this Act in the Tramways Act 1870 the expressions “local authority” and “local rate” shall in reference to a rural district respectively mean the district council of that district and the common fund out of which the general expenses of the district council under the Public Health Act are payable.

CONSTRUCTION OF TRAMWAYS AND WORKS.

4. Subject to the provisions of this Act the Company may reconstruct construct form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections the tramways herein-after described and in all respects in accordance with those plans and sections with all necessary and proper rails plates foundations sleepers 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.

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The tramways herein-before referred to and authorised by this Act will be situated wholly in the county of Oxford and are—

TRAMWAYS.

Tramway No. 1 (1 mile 6 furlongs 9·8 chains in length of which 6 furlongs 2·8 chains is single line and 1 mile 7 chains double line) being a reconstruction of the existing tramway wholly in the city of Oxford commencing in Park End Street at a point 5 yards or thereabouts east of Becket Street passing thence in an easterly and south-easterly direction along Park End Street New Road Queen Street Carfax High Street over Magdalen Bridge along St. Clement's Plain and Cowley Road and terminating in that road opposite the centre of Magdalen Road :

Tramway No. 1A (7·4 chains in length and is single line throughout) being a reconstruction of the existing tramway wholly in the city of Oxford commencing in Cowley Road by a junction with Tramway No. 1 at a point 14 yards or thereabouts south-east of Leopold Street passing thence in a south-westerly direction into along and terminating in Leopold Street at the entrance to the existing tramway depôt :

Tramway No. 1B (0·83 chain in length and is single line throughout) wholly in the city of Oxford commencing in Cowley Road by a junction with Tramway No. 1 at a point 12 yards or thereabouts north-west of Leopold Street passing thence into along and terminating in Leopold Street by a junction with Tramway No. 1A at a point 9 yards or thereabouts from the north-east end of Leopold Street :

Tramway No. 2 (4 furlongs 9·9 chains in length of which 3 furlongs 6·9 chains is single line and 1 furlong 3 chains double line) wholly in the city of Oxford commencing in Cowley Road by a junction with Tramway No. 1 at its termination above described passing thence in a south-easterly direction along and terminating in that road at or near the point at which the boundary of the city of Oxford crosses the said road on the bridge over the Cowley Brook :

Tramway No. 3 (1 mile 1 furlong 0·87 chain in length of which 7 furlongs 0·37 chain is single line and 2 furlongs 0·5 chain double line) wholly in the city of Oxford commencing in St. Clement's Plain by a junction with

Tramway No. 1 at a point 16 yards or thereabouts north-west of Cowley Place passing thence in a south-easterly direction along St. Clement's Plain into along and terminating in Iffley Road at or near the point at which the boundary of the city of Oxford crosses the said road on the bridge over the Cowley Brook :

Tramway No. 4 (1 mile 4 furlongs 4·3 chains in length of which 1 mile 3 furlongs 2·3 chains is single line and 1 furlong 2 chains double line) partly in the parish of Iffley and partly in the parish of Cowley in the rural district of Headington commencing in Iffley Road by a junction with Tramway No. 3 at its termination above described passing thence in a south-easterly direction along Iffley Road into and along the Oxford and Henley main road thence in an easterly direction into and along the road leading from Iffley to Cowley to the junction of that road with Cowley Road thence in a north-westerly direction into along and terminating in Cowley Road by a junction with Tramway No. 2 at its termination above described :

Tramway No. 5 (1 mile 1 furlong 7·2 chains in length of which 1 mile 3·7 chains is single line and 1 furlong 3·5 chains double line) wholly in the city of Oxford commencing in St. Clement's Plain by a junction with Tramway No. 1 at or near a point opposite the south-east end of the parapets of Magdalen Bridge passing thence in a north-easterly direction along St. Clement's Plain into and along St. Clement's Street into along and terminating in the Headington Road at the point at which the boundary of the city of Oxford crosses that road 300 yards or thereabouts east of Gipsy Lane :

Tramway No. 6 (3 furlongs 3·52 chains in length of which 2 furlongs 7 chains is single line and 6·52 chains double line) wholly in the parish of Headington in the rural district of Headington commencing in the Headington Road by a junction with Tramway No. 5 at its termination above described passing thence in a north-easterly direction along and terminating in Headington Road at or near a point opposite Windmill Lane :

Tramway No. 7 (4 furlongs 5 chains in length of which 3 furlongs 7·5 chains is single line and 7·5 chains double line) wholly in the city of Oxford commencing in Abingdon Road at a point 9 chains or thereabouts south of Weir's Lane

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passing thence in a northerly direction along and terminating in Abingdon Road at a point 14 yards or thereabouts south of Lake Street :

Tramway No. 8 (2 miles 5 furlongs 7·95 chains in length of which 1 mile 7 furlongs 0·2 chain is single line and 6 furlongs 7·75 chains double line) wholly in the city of Oxford (being a reconstruction of the existing tramway) commencing in Abingdon Road by a junction with Tramway No. 7 at its termination above described passing thence in a northerly direction along Abingdon Road over Folly Bridge into and along St. Aldate's Street Carfax Cornmarket Street Magdalen Street St. Giles' Street into along and terminating in Banbury Road at or near a point opposite the north side of South Parade :

Tramway No. 8A (1·27 chains in length and is double line throughout) wholly in the city of Oxford (being a reconstruction of the existing tramway) commencing in Queen Street by a junction with Tramway No. 1 at a point 17 yards or thereabouts west of the centre of Carfax passing thence through Carfax into and terminating in St. Aldate's Street by a junction with Tramway No. 8 at a point 17 yards or thereabouts south of the centre of Carfax :

Tramway No. 8B (1·03 chains in length and is double line throughout) wholly in the city of Oxford (being a reconstruction of the existing tramway) commencing in St. Aldate's Street by a junction with Tramway No. 8 at a point 14 yards or thereabouts south of the centre of Carfax passing thence through Carfax into and terminating in High Street by a junction with Tramway No. 1 at a point 14 yards or thereabouts east of the centre of Carfax :

Tramway No. 8c (1·4 chains in length and is double line throughout) wholly in the city of Oxford commencing in Queen Street by a junction with Tramway No. 1 at a point 24 yards or thereabouts west of the centre of Carfax passing thence through Carfax into and terminating in Cornmarket Street by a junction with Tramway No. 8 at a point 19 yards or thereabouts north of the centre of Carfax :

Tramway No. 8d (1·34 chains in length and is double line throughout) wholly in the city of Oxford commencing in Cornmarket Street by a junction with Tramway No. 8 at

a point 20 yards or thereabouts north of the centre of Carfax passing thence through Carfax into and terminating in High Street by a junction with Tramway No. 1 at a point 15 yards or thereabouts east of the centre of Carfax :

Tramway No. 9 (6 furlongs 2·63 chains in length of which 4 furlongs 9·13 chains is single line and 1 furlong 3·5 chains double line) wholly in the city of Oxford (being a reconstruction of the existing tramway) commencing in Magdalen Street by a junction with Tramway No. 8 at a point 18 yards or thereabouts south of Beaumont Street passing thence in a westerly direction into and along Beaumont Street thence in a northerly direction into and along Walton Street into along and terminating in Kingston Road at a point 16 yards or thereabouts north of Leckford Road :

Tramway No. 10 (1 mile 1 furlong 5·25 chains in length of which 1 mile 0·25 chain is single line and 1 furlong 5 chains double line) wholly in the city of Oxford commencing in Kingston Road by a junction with Tramway No. 9 at its termination above described passing thence in a northerly direction along Kingston Road thence in an easterly direction into and along St. Margaret's Road thence in a northerly direction into along and terminating in Woodstock Road at a point 5 chains or thereabouts north of South Parade :

Tramway No. 11 (2 miles 1 furlong 2·25 chains in length of which 1 mile 6 furlongs 3·75 chains is single line and 2 furlongs 8·5 chains double line) partly in the city of Oxford and partly in the parishes of Wolvercot and Water Eaton in the rural district of Woodstock commencing in Woodstock Road by a junction with Tramway No. 10 at its termination above described passing thence in a northerly direction along Woodstock Road thence in an easterly direction along the road leading from the Woodstock Road past the Wolvercot Cemetery to the Banbury Road thence in a southerly direction into along and terminating in Banbury Road by a junction with Tramway No. 8 at its termination above described.

5. Notwithstanding anything in this Act contained or shown on the deposited plans the portion of Tramway No. 8 by this Act authorised in Cornmarket Street shall be constructed as a single line between the southern corner of Broad Street and a

As to tramways in Cornmarket Street.

A.D. 1907. — point one chain or thereabouts south of the centre of Ship Street and shall be so laid that a space of not less than nine feet six inches shall intervene between the outside of the footpath on each side of Cornmarket Street and the nearest rail of the tramway and the Company shall not exercise in the said portion of Cornmarket Street the powers conferred upon them by the section of this Act whereof the marginal note is "Company may reduce footpath for constructing tramway."

Vesting of
existing
tramways in
Company.

6.—(1) As soon as the existing tramways shall have been acquired by the corporation under the provisions of the recited agreement dated the sixth day of September one thousand nine hundred and five and made between the original company of the one part and the corporation of the other part and the Company shall have paid to the corporation the capital sums herein-after mentioned the existing tramways shall by virtue of this Act be transferred to and vested in the Company and in consideration of such transfer and of the postponement by the corporation of their rights to purchase the undertaking by this Act authorised until a period of forty-two years from the passing of this Act as herein-after provided the Company shall pay to the corporation the costs and expenses incurred by them in relation to the purchase of the existing tramways including the price paid to the original company by the corporation under the said recited agreement of the sixth day of September one thousand nine hundred and five and the sum of five thousand pounds in settlement of the costs and expenses incurred by the corporation up to the thirty-first day of May one thousand nine hundred and six and in addition all expenses incurred by the corporation whether legal or otherwise in connexion with the preparation printing and publication of any documents and plans (including the advertisements for tenders) and all other the reasonable costs of the corporation and the Company shall also pay to the corporation the sum of eight hundred pounds per annum by equal quarterly payments on the usual quarter days until the existing tramways have been removed and reconstructed and adapted for the use of mechanical power as provided by this Act and shall pay the sum of one thousand one hundred pounds per annum from and after the electrification of the said tramways and the opening of the tramways authorised by this Act in the city for public traffic for a period of three years thereafter and the sum of one thousand three hundred pounds per annum from the expiry of the said term of three years for a further period of three years thereafter and the sum of one

thousand five hundred pounds per annum thereafter until the expiration of forty-two years from the passing of this Act and for each period of seven years thereafter until the tramways authorised by this Act within the city are purchased by the corporation the company shall pay to the corporation by equal quarterly payments such annual sum as may be agreed upon or as failing agreement may be determined by arbitration. A.D. 1907.

(2) If the Company shall at any time make default in the payment of any of the said quarterly payments for a period of three months next after the same shall have become due and whether the same shall have been demanded or not the corporation shall have for a period of twelve months from the expiration of such last-mentioned period power to purchase so much of the undertaking of the Company as is within the city in the manner and on the terms provided by section 43 of the Tramways Act 1870 and the Company shall sell the same to the corporation accordingly.

(3) The quarterly payments when and as received by the corporation under this section shall be carried to the credit of the borough fund.

(4) In respect of such or so much of the annual payments as shall not be consideration for the sale of the property by this section vested in the Company duty shall be payable by reference to the heading "Bond covenant or instrument of any kind whatsoever" in the First Schedule to the Stamp Act 1891 as if this section were a covenant securing those payments and such duty shall be paid on a King's Printers' copy of this Act to be produced to the Commissioners of Inland Revenue within three months after the passing hereof and in default of such production the duty with interest thereon at the rate of five per cent. per annum from the passing of this Act shall be a debt to His Majesty from the Company.

7. The Company may take up and remove the existing tramways or any of them and may discontinue and suspend the traffic thereon for such period as may be necessary and may appropriate use sell or otherwise dispose of the rails pavement materials and equipment and the section of this Act whereof the marginal note is "Application of road materials excavated in construction of works" shall not apply to any part of the road whereon such part of the existing tramways is laid which is repairable by the promoters under the provisions of the Tramways Removal of existing tramways.

A.D. 1907. Act 1870 as applied to the existing tramways From and after the removal of the said tramways the provisions of the recited Orders shall cease to apply thereto.

For protection of owners of existing tramways.

8. Notwithstanding the provisions of this Act the Company shall not take up or remove the existing tramways or any of them nor shall they commence the construction of the tramways authorised by this Act until the purchase of the existing tramways under the said recited agreement of the sixth day of September one thousand nine hundred and five has been completed and the purchase-money paid to the original company and until the Company shall have paid to the corporation the capital sums referred to in the section of this Act whereof the marginal note is "Vesting of existing tramways in Company."

Inspection by Board of Trade.

9. 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.

Period for completion of tramways.

10. 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 shall cease except as to so much thereof as shall then be completed.

Power to erect generating station.

11. The Company may erect maintain and use on the lands described in the First Schedule to this Act annexed a station or stations for producing and generating transforming storing and applying electrical power with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may produce generate transform store use and apply such power accordingly but only for the purpose of working the tramways.

Abstraction of water from River Thames.

12. The Company may abstract water from the River Thames for condensing or other purposes of the tramway undertaking provided that all water so utilised and not consumed shall be returned to the said river Provided that the Company shall not under the powers of this Act abstract in any one day of twenty-four hours calculated from midnight to midnight a greater quantity of the water of the River Thames than seven hundred and fifty thousand gallons.

Payment for water.

13.—(1) The Company shall in consideration of the abstraction by them of the water of the River Thames by this Act authorised pay to the Conservators of the River Thames (in this

section called "the conservators") the following sums viz. Up to five hundred thousand gallons abstracted per day a sum of fifty pounds per annum and up to seven hundred and fifty thousand gallons abstracted per day a sum of seventy-five pounds per annum. Such sum shall be payable on the twenty-ninth day of September in every year the first of such yearly payments or a proportionate part thereof to be made on the twenty-ninth day of September next after the first abstraction of water by the Company.

(2) For the purpose of ascertaining the quantity of water abstracted by the Company for the purposes of this Act it shall be lawful for the conservators by their engineer or any other person or persons duly authorised by them to enter upon the premises of the Company at all reasonable hours and to have free access to such works and machinery as may be necessary to enable him or them to ascertain the quantity of water abstracted by the Company.

(3) The Company shall at their own expense cause proper mechanical apparatus to be constructed at such point or points upon the property of the Company as the conservators may approve for ascertaining the quantity of water abstracted by the Company such machinery to be constructed and worked to the reasonable satisfaction of the engineer for the time being of the conservators who shall have together with any person or persons duly authorised by them for the purpose free access to and full liberty at all reasonable hours to inspect such machinery and take notes of the amount of water so abstracted or the quantity of water abstracted may be ascertained by such other method of measurement as may be agreed upon between the conservators and the Company.

(4) The Company shall on the first day of every month make to the conservators a return in writing of the total quantity of water abstracted from the River Thames in each day of twenty-four hours calculated from midnight to midnight in the last preceding month.

(5) The Company shall construct and maintain all proper pipes works apparatus and conveniences necessary for abstracting the water from the River Thames and for securing the return to the River Thames of all waters abstracted therefrom less any evaporation or wastage immediately after the use of the same for the purposes of this Act and at such convenient places and under such reasonable restrictions and regulations (including regulations as to the temperature at which the water may be returned) as the

A.D. 1907. conservators may from time to time appoint and if the Company violate refuse or neglect to comply with any such restrictions or regulations they shall be liable to a penalty not exceeding twenty pounds and to a further penalty of ten pounds per day for every day during which the violation refusal or neglect shall continue.

As to electrical works &c.

14.—(1) The Company may in or under the surface of the streets or roads in which the tramways by this Act authorised will be situate or in which it may be necessary so to do in order to connect the tramways with any generating station construct lay down maintain renew and repair electric wires conductors tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein thereover or thereunder Provided as follows:—

(A) All apparatus constructed by the Company under the powers of this Act in any street or road shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve Provided that no apparatus shall be constructed on the carriageway except with the consent of the Board of Trade :

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

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

Temporary tramways may be made where necessary.

15. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is 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 subject to the approval of the road authority construct in the same or any adjacent road

and so long as occasion may require maintain a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued. A.D. 1907.

16. The Company may increase the roadway of any street in which any of the tramways are authorised to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street and the nearest rail of the tramway by reducing the width of the footpath on each or either side of such street Provided that no footpath shall be reduced in width without the consent of the road authority nor to such an extent within the city of Oxford as to be less than six feet wide Provided always that if in the opinion of the Company such consent is unreasonably withheld the question shall on the application of the Company be determined by the Board of Trade. Company may reduce footpath for constructing tramway.

17. The Company may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads. Shelters or waiting-rooms.

18.—(1) The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon. Gauge of tramways.

(2) In the event of the tramways being constructed on a less gauge than four feet eight-and-a-half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall exceed six feet three inches in width or such other width as may from time to time be prescribed by the Board of Trade.

19. The rails of the tramways shall be such as the Board of Trade may approve. Rails of tramways.

20.—(1) 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 and renewing any of the tramways lay before the Board of Trade and the road authority plans showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to Plans of proposed mode of construction.

A.D. 1907. — 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 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.

(2) If any dispute shall arise between the Company and the road authority or the said surveyor as to what method of paving is the more suitable for any road or otherwise under this section such dispute shall be referred to arbitration under the Tramways Act 1870.

Repair of part of road where tramway is laid.

21. The materials with which and the manner in which the Company shall maintain and keep in good condition and repair the portion of road referred to in section 28 of the Tramways Act 1870 shall be such as may be agreed between the road authority and the Company or in case of difference between them as may be determined by the Board of Trade on the application of either party.

Penalty for not maintaining rails and roads.

22.—(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 as varied by this Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

Board of Trade may on complaint inspect tramways.

(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 as varied by this Act 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. A.D. 1907.

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 any tramway is laid or authorised to be laid the Company shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered. Tramways to be kept on level of surface of road.

24. Subject to the provisions of the section of this Act whereof the marginal note is "Removal of existing tramways" any paving metalling or material excavated by the Company in the construction of the tramways from any road 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 reinstatement of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are 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 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 settled by an arbitrator to be nominated by the Board of Trade on the application of either party. Application of road materials excavated in construction of works.

25. Every sanitary 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. Sanitary authority to have access to sewers.

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Crossovers
to be con-
structed in
certain cases.

26. 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 where required by the Board of Trade construct a crossover or crossovers connecting the one tramway with the other and by means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

Power to
make addi-
tional cross-
overs and to
double tram-
way lines.

27.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such crossovers 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 stations warehouses stables carriage-houses or works of the Company.

(2) 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 the tramways or any part thereof are or is authorised to be laid or are or is laid has been or shall be widened or altered the Company may with the like consent construct such tramway or any part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) 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 houses shops or warehouses abutting on the place where such less space would intervene and except with the consent of the Board of Trade such rail shall not be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Stopping of
roads during
execution of
works.

28. Subject to the provisions of this Act the Company may during the execution of the tramway works with the consent of the road authority expressed in writing by the clerk of such authority stop up temporarily the carriageway or footway of any road or

bridge as they think necessary and for that purpose may put up bars posts and other erections The Company shall provide reasonable access for all persons bonâ fide going to or returning from any house in any road stopped up under the provisions of this section. A.D. 1907.

29. The Company may cut and lop any trees planted in or near any highway along the route of the tramways which may in any way interfere with the construction or working of the tramways or trolley wires in connexion therewith or with the clear and safe passage of the tramcars and the passengers thereon Provided that the Company shall not in the exercise of the powers of this section do unnecessary damage to any such trees and shall make compensation to any persons who may sustain damage by the exercise of the powers conferred by this section. Company may lop trees overhanging public highways.

30. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Company may 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. As to removal of snow &c.

LANDS AND STREET WORKS.

31. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference relating thereto (including the lands described in the First Schedule to this Act) as may be required for the purposes of this Act or any of those purposes. Compulsory purchase of lands.

32. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections relating thereto make the road widenings herein-after mentioned (that is to say):— Power to widen roads.

Widening No. 1.—A road widening in the parish of Cowley in the rural district of Headington commencing in the road leading from Iffley to the Cowley Road on the north-west side thereof at a point 11 yards or thereabouts south-west of the centre of the Cowley Road and terminating in the latter road on the south-west side at a point 16 yards or thereabouts north-west of the road leading from Iffley to the Cowley Road :

Widening No. 2.—A road widening in the parish of Wolvercot in the rural district of Woodstock commencing in the road leading from the Woodstock Road past the Wolvercot

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Cemetery to Banbury Road on the south side thereof at a point 27 yards or thereabouts west of Banbury Road and terminating in the latter road on the west side at a point 22 yards or thereabouts south of the road leading from the Woodstock Road past the Wolvercot Cemetery to Banbury Road.

Power to
acquire addi-
tional lands.

33. Subject to the provisions of this Act and in addition to any other lands which they are by this Act authorised to acquire the Company may enter upon take hold and use all or any of the lands houses and premises herein-after described and delineated on the deposited plans and described in the deposited book of reference relating thereto and the Company may sell or may use for the general purposes of their undertaking (other than for a station for generating electrical power) any portions of any lands acquired under this section.

The lands and houses herein-before referred to are as follows:—

In the parish of Cowley St. John in the city of Oxford—

- (1) Three dwelling-houses with outbuildings gardens lands and appurtenances thereto (550 square yards or thereabouts in area) and known as Nos. 15 16 and 17 Leopold Street:
- (2) A strip of land (330 square yards or thereabouts in area) adjoining the north-eastern boundary of the depôt and premises of the city of Oxford and District Tramways Company Limited and being a portion of the gardens and grounds in rear of and belonging to the dwelling-houses known as Nos. 12 13 14 15 16 17 18 19 20 and 21 Green Street.

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

34. 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 book 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 of Oxford and a duplicate thereof shall also be

deposited with the town clerk of the city or the clerk of the urban district rural district or parish council as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk clerk of the urban district rural district or parish council respectively with the other documents to which the same relate and thereupon the deposited plans and book 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. A.D. 1907.

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction.

35. 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. Power to grant easements &c.

36. In addition to the other lands which the Company are by this Act authorised to 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 stations sidings works and other conveniences in connexion 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 land purchased or acquired by agreement under the powers of this section. Purchase of lands by agreement.

37. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such Owners may be required to sell parts only of certain properties.

A.D. 1907. — portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged

or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

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

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Period for compulsory purchase of lands.

38. 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.

Power to deviate as to widenings.

39. The Company in making the widenings and other street works authorised by this Act may deviate from the levels thereof respectively shown on the deposited sections to any extent not exceeding two feet either upwards or downwards and may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on the deposited plans.

As to repair of altered streets.

40. The streets and roads widened under the powers of this Act shall (subject to the provisions of the Tramways Act 1870 as to the repair by the Company of part of roads in which tramways are laid) be and continue vested in and repairable by and under the control and management in all respects of the respective authority having now the control and management of or being liable to maintain and repair such streets and roads.

Power to make subsidiary works in connexion with street works.

41. Subject to the provisions of this Act the Company in connexion with the widenings and as part and for the purposes thereof may make junctions and communications with any existing streets or roads which may be intersected or interfered with by or contiguous to the widenings and may make alterations of the levels of any existing streets or roads for the purpose of connecting the same with the altered street or road or otherwise but full compensation shall be made to the owners and occupiers (if any) whose property shall be injuriously affected by the exercise of the powers of this section.

Power to alter drains &c.

42. The Company may for any purpose in connexion with the widenings upon any lands acquired by them under the powers of this Act and also in any street or road within the limits of deviation shown on the deposited plans raise sink or otherwise alter the position of any sewer drain water-pipe gas-pipe or hydraulic pipe belonging to or connected with any house or building adjoining or near to such works and also any main or other pipe for carrying a supply of gas or water or for hydraulic purposes or any pipe tube wire or apparatus laid down or used for telegraphic telephonic or electric purposes and may remove any other obstruction making proper substituted

works during any alteration and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company or person who suffers damage by such alteration : A.D. 1907.

Provided that the Company shall not raise sink or otherwise alter or interfere with any pipe tube wire or other apparatus laid down or used for telegraphic or telephonic purposes by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

USE OF MECHANICAL POWER.

43. 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 electrical power :
- (3) 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 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

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

may by order either direct the 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.

Special provisions as to use of electrical power.

44. 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 :—

- (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 of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The 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 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 herein-before 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.

45. 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.

Alteration of telegraph lines of Postmaster-General.

46. In the event of any tramways of the Company being worked by electricity the following provisions shall have effect :—

For protection of Post Office telegraph lines.

- (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

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telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such 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) Before any electric line is laid down or any act or work for working the tramways by electricity 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 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 Company's works 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 Company's works for the purpose of inspecting the Company's plant 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 :

- (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 :

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(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 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.

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

47. 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 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:

And section 30 of the Tramways Act 1870 (except subsections 1 and 5 thereof) shall have effect as if wires or apparatus laid in a road included wires or apparatus belonging to the National Telephone Company Limited and erected or carried over a road or footpath.

Byelaws.

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

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

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such

places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety; A.D. 1907.

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.

RATES AND REGULATIONS.

49. 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: Fares for passengers.

Provided that the Company may appoint stages upon the Company's tramways each of not less than half a mile in length and may demand and take from every passenger travelling upon the Company's tramways including every expense incidental to the conveyance of such passenger any fare not exceeding one penny for each two stages or portion of that distance travelled and for this purpose a fraction of a stage shall be deemed a stage.

50. 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. Passengers' luggage.

51. The Company shall not be bound unless they think fit to carry passengers' luggage exceeding the weight in this Act in that behalf mentioned nor any parcel. Company not bound to carry goods.

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Small parcels.

52. The Company may demand and take for the conveyance of small parcels on the tramways including every expense incidental to the conveyance any rates or charges not exceeding the following :—

For any parcel not exceeding seven pounds in weight three-pence ;

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 ;

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

Provided 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.

Cheap fares for labouring classes.

53.—(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 artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance 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.

(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.

54. The Company shall not carry on the tramways any goods animals or other things other than passengers and passengers' luggage and small parcels not exceeding the weight in this Act in that behalf mentioned.

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Company
not to carry
animals and
goods.

55. 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 weekdays.

As to fares
on Sundays
and holidays.

56. 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.

DEPOSIT.

57. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of five thousand five hundred and forty-nine pounds six shillings and eightpence representing five per centum upon the amount of the estimate in respect of the tramways and four per centum in respect of the street widenings and other works authorised by this Act has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act to the credit of ex parte the undertaking of the Oxford and District Tramways

Deposit
money not to
be repaid ex-
cept so far
as tramways
are opened.

A.D. 1907. Bill 1907 (which 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 Provided also that no portion of the deposit fund in respect of the tramways authorised by this Act shall be paid or transferred to the depositors until after the expiration of one year from the opening for public traffic of all the tramways authorised by this Act within the city of Oxford.

Application
of deposit
fund.

58. 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 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 are insolvent and have 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 re-transferred 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.

A.D. 1907.

AGREEMENTS.

59.—(1) The Company may subject to the provisions of this Act enter into agreements with the road authority with respect to the forming laying down maintaining renewing repairing working and using of the tramways and the rails plates sleepers 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.

Agreements
with road
authority.

(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 the 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 and the payment of any sums payable under this section by the Company to the road authority shall be deemed a purpose of this Act to which capital is properly applicable.

A.D. 1907.
Working
agreements.

60.—(A) The Company on the one hand and any local authority company or person owning or working any tramway tramroad or light railway with which any tramway of or leased to or worked run over or used by the Company connects or any of them on the other hand may enter into and carry into effect agreements for all or any of the following matters and all matters incidental thereto (that is to say):—

- (1) The lease to the Company for any period not exceeding forty-two years of any tramways tramroads or light railways of any such local authority company or person :
- (2) The working running over use management and maintenance by the contracting parties of all or any of their respective tramways tramroads light railways and works or any part or parts thereof respectively :
- (3) The making of all necessary junctions :
- (4) The supply by the working party under and during the continuance of any such agreement as aforesaid for the working of the said tramways tramroads or light railways of rolling stock plant machinery and electrical energy or other motive power necessary for the purposes of such agreement and the employment and appointment and removal of officers and servants :
- (5) The payments to be made and conditions to be performed in respect of such working use running over management and maintenance and the interchange accommodation and conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties :
- (6) The payment collection division and apportionment of the tolls rates or other receipts arising from the respective undertakings :

And in accordance with the terms of any such agreement and to the extent provided thereby the Company or any such local authority company or person as the case may be may lease work run over use manage and maintain the tramway tramroad or light railway or works agreed to be leased worked run over used managed or maintained by them and shall have and may exercise in relation thereto all such and the like powers rights authorities and privileges as are from time to time vested in or exerciseable by the owner or lessor thereof.

(B) Nothing in any such agreement shall prejudice or affect the right of any local authority not being a party to such agreement to purchase any tramway thereby agreed to be leased worked run over used managed or maintained. A.D. 1907.

Provided that nothing in this section shall authorise any local authority company or person to supply electrical energy within or for use within the area of supply of the Oxford Electric Company Limited so long as the Oxford Electric Company Limited are able and willing to supply the electrical energy required for the working of the tramways to the Company.

61. The Company may enter into and carry into effect agreements with any local authority or company authorised by Act of Parliament or provisional order confirmed by Parliament to supply electricity in any district in which any of the tramways may be situate for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say):—

Agreements with local authorities as to supply of electrical energy.

(1) The supply to the Company by any such local authority or company 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 whether such tramways are or are not partly situate beyond the district of such authority or company :

(2) The payments to be made or other consideration to be given in respect of any such supply :

Provided that nothing in this section shall authorise any local authority company or person to supply electrical energy within or for use within the area of supply of the Oxford Electric Company Limited so long as the Oxford Electric Company Limited are able and willing to supply the electrical energy required for the working of the tramways to the Company.

PROTECTIVE PROVISIONS.

62. Notwithstanding anything in this Act contained the following provisions for the protection and benefit of the corporation shall apply and have effect unless otherwise agreed in writing between the corporation and the Company (that is to say):—

For protection of Oxford Corporation.

(1) In this section "the city" means the city of Oxford
"the Oxford tramways" means the tramways situate

A.D. 1907.

within the city "the city engineer" means and includes either the city engineer or the city surveyor or an engineer employed or consulted by the corporation for the purposes of this Act as the corporation may by resolution elect either generally or with reference to any particular purpose of this Act:

- (2) The Company shall not erect any electrical wires posts brackets or conductors above the surface of the streets in the city but shall construct the tramways on some surface contact or underground system of traction to be approved (subject to the provisions of subsection (1) of the section of this Act whereof the marginal note is "Plans of proposed mode of construction") by the corporation And the Company may--

(A) If the Dolter surface contact system has been working satisfactorily for six months in any place in Great Britain construct the same on the Dolter system; but

(B) If by the first day of January 1908 in the opinion of the corporation or of an arbitrator appointed in case of difference the Dolter system has not been so working satisfactorily then on a system other than the overhead system to be determined by an arbitrator in case of difference:

- (3) Notwithstanding the provisions of the section of this Act whereof the marginal note is "Period for completion of tramways" the Company shall complete the tramways within the city within three years after the passing of this Act And if the said tramways shall not be so completed equipped and opened for traffic within the said period the Company shall pay or cause to be paid to the corporation as and by way of liquidated damages the sum of twenty-five pounds in respect of every week during which such default shall continue Provided always that in case any delay shall arise from fire tempest frost or other inevitable cause or accident or from any strike or lock-out then such further time shall be allowed for the completion of the tramways as may be necessary or reasonable such further time in case of difference to be settled by

arbitration The want of sufficient funds on the part of the Company shall not be considered a reason for any such extension of time : A.D. 1907.

- (4) The Company shall at the same time as they lay before the Board of Trade the plans and statement referred to in the section of this Act whereof the marginal note is "Plans of proposed mode of construction" lay before the corporation a copy of so much of such plans and statement as relates to roads and streets within the city and the Company shall not execute any of the works referred to in that section within the city until the corporation have signified their approval of the same (which approval shall not be unreasonably withheld) unless the corporation fail to signify their approval or disapproval or other directions within twenty-eight days after delivery of the said plans and statement in which event the Company may proceed forthwith with the works according to the said plans and statement and in case such plans and statement are not agreed upon any difference between the Company and the corporation shall be determined by the Board of Trade :
- (5) The Company shall at their own expense pave with granite setts laid on a suitable concrete foundation or if the corporation so require with wood blocks the parts of any road which the Company are by the Tramways Act 1870 or this Act required to keep in good condition and repair Provided that the corporation shall not be entitled to require wood blocks for a greater length than thirty per centum of the total length of tramways within the city :
- (6) If and whenever the distance between the kerbstone or in places where there is no kerbstone then between the outer edge of the roadway and the nearest rail of any tramway by this Act authorised within the city shall be less than four feet the Company shall at their own expense at all times maintain pave and keep such intervening space in good condition and repair to the reasonable satisfaction of the corporation and the provisions of the Tramways Act 1870 shall extend and apply to such intervening space as if the same had been included in section 28 of that Act :

A.D. 1907.

(7) Section 43 of the Tramways Act 1870 shall in its application to the Oxford tramways and to the Company in relation thereto be modified as follows (that is to say) :—

(i) The period of forty-two years shall be substituted for the period of twenty-one years mentioned in the said section 43 of the Tramways Act 1870 ;

(ii) The terms upon which the corporation may require the Company to sell the Oxford tramways shall be the terms of paying a sum representing the fair market value of the undertaking as a going concern charged with the annual sum or sums then payable by the Company to the corporation under the section of this Act of which the marginal note is " Vesting of existing tramways in Company " but without any allowance for compulsory purchase ;

(iii) Provided that if the corporation shall purchase the Oxford tramways under this section and the local authorities in whose districts the remainder of the tramways constructed in pursuance of this Act shall not at the same or an earlier time purchase the tramways situate in their districts respectively then so long as the Company shall remain the owners of any of the tramways they may with their engines carriages and servants and for the purposes of traffic of every description run over all or any portions of the tramways so purchased and use in connexion therewith the depôts electric wires mains and cables and other apparatus and appliances constituting the equipment of the said tramways for working by means of mechanical power on terms to be agreed on or failing agreement settled by an arbitrator to be appointed on the application of the Company or the corporation and the Company may demand and recover in respect of the tramways so run over by them tolls rates and charges not exceeding those authorised in respect thereof :

During the exercise by the Company of the running powers conferred by this section over the tramways so purchased by the corporation the corporation may and shall have the right to exercise running powers over the tramways of the Company on such terms as may be agreed between the Company and the corporation

or failing agreement settled by arbitration in manner herein-before provided in respect of the running powers to be exercised by the Company over the tramways of the corporation:

- (8) The carriages used on the said tramways shall except in cases of emergency or accident be moved only by electrical power:
- (9) (A) The Company shall at all times after the opening of the Oxford tramways for public traffic provide such service of cars as may be reasonably required in the public interests;
(B) If complaint is made to the Board of Trade by the corporation that a proper and sufficient service of cars is not provided the board after considering the circumstances of the case may by order direct the Company to provide such service as may appear to the board to be reasonable:
- (10) The cars shall be kept clean and in good condition and shall be sufficiently lighted and waterproof aprons or other sufficient coverings shall be provided for outside seats:
- (11) No advertisement shall be affixed to any car used on the tramways in the city except with the consent of the corporation but such consent shall not be unreasonably withheld. The Company shall once in every year pay over to the corporation one-fourth of the net receipts derived from advertisements on the cars:
- (12) The grooves of the rails of the tramways shall at all times be kept clear and all sand and other accumulations and obstructions shall be removed in such manner as may be reasonably approved by the corporation. No salt or other chemical material shall be used for this purpose without the consent of the corporation:
- (13) Notwithstanding anything contained in section 44 of the Tramways Act 1870 the Company shall not sell the Oxford tramways nor permit any other person or company to exercise running powers over such tramways without the consent in writing of the corporation under the hand of the town clerk but such consent in the case of a sale shall not be unreasonably withheld if the payment of the annual sums referred to in the

A.D. 1907.
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section of this Act of which the marginal note is "Vesting of existing tramways in Company" and the carrying out of the provisions of this section by the transferee is guaranteed to the reasonable satisfaction of the corporation :

- (14) Any notice which by this Act is required to be given by the Company to the corporation may be signed by the secretary of the Company and may be served personally on the town clerk or addressed and forwarded to him by registered letter post and any notice which is required to be given by the corporation to the Company may be signed by the town clerk and may be served personally on the secretary of the Company or addressed and forwarded to him at the registered offices of the Company by registered letter post :
- (15) If any difference shall arise between the corporation and the Company with reference to the works to be done by the Company under this section or otherwise under or in relation to the provisions of this Act affecting the Oxford tramways such difference shall be referred to two arbitrators one to be appointed by the corporation and the other by the Company and in case of their disagreement then to an umpire to be appointed by the arbitrators previously to entering on the reference and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

For protection of
Oxfordshire
County
Council.

63. For the protection of the council of the administrative county of Oxford (herein-after called "the council") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections have effect unless otherwise agreed between the Company and the council under their respective common seals (that is to say):—

- (1) Before any tramway by this Act authorised to be laid in or along any main road within the said administrative county is opened for public traffic the Company shall at their own expense to the reasonable satisfaction of the county surveyor widen the main roads along which such tramway shall be laid so as to ensure a clear space of nine feet and six inches between the outside edge of the footpath or unmetalled portion of such road and the nearest rail of the tramway whether it be a single line or a double line constructed at a passing-

place but the Company shall not be under any obligation to make any such widening if and so far as the same involves the purchase of any property :

- (2) Before opening for traffic Tramway No. 4 by this Act authorised the Company shall pay to the council the cost incurred by the council in widening and constructing the Iffley main road on its northern side opposite to the road leading to the village of Iffley from a point eleven and a half chains from the commencement of the said tramway for a distance of four and a half chains and of acquiring land necessary for that purpose and of properly and adequately fencing the same according to such plans and estimates as may be prepared by the county surveyor and approved by the Company Provided always that such widening shall not be carried out by the council at the expense of the Company unless the council can acquire the necessary land by agreement at a reasonable price :
- (3) If at any time after the construction of the tramways and by reason of the existence of the tramways kerbing is reasonably necessary for the proper protection of the footpath the Company shall at their own expense and to the satisfaction of the county surveyor properly kerb the footpath at such place or places on any main road as the council and the Company may agree or as failing agreement may be settled by arbitration in manner herein-after provided :
- (4) Before opening for public traffic Tramway No. 4 by this Act authorised the Company shall at their own expense to the satisfaction of the county surveyor widen so much of the bridge over the Moor Brook and the approaches thereto as is within the jurisdiction of the council to a width of thirty-five feet throughout according to plans and estimates to be previously submitted to and reasonably approved by the county surveyor :
- (5) The Company shall pay to the council all such expenses as the council may reasonably incur or be put to in respect of the construction of the tramways either in superintending the works of the Company or otherwise in connexion with the said tramways :

A.D. 1907.

- (6) All differences that may arise between the council and the Company under this section shall be referred to an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the Board of Trade and any such arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

For protection of
London and
North
Western
Railway
Company.

64. In constructing and maintaining the tramways hereby authorised and works connected therewith and in constructing and maintaining any works for the purpose of working any of the said tramways where the same are intended to cross any tunnel or bridge carrying any road over any railway railway siding or works belonging to the London and North Western Railway Company (herein-after referred to as "the North Western Company") the following provisions shall have full force and effect:—

- (1) Before commencing any works affecting the structure of any such tunnel or bridge the Company shall give fourteen days notice in writing to the North Western Company of their intention to execute such works and such notice shall be accompanied by plans sections and specifications showing the nature and extent of the intended works :
- (2) The Company shall not in any way vary alter or interfere with the structure of any such tunnel or bridge and in the construction and maintenance of the tramway and works over such tunnel or bridge as the case may be the Company shall not injuriously affect the said structure :
- (3) In the event of any injury being caused to such tunnel or bridge by the construction maintenance repairing user or removal of the said tramways and works the North Western Company may at the expense of the Company restore such tunnel or bridge 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 indemnify the North Western Company against all sums costs and expenses which they may reasonably pay or be put to in repairing or maintaining so much of the road over such tunnel or bridge as the Company are liable to maintain and repair under section 28 of the

Tramways Act 1870 and the North Western Company may recover from the Company all such costs and expenses :

A.D. 1907.

(4) Whenever and so often as the North Western Company shall require to widen lengthen strengthen reconstruct alter or repair any such tunnel or bridge over their railway or to widen or alter their railways thereunder and it shall be necessary for effecting any of such purposes that the working and user of the tramways over such bridges shall be wholly or partially stopped or delayed or that the tramways should be temporarily diverted or wholly or in part taken up or removed the North Western Company shall except in case of emergency (when they shall give the longest notice practicable) give to the Company one month's notice in writing requiring such stoppage delay or diversion taking up or removal and the working and user of the tramway 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 shall be absolutely necessary for effecting such purpose and without the Company being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :

(5) In case any such strengthening reconstruction or alteration is rendered necessary owing to the carriages or other vehicles used on any such tramway being or being intended to be moved by mechanical power the North Western Company shall before effecting the same give to the Company fourteen clear days notice and such strengthening reconstruction or alteration shall be effected in all things at the expense of the Company who shall also pay to the North Western Company any additional expense which they may incur or be put to in effecting any such strengthening reconstruction or alteration or any widening lengthening or repairing by reason of the existence of the tramways or any of the works connected therewith :

A.D. 1907.

- (6) All work which may be necessary in constructing and maintaining any tramway or for working the tramways by mechanical power over any such tunnel or bridge shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the North Western Company or in the case of difference to an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either the North Western Company or the Company :
- (7) During the construction of the said tramways and works the Company shall bear and on demand pay to the North Western Company all reasonable expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by the North Western Company for watching their railways and works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise :
- (8) In the event of any of the tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the North Western Company (which shall not be unreasonably withheld) be attached to any tunnel or bridge or other work of the North Western Company :
- (9) If having regard to the proposed position of any works by this Act authorised when considered in relation to the works of the North Western Company it becomes advisable in order to avoid danger from the wires of the Company breaking or falling that the electric telegraphic telephonic or signal wires or apparatus of the North Western Company should be altered the North Western Company shall execute any works reasonably necessary for such alteration and the reason-

able expense of executing such works shall be borne by the Company: A.D. 1907.

(10) Where Tramway No. 1 will pass in front of the entrances to any passenger or goods station of the North Western Company the same shall be reconstructed on the site of the existing tramway but on a gauge of four feet eight and a half inches instead of the present gauge of four feet and no carriage used on the said tramway shall be stopped or be permitted to be stopped for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the chief engineer of the North Western Company except for and only for so long as shall be reasonably necessary for the purpose of discharging and taking up passengers and except when such stoppage is occasioned by circumstances over which the Company have no control:

(11) The Company and the North Western Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed:

(12) If any difference shall arise between the Company and the North Western Company or their respective engineers as to the reasonableness of the plans sections and specifications herein-before provided for or otherwise under this section such difference shall be referred to and be determined by an arbitrator to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party.

65. For the protection of the conservators of the River Thames (in this section called "the conservators") the following provisions shall notwithstanding anything contained in this Act or in the Acts incorporated herewith or in any other Act have effect (that is to say):— For protection of conservators of River Thames.

(1) The Company shall not in the exercise of the powers conferred by this Act either temporarily or permanently lessen or interfere with the headway or waterway of or under the bridge over the River Thames known as Folly Bridge in the city of Oxford:

A.D. 1907.

(2) Nothing in this Act shall authorise the Company to interfere in any manner with the bed soil banks towpaths or shores of the River Thames or the navigation thereof or affect in any manner the rights powers or privileges of the conservators.

For protection of Oxford Gas Light and Coke Company.

66. For the protection of the Oxford Gas Light and Coke Company (in this section referred to as "the protected company") the following provisions shall unless otherwise agreed between the Company and the protected company have effect (that is to say):—

(1) Before commencing any of the works by this Act authorised whereby the mains or other pipes of the protected company may be disconnected or otherwise interfered with the Company shall from time to time and at least fourteen days before the commencement of any such work deliver to the protected company plans and sections and a description of the works so proposed to be executed and describing the proposed manner of executing the same. If it should appear to the protected company that such works will interfere with or render less accessible or endanger any of their mains pipes or other works or impede the supply of gas supplied by them they may give notice to the Company to raise lower or otherwise alter the position of any such mains pipes or other works or to support the same or to substitute temporarily or otherwise other mains pipes or other works including duplicate mains one on either side of the tramway in such manner as may be reasonably necessary and to lay or place under any mains pipes or other works cement concrete or other like substance and any difference as to the necessity of such raising lowering altering duplicating supporting or substituting mains pipes or other works or laying or placing cement concrete or other like substance (herein-after called "protective works") shall be settled as herein-after provided and all such protective works shall (save as herein-after provided) be done and executed by and at the expense of the Company but to the reasonable satisfaction and under the superintendence of the engineer of the protected company and the reasonable costs charges and expenses of such superintendence shall be paid by the Company. Provided that if the protected company give

notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any works of the Company of their intention so to do the protected company may by their own engineer or workmen do and execute any of the protective works but so as not to unduly delay the construction of the works by this Act authorised and the Company shall on the completion thereof pay to the protected company the reasonable expenses incurred by the protected company in the execution of such protective works :

- (2) In the event of such plans sections and description delivered as aforesaid to the protected company not being objected to within fourteen days the works of the Company shall be executed in strict accordance therewith :
- (3) If any interruption in the supply of gas by the protected company shall without the written authority of the protected company be in any way occasioned by the Company or by the act or default of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to the protected company a sum of twenty pounds for every day or part of a day during which such interruption shall continue :
- (4) The expense of all repairs or renewals of the mains pipes or other works of the protected company or any works in connexion therewith which may at any time hereafter be rendered necessary by reason of any subsidence resulting from the works of the Company whether during the construction of the works or at any time thereafter shall be borne and paid by the Company :
- (5) If in widening or altering any street or part of a street any main pipe or other works of the protected company may be affected the Company shall from time to time give at least fourteen days notice in writing to the protected company of their intention to commence such widening or alteration and at the same time deliver to them a plan and section showing the extent and manner of such widening or altering and the Company shall provide in addition to or substitution for the mains pipes or other works in such streets such mains pipes or other works and of such capacity

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and to such extent as may be necessary for continuing and maintaining the supply of gas by the protected company and such mains pipes or other works shall be laid in such manner and in such position as may be agreed between the Company and the protected company and in default of agreement as shall be settled by arbitration in manner herein-after mentioned :

(6) If any difference shall arise between the Company and the protected company concerning any plans sections or descriptions delivered to the protected company under this section or the protective works to be carried out or any money to be paid or with respect to any other matter arising under this section the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers :

(7) In settling any question under this section the arbitrator shall have regard to any duties or obligations which the protected company may be under in respect of their mains pipes and other works and may if he thinks fit require the Company to execute any temporary or other works so as to avoid interference with any purpose for which the said mains pipes or other works are used so far as may be possible.

For protection of trustees of Radcliffe Observatory.

67. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the Right Honourable Arthur Wellesley Viscount Peel the Right Honourable Victor Albert George Child Earl of Jersey G.C.B. Sir William Reynell Anson Baronet M.P. the Most Noble Herbrand Arthur Duke of Bedford K.G. the Right Honourable Sir Edward Grey Baronet P.C. M.P. and the Reverend Henry Boyd D.D. the trustees of the will of Dr. John Radcliffe (deceased) or other the owners for the time being of the observatory known as "the Radcliffe Observatory" situate in the city of Oxford and of the premises occupied therewith (all of whom are in this section referred to as "the owners") shall except so far as may be otherwise agreed in writing between the Company and the owners apply and have effect (that is to say):—

(1) In this section the expression "the observatory" means the said Radcliffe Observatory together with the grounds and premises occupied therewith :

- (2) Tramway No. 9 shall be constructed as single line with such passing-places as may be necessary but no part of any passing-place crossover siding junction or other similar work shall be constructed between the points situate respectively 140 yards from the northern boundary of the observatory measured in a northerly direction and 148 yards from the southern boundary thereof measured in a southerly direction :
- (3) (A) So much of that part of Walton Street which is situate between the points respectively 2 chains from the northern boundary of the observatory measured in a northerly direction and 2 chains from the southern boundary thereof measured in a southerly direction as the Company are by this Act and the enactments incorporated therewith required to maintain or keep in good condition and repair shall be properly paved with suitable wood blocks upon a concrete foundation to the reasonable satisfaction of the owners and shall be properly maintained with the same materials and to the like satisfaction ;
- (B) The section of this Act whereof the marginal note is "Penalty for not maintaining rails and roads" shall apply to the provisions of this section as if the same had been included in section 28 of the Tramways Act 1870 and the owners shall be at liberty to take proceedings to enforce the provisions of the said section of this Act :
- (4) The width of the footpath upon which the observatory abuts shall not be reduced :
- (5) No brackets wires or other apparatus of any description shall be attached to the property of the owners :
- (6) In the construction or repair of the tramways no vehicle shall be used in Walton Street the weight of which when unloaded exceeds nine tons and no carriage or engine shall be used on the tramways the weight of which together with its equipment exceeds nine tons unloaded :
- (7) No place shall be appointed for the stopping of carriages on the tramways between the points referred to in subsection (3) of this section :

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- (8) The tramways shall not be used except for the purpose of carrying passengers and parcels :
- (9) The tramway in Walton Street shall not be used between the hours of eleven o'clock in the evening and five o'clock in the morning except upon special occasions which shall not occur more frequently than twelve times in any one year :
- (10) (A) No carriage used on the tramways shall be allowed to go at a greater speed than six miles per hour between the points situate respectively 140 yards from the northern boundary of the observatory measured in a northerly direction and 148 yards from the southern boundary thereof measured in a southerly direction ;
- (B) If the driver of any carriage used on the tramways shall contravene the provisions of this subsection he shall be liable to a penalty not exceeding forty shillings :
- (11) Every fireplace furnace chimney or shaft used at any time at or in connexion with a generating station belonging to the Company from which energy is supplied for working the tramways and situate within three miles from the observatory shall be constructed and used so as to consume or burn all smoke or vapour arising therefrom so far as is reasonably practicable :
- (12) Any penalty recovered under this Act or the enactments incorporated therewith on prosecution by the owners or by any person acting on their behalf or any part of such penalty shall if the court so direct be paid to the owners :
- (13) Any question or difference which may arise between the owners and the Company or other the owners for the time being of the tramways under the provisions of this section shall (except where otherwise herein provided) be determined by arbitration the arbitrator being appointed in default of agreement by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

MISCELLANEOUS.

A.D. 1907.

68. 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 such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration.

Consent of local or road authority.

69. If any question not otherwise provided for under this Act arises between the Company and any local or road authority company or person such question shall if either party so require be determined by the Board of Trade or by an arbitrator to be appointed by the Board of Trade.

Arbitration.

70. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty. Every penalty under this section shall be recoverable summarily.

Copy of Act to be registered.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

71. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of demands.

72. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the tramways or any tramway or tramroad sold or leased to worked run over or used by the Company under the powers of this Act anything which is calculated to obstruct or interfere with the working of such tramway or tramroad or to cause injury to any person he shall (without prejudice to any

Penalty for malicious damage.

A.D. 1907. — 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 such tramway or tramroad shall be liable to a penalty not exceeding twenty pounds.

Recovery of penalties.

73. 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.

Provision as to general Tramway Acts.

74. 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 fares rates or charges authorised by this Act.

Orders &c. by Board of Trade.

75. 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.

Costs of Act.

76. 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.

The SCHEDULES referred to in the foregoing Act.

A.D. 1907.

FIRST SCHEDULE.

LANDS FOR GENERATING STATION.

A plot of land in the parish of St. Thomas in the city of Oxford now used as garden allotments comprising an area of two acres or thereabouts in the south-east corner of the field known as "Twenty pound meadow" and situate on the north side of Botley Road with frontages to the said road and the navigation branch of the River Thames.

SECOND SCHEDULE.

HOUSES BUILDINGS OR LANDS OF WHICH PORTION ONLY MAY BE
REQUIRED.

Parish or Township.	Numbers on deposited Plans.										
Cowley St. John city of Oxford -	.26	27	28	29	30	31	32	33	34	35	
Cowley - - -	4										

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FOR
ROWLAND BAILEY, Esq., I.S.O., M.V.O., the King's Printer of Acts of Parliament.

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