



CHAPTER lxxvii.

An Act to authorise the Mexborough and Swinton Tramways Company to provide and work trolley vehicles in connection with their tramways and for other purposes. A.D. 1913.
[15th August 1913.]

WHEREAS the Mexborough and Swinton Tramways Company (in this Act called "the Company") are the owners of a system of tramways in the urban districts of Mexborough Swinton and Rawmarsh in the west riding of the county of York constructed under and by virtue of the Mexborough and Swinton Tramways Acts 1902 and 1905 and the Rawmarsh Urban District Council (Tramways) Act 1900:

And whereas it is expedient to authorise the Company in connection with their tramway system to provide and work vehicles moved by electric power transmitted thereto from some external source in the said urban districts of Mexborough and Swinton and in the rural district of Doncaster:

And whereas it is expedient to authorise the Company to apply their funds for the purposes of this Act and to borrow additional sums on mortgage of the undertakings authorised by the Acts of 1902 and 1905 and this Act:

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:—

1. This Act may be cited as the Mexborough and Swinton Tramways (Railless Traction) Act 1913. Short title.

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—
Incorporation
of Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with or expressly varied by this Act are hereby incorporated with and form part of this Act (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for according access to the special Act by all parties interested :

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by subsequent Acts :

The Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement) :

The following provisions of the Tramways Act 1870 (namely):—

Part II. Relating to the construction of tramways (except sections 22 25 28 and 29) ;

Section 41 (Tramways to be removed in certain cases) ;

Section 42 (Proceedings in case of insolvency of promoters) ;

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- Section 46 (Byelaws by local authority Promoters may make certain regulations); A.D. 1913.
- Section 47 (Penalties may be imposed in byelaws);
- Section 48 (Power to local authority to license drivers conductors &c.);
- Section 49 (Penalty for obstruction of promoters in laying out tramway);
- Section 51 (Penalty on passengers practising frauds on the promoters);
- Section 52 (Transient offenders);
- Section 53 (Penalty for bringing dangerous goods on the tramway);
- Section 55 (Promoters or lessees to be responsible for all damages);
- Section 56 (Recovery of tolls penalties &c.);
- Section 60 (Reserving powers of street authorities to widen &c. roads);
- Section 61 (Power for local or police authorities to regulate traffic in roads);
- Section 62 (Reservation of right of public to use roads);
- Section 63 (Regulating inquiries before referee appointed by the Board of Trade);
- Section 64 (Rules for carrying Act into effect):

Provided that the provisions of the Tramways Act 1870 incorporated with this Act shall be read and have effect as if trolley vehicle equipment as defined by this Act were tramways and as if trolley vehicles were carriages used on tramways and in construing Part II. of the said Act the expression "road" shall have the meaning assigned to it in 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 subject to the provisions of this Act the same respective meanings unless there be something in the subject or context repugnant to such construction: Interpretation.

The expression "the Company" means the Mexborough and Swinton Tramways Company;

The expression "the Act of 1902" means the Mexborough and Swinton Tramways Act 1902;

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The expression "the Act of 1905" means the Mexborough and Swinton Tramways Act 1905;

The expression "the undertaking" means the undertaking by this Act authorised;

The expression "trolley vehicles" means mechanically propelled vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

The expression "trolley vehicle equipment" means and includes all posts poles standards brackets cables conductors tubes mains transformers feeders wires and other apparatus and equipment for the purpose of working and lighting trolley vehicles;

The expression "the trolley vehicle routes" means the routes upon which the Company are by this Act authorised to work and use trolley vehicles;

The respective words "street" and "road" shall unless a contrary intention appears have the same meaning as is assigned to the word "street" by the Public Health Act 1875;

The expression "road authority" means the county council district council or other body in whom a road is vested or who have the power to maintain or repair such road and includes the South Yorkshire Navigation Company in respect of the bridge known as "Pasture Bridge."

TROLLEY VEHICLES.

Power to use
trolley
vehicles.

4. The Company may provide maintain and equip trolley vehicles and may work and use the same upon the routes in the west riding of the county of York hereinafter mentioned (that is to say):—

Route No. 4 From the tramway terminus of the Company in Doncaster Road in the urban district of Mexborough near the Old Toll House proceeding along Doncaster Road over the bridges carrying the said road over the canal and the River Don passing into the parish of Denaby continuing along the said Doncaster Road into the parish of Conisborough thence along Station Road and terminating at the junction of that road with Elm Green Lane:

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Route No. 5 Commencing in the urban district of Mex-
borough in Main Street at its junction with Swinton Road
proceeding along Main Street into the urban district of
Swinton and along Wath Road into the parish of Adwick-
upon-Dearne under the bridge carrying the Swinton and
Knottingley Loop of the Midland and North Eastern
Railway over Wath Road and terminating in Wath Road
at its junction with Bolton Road:

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And subject to the provisions of this Act the Company may place
erect lay down maintain renew alter and repair trolley vehicle
equipment on over along and across any streets or roads (including
footpaths) forming part of the trolley vehicle routes or any of
them or adjoining or intersecting any such routes for the purpose
of working and lighting the said trolley vehicles or otherwise in
connection therewith or for the purpose of obtaining access to any
lands depôts sheds or property of the Company and also along
the routes of the existing tramways of the Company in Dale
Road (Rawmarsh) Warren Vale Road Rockingham Road Church
Street Station Street Bridge Street Rowms Lane Cresswell Street
Swinton Road High Street (Mexborough) Bank Street and
Doncaster Road in the urban districts of Rawmarsh Swinton and
Mexborough for the purpose of forming connections with the
existing generating station of the Company situate in Dale Road
Rawmarsh and may for the purposes aforesaid open and break
up and make and maintain openings and ways in on or under
any such streets or roads as aforesaid and any railways tram-
ways or sidings crossed by the trolley vehicle routes and alter
divert stop up or otherwise interfere with any sewers drains pipes
tubes wires and apparatus in upon over or under any such streets
and roads as aforesaid:

Provided that nothing in this Act shall extend to or authorise
any interference with any works of any undertakers within the
meaning of the Electric Lighting Acts 1882 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.

All posts and apparatus erected by the Company under the
powers of this Act in any street or road shall be of such design
and shall be placed in such position as may be approved by the
local authority Provided that no post or other apparatus shall
be erected upon the carriageway of any public street or road
except with the consent of the Board of Trade.

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Trolley
vehicles not
to be deemed
light loco-
motives or
motor cars.

5. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 (save and except for the purposes of subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection) and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

Saving of
excise
duties.

6. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

Approval of
trolley
vehicles and
equipment
by Board of
Trade.

7.—(1) Trolley vehicles shall be of such form weight construction and dimensions as the Board of Trade may approve.

(2) No trolley vehicle shall be used by the Company which does not comply with the requirements of the Board of Trade nor until the trolley vehicle equipment has been approved by the Board of Trade.

(3) No trailers shall be drawn by trolley vehicles without the consent of the Board of Trade and of the county council of the west riding of Yorkshire.

Fares for
passengers.

8. The Company may demand and take for every passenger travelling upon the trolley vehicles 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 :

Provided that the Company may appoint stages for the trolley vehicles each of not less than half a mile in length and may demand and take for every such passenger including every such incidental expense a fare not exceeding one penny for any two consecutive stages or portion thereof travelled by such passenger.

Rates for
parcels.

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

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	Any Distance.	A.D. 1913.
	s. d.	—
For any parcel not exceeding seven pounds in weight - - - - -	0 3	
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - -	0 5	
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - -	0 7	
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - -	0 9	

10. A list of the fares rates and charges authorised to be taken shall be exhibited in a conspicuous place inside and outside each of the trolley vehicles of the Company. Lists of fares &c. to be exhibited.

11. The fares rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the trolley vehicles and in such manner and under such regulations as the Company may by notice to be annexed to the list of fares rates and charges appoint. Payment of fares rates and charges.

12. The Company shall not carry on the trolley vehicles any goods animals or other things other than passengers and passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels not exceeding fifty-six pounds in weight. Company not to carry animals and goods other than small parcels.

13. Subject to the provisions of this Act the Company shall have the exclusive right of using any trolley vehicle equipment provided erected or maintained by them under and for the purposes of this Act and any person using the said equipment otherwise than by agreement with the Company shall for every offence be liable to a penalty not exceeding twenty pounds. Company to have exclusive right of using trolley vehicle equipment.

14. For the protection of the Midland and North Eastern Railway Companies Committee (in this section referred to as "the committee") the following provisions shall so far as the same are applicable have effect unless otherwise agreed between the Company and the committee:— For protection of Midland and North Eastern Railway Companies Committee.

(1) In this section the word "apparatus" means and includes electric mains wires conductors posts tubes boxes apparatus and any similar appliances to be

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used for the purposes of the supply of motive power for any trolley vehicles and includes also any brackets for the purposes of such apparatus :

(2) All works by this Act authorised where the same shall be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the committee or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the committee or in case of difference between them and the Company by an arbitrator to be appointed as hereinafter provided Provided that if the committee do not within twenty-eight days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works shall be executed according to the plans sections and specifications so approved or determined by arbitration and under the superintendence (if the same shall be given) and to the reasonable satisfaction of the committee The Company shall so construct maintain and use the works and apparatus as not to injuriously affect any such bridge approaches or other work and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the works and apparatus upon across under or over the same the committee may make good the injury and may recover from the Company the reasonable expenses of so doing :

(3) The Company shall on demand pay to the committee the reasonable expense of lighting and watching the works of the committee during the execution or repair by the Company under this Act of any work or apparatus affecting any railway belonging to the committee for preventing so far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults

of the Company or their contractors or any person in their employ: A.D. 1913.

- (4) The Company shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the committee or any traffic thereon:
- (5) The Company shall be responsible for and make good to the committee all losses damages and expenses which may be occasioned to the committee or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the intended works or apparatus or by reason of any act default or omission of the Company or of any person in their employ or of any contractors for the intended works or any part thereof and the Company shall effectually indemnify and hold harmless the committee from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission:
- (6) If the committee shall hereafter require under their existing powers to widen lengthen strengthen reconstruct alter or repair any such bridge upon which the works and apparatus are laid or the approaches thereto or to widen or alter any railway thereunder and it shall be necessary for such purpose that such works and apparatus be temporarily taken up diverted or removed and if the committee give the Company twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Company and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such

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purpose as aforesaid and such part of the apparatus shall be restored with all practicable despatch and the committee shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal:

- (7) If and when the committee shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Company has been placed the Company shall adopt means to the reasonable satisfaction of the engineer of the committee to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting and shall if necessary cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Company and the engineer of the committee or failing agreement as shall be determined by arbitration under this section:
- (8) If having regard to the proposed position of any works of the Company by this Act authorised when considered in relation to the position of the works of the committee at any point where any works or apparatus will be constructed over the railway or other works of the committee it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the committee shall be altered the committee may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the committee by the Company:
- (9) The Company shall not for the purposes of this Act make attachments to any part of any bridge without the consent in writing of the engineer of the committee which consent shall not be unreasonably withheld such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connection with the maintenance and reconstruction or alteration of such bridge:
- (10) If any difference arises under this section between the Company and the committee the same shall unless

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otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party. A.D. 1913.

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

(1) In this section the word "apparatus" means and includes electric mains wires conductors posts tubes boxes apparatus and any similar appliances to be used for the purposes of the supply of motive power for any trolley vehicles and includes also any brackets for the purposes of such apparatus:

(2) All works by this Act authorised where the same shall be made upon across or over any bridge or the approaches thereto or any level crossing or other work belonging to or maintainable by the Great Central Company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the Great Central Company or in case of difference between them and the Company by an arbitrator to be appointed as hereinafter provided Provided that if the Great Central Company do not within twenty-one days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works shall be executed according to the plans sections and specifications so approved or determined by arbitration and under the superintendence (if the same be given) and to the reasonable satisfaction of the Great Central Company The Company shall so construct maintain and use the works and apparatus as not to injuriously affect any such bridge approaches level crossing or other work and in the event of any injury being occasioned to such bridge approaches level crossing or work by the construction maintenance user or

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removal of the works and apparatus upon across or over the same the Great Central Company may make good the injury and may recover from the Company the reasonable expense of so doing :

- (3) The Company shall on demand pay to the Great Central Company the reasonable expense of lighting and watching the works of the Great Central Company during the execution or repair by the Company under this Act of any work or apparatus affecting any railway belonging to or maintainable by the Great Central Company for preventing so far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of either of them :
- (4) The Company shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to or maintainable by the Great Central Company or any traffic thereon :
- (5) The Company shall be responsible for and make good to the Great Central Company all losses damages and expenses which may be occasioned to the Great Central Company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the intended works or apparatus or by reason of any act default or omission of the Company or of any person in their employ or of any contractors for the intended works or any part thereof and the Company shall effectually indemnify and hold harmless the Great Central Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (6) If the Great Central Company shall hereafter require under their existing powers to widen lengthen strengthen reconstruct alter or repair any such bridge upon which the works and apparatus are laid or the

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approaches thereto or to widen or alter any railway thereunder or to carry over their railway by means of a bridge any road now crossing their railway on the level upon which the works and apparatus are laid and it shall be necessary for such purpose that such works and apparatus be taken up diverted or removed and if the Great Central Company accordingly give to the Company twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice by and at the expense of the Company but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable despatch and in case of the construction over the railway of a bridge in lieu of a level crossing such apparatus shall be reconstructed on the bridge and its approaches by and at the expense of the Company but subject in all respects to the provisions of this section and the Great Central Company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal: A.D. 1913.

- (7) If having regard to the proposed position of any works of the Company by this Act authorised when considered in relation to the position of the works of the Great Central Company at any point where any works or apparatus will be constructed over or upon the railway or other works of the Great Central Company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the Great Central Company shall be altered the Great Central Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works

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shall be repaid to the Great Central Company by the Company:

- (8) The Company shall not for the purposes of this Act make attachments to any bridge or other property of the Great Central Company without the consent in writing of the engineer of the Great Central Company (which consent shall not be unreasonably withheld) such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connection with the maintenance and reconstruction or alteration of such bridge:
- (9) If any difference arises under this section between the Company and the Great Central Company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

Contribution
towards
widening
and adapta-
tion of roads.

16. Within one month after the road authority shall have widened any road or part of a road on which a trolley vehicle route will be situate so as to provide a carriageway for such road or part of a road of the width of twenty-one feet with a footpath of the width of six feet (exclusive of canal bridges) and shall have adapted such road or part of a road for the running of trolley vehicles thereon the Company shall pay to the road authority one third of the cost of such works but not exceeding in the whole the sum of three hundred and fifty pounds per mile of road so widened and adapted. Provided that if any road widening executed by a road authority under the provisions of this section shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration as aforesaid and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

Contribution
towards road
maintenance.

17.—(1) The Company shall pay to the road authority in each year towards the cost of the maintenance of the roads on which the trolley vehicle routes will be situate the sum of three-eighths of a penny per car mile run by such trolley vehicles on such roads during each year.

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(2) The Company shall keep statements for the purposes of this section showing in proper detail the mileage run by each trolley vehicle and shall furnish copies of such statements annually to the road authority and the Company shall allow any person duly authorised by the road authority in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Company relating to the running of all such trolley vehicles. A.D. 1913.

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

19. The trolley vehicles shall not be driven over Pasture Bridge at a speed exceeding six miles per hour. Speed of trolley
vehicles over
Pasture Bridge.

20. The Company shall perform in respect of trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated. Conveyance
of mails.

21. The following sections of the Act of 1902 shall extend and apply to and for the purposes of this Act as if these provisions were with all necessary modifications re-enacted in this Act provided that in the application of such provisions the same shall be read and have effect as if trolley vehicles were carriages used on the tramways and as if the trolley vehicle system authorised by this Act were tramways (that is to say):— Application
of sections of
Act of 1902.

Section 32 (Passengers' luggage);

Section 35 (Cheap fares for labouring classes);

Section 36 (As to fares on Sundays and holidays);

Section 38 (Byelaws by Board of Trade);

Section 41 (Provisions as to motive power);

Section 44 (Special provisions as to use of electrical power);

Section 45 (For protection of Postmaster-General);

Section 46 (Apparatus used for mechanical power to be deemed part of tramway);

Section 69 (Agreements with road authority);

Section 71 (Agreements with local authorities as to supply of electrical energy);

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Section 79 (Recovery of penalties);

Section 80 (Orders and regulations).

Use of
posts and
standards by
Postmaster-
General.

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

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the working or user of the trolley vehicles:
- (B) The Postmaster-General shall give to the Company not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:
- (c) Unless otherwise agreed between the Postmaster-General and the Company the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or trolley vehicle equipment of the Company or by any regulations which may from time

to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :

- (D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided :
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (G) The Postmaster-General shall make good to the Company and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Company their officers or servants :
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Company and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Company or failing agreement determined as hereinafter provided :
- (I) The Company shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by

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the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicles or by any accident arising thereon or by the authorised use by the Company of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Company their officers or servants :

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

(2) Nothing in this section shall prevent the Company from using their posts standards or brackets for the support of any of their trolley vehicle equipment or shall take away any existing right of the local authority of using the posts standards or brackets of the Company in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and the local authority in relation to the use of the posts standards or brackets by the Postmaster-General and the local authority respectively shall be determined as hereinafter provided.

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

(4) In this section—

The expression "the Company" shall include any person using the trolley vehicle equipment of the Company for the purpose of working trolley vehicles ;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869 ;

Other expressions have the same meaning as in the Telegraph Act 1878.

23. The Company may with the consent of the owner of any building or bridge attach to that building or bridge such brackets wires and apparatus as may be required for the working of the trolley vehicles of the Company by electrical power Provided that—

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Attachment
of brackets
to buildings
&c.

(1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building or bridge and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building or bridge but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

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

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

24. The Company may appoint the stations and places from which the trolley vehicles used by the Company shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such trolley vehicles shall be allowed to remain at any such place.

Company
may appoint
stopping and
starting
places,

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Shelters or
waiting-
rooms.

25. The Company may erect and maintain shelters or waiting-rooms for the accommodation of passengers and of the servants of the Company and may use for that purpose portions of any street or road provided that such powers shall only be exercised in the case of a public street or road with the consent of the local authority and road authority or in the case of a private street or road with the consent of the owner thereof:

Provided that notwithstanding anything in this section contained no shelter or waiting-room shall be erected or maintained in any street or road so as to impede or interfere with the access to or exit from any station of the Midland and North Eastern Railway Companies Committee except with the consent of the committee Any difference arising under this section between the Company and the Midland and North Eastern Railway Companies Committee shall be determined by an arbitrator to be appointed failing agreement by the Board of Trade.

Trees or
shrubs over-
hanging
streets and
footpaths.

26.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the working of the trolley vehicles or the erection maintenance and user of any trolley vehicle equipment or with the clear and safe passage of the trolley vehicles and the passengers thereon the Company may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Company may themselves carry out the requisition of their notice doing no unnecessary damage:

(2) Any person aggrieved by any requirement of the Company under this section may appeal to the court of summary jurisdiction within three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the Company and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Company under this section.

As to
removal of
snow &c.

27. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the working of trolley vehicles on the trolley vehicle routes the Company may

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remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any road Provided that any snow or other matter removed by the Company under this section shall not be allowed to remain on the road but shall be at once taken away by the Company.

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28. The Company may purchase take on lease or acquire by agreement and may hold for the purposes of their undertaking any lands not exceeding five acres and they may erect or construct on such lands and may purchase or take on lease by agreement and may hold and use depôts yards wharves sidings offices buildings works and other conveniences in connection with their undertaking and cottages and other buildings for persons in their employ but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them under the powers of this section.

Purchase of lands by agreement.

29. 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.

Persons under disability may grant easements &c.

30. The following provisions for the protection of the county council of the west riding of Yorkshire (in this section called "the county council") shall notwithstanding anything in this Act and unless otherwise agreed in writing apply and have effect with respect to the use of the trolley cars on any main road maintained by or at the expense of the county council (that is to say):—

For protection of west riding county council.

- (1)—(a) All posts and apparatus erected by the Company under the powers of this Act in any main road shall be of such size and shall be placed in such position

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as the county council may reasonably direct Provided that no such direction shall be given as will prevent such posts or apparatus from being used for the purpose of working any tramway system which may be authorised in substitution for the trolley vehicles of the Company or as will conflict with any requirements of the Board of Trade :

- (b) If any post standard box or other mechanical power work interfere with the construction of any new road or footpath or the improvement of any road or footpath or the reconstruction or alteration of any county or main road bridge or become an obstruction the Company shall alter the position thereof in such manner as the county council may (subject as in this subsection provided) reasonably direct but if any question arises under this section such question may be determined by arbitration as hereinafter provided :
- (2) If the Company in the execution of any works in or affecting any main road shall cause any damage injury or disturbance to such main road and shall fail to properly make good all such damage injury or disturbance then it shall be lawful for the county council after reasonable notice to the Company of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Company shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence :
- (3) The provisions of section 28 of the Town Police Clauses Act 1847 with respect to the side of the road at which a carriage or other vehicle is to be kept when meeting or passing any other carriage or vehicle shall apply to the driver of a trolley vehicle and for the purposes of this section the said provisions shall be read as though horses and other beasts of burden were included therein :
- (4) For the purpose of the section of this Act the marginal note whereof is "Shelters or waiting-rooms" the

county council shall be deemed to be the road authority in the case of any main road: A.D. 1913.

- (5)—(a) The Company shall be responsible for and make good to the county council all losses damages and expenses which may be occasioned to the county council in relation to the structure of any county or main road bridge by or by reason of the execution or failure of any of the works authorised by this Act and the Company shall effectually indemnify and hold harmless the county council from all claims or demands upon or against them by reason of such execution or failure:
- (b) If the county council find it necessary that the working of the trolley vehicles over any such bridge be wholly or in part stopped or delayed for the purposes of any repairs to or alteration of such bridge and if the county council accordingly give the Company twenty-eight days notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage or delay the working of the trolley vehicles shall be stopped or delayed as required by such notice but no such working shall be stopped or delayed for a longer period or to a greater extent than may be absolutely necessary for effecting such purposes as aforesaid and in such case the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid:
- (c) The Company shall not without the consent in writing of the county council which consent shall not be unreasonably withheld place erect or attach any post or other support for any wire or any feeder box on or to the structure of any bridge as aforesaid and shall on receiving three months notice in writing remove any post support or box which shall with such consent have been so placed erected or attached:
- (6) Any difference at any time arising between the county council and the Company which is required by this section to be determined by arbitration shall be settled by an arbitrator to be agreed upon between the

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county council and the Company or failing such agreement to be appointed on the application of either party by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Mexborough and Swinton Urban District Councils and Doncaster Rural District Council.

31. The following provisions for the protection of the urban district councils of Mexborough and Swinton and the rural district council of Doncaster (each of which councils are in this section referred to as "the council") shall notwithstanding anything in this Act and unless otherwise agreed in writing between the council and the Company apply and have effect with respect to the use of trolley vehicles on any road under the jurisdiction and maintained at the cost wholly or in part of the council (which road is herein referred to as a district road) (that is to say) :—

- (1) If within three years from the passing of this Act the overhead equipment for the trolley vehicle routes in the district of the council is not substantially commenced or if within four years from the passing of this Act the same is not completed then the powers of constructing such overhead equipment and otherwise in relation thereto shall cease to be exercised (except with the consent of the council) except as to so much of the same as is then completed :
- (2) If at any time after the opening for traffic of the trolley vehicle system in the district of the council the Company discontinue the running of the trolley vehicles in the district for the space of twelve calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company) the Company shall not resume the running of trolley vehicles in such district without the consent of the council and shall if required by the council so to do remove the posts standards section boxes overhead wires cables and other works of which the use has been so discontinued :
- (3) All posts standards and section-boxes erected or placed on any district road shall be erected or placed in such position in or at the side thereof and in the

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case of underground works at such depth as the council in writing under the hand of their surveyor may reasonably direct: A.D. 1913.

- (4) No advertisements shall be exhibited on any post or standard of the Company but nothing in this subsection shall be deemed to prevent the Company from using the trolley cars for advertising purposes:
- (5) If any post standard or box interfere with the construction of any new road or footpath or the improvement of any road or footpath in the district of the council or becomes an obstruction the Company shall alter the position thereof in such manner as the council may reasonably direct:
- (6) If the Company in the execution of any works the construction of which is authorised by this Act in crossing or adjoining any district road shall cause any damage injury or disturbance to the same and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions in that behalf contained in section 27 of the Tramways Act 1870 then it shall be lawful for the council after reasonable notice to the Company of the alleged failure and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the council all costs charges and expenses which the council shall reasonably incur in carrying out such works:
- (7) All trolley vehicles shall be numbered with distinctive numbers and such numbers shall be displayed upon a conspicuous part of each trolley vehicle:
- (8) Whenever during the period of one hour after sunset and one hour before sunrise a trolley vehicle is used on a public highway a lamp shall be kept burning on such trolley vehicle so contrived as to illuminate by means of reflection transparency or otherwise and render easily distinguishable the number of such trolley vehicle:
- (9) The provisions of section 28 of the Town Police Clauses Act 1847 with respect to the side of the road at

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which a carriage or other vehicle is to be kept when meeting or passing any other carriage or vehicle shall apply to the driver of a trolley vehicle and for the purposes of this section the said provisions shall be read as though horses and other beasts of burden and cattle were included therein :

(10) The council shall be at liberty to use any posts poles or brackets erected under the powers of this Act for the purpose of affixing and maintaining thereon street name plates fire alarms and telephone wires in connection therewith and lamps and other attachments for public lighting provided that no damage be thereby done to the equipment or if done be made good by the council and that no interference with the trolley vehicle service be caused. Provided that any difference between the Postmaster-General and the council in relation to the use of the posts poles and brackets by the Postmaster General and the council respectively shall be determined in manner provided by subsection (3) of the section of this Act the marginal note of which is "Use of posts and standards by Postmaster-General" :

(11) Any difference at any time arising between the council and the Company under this section shall be settled by an arbitrator to be agreed upon between the council and the Company or failing such agreement to be appointed on the application of either party by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protec-
tion of Swin-
ton and
Mexborough
Gas Board.

32. For the protection of the Swinton and Mexborough Gas Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Company and the board apply and have effect (that is to say):—

(1) Any plans and sections which the Company are required by section 30 of the Tramways Act 1870 as incorporated with this Act to submit to the board shall be submitted to the board at least fourteen days before the commencement of any works to which the said plans and sections relate and shall be

accompanied by a description of the proposed works and notice of the date on which the Company propose to commence the same and if the board give any notice under the said section in relation to such proposed works the same shall not be commenced except in case of emergency until the requirements of the board have been agreed or settled by arbitration as by such section is provided. The power of the board under the said section 30 to require the lowering or other alterations of their mains pipes and apparatus (in this section called "apparatus") shall be deemed to extend so as to authorise the board to require the shoring up or supporting and restoring and protecting of any such apparatus which it may be reasonably necessary to shore up support restore or protect by reason of the execution of any works of the Company or for preventing any interruption to the supply of gas by the board. All such works as aforesaid shall be done under the superintendence and to the reasonable satisfaction of the board or their engineer and the reasonable costs charges and expenses of such superintendence shall be paid to the board by the Company and if the board before the Company are entitled to commence any such work elect by notice in writing to the Company so to do the board may themselves execute any work relating to any apparatus of the board to which any such notice or requirement relates under the superintendence and to the reasonable satisfaction of the engineer of the Company and the amount reasonably expended by the board in so doing shall be repaid to them by the Company but if for seven days after giving any such notice the board do not proceed with due diligence to execute any such work as aforesaid the Company may forthwith execute the same:

- (2) Nothing in this Act shall relieve the Company or any other authority body or person from any liability for any damage which the board may sustain by reason or in consequence of any injury caused to their apparatus by reason of the working of trolley vehicles under the powers of this Act:

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(3) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the board :

(4) Any dispute or difference which may arise between the Company and the board or the engineer to the Company and the engineer of the board touching any of the matters referred to in this section or concerning any plans sections or descriptions to be delivered to the board thereunder shall unless otherwise agreed be determined by an engineer to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Yorkshire Electric Power Company.

33. Nothing in this Act shall extend to or authorise any interference with any works of the Yorkshire Electric Power Company to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and the provisions of that section shall be deemed to extend to and include any electric lines or works of the said power company constructed or placed upon or above the level of the ground.

SUPPLY OF ELECTRICAL ENERGY.

Supply of electrical energy.

34. The Company may use any generating station constructed under the Act of 1902 for the purpose of generating and supplying electrical energy for working the trolley vehicles by electrical power.

Agreements for supply of electrical energy.

35. The Company on the one hand and any local authority company or person authorised by Act or Order to supply electrical energy in any area in which the trolley vehicle routes or any of them are or will be situate on the other hand may from time to time enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say):—

- (1) The supply to the Company by any such local authority company or person of electrical energy for working or lighting the trolley vehicles upon the whole or any part of the trolley vehicle routes or otherwise in connection with such trolley vehicles: A.D. 1913.
- (2) The payments to be made or other consideration to be given in respect of any such supply of energy:

Provided that no electrical energy shall be supplied under this section by any local authority company or person outside the authorised area of supply of such local authority company or person within any part of the area of supply of the Yorkshire Electric Power Company without the consent in writing of such last-mentioned company.

CAPITAL.

36. The Company may apply towards any of the purposes of this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised. Company may apply their funds.

37. The Company may from time to time borrow on mortgage of the undertaking authorised by the Acts of 1902 and 1905 and the undertaking authorised by this Act any sum or sums not exceeding in the whole fifteen thousand pounds in addition to the sums which by section 51 of the Act of 1902 the Company were authorised to borrow on mortgage of the undertaking authorised by that Act. Power to borrow.

38. All moneys to be borrowed on mortgage under the Acts of 1902 or 1905 or this or any subsequent Act shall rank equally and from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and upon all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into by them. But nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of the Act of 1902 or this Act or injuriously affected by the construction of the tramways or street works or by the exercise of any of the powers conferred upon the Company. Moneys borrowed on mortgage to rank equally and to have priority.

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Appoint-
ment of
receiver.

39. Section 16 of the Act of 1905 shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than fifteen thousand pounds in the whole.

MISCELLANEOUS.

Power to
provide
vehicles and
equipment.

40. The Company may manufacture purchase provide and hire trolley vehicles trolley vehicle equipment repairing and other cars and all other apparatus and things which may be necessary for or incidental to the working of trolley vehicles and the exercise of the powers conferred upon the Company by this Act.

Power to
hold patent
rights.

41. The Company may acquire and hold patent and other rights and licences (not being exclusive) in relation to the manufacture of trolley vehicles and trolley vehicle equipment and the use of electrical power for the purposes of this Act.

Penalty for
malicious
damage.

42. If any person wilfully does or causes to be done with respect to any trolley vehicle equipment of the Company anything which is calculated to obstruct or interfere with the working of their trolley vehicles or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Recovery of
demands.

43. 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

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otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1913.

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

45. 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. Consents of local and road authorities.

46. With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect (namely):— Form and delivery of notices.

(1) Every notice shall be in writing and if given by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk :

(2) Any notice to be delivered by or to the Company or to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company as the case may be or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company as the case may be may from time to time by notice to the other request that such notices may be sent or delivered.

47. Nothing in this Act contained shall exempt the Company or the undertaking from the provisions of any general Act relating to trolley vehicles passed after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates fares or charges authorised by this Act. Provision as to general Trolley Vehicle Acts.

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Purchase of
undertaking.

48. The local authorities in whose districts the trolley vehicle routes are situate shall have the same rights of purchasing the undertaking as they have of purchasing the undertaking authorised by the Act of 1902 under section 73 of that Act as if the undertaking had been authorised by that Act.

Costs of Act.

49. 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.

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