

[42 & 43 VICT.] *Great Grimsby Street Tramways* [Ch. cxxvii.]  
Act, 1879.



### CHAPTER cxxvii.

An Act to incorporate the Great Grimsby Street Tramways Company; to authorise them to construct Tramways in the parishes of Great Grimsby and Clee, in the county of Lincoln; and for other purposes. [21st July 1879.] A.D. 1879.

**W**HEREAS the construction of tramways in certain streets and roads in the parishes of Great Grimsby and Clee, in the county of Lincoln, would be of local and public advantage :

And whereas the persons herein-after named, with others, are willing at their own expense, if incorporated by Parliament, to construct the several tramways in this Act described :

And whereas plans and sections showing the situation, lines, and levels of the tramways authorised by this Act, with a book of reference to the plans, have been duly deposited with the clerk of the peace for the county of Lincoln, and are herein-after referred to as the deposited plans, sections, and book of reference :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

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

1. This Act may be cited as the Great Grimsby Street Tramways Act, 1879. Short title.

2. The Companies Clauses Consolidation Act, 1845, and Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking), 1860, and 1869, and section 3 (interpretation of terms), section 19 (local

[Local.-127.]

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Incorporation of general Acts.  
8 & 9 Vict. c. 16.  
26 & 27 Vict. c. 118.  
8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.  
32 & 33 Vict. c. 18.

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A.D. 1879. authority may lease or take tolls), and Part II. (construction of tramways), and Part III. (general provisions) of the Tramways Act, 1870, are (except where expressly varied by this Act) incorporated with and form part of this Act.

33 & 34 Vict.  
c. 78.

Interpreta-  
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The word "contingencies" in the Companies Clauses Consolidation Act, 1845, section 122, shall, with reference to the Company, be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act, 1870, section 43, at a sum less than the aggregate amount of the capital and debts of the Company.

Company  
incorporated.

4. George Richardson, John Humphreys, Alfred Lucas Henry, Barrow Emanuel, Joseph Barber Glenn, Rowland Stanley Maclaren, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their respective executors, administrators, successors, and assigns, shall be and are hereby united into a company for the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the Great Grimsby Street Tramways Company, and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to  
make tram-  
ways.

5. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

- (1.) A tramway (No. 1) (single line), two miles four furlongs four chains and fifty links in length, commencing in the parish of Great Grimsby, in the county of Lincoln, at a point in the road or street called Bar-gate about fifteen yards south of the junction of Welholme Road with Bar-gate, passing thence in a northerly direction through and along Bar-gate and into and along Deans-gate, Church Lane, High Street, Flotter-gate, Victoria Street, and Cleethorpe Road, and terminating in the last-mentioned road in the parish of Clee in the said county, at a point about

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fifty feet south-east of the south-west corner of the Clee Tavern. A.D. 1879.

(2.) A tramway (No. 2) (single line), one furlong and six chains in length, wholly in the parish of Great Grimsby aforesaid, commencing in High Street at a point opposite or nearly opposite the north-west corner of the White Hart Inn, and passing thence into and along Bethlehem Street on the south-east side of the Market Place and East Saint Mary's-gate and into Victoria Street, and terminating in the last-mentioned street by a junction with Tramway No. 1 at the point about fifteen yards east of the junction of East Saint Mary's-gate with Victoria Street.

(3.) A tramway (No. 3) (single line), one mile three chains and fifty links in length, commencing in the parish of Great Grimsby aforesaid by a junction with Tramway No. 1 at a point in Cleethorpe Road about sixty feet west of the junction of Freeman Street with that road, and thence curving in a south-easterly direction into and along Freeman Street (across Heneage Square) and Hainton Street, and terminating in the last-mentioned street in the township or hamlet of Wellow, otherwise Wellow Weelsby, in the parish of Clee aforesaid, at a point about one hundred and thirty feet south of the junction of Tasburg Street with Hainton Street.

(4 to 25.) Tramways or passing-places (single lines respectively), commencing and terminating respectively by junctions with Tramway No. 1, their respective points of commencement and termination being as follows :

(4.) A tramway or passing-place (No. 4), three chains in length, commencing at a point about five yards south of the junction of Welholme Road with Bar-gate, and terminating at a point three chains north of that point of commencement.

(5.) A tramway or passing-place (No. 5), three chains in length, commencing and terminating at points respectively about eighty feet south and one hundred and twenty feet north of the junction of Abbey Road with Bar-gate.

(6.) A tramway or passing-place (No. 6), three chains in length, commencing at a point opposite or nearly opposite the north-east corner of Westport House, and terminating at a point about three chains north of that point of commencement. The tramways Nos. 4, 5, and 6 will be wholly situate in Bar-gate.

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- (7.) A tramway or passing-place (No. 7), three chains in length, commencing in Bar-gate at a point opposite or nearly opposite the south-west corner of St. James' House, and terminating in Deans-gate at a point about three chains north-east of that point of commencement.
- (8.) A tramway or passing-place (No. 8), sixty yards in length, commencing in Deans-gate at a point about forty yards south-west of the junction of Church Lane with Deans-gate, and terminating in Church Lane at a point about twenty yards east of the same junction.
- (9.) A tramway or passing-place (No. 9), two and a half chains in length, in High Street (north-west side of the Market Place), commencing and terminating at points respectively eighty feet and two hundred and forty-five feet northward from the junction of Wellow-gate with High Street.
- (10.) A tramway or passing-place (No. 10), two and a half chains in length, commencing in High Street at a point about one hundred feet south of the junction of Bull Ring Lane with High Street, and terminating in Flotter-gate at a point about fifty feet north of the same junction.
- (11.) A tramway or passing-place (No. 11), three chains in length, commencing and terminating at points respectively about one hundred feet west and ninety-eight feet east of the junction of West Saint Mary's-gate with Victoria Street.
- (12.) A tramway or passing-place (No. 12), three chains in length, commencing and terminating at points respectively about one hundred feet south-west and ninety-eight feet north-east of the entrance gate of the court-yard in front of the Lincoln Bank.
- (13.) A tramway or passing-place (No. 13), three chains in length, commencing and terminating at points respectively about ninety feet in a direct line south-west and one hundred and twelve feet north-east of the junction of Pasture Street with Victoria Street.
- (14.) A tramway or passing-place (No. 14), three chains in length, commencing and terminating at points respectively about one hundred feet south and ninety-eight feet north of the junction of Upper Spring Street with Victoria Street.
- (15.) A tramway or passing-place (No. 15), three chains in length, commencing and terminating at points respectively about sixty feet and two hundred and fifty-eight feet north of the junction of Grime Street with Victoria Street.

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- (16.) A tramway or passing-place (No. 16), three chains in length, commencing and terminating at points respectively about ninety-nine feet south and ninety-nine feet north of the junction of Lower Staith with Victoria Street. A.D. 1879.

The tramways or passing-places Nos. 11 to 16 (both inclusive) will be wholly situate in Victoria Street.

- (17.) A tramway or passing-place (No. 17), four chains in length, commencing in Victoria Street at a point opposite or nearly opposite the south-west corner of the Mariner's Tavern, and terminating in Cleethorpe Road at a point about thirty feet west of the junction of Burgess Street with that road.

- (18.) A tramway or passing-place (No. 18), two and a half chains in length, commencing and terminating at points respectively about eighty feet west and eighty-five feet east of a point in the centre line of Cleethorpe Road opposite the main entrance door to the Royal Hotel.

- (19.) A tramway or passing-place (No. 19), two and a half chains in length, commencing and terminating at points respectively about sixty-five feet west and one hundred feet east of a point in the centre line of Cleethorpe Road opposite the north-east corner of the Coach and Horses public-house.

- (20.) A tramway or passing-place (No. 20), three chains in length, commencing and terminating at points respectively about twenty feet west and one hundred and seventy-eight feet east of the junction of Freeman Street with Cleethorpe Road.

- (21.) A tramway or passing-place (No. 21), three chains in length, commencing and terminating at points respectively about one hundred feet north-west and ninety-eight feet south-east of the junction of Bridge Street with Cleethorpe Road.

The tramways or passing-places Nos. 4 to 21 (both inclusive) will be wholly situate in the parish of Great Grimsby aforesaid.

- (22.) A tramway or passing-place (No. 22), three chains in length, commencing and terminating at points respectively about ninety-five feet west and one hundred and three feet east of the junction of Trinity Street with Cleethorpe Road.

- (23.) A tramway or passing-place (No. 23), three chains in length, commencing and terminating at points respectively about ninety-nine feet north-west and ninety-nine feet south-east of the intersection of Weelsby Street with Cleethorpe Road.

- (24.) A tramway or passing-place (No. 24), three chains in length, commencing and terminating at points respectively about

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eighty feet north-west and one hundred and eighteen feet south-east of a point in the centre line of Cleethorpe Road opposite the north-eastern angle of St. John's Church.

- (25.) A tramway or passing-place (No. 25), three chains in length, commencing and terminating at points respectively about two hundred and thirty-two feet and thirty-four feet north-west of the point of termination as above described of Tramway No. 1.

The tramways or passing-places Nos. 18 to 25 (both inclusive) will be wholly situate in Cleethorpe Road.

The tramways or passing-places Nos. 22, 23, 24, and 25 will be wholly situate in the parish of Clee aforesaid.

- (26.) A tramway or passing-place (No. 26) (single line), three chains in length, in Bethlehem Street (on the south-east side of the Market Place), commencing and terminating by junctions with Tramway No. 2, its point of commencement being about forty feet north-east of the north-eastern corner of the White Hart Inn, and its point of termination being about thirty feet northward of the north-west corner of the Yarboro' Tap.

- (27.) A tramway or passing-place (No. 27) (single line), two chains in length, commencing and terminating by junctions with Tramway No. 2, the point of commencement being in Bethlehem Street, about twelve feet east of the junction therewith of Garden Street, and the point of termination being in East Saint Mary's-gate, about eighty feet north-west of the junction therewith of Osborne Street.

The tramways or passing-places Nos. 26 and 27 will be wholly situate in the parish of Great Grimsby aforesaid.

- (28.) A tramway or passing-place (No. 28) (single line), one and a half chains in length, wholly in the parish of Great Grimsby aforesaid, commencing by a junction with Tramway No. 1 in Cleethorpe Road at a point about fifty feet east of the junction therewith of Freeman Street, and terminating by a junction with Tramway No. 3 in Freeman Street at a point about seventy-five feet south of the same junction.

(29 to 35.) Tramways or passing-places (single lines respectively), commencing and terminating respectively by junctions with Tramway No. 3, their respective points of commencement and termination being as follows:

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- (29.) A tramway or passing-place (No. 29), three chains in length, commencing and terminating at points respectively about ninety-nine feet north and ninety-nine feet south of the intersection of Church Street with Freeman Street. A.D. 1879.
- (30.) A tramway or passing-place (No. 30), three chains in length, commencing and terminating at points respectively about ninety-nine feet north and ninety-nine feet south of the intersection of Garibaldi Street with Freeman Street.
- (31.) A tramway or passing-place (No. 31), three chains in length, commencing and terminating at points respectively about ninety-nine feet north and ninety-nine feet south of the intersection of Wood Street with Freeman Street.

The tramways or passing-places Nos. 29, 30, and 31 will be wholly situate in Freeman Street and in the parish of Great Grimsby aforesaid.

- (32.) A tramway or passing-place (No. 32), three chains in length, commencing in the parish of Great Grimsby aforesaid in Freeman Street, at a point about ninety-nine feet north of the centre of Heneage Square, and terminating in the township or hamlet of Wellow, otherwise Wellow Weelsby in the parish of Clee aforesaid, at a point about ninety-nine feet south of the centre of Heneage Square.
- (33.) A tramway or passing-place (No. 33), three chains in length, commencing and terminating at points respectively about ninety-nine feet north and ninety-nine feet south of the intersection of Sixhills Street with Hainton Street.
- (34.) A tramway or passing-place (No. 34), three chains in length, commencing and terminating at points respectively about ninety-nine feet north and ninety-nine feet south of the junction of Catherine Street with Hainton Street.
- (35.) A tramway or passing-place (No. 35), three chains in length, commencing and terminating at points respectively about ninety-nine feet north and ninety-nine feet south of the junction of Tasburg Street with Hainton Street.

The tramways or passing-places Nos. 33, 34, and 35 will be wholly situate in Hainton Street and in the parish of Clee aforesaid.

6. Wherever any of the tramways by this Act authorised shall cross under or over any railway, sidings, or works of the Manchester, Sheffield, and Lincolnshire Railway Company (in this section called "the Sheffield Company"), the following provisions shall apply:

- (1.) The Company shall not, without the consent of the Sheffield Company under their common seal first obtained, lay down and construct more than a single line of tramway over so

For the protection of the Manchester, Sheffield, and Lincolnshire Railway Company.

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much of the public street or highway in Grimsby as is crossed on the level by the railway of the Sheffield Company, and such last-mentioned tramway shall be laid down and constructed according to plans and specifications to be reasonably approved by and under the superintendence and to the satisfaction of the principal engineer for the time being of the Sheffield Company, and in all cases at the expense of the Company, by such means only as shall not interfere with the free, uninterrupted, and safe user of the railway, or the working, conduct, or passage of the traffic thereon.

- (2.) Wherever any of the tramways by this Act authorised shall be constructed over any bridge across any railway or work of the Sheffield Company, the Company shall not in any way alter or interfere with the structure of such bridge or the approaches thereto, and they shall so construct and maintain such tramways as not to injuriously affect such bridge or the approaches thereto; and in the event of any injury being occasioned to such bridge or the approaches thereto, or any part or parts thereof respectively, by the construction of the said tramways in or over the same (whether such injury occur either during or after such construction or in maintaining the said tramways), the Sheffield Company may, at the expense of the Company, restore such bridge and approaches, or any 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 recoup the Sheffield Company all costs and expenses which they may pay or be put to in maintaining or repairing so much of the road to any such bridge or approaches as the Company are liable to maintain and repair under the 28th section of the Tramways Act, 1870, and the Sheffield Company may recover from the Company all such costs and expenses as are in this sub-section mentioned, as if the same had been a simple contract debt.
- (3.) The Company shall on demand pay to the Sheffield Company all reasonable expenses of the employment by that company, during the construction of any of the works by this Act authorised affecting their railway, of a sufficient number of inspectors and watchmen to be appointed by that company for watching their railway and the works thereof with reference to and during the execution of such works, and for preventing, as far as may be, all interference, danger,



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and accident 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. A.D. 1879.

- (4.) The Company shall be responsible for and make good to the Sheffield Company all costs, losses, damages, and expenses from time to time occasioned to that company or to any of their works and property or to the traffic on their railways, or to any company or person using the same respectively or otherwise, by reason of the execution or failure of any of the works of the Company or incidental thereto, or by any act or omission of the Company or any of the persons in their employment or their contractors or others, and the Company shall effectually indemnify and hold harmless the Sheffield Company from all claims and demands upon or against them by reason of any such execution or failure or of any such act or omission as aforesaid.
- (5.) If any difference shall arise between the respective engineers of the Company and the Sheffield Company as to the reasonableness of any plans and specifications, such difference shall be referred to and determined by an engineer to be mutually nominated by such respective engineers, or, failing agreement, to be appointed by the President of the Institution of Civil Engineers, on the application of either the Company or the Sheffield Company.
- (6.) Nothing in this Act contained shall extend to prejudice, alter, or take away any of the rights, privileges, or powers of the Sheffield Company otherwise than is herein expressly provided.

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

8. Whereas, pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of nine hundred and ninety-three pounds nine shillings and threepence three pounds per centum consolidated bank annuities, being equal, at the price at which the same were purchased, to five per centum upon the amount of the estimate in respect of the tramways, has been transferred into the Chancery Division of the High Court of Justice in Deposit money not to be repaid until tramways opened.

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England in respect of the application to Parliament for this Act (which stock is referred to in this Act as the deposit fund): Be it enacted, that, notwithstanding anything contained in the said Act, the deposit fund shall not be 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; 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 hereby authorised, the Court shall, on the application of the depositors, order the portion of the deposit fund specified in the certificate to be transferred to them, or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit  
fund.

9. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete and open the same 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, 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 tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found

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sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be transferred to or for the account of Her Majesty's Exchequer, in such manner as the Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the deposit fund has been re-transferred to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

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10. Every tramway of the Company shall consist of a single pair of iron or steel rails laid and maintained in such manner as to be on a level with the surface of the street, and shall be constructed on the gauge of four feet eight and a half inches.

Mode of formation of tramways.

11. During the construction of any works by this Act authorised in any road in any district the Company shall make such arrangements in relation to the execution of such works as may in the opinion of the road authority of such district be proper for preventing the traffic along such road from being unnecessarily impeded.

Traffic in roads not to be impeded.

12. In addition to the requirements of section twenty-six 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, or renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, or renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as

Further provisions as to construction of tramways.

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A.D. 1879. — provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

As to rails of tramways. **13.** The rails of the tramways shall be such as the Board of Trade may approve.

Company may be required to use improved form of rail. **14.** The Board of Trade may from time to time, upon the application of the local authority or road authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Passing-places to be constructed where less than a certain width left between footway and tramway. **15.** 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 and six inches, the Company shall and they are hereby required to construct a passing place or places connecting the one tramway with the other, and by the means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

Inspection by Board of Trade. **16.** The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways to be kept level with surface of road. **17.** If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of any tramway of the Company is laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Penalty for not maintaining rails and road in good condition. **18.** The Company shall at all times maintain and keep in good condition and repair the rails of which any of the tramways for the time being consist and the substructure upon which the same rest, and if the Company at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said

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Act is provided. 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 situate, 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 twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report, certified by a secretary or an assistant secretary of the Board of Trade, may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

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19. Every sewer 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 sewer authority as if the same were a pipe for the supply of gas or water.

Sewer authorities to have access to sewers.

20. The Company may, subject to the provisions of this Act, with the consent of the local authority and road authority, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, stables, or carriage houses or works of the Company; provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road, if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Company, express their objection thereto.

Power to make additional crossings, &c.

21. Any paving, metalling, or material excavated by the Company in the construction of the undertaking 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 reinstating of the road and the maintenance for six months after completion

Application of road materials excavated in construction of works.

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A.D. 1879. — 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 twenty-eight 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 for the time being 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 or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to difference as between the promoters and any road authority.

Capital. **22.** The capital of the Company shall be thirty-five thousand pounds in three thousand five hundred shares of ten pounds each.

Shares not to issue until one fifth paid. **23.** The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls. **24.** One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris. **25.** If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares. **26.** Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred

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“ half share,” but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share. A.D. 1879.

**27.** The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided. Dividends on half shares.

**28.** Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company. Dividends on preferred shares to be paid out of the profits of the year only.

**29.** Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it. Half shares to be registered and certificate issued.

**30.** The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share. Terms of issue to be stated on certificates

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Forfeiture  
of preferred  
shares.

**31.** The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon, with interest.

Preferred  
shares not to be  
cancelled or  
surrendered.

Half shares  
to be half  
shares in  
capital.

**32.** No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

**33.** The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to  
borrow on  
mortgage.

**34.** The Company may from time to time borrow on mortgage any sum not exceeding in the whole eight thousand seven hundred and fifty pounds, but no part thereof shall be borrowed until the whole capital of thirty-five thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide* and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Money bor-  
rowed on

**35.** All moneys borrowed or to be borrowed on mortgage under this Act or any other Act empowering the Company to borrow



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money on mortgage, from the time when the same shall be advanced, and the interest for the time being due thereon, shall have priority against the Company, and all the property from time to time of the Company, over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them, but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

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 mortgage to have priority.

36. 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 one thousand pounds in the whole.

Appoint-  
 ment of re-  
 ceiver.

37. The Company shall not create debenture stock.

Company not to  
 create debenture  
 stock.

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

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

39. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramway in the event of its being purchased by the local authority under the 43rd section of the Tramways Act, 1870.

Indorsement of  
 notice of power  
 of future pur-  
 chase by the  
 local authority.

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

Application  
 of moneys.

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

First ordi-  
 nary meet-  
 ing.

42. The number of directors shall be six, but the Company may from time to time reduce the number, provided that the number be not less than three.

Number of  
 directors.

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

Qualification  
 of directors.

44. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three the quorum shall be two.

Quorum.

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First directors.

Election of directors.

45. George Richardson, John Humphreys, Alfred Lucas Henry, Barrow Emanuel, Joseph Barber Glenn, and Rowland Stanley Maclaren shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Power to purchase lands, &c. by agreement.

46. The Company may from time to time purchase, but only by agreement, any lands not exceeding in the whole three acres which they may require for any of the purposes of their undertaking.

Tolls for passengers.

47. The Company may demand and take for every passenger travelling upon the tramways, or any part or parts thereof, including tolls for the use of the tramways and of carriages and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile, and in computing the said tolls and charges 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 threepence.

Passengers luggage.

48. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof.

Company not to carry animals and goods.

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

Small parcels.

50. The Company may demand and take for every parcel conveyed by them on the tramways any sums not exceeding the following:

For every parcel not exceeding seven pounds in weight, threepence;

For every parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence ; A.D. 1879.

For every parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence ;

For every parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence.

51. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient, for artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny) ; provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages, the Board shall have power to fix and regulate the same from time to time.

Cheap fares  
for labouring  
classes.

52. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870 ; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section : Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Periodical  
revision of  
tolls.

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Company  
not exempt  
from pro-  
visions of  
present or  
future gene-  
ral Tram-  
way Acts.  
Expenses of  
Act.

53. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act.

54. 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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LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1879.