



CHAPTER ci.

An Act to authorise the construction of Tramways in the Borough of Northampton and adjacent places; and for other purposes. A.D. 1880.
[2nd August 1880.]

WHEREAS the construction of tramways in the borough of Northampton and places adjacent thereto, in the county of Northampton, would be attended with public and local advantage :

And whereas the persons herein-after named, with others, are willing at their own expense to make the said tramways, and it is expedient that the powers herein-after contained should be conferred upon them for that purpose :

And whereas plans and sections showing the lines and levels of the tramways have been deposited with the clerk of the peace for the county of Northampton, and are herein-after referred to respectively as the deposited plans and sections :

And whereas the objects aforesaid 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited for all purposes as the Northampton Street Tramways Act, 1880.

2. The following Acts and parts of Acts ; (that is to say,) The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869 ;

Incorporation of general Acts.

8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

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A.D. 1880. agreement, and with respect to the entry on lands by the promoters of the undertaking ;

33 & 34 Vict.
c. 78. Section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870 ;

are (except where they are expressly varied by or are inconsistent with the provisions of this Act) incorporated with and form part of this Act.

Interpreta-
tion of terms.

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

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

The expression "the tramways" and "the undertaking" mean respectively the tramways and undertaking by this Act authorised :

The expression "the borough" means the borough of Northampton :

The expression "the corporation" means the mayor, aldermen, and burgesses of the borough acting by their council :

The expressions "the town clerk" and "the surveyor" respectively mean the town clerk and the surveyor for the time being of the borough :

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

The word "contingencies" in section 122 of the Companies Clauses Consolidation Act, 1845, shall, with reference to the Company, be construed to include the contingency of the undertaking being sold to the local authority, under section 43 of the Tramways Act, 1870, at a sum less than the aggregate amount of the capital and debts of the Company.

Incorporation of
Company.

4. Jabez Spencer Balfour, Ferdinand Albert Purcell, M.D., Joseph Fyfe Meston, Henry Samuel Freeman, John Pelton, David Buck Miller, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns

respectively, shall be united into a company for the purpose of making and maintaining the tramways and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Northampton 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, and their undertaking shall be called "The Northampton Street Tramways."

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5. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain, in the lines and according to the levels shown on the deposited plans and sections and in accordance with those plans and sections, the tramways hereinafter described, with all proper rails, plates, offices, weighbridges, weighing machines, stables, carriage houses, sheds, buildings, warehouses, works, and conveniences connected therewith or for the purposes thereof.

Power to
make tram-
ways.

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

A Tramway (No. 1), 4 furlongs and 6·75 chains in length, commencing in the parish of Hardingstone, in the county of Northampton, at a point 30 yards or thereabouts south of the entrance gateway to the London and North-western Railway Station at Northampton, passing thence in a northerly direction along the London Road, the bridge over the River Nene, and Bridge Street, and terminating in the parish of All Saints, in the borough of Northampton, at the junction of Bridge Street with Gold Street:

A Tramway (No. 2), 6 furlongs and 6·6 chains in length, commencing in the said parish of All Saints, at the point of termination of Tramway (No. 1), passing thence in a northerly direction along the Drapery, the western end of the Parade, Sheep Street, Regent Square, Royal Terrace, and Barrack Road, and terminating in the parish of St. Sepulchre, in the said borough, at a point about twenty yards to the north of the junction of Barrack Road with St. George's Terrace:

A Tramway (No. 3), 7 furlongs and 3 chains in length, commencing in the parishes of Duston and Dallington, in the county of Northampton, or one of them, at a point in the High Street thirty-five yards or thereabouts north of the junction of that street with the road to Weedon, thence passing in a south-easterly direction along High Street, West Bridge,

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Black Lion Hill, Mare Fair, and Gold Street, and terminating in the said parish of All Saints by a junction with Tramway (No. 1) at the termination of that tramway :

A Tramway (No. 4), 1 mile 2 furlongs and 1 chain in length, commencing in the said parish of All Saints at the junction of Mercers Row with the Drapery, passing thence in a north-easterly direction along Mercers Row, Abington Street, Abington Square, and Kettering Road, and terminating in the parish of St. Giles, in the said borough, at a point in the Kettering Road about twelve yards, measured south, from the junction of that road with the road leading to Kingsthorpe :

A Tramway (No. 5), 4 furlongs and 8 chains in length, commencing in the said parish of St. Giles by a junction with Tramway (No. 4) at the junction of the Kettering Road with the Wellingborough Road, passing thence in an easterly direction along the Wellingborough Road, and terminating in the said parish of St. Giles at the junction of the Wellingborough Road with East Street :

A Tramway (No. 6), 6 furlongs and 7·7 chains in length, commencing in the said parish of All Saints at a point in Tramway (No. 4) about six yards, measured in a north-easterly direction, from the north-east corner of All Saints' Churchyard, passing thence in a southerly direction along Wood Hill, St. Giles Square, St. Giles Street, Spencer Parade, and the Billing Road, and terminating in the said parish of St. Giles at a point about five yards, measured east, from the junction of the Billing Road with Upper Thrift Street :

A Tramway (No. 7), 9·5 chains in length, commencing by a junction with Tramway (No. 2), in the said parish of All Saints, at the junction of the Drapery with the Parade, passing thence in an easterly direction along the Parade, and thence along the north and east sides of Market Square, and terminating in the same parish by a junction with Tramway (No. 4) at a point about five yards, measured in a southerly direction, from the south-east corner of Market Square.

Tramways or passing-places commencing and terminating by junctions with Tramway (No. 2), as follows :

(No. 2a), 4 chains in length, commencing at a point about ten yards, measured north, from the commencement of Tramway (No. 4), and terminating at a point about one hundred yards, measured north, from such commencement :

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(No. 2b), 1·4 chains in length, commencing at a point in Regent Square about forty yards, measured north, from the point where a line passing along the centre of Regent Street would intersect Tramway (No. 2), and terminating about thirty yards, measured north, from such commencement:

(No. 2c), 1·4 chains in length, commencing at a point in the Barrack Road about five yards, measured north, from the centre of the entrance to the Race Course, and terminating at a point about thirty yards, measured north, from such commencement.

Tramways or passing-places commencing and terminating by junctions with the proposed Tramway (No. 3) as follows:

(No. 3a), 1·4 chains in length, commencing at a point in High Street about ten yards, measured south-east, from the commencement of Tramway (No. 3), and terminating at a point about forty yards, measured south-east, from the last-mentioned commencement.

Tramways or passing-places commencing and terminating by junctions with the proposed Tramway (No. 4), as follows:

(No. 4a), 1·4 chains in length, commencing at a point in Abington Street about thirty yards, measured west, from the junction of that street with St. Giles Terrace, and terminating at the said junction:

(No. 4b), 1·4 chains in length, commencing in the Kettering Road at a point about thirty-five yards, measured south, from the junction of that road with Dover Street, and terminating about five yards, measured south, from such junction:

(No. 4c), 1·4 chains in length, commencing at a point in the Kettering Road about fifty yards, measured north-east, from the junction of that road with Hood Street, and terminating at a point about eighty yards from such junction:

A Tramway or passing-place (No. 5a), 1·4 chains in length, commencing by a junction with Tramway (No. 5) in Wellingborough Road at the junction of that road with Vernon Street, and terminating by a junction with Tramway (No. 5) at a point about thirty yards, measured east, from the said junction of Wellingborough Road and Vernon Street.

Tramways or passing-places commencing and terminating by junctions with the proposed Tramway (No. 6), as follows:

(No. 6a), 1·4 chains in length, commencing at a point in Spencer Parade about fifteen yards, measured west, from the junction of that Parade with York Street, and terminating at a point in

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the Billing Road about fifteen yards, measured east, from such junction :

(No. 6b), 1·13 chains in length, commencing at a point in the Billing Road about twenty-five yards, measured west, from the termination of Tramway (No. 6), and terminating in the Billing Road at a point about five yards, measured east, from the junction of that road with Upper Thrift Street.

Gauge of tramways.

6. The tramways will be laid on a gauge of three feet six inches, and will consist of single lines of rails, except so much of Tramway (No. 1) as will be made between the junction of Bridge Street with the Cattle Market Road and the junction of Bridge Street with the road leading to the Midland Railway Station, between which points that tramway will be laid as a double line.

Railway carriages not to be used.

7. The Company shall not use upon the tramways carriages or trucks constructed for use upon railways.

Protection of London and North-western Railway Company.

8. In constructing the Tramway (No. 3) across the Northampton and Market Harborough Railway of the London and North-western Railway Company, the Company shall not alter or interfere with the structure of the bridge known as the West Bridge over that railway, or of the approaches thereto, and they shall so construct and maintain that tramway as not to injuriously affect the stability of the said bridge and approaches; and in the event of any injury being occasioned to the said bridge or approaches or any part or parts thereof by the construction of that tramway on or over the same, whether such injury shall occur either during or after the construction or in effecting the maintenance of that tramway, or in or by the working or user thereof, that company may at the expense of the Company restore the said bridge and approaches, or the part or parts thereof which may be injured, to as good a state and condition as they respectively were in before such injury was occasioned, and the Company shall recoup to and indemnify that company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the road over the said bridge and approaches as the Company are liable to maintain and repair under the 28th section of the Tramways Act, 1870, and that company may recover from the Company all such sums, costs, and expenses, as also any their expenditure in restoring the said bridge and approaches as aforesaid, together with full costs, by all and the same means as any simple contract debt is recoverable.

Capital.

9. The capital of the Company shall be fifty thousand pounds in five thousand shares of ten pounds each.

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

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Shares not
to issue until
one-fifth part
thereof paid
up.

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

Calls.

12. 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.

Receipt in
case of in-
capacitated
persons.

13. 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 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.

Power to
divide shares.

14. 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.

15. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it

Dividend on
preferred
shares to be

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paid out of
the profits of
year only.

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.

Half shares
to be regis-
tered and
certificates
issued.

16. 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.

Terms of
issue to be
stated on
certificates.

17. 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.

Forfeiture of
preferred
shares.

18. 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,
&c.

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

Half shares
to be half
shares in
capital.

20. 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.

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

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Power to
borrow on
mortgage.

22. 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 two hundred pounds in the whole.

Appointment
of receiver.

23. 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.

24. 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
local
authority.

25. All moneys to be borrowed on mortgage under this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of

Priority of
mortgages.

- A.D. 1880. — any debts incurred or to be incurred, or engagements entered into or to be entered into, by them.
- Debenture stock. **26.** The Company shall not create debenture stock.
- Application of moneys. **27.** All moneys raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act only.
- First and subsequent ordinary meetings. **28.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of January and July in every year.
- Quorum for general meetings. **29.** The quorum for general meetings of the Company shall be eight shareholders present in person or by proxy holding in the aggregate not less than two thousand pounds in the capital of the Company.
- Number of directors. **30.** The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.
- Qualification of directors. **31.** The qualification of a director shall be the possession in his own right of not less than forty shares.
- Quorum. **32.** The quorum for a meeting of directors shall be three whilst their number is five, and two when their number is less than five.
- First directors. **33.** Jabez Spencer Balfour, Ferdinand Albert Purcell, M.D., Henry Samuel Freeman, John Pelton, and David Buck Miller shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or named as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or named as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then returning from office, agreeably to the provisions in the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.
- Election of directors.

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

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Period for completion of works.

35. Whereas, pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand one hundred and eight pounds three per cent. 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 respect of the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund"): Be it enacted, that, notwithstanding anything contained in the said 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 tramways for the public conveyance of passengers: Provided that if within the said period the Company open any portion of the tramways for the public conveyance of passengers, then, on production of the certificate of the Board of Trade specifying the length of the portions of the tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways, the Chancery Division shall, on the application of the depositors, order the said portion of the deposit fund so specified in such certificate to be transferred to them, or as they shall direct, and the certificate of the Board of Trade shall, if signed by the Secretary or by an Assistant Secretary of that Board, be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

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

36. If the Company do not previously to the expiration of the period limited by this Act for the completion of the tramways open them for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been

Application of deposit.

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transferred to the depositors as aforesaid, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways, or any portion thereof, and also in compensating the road authority for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authority, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Chancery Division may seem fit; and if no such compensation shall be payable, or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and shall accordingly be 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 to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the 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 shall have been re-transferred to the depositors, or shall have become otherwise applicable as hereinbefore 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.

Purchase of
lands by
agreement.

37. The Company may from time to time purchase and acquire by agreement for the purposes of their undertaking such lands as they may require, not exceeding five acres.

Mode of
construc-
tion of
tramways.

38. Every tramway to be made, formed, or laid down under the powers of this Act shall be constructed with two rails, and in such manner that the groove of the rail shall in no case exceed one inch and a quarter in width: Provided always, that so much of section 34 of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

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

40. If and whenever the road authority alter the level of any road along or across which any or any part of the tramway is laid or authorised to be 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. Tramways always to be kept on level of surface of road.

41. The Board of Trade may from time to time, upon the application of the 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 such improvements. Company to adopt improvements if required by Board of Trade.

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

43. In addition to the requirements of section 26 of the Tramways Act, 1870, the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, 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 provided by section 26 of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act. Further provisions as to construction of tramways.

44. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways and the substructure Penalty for not maintaining rails in proper order.

A.D. 1880. — upon which the same rest, and if the Company at any time fail to comply with this provision or with any provisions of section 28 of the Tramways Act, 1870, they shall 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 on which such failure continues, and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority 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 28 of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report, certified by a Secretary or an Assistant Secretary of the Board of Trade, may be adduced as evidence of such default, and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Application
of road
materials
excavated in
construction
of tramways.

45. Any paving, metalling, or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of the 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 of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are required to maintain, and the Company shall, if so required, deliver the surplus paving, metalling, or material not used at the expiration of such period of six months 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 expiration of such period of six months, and after notice given by the Company to that effect, the surplus thereof as aforesaid is not removed by the said 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 differences between the Company and any road authority. A.D. 1880.

46. The control over and duty of cleansing the surface of every road in which any tramway is laid shall continue in the road authority, who may cleanse the same without reference to the tramways, but whatever cleansing, owing to snow or other matters impeding the traffic, shall be requisite for the proper working of the tramways shall be executed by the Company, who shall in performing the same remove the snow or other matter to such other part of the road and at such times as the road authority or their surveyor may direct. Cleansing of roads.

47. 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 any of them, 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 the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the Company express his objection thereto: Provided always, that no such crossing, passing-place, siding, junction, or other work shall be made, laid down, or constructed in front of or opposite to any road or place being the property of and forming the immediate approach or entrance to any station of the London and North-western Railway Company without their consent in writing under their common seal being first obtained. Power to make additional crossings.

48. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Company shall, within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor, discontinue or take up such tramway for such term as may be necessary for the execution of the said works: Provided that the Company may, subject to such con- Temporary tramways may be made when necessary.

A.D. 1880.

ditions and in accordance and in all respects with such regulations as the road authority may from time to time make, construct on the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued. If any difference arises between the Company and the road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

Tolls for
passengers.

49. The Company may demand and take for every passenger travelling upon the tramways or any part thereof, including the use of the tramways and of the carriages and motive power and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile or fraction of a mile, but the Company shall not be bound to take a less sum than twopence for any journey.

Passengers
luggage.

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

List of tolls
to be
exhibited.

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

Company
may carry
animals,
goods, and
parcels.

52. The Company may but shall not be bound to carry animals, goods, small parcels, or other things in respect of which they are by this Act authorised to take tolls or charges, nor passengers luggage exceeding the weights by this Act prescribed.

Tolls for
goods, &c.

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

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ANIMALS.

For hares, rabbits, geese, turkeys, ducks, wild-fowl, and other game and poultry, dead or alive, one halfpenny per head per mile.

GOODS.

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

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

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

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

SMALL PARCELS.

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

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

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

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

For any parcel exceeding fifty-six pounds but not exceeding one hundredweight, such sum as the Company may think fit :

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

A.D. 1880.

REGULATIONS AS TO TOLLS.

Regulations
as to tolls.

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

For a fraction of a ton (except in the case of small packages) the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

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

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

Mode, &c. of
payment of
tolls.

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

Periodical
revision of
tolls.

55. 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 partly situate, or by twenty inhabitant rate-payers 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. A.D. 1880.

56. No goods, articles, or things other than passengers and passengers luggage and parcels shall be conveyed on the tramways without the consent of the road authority. Heavy traffic.

57. 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 artisans, mechanics, and daily labourers, at fares not exceeding one penny per journey: 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 said Board shall have power to fix and regulate the same from time to time. Cheap fares for labouring classes.

58. With respect to notices and to 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 or print (including lithograph) or partly in writing and partly in print, and if given by the local or road authority shall be sufficiently authenticated by being signed by their surveyor or clerk:
2. Any notice to be delivered by or to the Company to or by the local or road authority may be delivered by being left at the principal office of the local or road authority, or of the Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or surveyor at their principal office, and every such letter shall be deemed to be received by the local or road authority, or by the Company, as the case may be, on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

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

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

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

Provision
as to gene-
ral Tram-
way Acts.

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

Saving
rights of
Corporation
of North-
ampton.

62. Except as is by this Act expressly provided, nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, or abridge or take away any estates, rights, powers, privileges, duties, and authorities whatsoever belonging or appertaining to the mayor, aldermen, and burgesses of the borough of Northampton.

Expenses of
Act.

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