



CHAPTER cxxii.

An Act to empower the British Electric Traction Company Limited to construct Tramroads in the County of Northampton and for other purposes. [30th July 1900.] A.D. 1900.

WHEREAS the construction of the tramroads by this Act authorised in and near Wellingborough and other places in the county of Northampton would be attended with public and local advantage and it is expedient that the British Electric Traction Company Limited be empowered to make and maintain the said tramroads and that the powers herein-after contained should be conferred upon them for those and other purposes :

And whereas plans and sections showing the lines and levels of the tramroads proposed to be constructed and by this Act authorised such plans showing the lands to be taken compulsorily under the powers of this Act and a book of reference to those plans respectively containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands 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 sections and book of reference :

And whereas the objects aforesaid 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 (that is to say) :—

1. This Act may be cited for all purposes as the Wellingborough and District Tramroads Act 1900. Short title.

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

The Lands Clauses Acts ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the

[Price 2s. 3d.]

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Incorporation of
general
Acts.

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railway during the construction thereof and with respect to mines lying under or near to the railway with respect to the carrying of passengers and goods upon the railway and the tolls to be taken thereon (except sections 93 to 95 and 107) and with respect to leasing the railway and of section 75 of that Act ;

Section 3 (Interpretation of terms) and Part II. and sections 34 44 45 and 49 to 57 and so much of sections 46 and 47 as relates to byelaws to be made by the promoters of a tramway of the Tramways Act 1870 ;

so far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act and shall apply to the undertaking of the Company. Provided that for the purposes of the provisions of the Railways Clauses Consolidation Act 1845 herewith incorporated the tramroads and works of the Company shall be deemed to be railways and the Company shall be deemed to be a railway company. Provided further that the provisions of Part II. of the Tramways Act 1870 herewith incorporated shall not apply to any portions of the tramroads by this Act authorised which are not intended to be laid along the carriageway of any street or road.

Interpreta-
tion.

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 British Electric Traction Company Limited ;

The expression "the tramroad" or "the tramroads" means the tramroads by this Act authorised ;

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

Recovery
of demands
under fifty
pounds.

4. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

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

5. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appear to the justices

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that the omission, misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Northampton and a duplicate thereof shall also be deposited with the town clerk or clerk to the urban district or parish council as the case may be of the borough urban district or parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

6. 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 the tramroads herein-after described with all proper rails sidings junctions works and conveniences connected therewith and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as are required for that purpose but nothing in this section contained shall empower the Company to lay down any tramroad along the carriageway of any public street or road or to enter upon or use the same otherwise than in accordance with the provisions of the Tramways Act 1870 incorporated herewith.

Power to
make tram-
roads.

The tramroads herein-before referred to and authorised by this Act are—

Tramroad No. 1 commencing in the Finedon Road at a point 0·75 chain or thereabouts south-west of the bridge crossing the River Ise thence along the Finedon Road Cannon Street Alma Street Park Road Market Street Sheep Street London Road (Wellingborough) and terminating in that road at a point 2 chains north-west of the south-west corner of the Crown and Anchor Inn :

Tramroad No. 2A commencing by a junction with Tramroad No. 1 in Market Street at a point 0·42 chain to the north of the east corner of the Old King's Arms Inn proceeding thence along Market Street Wellingborough and into and along Midland Road and terminating in that road at a point 1·60 chains south-east of the east corner of the Old King's Arms Inn :

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Tramroad No 2B commencing by a junction with Tramroad No. 1 in Market Street at a point 0·78 chain to the south of the southern corner of the Old King's Arms Inn proceeding thence along Market Street and into and along Midland Road (Wellingborough) and terminating in that road at a point 1·60 chains south-east of the east corner of the Old King's Arms Inn :

Tramroad No. 2 commencing by a junction with Tramroad No. 2B at its termination as above described and proceeding along Midland Road and terminating in that road at a point 2·50 chains measured in a northerly direction from a point opposite the Station Hotel :

Tramroad No. 2c commencing by a junction with Tramroad No. 2 at its termination as above described proceeding along the road leading to the Wellingborough Midland Railway Station and terminating opposite the passenger entrance to that station :

Tramroad No. 3 commencing by a junction with Tramroad No. 1 at its termination as above described proceeding in a south-easterly direction along the London Road thence along the main road to Higham Ferrers and terminating at the hedge on the south side of that road at a point 1 furlong 9·90 chains measured along the road in an eastward direction from a point opposite Poplar Barn :

Tramroad No. 3A commencing in London Road Wellingborough by a junction with Tramroad No. 3 at a point opposite the south-eastern corner of the Crown and Anchor Inn and terminating at the north-westerly entrance to the station yards of the Wellingborough Station London and North Western Railway :

Tramroad No. 4 commencing by a junction with Tramroad No. 3 at its termination as above described proceeding thence in an easterly and south-easterly direction and along the side of the public footpath leading to Irchester across School Lane and terminating in High Street Irchester at a point opposite the end of Station Road :

Tramroad No. 5 commencing by a junction with Tramroad No. 4 at its termination as above described proceeding thence along Station Road Irchester and terminating at the hedge on the north side of that road at a point 1·35 chains or thereabouts measured in a north-easterly direction from the Midland Railway Bridge :

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Tramroad No. 6 commencing by a junction with Tramroad No. 5 at its termination as above described proceeding thence in a north-easterly and south-easterly direction thence along the highroad to Rushden and terminating in that road at a point opposite the east corner of Manton's Spinney :

Tramroad No. 7 commencing by a junction with Tramroad No. 6 at its termination as above described proceeding thence along the high road to Rushden and terminating in that road at a point 3·20 chains measured in an easterly direction from a point opposite Sartoris Road :

Tramroad No. 8 commencing by a junction with Tramroad No. 7 at its termination as above described proceeding thence along the Wellingborough Road Rushden and terminating in that road at a point opposite Station Road :

Tramroad No. 8A commencing by a junction with Tramroad No. 8 at a point 1·20 chains or thereabouts from its commencement and terminating in the Washbrook Road by a junction with Tramroad No. 14 at a point 1 chain from the commencement of Tramroad No. 14 :

Tramroad No. 9 commencing by a junction with Tramroad No. 8 at its termination as above described proceeding thence along the Wellingborough Road Rushden terminating in High Street Rushden at a point 0·76 chain from opposite the southern corner of the Wheatsheaf public-house measured in a southerly direction :

Tramroad No. 10 commencing in High Street South Rushden at a point 0·50 chain measured in a westerly direction from the cottage known as 107 High Street South proceeding thence along that street and terminating by a junction with Tramroad No. 9 at its termination as above described :

Tramroad No. 11 commencing by a junction with Tramroad No. 9 at its termination as above described proceeding thence along High Street South Rushden and terminating in that street at a point 0·60 chain measured in a northerly direction from a point opposite Midland Road :

Tramroad No. 12 commencing in the Wellingborough Road Rushden by a junction with Tramroad No. 8 at a point 0·50 chain north of the point of junction of Station Road and Wellingborough Road proceeding thence along Station Road and Midland Road and terminating in High Street by a junction with Tramroad No. 13 at a point 0·50 chain measured north from the junction of the Sanders and Sanders shoe manufactory Midland Road and High Street :

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Tramroad No. 12A commencing by a junction with Tramroad No. 8 at its termination as above described and terminating in Station Road by a junction with Tramroad No. 12 at a point 1 chain from its commencement:

Tramroad No. 12B commencing by a junction with Tramroad No. 12 at a point in Midland Road 1 chain from the termination of that tramroad and terminating by a junction with Tramroad No. 11 at a point in High Street 1·20 chains from the termination of that tramroad:

Tramroad No. 13 commencing by a junction with Tramroad No. 11 at its termination as above described proceeding thence along High Street Rushden and terminating in the road leading to Higham Ferrers at a point 1 chain measured in a northerly direction from the junction of that road and Washbrook Road:

Tramroad No. 14 commencing in the Washbrook Road by a junction with Tramroad No. 7 at its termination as above described proceeding thence along that road and terminating by a junction with Tramroad No. 13 at its termination as above described:

Tramroad No. 14A commencing in Washbrook Road by a junction with Tramroad No. 14 at a point 2·25 chains from its termination and terminating in High Street by a junction with Tramroad No. 13 2·50 chains from its termination:

Tramroad No. 15 commencing by a junction with Tramroad No. 14 at its termination as above described proceeding thence along Rushden Hill and terminating at a point opposite the junction of High Street Higham Ferrers and the Wellingborough Road:

Tramroad No. 16 commencing by a junction with Tramroad No. 15 at its termination as above described proceeding thence along High Street Higham Ferrers along the road leading to Higham Ferrers Station and terminating in that road at a point 5 chains measured in a northerly direction from the entrance to Higham Mill:

Tramroad No. 16A commencing by a junction with Tramroad No. 16 at its termination as above described thence along the main road leading to Higham Ferrers Station and terminating at the western boundary of the property of the London and North Western Railway Company at a point 33 yards or thereabouts south of the level crossing at the said station:

Tramroad No. 17 commencing by a junction with Tramroad No. 16 at its termination as above described proceeding thence in a north-westerly direction across private lands

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and terminating in High Street Irthlingborough at a point 8·60 chains measured in a north-easterly direction from the Market Cross :

Tramroad No. 18 commencing by a junction with Tramroad No. 17 at its termination as above described proceeding thence along High Street Irthlingborough and the main road to Finedon and terminating in that road opposite the boundary post dividing the parish of Irthlingborough and Finedon :

Tramroad No. 19 commencing by a junction with Tramroad No. 18 at its termination as above described proceeding thence along the main road to Finedon along Obelisk Road Finedon and the main road to Wellingborough and terminating in that road by a junction with Tramroad No. 1 at its commencement as above described :

Tramroad No. 20 commencing by a junction with Tramroad No. 16 at a point 2·30 chains measured in a northerly direction from the entrance to the Higham Mill Higham Ferrers proceeding partly along the road to Stanwick and partly across private lands and terminating in that road at the north side of the stream dividing the parish of Chelveston-cum-Caldecot and the borough of Higham Ferrers :

Tramroad No. 21 commencing by a junction with Tramroad No. 20 at its termination as above described proceeding thence along the road towards Stanwick and terminating in that road at a point 9·90 chains from its commencement :

Tramroad No. 22 commencing by a junction with Tramroad No. 21 at its termination as above described thence proceeding along the road leading to Stanwick and Cotton Lane and terminating in that lane at a point 1 furlong 5·75 chains measured in a north-easterly direction from the junction of Cotton Lane with the Stanwick Road :

Tramroad No. 23 commencing by a junction with Tramroad No. 22 at its termination as above described proceeding thence in an easterly direction across private lands and terminating in the road to Raunds at a point 400 yards measured in a north-easterly direction from the north-west corner of Saint Lawrence's Church Stanwick :

Tramroad No. 24 commencing by a junction with Tramroad No. 23 at its termination as above described proceeding thence along the road to Raunds and terminating in that road 3 chains measured in an easterly direction from the junction of that road with Mear Lane :

Tramroad No. 25 commencing by a junction with Tramroad No. 24 at its termination as above described proceeding thence

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along the road to Raunds Wellington Road and Grove Street and Brook Street Raunds and terminating at a point 75 links or thereabouts from a point opposite the Post Office measured in a southerly direction.

The lengths of the portions of each of the tramroads which are intended to be constructed (A) along the carriageway of any street or road (B) upon any waste or open ground by the side of any street or road and (C) upon private lands respectively and (D) the total length of each tramroad are as set forth in the next following table with reference to the several tramroads respectively (that is to say):—

No. of Tramroad.	(A) Length along Carriageway.			(B) Length upon Waste or Open Ground.			(C) Length upon Private Lands.			(D) Total Length.		
	m.	f.	ch.	m.	f.	ch.	m.	f.	ch.	m.	f.	ch.
1	1	7	0	0	5	5·95	0	0	0	2	4	5·95
2	0	5	4·20	0	0	0	0	0	0	0	5	4·20
2A	0	0	1·60	0	0	0	0	0	0	0	0	1·60
2B	0	0	1·60	0	0	0	0	0	0	0	0	1·60
2C	0	0	0	0	0	0	0	0	6·35	0	0	6·35
3	0	1	5·50	0	5	3·60	0	0	0	0	7	2·10
3A	0	0	0·70	0	0	0	0	0	0	0	0	0·70
4	0	0	0·75	0	0	0	0	6	8·15	0	6	8·90
5	0	2	8·60	0	1	2·70	0	0	0	0	4	1·30
6	0	1	1·15	0	0	0	0	5	1·20	0	6	2·35
7	0	1	4·20	0	2	9·30	0	0	0	0	4	3·50
8	0	1	6·65	0	0	0	0	0	0	0	1	6·65
8A	0	0	1·00	0	0	0	0	0	0	0	0	1·00
9	0	3	1·10	0	0	0	0	0	0	0	3	1·10
10	0	1	9·50	0	0	0	0	0	0	0	1	9·50
11	0	3	4·10	0	0	0	0	0	0	0	3	4·10
12	0	2	4·40	0	0	0	0	0	0	0	2	4·40
12A	0	0	1·0	0	0	0	0	0	0	0	0	1·00
12B	0	0	1·0	0	0	0	0	0	0	0	0	1·00
13	0	1	5·60	0	0	0	0	0	0	0	1	5·60
14	0	3	8·10	0	0	0	0	0	0	0	3	8·10
14A	0	0	2·35	0	0	0	0	0	0	0	0	2·35
15	0	3	5·10	0	0	0	0	0	0	0	3	5·10
16	0	7	5·60	0	3	7·70	0	0	0	1	3	3·30
16A	0	1	0·00	0	0	0	0	0	0	0	1	0·00
17	0	0	1·60	0	0	0	0	5	6·20	0	5	7·80
18	0	1	7·70	1	0	0·92	0	0	0	1	1	8·62
19	0	5	5·85	1	6	9·90	0	0	0	2	4	5·75
20	0	0	8·60	0	0	0	0	0	8·20	0	1	6·80
21	0	0	0	0	0	9·90	0	0	0	0	0	9·90
22	0	2	5·70	0	6	4·00	0	0	0	1	0	9·70
23	0	0	0	0	0	0	0	4	6·70	0	4	6·70
24	0	0	1·30	0	1	9·20	0	0	0	0	2	0·50
25	0	4	8·05	0	2	3·20	0	0	0	0	7	1·25
Total	9	2	5·60	6	5	6·37	2	7	6·80	18	7	8·77

7. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference relating thereto as may be required for the purpose of widening the portions of streets and roads herein-after mentioned on the sides herein-after stated in such manner and to such width as may be agreed between the Company and the local authority (that is to say) :—

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Power to
take lands
for street
widening.

In the parish and urban district of Wellingborough—

- (A) Alma Street and Park Road for a distance of 3·50 chains on the east side opposite their junction :
- (B) Market Street on the east side for 2·80 chains southward from Gloucester Place :
- (C) Market Street on the east side between Midland Road and Cheese Lane.

In the parish of Irthlingborough—

Cross Lane on the south-west side between points respectively 1·1 chains and 7 chains measured in a north-westerly direction from the centre of Market Cross.

8. For the protection of the Midland Railway Company (in this section called “the Midland Company”) the following provisions shall have effect (that is to say) :—

For pro-
tection of
the Midland
Railway
Company.

- (1) Notwithstanding anything contained in this Act the Company shall not exercise the powers conferred upon them by this Act for or in relation to the construction of Tramroad No. 2c which is laid out exclusively upon land belonging to the Midland Company otherwise than by agreement with that company and subject to such conditions as they may prescribe :
- (2) If the Company construct a tramroad so as to enable traffic to be delivered into or taken from the Midland Company's Irchester Station the Midland Company shall afford to the Company reasonable accommodation for the interchange of such traffic between the railway of the Midland Company and the tramroads of the Company and the reasonable cost of providing any works or appliances required for the purposes of this sub-section shall be paid by the Company :
- (3) In working Tramroad No. 5 by this Act authorised no car or other vehicle shall without the consent in writing of the Midland Company be stopped or permitted to be stopped opposite the entrances to the goods and passenger stations of the Midland Company at Irchester so as to obstruct the access to those stations :

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For protec-
tion of
London
and North
Western
Railway
Company.

(4) If any difference shall arise between the Company and the Midland Company under this section such difference shall be determined by arbitration in manner provided by the Arbitration Act 1889.

9. The following provisions for the protection of the London and North Western Railway Company (herein-after referred to as "the North Western Company") shall apply and have effect:—

(1) In the construction of Tramroad No. 3 across the railway of the North Western Company now laid upon the level of the road at Wellingborough Station the same shall be constructed and maintained in accordance with a plan to be agreed upon by the principal engineers of the North Western Company and of the Company and under the superintendence and to the reasonable satisfaction of such engineer of the North Western Company at the cost of the Company unless after seven days' notice in writing by the Company of their intention to commence such works given to the North Western Company such superintendence is refused or withheld and the said tramroad at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of such principal engineer of the North Western Company and by and at the cost of the Company except as to repairs rendered necessary by any act or negligence of the North Western Company:

(2) The carriages used on the said Tramroad No. 3 shall not be stopped on or otherwise allowed to interfere with or obstruct the traffic of the North Western Company on the said level crossing and the traffic of the North Western Company shall at all times have precedence of the traffic on the tramroad which traffic shall be subject to such rules and regulations relating thereto as subject to the provisions of this Act may from time to time be agreed upon between the Company and the North Western Company or as failing agreement shall be determined by the Board of Trade:

(3) The Company shall construct Tramroad No. 17 and the works in connexion therewith by this Act authorised so far as the same pass over adjoin or affect the railway lands or works of the North Western Company in such lines within the limits of deviation shown upon the deposited plans as shall be reasonably approved by Francis Stevenson or other the principal engineer for the time being of the North Western Company (herein-after referred to as "the said principal engineer") and so as to leave undisturbed at all times the lines of railway and other

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works connected therewith of the North Western Company and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railway of the North Western Company or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Company shall pay to the North Western Company full compensation in respect thereof:

- (4) The Company shall carry Tramroad No. 17 where the same is intended to cross over the railway of the North Western Company by means of a wrought-iron or steel girder bridge with wrought-iron or steel flooring of one clear span such span to be of a width of not less than eighty feet measured on the square with two side arches or openings of not less than twenty feet each measured on the square and such bridge and arches shall have a clear headway throughout of not less than sixteen feet above the upper surface of the rails upon the said railway of the North Western Company at the said point of crossing and the Company shall for ever maintain such headway:
- (5) If by reason of the construction of the said portion of Tramroad No. 17 hereby authorised it shall become necessary to add to or alter the signal or signals upon the said railway of the North Western Company the same shall be so added to or altered by the North Western Company and the reasonable expense thereof shall be repaid to that company by the Company:
- (6) The Company shall construct the said portion of Tramroad No. 17 where the same will pass over the railway of the North Western Company and all works both temporary and permanent necessary and incident to the construction thereof so far as they affect the railways property and works of the North Western Company in accordance with the provisions of this section and according to plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously submitted to and reasonably approved in writing by the said principal engineer and the Company shall not commence the construction of the said portion of Tramroad No. 17 or enter upon or interfere with any lands works or property belonging to or used by the North Western Company until such plans sections and specifications have been so submitted and approved Provided always that if the said principal engineer shall for the period of two months fail to disapprove of such plans sections or specifications he shall be deemed to have approved the same and in case of the said principal engineer disapproving such plans sections or specifications

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and of the said principal engineer and the engineer of the Company failing to agree or of any difference arising between them then the said portion of Tramroad No. 17 and the said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed on or in default of agreement to be appointed at the request of either the Company or the North Western Company by the President of the Institution of Civil Engineers:

- (7) The said portion of Tramroad No. 17 and all works necessary or incident to the construction thereof or affecting the property or works of the North Western Company shall be executed by and in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the said principal engineer:
- (8) The Company shall not (except with the previous consent of the North Western Company under their common seal) purchase or acquire any lands or property of the North Western Company but the Company may purchase and take and the North Western Company shall sell and grant accordingly an easement or right of using such of the lands of the latter company as may be necessary for the construction of the said portion of Tramroad No. 17 in accordance with the provisions of this section:
- (9) During the construction of the said portion of Tramroads Nos. 3 and 17 across and adjoining and near to or affecting the railway property and works of the North Western Company the Company shall bear and on demand pay to that company all expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching their railway and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise:
- (10) The Company shall at all times maintain the said portion of Tramroad No. 17 and all the works connected therewith and incident thereto by which the said Tramroad No. 17 shall be carried across and adjoining the railway works and lands of the North Western Company in substantial repair and good order to the reasonable satisfaction in all respects of the said

principal engineer and if and whenever the Company fail so to do the North Western Company may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the said principal engineer to be the reasonable amount of such expenditure shall be repaid to the North Western Company by the Company: — A.D. 1900.

(11) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North Western Company all costs losses damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of the Company's said Tramroad No. 17 and the works in connexion therewith or by any act or omission of the Company or of any of the persons in their employ or of their contractors or otherwise and the Company will effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission:

(12) If any difference shall arise between the respective engineers of the Company and the North Western Company as to the reasonableness of the plans sections and specifications hereinbefore provided for such difference shall be referred to and be 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 the Company or the North Western Company:

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

10. For the protection of the Nene Valley Drainage and Navigation Improvement Commissioners (Second District) (hereinafter called "the commissioners") the following provisions shall have effect:—

(1) In constructing Tramroad No. 17 over the River Nene in the parish and borough of Higham Ferrers and the parishes of Chelveston-cum-Caldecot and Irthlingborough the Company shall carry the said tramroad over the river by means of a bridge so as to leave a clear navigable waterway of a width with the towing paths of not less than fifty-four feet and a

For protection of
Nene Valley
Drainage
and Navigation
Improvement
Commissioners
(Second
District).

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(2) In constructing the said tramroad the Company shall also construct upon the lands included within the limits shown upon the deposited plans such drains side cuts and side channels and also such culverts or other openings near or by the side of or under the said tramroad and such other works as shall be necessary for the purpose of preventing impediments to the flow of water into through or along the River Nene or any of its tributary rivers or streams or any drains or watercourses communicating therewith or the flood water flowing through or over the lands within the jurisdiction of the commissioners or to the intended navigation thereof :

(3) The Company shall from time to time and at all times hereafter well and sufficiently repair uphold maintain and support all works constructed by them under the powers of this Act which shall in any wise affect the drainage or navigation or efficiency of the works of the commissioners :

(4) Before commencing the construction of any works in this section mentioned or required to be constructed the Company shall send to the engineer for the time being of the commissioners drawings and specifications of such works and shall construct the same to the reasonable satisfaction of such engineer and so that no obstruction or interruption shall be caused to the boats or barges passing along the River Nene or to the horses drawing the same or to drainage by such river :

(5) The Company shall at all times when occasion may arise take all reasonable measures for preventing the accumulation of ice hay or other substances at or against any of the said works of the Company and shall remove and cause to pass down with the stream so as not to obstruct the flow of water such substances that may be found at or against any of the works of the Company and if the Company shall not so effectually remove the same the agents or workmen of the commissioners may remove such ice hay or other substances and the commissioners may recover the costs or charges so incurred by the neglect of the Company in such and the like manner as is directed for the summary recovery of penalties and costs in the Acts incorporated with this Act :

(6) Any difference which shall arise between the commissioners and the Company under this section shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either party.

11. If at any time the Board of Trade are of opinion that by reason of the increase of traffic on the tramroad or any road crossed by the tramroad (other than a road along the carriageway of which the tramroad is laid) any alteration of the mode of working the tramroad at such crossing is expedient the Company shall be subject to all such rules and regulations with regard to the mode of working the tramroad at such crossing as may from time to time be made by the Board of Trade.

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Powers to
Board of
Trade as to
crossings
of roads.

12. The Company shall not run any carriage on the tramroads by this Act authorised at a higher rate of speed than eight miles an hour where the respective tramroad is laid along the carriageway of a street or road and fifteen miles an hour where the same is not so laid unless a higher rate be at any time sanctioned by the Board of Trade.

Rate of
speed.

13. The Company in constructing any portion of the tramroads which will not be laid in across or along the carriageway of any public street or road may deviate from the lines and levels thereof shown on the deposited plans and sections to the extent and subject to the conditions prescribed in the case of a railway by sections 11 12 14 and 15 of the Railways Clauses Consolidation Act 1845 and those sections shall apply to any such portion of the tramroads as if the same were a railway within the meaning of that Act and those sections had been incorporated with this Act with reference thereto Provided always that nothing in this Act shall authorise the Company to construct along the carriageway of any street or road any part of any tramroad which is not shown on the deposited plans as intended to be so constructed.

Power to
deviate.

14. The Company shall for the purposes of constructing any portion of the tramroads which will not be laid in or upon the carriageway of any public street road or place have the same powers as are given by section 16 of the Railways Clauses Consolidation Act 1845 in the case of a railway and that section shall apply to any such portion of the tramroads as if the same were a railway within the meaning of that Act and that section had been incorporated with this Act with reference thereto.

Application
of section 16
of Railways
Clauses Con-
solidation
Act 1845.

15. As regards the portions of the tramroads which are to be constructed upon private lands the Company shall fence off the tramroads from the adjoining lands not taken by them and (subject to any agreement made with any owner lessee or occupier of such lands) shall construct and maintain such gates passages and drains over under or by the side of the tramroads as shall be necessary for making good the interruption caused by the tramroads to the use

As to accom-
modation
works.

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or drainage of or access to the lands through which the same will be made and shall construct proper watering places for cattle in cases in which the cattle of any person occupying lands adjoining the tramroads are by the construction thereof deprived of access to their present watering places and shall construct the necessary watercourses or drains for conveying water to such new watering places and if any question arise as to the works to be constructed or maintained by the Company under the provisions of this section the same shall be determined by two justices.

Period for
completion
of works.

16. If the tramroads by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for constructing the tramroads or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Penalty im-
posed unless
tramroads
opened
within
time limited.

17. If the Company fail within the period limited by this Act to complete the tramroads and open the same for public traffic the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the tramroads are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the uncompleted tramroad or tramroads And the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening any tramroad by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty.

18. Every sum of money so recovered by way of penalty 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

A.D. 1900.

otherwise rendered less valuable by the commencement construction or abandonment of the tramroads or any portion thereof in respect of the non-completion of which the same was recovered or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and also in compensating all road authorities for the expense incurred by them in taking up any tramroad 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 tramroad and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramroads in respect of which the penalty has been incurred or any part thereof have been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

19. Subject to the provisions of this Act the Company may (in addition to the lands which they are by this Act authorised to acquire for the purposes of the tramroads and street widenings) enter upon take hold and use the lands herein-after described shown on the deposited plans and described in the deposited book of reference relating thereto and the Company may on such last-mentioned lands or any part thereof erect maintain work and use a station or stations for generating transforming applying and distributing electrical energy or power with all necessary dynamos batteries accumulators engines machinery plant works and conveniences for that purpose and may generate transform apply and distribute such energy or power for the purpose of working the tramroads but nothing in this Act shall empower the Company to construct a station for generating electrical power on any lands other than those described in this section Provided always that the Company may use any part of the lands described in this section for any other purposes of their undertaking.

Lands for
generating
station.

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The lands herein-before referred to are—

Certain lands and buildings in the parish of Irchester having a frontage on the south side of London Road of 220 feet or thereabouts bounded on the north-west by the River Nene and on the south-east by the London and North Western Railway and having an area of about 1 acre 3 roods 15 poles;

Certain lands in the parish of Chelveston-cum-Caldecot having a frontage on the west side of the main road to Irthlingborough of 500 feet or thereabouts and bounded on the north-west by the London and North Western Railway and on the south by the Higham Mill meadow and having an area of about 2 acres 2 roods 39 poles;

Certain lands in the parish and urban district of Raunds having a frontage of 230 feet or thereabouts on the west side of Brook Street being the eastern portion of plot No. 221 on the 25-inch Ordnance map for the said parish and having an area of about 1 acre 2 roods 4 poles:

Provided always that the Company shall not under the powers of this Act purchase or acquire any of the lands or property of the London and North Western Railway Company in the parish of Irchester for any of the purposes of this Act without the previous consent in writing of the London and North Western Railway Company under their common seal.

Purchase of
lands by
agreement.

20. In addition to the other lands which by this Act the Company are authorised to purchase and acquire they may purchase or acquire by agreement for the purposes of the undertaking and may hold any lands not exceeding ten acres and they may on such lands and on any lands purchased or acquired under the authority of this Act erect or construct and hold carriage and engine houses stables offices warehouses goods sheds buildings and other conveniences in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them on any land purchased or acquired by agreement under the powers of this section.

Period for
compulsory
purchase
of lands.

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

Restrictions
on displacing
persons of
labouring
class.

22.—(1) The Company shall not under the powers of this Act purchase or acquire in any borough or other urban district and (elsewhere than in any borough or urban district) any parish ten or more houses which on the fifteenth day of December last were or

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have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and

A.D. 1900. shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 the provisions of that section and of sections 155 and 156 of the same Act shall apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as

they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. A.D. 1900.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses purchased or acquired by the Company for or in connexion with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section—

The expression “labouring class” means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them;

The expression “house” means any tenement separately occupied by any person or persons.

23. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege required for the purposes of this Act Power to take easements &c. by agreement.

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(not being an easement right or privilege of water in which persons other than the grantors have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may
be required
to sell part
only of
certain
property.

24. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that a portion only of the property numbered on the deposited plans 11 in the parish of Irthlingborough may be sufficient for the purposes of the same and that such portion may be severed from the remainder of the said property without material detriment thereto. Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the said property and whereof a part only is required for the purposes of this Act may if such portion can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such property without material detriment thereto be required to sell and convey to the Company the portion only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portion required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Gauge and
mode of
formation of
tramroads.

25. The tramroads shall be constructed with two rails on the gauge of four feet eight and a half inches and shall where laid along or across the carriageway of any street or road be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of such carriageway and the Company shall not use on the tramroads carriages adapted for use on railways.

As to rails of
tramroads.

26. The rails of the tramroads where laid along or across any street or road shall be of such character and laid in such manner as the Board of Trade may approve.

Further pro-
visions as to
construction
of tramroads.

27. 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 street or road for the purpose of constructing laying down maintaining or renewing the tramroads where laid along the carriageway of any street or road lay before the Board of Trade a plan showing the proposed mode of constructing laying down

maintaining or renewing such tramroads 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 such tramroads or any part thereof 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.

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28. The tramroads shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Inspection
by Board of
Trade.

29. 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 tramroads where laid along the carriageway of any street or road and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues 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 such tramroads 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.

Penalty for
not main-
taining rails
in proper
order.

30. If and whenever after the passing of this Act any road authority alters the level of any street or road along which any part of the tramroads 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 street or road as altered.

Tramroads to
be kept on
level of
surface of
roads.

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Application
of road
materials
excavated in
construction
of tramroads.

31. Any paving metalling or material excavated by the Company in the construction of their works from any street or 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 re-instating of the street or road and the maintenance for six months after completion of any of the tramroads within the district of such road authority of so much of the roadway between the rails and on either side of such tramroads as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor 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 by the Company such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Power to
make addi-
tional cross-
ings &c.

32.—(1) The Company may subject to the provisions of this Act make maintain alter and remove in the carriageway of any street or road 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 tramroads or for providing access to any carriage or engine houses warehouses goods sheds stables or works of the Company and may subject as aforesaid lay down in the carriageway of any street or road single in lieu of double lines or double in lieu of single lines or interlacing lines in lieu of double or single lines. 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 street or road if one third of the owners or one third of the occupiers of premises abutting on the street or road at the point where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

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(2) No such additional crossings passing places sidings junctions or other works shall be constructed or altered without in each case the previous consent in writing of the local and road authority or (if they refuse or neglect for the space of one month to give such consent) of the Board of Trade.

(3) Before commencing to make alter or remove any such work as aforesaid the Company shall send to the Board of Trade a plan showing the position of the work proposed to be made altered or removed as the case may be and shall not make alter or remove the work except with the approval of the Board of Trade.

33. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in the 32nd and 33rd 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 sanitary authority as if the same were a pipe for the supply of gas or water.

Sanitary
authority to
have access
to sewers.

34.—(1) The Company may construct lay down erect maintain renew and repair on in under or over the surface of the roadway or footway of any streets or roads and any lands in or through which the tramroads by this Act authorised will be situate or pass and with consent as herein-after provided may attach to any house or building cables electric mains wire conductors posts tubes boxes apparatus and appliances and may make and maintain openings and ways for the purpose of working the tramroads by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

Power to
erect posts
&c.

(2) No such works shall be attached to any house or building without in each case the consent of the occupier of such house or building and if there is no occupier then of the lessee entitled to possession or if there is none then of the owner and the consent of the occupier or lessee shall be effective only during the continuance of his occupation or the term of his lease as the case may be.

(3) On the termination of the occupation of any occupier the lessee or owner entitled to possession if he did not consent to the attaching of such work to the house or building may give notice to the Company that he requires the same to be removed and the Company shall remove the same accordingly within one month after receiving such notice.

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

(5) The position of all posts and standards erected in the district of any road authority shall be such as the road authority and the Company may agree or as in case of difference between them may be determined by the Board of Trade.

Provisions as
to motive
power.

35. The carriages used on the tramroads may be moved by animal power or subject to the following provisions by electrical power (that is to say):—

(1) The electrical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Act of electrical power on the tramroads and for regulating the use of such power:

(3) The Company or any other company or person using electrical power on the tramroads contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Company or such other company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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

may by order either direct the Company or such other company or person to cease to use such electrical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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

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Special provisions as to
use of electrical power.

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

(4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(5) If any difference arises between the Company and any other party with respect to anything herein-before in this section contained such difference shall, unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

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

(7) The expression "Company" in this section shall include licencees and any person owning working or running carriages over any tramroads of the Company.

Byelaws.

37. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to the use of electrical power on the tramroads for all or any of the following purposes (that is to say) :—

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

For providing that engines carriages and trucks shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramroads and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramroads by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Provisions
for protec-
tion of
Postmaster-
General.

38.—(1) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(2) In the event of the tramroads being worked by electricity A.D. 1900.
the following provisions shall have effect :—

(A) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

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

(c) Before any electric line is laid down or any act or work for working the tramroads by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

A.D. 1900.

- (D) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (E) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:
- (F) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:
- (G) For the purposes of this section and subject as therein provided sections 2, 10, 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:
- (H) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:
- (I) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:
- (J) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid:
- (K) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramroads of the Company.

A.D. 1900.

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

Orders and
byelaws to be
signed.

40. The Company may demand and take for every passenger travelling upon the tramroads or any part thereof including the use of the tramroads and of the carriages and for motive power and every other expense incidental to such conveyance any rates or charges not exceeding twopence per mile in the case of first-class passengers and one penny per mile in the case of second-class passengers and for the purposes of this section the fraction of a mile beyond an integral number of miles shall be deemed a mile.

Rates for
passengers.

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

Passengers'
luggage.

42. A list of the rates and charges by this Act authorised to be taken in respect of the tramroads 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 the tramroads.

List of
rates to be
exhibited.

43. The tramroads may be used for the carriage of passengers animals goods minerals articles and things but the Company shall not be bound to carry animals goods minerals articles or things other than personal luggage as aforesaid carried by passengers and not exceeding twenty-eight pounds in weight.

Company
may carry
animals
goods and
other things.

44. The Company may demand and take in respect of any animals goods minerals parcels articles or things conveyed by them on the tramroads including the use of the tramroads waggons and 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 minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company) any rates or charges not exceeding the rates per mile following:—

Rates for
animals
goods &c.

In respect of animals conveyed on the tramroads—

Animals.

For every horse mule or other beast of draught or burden fourpence;

For every ox cow bull or head of cattle threepence;

A.D. 1900.

For every calf pig or sheep one penny halfpenny ;
For every lamb or other small animal three farthings.

Goods.

In respect of goods conveyed on the tramroads—

For all coals culm 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 per ton twopence ;

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
fire-clay) and for wrought iron not otherwise specially
classed herein and for heavy iron castings including railway
tramroad or tramway chairs and plates per ton twopence
halfpenny ;

For all sugar grain corn flour hides dyewoods and metals
(except iron) nails anvils vices and chains and for light iron
castings per ton threepence ;

For cotton wools drugs manufactured goods earthenware and
all other wares coke charcoal merchandise fish vegetables
and all other articles matters or things not otherwise
specially classed herein per ton fourpence ;

For every carriage of whatever description having two wheels
sixpence ;

For every carriage of whatever description having four wheels
one shilling.

Rates for
small parcels
and single
articles of
great weight.

45. With respect to small parcels not exceeding in weight one
hundredweight and single articles of great weight notwithstanding
anything in this Act the Company may demand and take any rates
and charges not exceeding the following (that is to say):—

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 and not exceeding one
hundredweight such sum as the Company may think fit :

Provided that no parcel under fifty-six pounds in weight exceed four
feet in length or measure more than twelve cubic feet Provided also
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. 1900.

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile ;

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

46. For animals goods minerals articles or things conveyed on the tramroads for a less distance than three miles the Company may demand rates and charges as for three miles :— Regulations
as to rates on
tramroads.

A fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton (except in the case of small parcels) 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 imperial avoirdupois weight :

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

With respect to bulky articles or goods the Company shall have the option of charging per ton measurement reckoning at the rate of fifty cubic feet to the ton.

47. The Company at all times after the opening of the tramroads 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 and bank holidays always excepted) at such hours not being later than eight 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 halfpenny per mile the Company nevertheless not being required to take any fare less than one penny and the Company shall be liable to a penalty not Cheap fares
for labouring
classes.

A.D. 1900. — exceeding twenty shillings for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section unless prevented by circumstances over which they have no control Provided always that on Saturdays the said carriages shall be run between twelve at noon and two in the afternoon instead of after six in the evening Provided also 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.

Prohibiting
raising
of fares on
Sundays and
holidays.

48. It shall not be lawful for the Company or their lessees or any company or person working or using the tramroads to take or demand on Sunday or on any bank or public holiday any higher fares than those levied by them on ordinary week days.

Periodical
revision of
rates and
charges.

49. If at any time after three years from the opening for public traffic of the tramroads or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramroads or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramroads or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramroads or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramroads or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

Regulations.

50. In addition to the regulations for the purposes mentioned in section 46 of the Tramways Act 1870 the Company may in accordance with the provisions of that section and of section 47 of that Act make regulations for regulating the loading and unloading receipt and delivery of animals and goods and other things the weights which any trucks or carriages may carry and generally for the user working and management of the tramroads and the

provisions of the said Act of 1870 with respect to regulations and the enforcement thereof shall extend and apply to such regulations. A.D. 1900. —

51. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect viz. :— Form and delivery of notices.

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

(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 prepaid letter addressed to their respective clerk or surveyor manager or secretary at their principal office.

52. All tolls penalties and charges inflicted imposed or ordered to be paid or payable under or by virtue of this Act or any byelaws made thereunder may be prosecuted and recovered under the provisions of the Summary Jurisdiction Acts. Recovery of penalties &c.

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

54. The provisions of the Railway and Canal Traffic Acts 1854 to 1894 shall apply to the Company in relation to the undertaking as if they were a railway company and to the tramroads authorised by this Act as if those tramroads were railways. Railway and Canal Traffic Acts 1854 to 1894 to apply to Company.

55. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or Saving rights of Duchy of Lancaster.

A.D. 1900. — authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said duchy.

Provision
as to general
Acts.

56. Nothing herein contained shall be deemed or construed to exempt the tramroads from the provisions of any general Act relating to tramroads or (so far as applicable) to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

Costs of
Act.

57. 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.

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