



CHAPTER cxxxvi.

An Act to confer further powers upon the Great Grimsby Street Tramways Company with respect to the construction and working of tramways in the Borough of Grimsby and for other purposes. [30th July 1900.] A.D. 1900.

WHEREAS by the Great Grimsby Street Tramways Act 1879 (herein-after called "the Act of 1879") the Great Grimsby Street Tramways Company (herein-after called "the Company") were incorporated and authorised to construct certain tramways in the parishes of Great Grimsby and Clee in the county of Lincoln :

And whereas by the Great Grimsby Street Tramways (Cleethorpes Extension) Order 1886 (herein-after called "the Order of 1886") and the Great Grimsby Street Tramways Extension Order 1897 (herein-after called "the Order of 1897") and by the Great Grimsby Street Tramways Act 1899 (herein-after called "the Act of 1899") the Company were authorised to extend their tramways and further powers were conferred upon them :

And whereas it is expedient that the Company be empowered to construct the tramways and street widenings in this Act described and to work their tramways in the borough of Grimsby by electrical power and to raise further capital :

And whereas the period of twenty-one years from the date of the passing of the Act of 1879 within six months after the expiration of which the mayor aldermen and burgesses of the borough of Grimsby may purchase the undertaking of the Company within the borough expires on the twenty-first day of July one thousand nine hundred and it is expedient that the date at which the said Corporation may exercise their said right of purchase be postponed and provisions as herein-after contained be made with respect to the tramways of the Company within the borough :

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And whereas plans and sections showing the situation lines and levels of the tramways 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 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 parts of Lindsey in the county of Lincoln and are in this Act 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) :—

Short title.

1. This Act may be cited for all purposes as the Great Grimsby Street Tramways Act 1900.

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

The provisions of the Companies Clauses Consolidation Act 1845—

With respect to the distribution of the capital of the Company into shares ;

With respect to the transfer or transmission of shares ;

With respect to the payment of subscriptions and the means of enforcing the payment of calls ;

With respect to the forfeiture of shares for non-payment of calls ;

With respect to the remedies of creditors of the Company against the shareholders ;

With respect to the borrowing of money by the Company on mortgage or bond ;

With respect to the conversion of the borrowed money into capital ;

With respect to the consolidation of the shares into stock ;

With respect to the making of dividends ;

With respect to the giving of notices ;

With respect to the provision to be made for affording access to the special Act by all parties interested :

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

The Lands Clauses Acts :

And section 3 (Interpretation of terms) and Parts II. and III. of
the Tramways Act 1870 :

Provided that the word "contingencies" in the Companies Clauses
Consolidation Act 1845 section 122 shall with reference to the
Company be construed to include the contingency of the undertaking
being sold at a sum less than the aggregate amount of capital and
debts of the Company.

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 :

Interpreta-
tion.

The expression "the existing tramways" means the existing
tramways of the Company within the borough ;

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

The word "engine" includes motor ;

The expression "the borough" means the borough of Grimsby ;

The expression "the Corporation" means the mayor aldermen
and burgesses of the borough.

4. 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 acting for the parts of Lindsey in the county of Lincoln for
the correction thereof and if it appear to the justices 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 said parts of
Lindsey and a duplicate thereof shall also be deposited with the
town clerk of the borough 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.

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

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Power to
make tram-
ways.

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 all respects in accordance with those plans and sections the tramways herein-after described with all proper rails plates sleepers stables offices carriage houses works and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Act are situate in the borough and in the parts of Lindsey in the county of Lincoln and are—

Tramway No. 1 (double line) 1 mile 2 furlongs and 4 chains or thereabouts in length commencing in Cleethorpes Road by a junction with the Company's existing tramway and terminating in Victoria Street by junctions with the Company's existing tramway and the Tramway No. 2 by this Act authorised :

Tramway No. 2 (single line) 2 furlongs and 8·55 chains or thereabouts in length commencing in Victoria Street by a junction with Tramway No. 1 by this Act authorised at its termination and terminating by a junction with the Company's existing tramway at a point eleven yards or thereabouts south-west of the junction of Wellow Gate and Church Lane :

Tramway No. 3 (single line) 6·25 chains or thereabouts in length commencing at or about the junction aforesaid of Wellow Gate and Church Lane by a junction with Tramway No. 2 by this Act authorised and terminating at a point twenty yards or thereabouts southwards of the junction of Church Lane with Dean's Gate :

Tramway No. 4 (being part of Tramway No. 4 shown on the deposited plans) 3 furlongs and 0·80 chain or thereabouts in length of which 1 furlong and 1·80 chains are single and 1 furlong and 9 chains are double line commencing in Bargate by a junction with the Company's existing tramway and terminating in Welholme Road at the junction of Ainslie Street with Welholme Road :

Tramway No. 4a (being part of Tramway No. 4 shown on the deposited plans) 4·70 chains or thereabouts in length of which 2·50 chains are double and 2·20 chains are single line commencing in Hainton Street at its junction with Welholme Road and terminating by a junction with the Company's existing tramway in Hainton Street at its termination in that street :

And the Company may in the construction and for the purposes of Tramway No. 1 by this Act authorised take up remove appropriate and use the rails and materials of so much of their existing lines of

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tramways as lies between the points of commencement and termination of Tramway No. 1 : A.D. 1900.

The Tramway No. 3 shall not be constructed until the roadway of Church Lane between the commencement of Tramway No. 3 and a point three chains or thereabouts south-west thereof has been so widened that a space of not less than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the tramway on both sides of such portion of road.

6.—(1) Wherever any of the tramways by this Act authorised shall cross under or over any railway sidings or works of the Great Central Railway Company the provisions of section 6 of the Act of 1879 shall excepting so much of sub-section 1 of that section as restricts the Company from laying down and constructing more than a single line of tramway over so much of the public street or highway in Grimsby as is crossed on the level by the railway of the Sheffield (now the Great Central) Company apply to the tramways by this Act authorised and the Company shall not take enter upon or use any lands belonging to the Great Central Railway Company without the consent of that company under their common seal being first obtained. For the protection of the Great Central Railway Company.

(2) In the event of the tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the Great Central Railway Company be attached to any bridge or other work of that company.

7. Subject to the provisions of this Act the Company may in connection with the Tramways Nos. 2 and 3 by this Act authorised widen the streets in the borough herein-after specified to the extent respectively shown on the deposited plans and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes (that is to say) :— Street widenings.

(1) A widening of Church Lane between the commencement of the said Tramway No. 3 by this Act authorised and the junction of Church Lane with Dean's Gate :

(2) A widening of George Street on the west side thereof for a distance of forty-seven feet or thereabouts north of its junction with Osborne Street and of Osborne Street on the north side thereof for a distance of forty feet or thereabouts west of its junction with George Street.

8. Subject to the provisions of this Act the Company in connection with the street widenings and as part and for the Power to make subsidiary works

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purposes thereof may make junctions and communications with any existing streets interfered with by or contiguous to such street widenings and may make alterations of the levels of any existing streets for the purpose of connecting the same with such widened street and may remove alter or interfere with any main pipe sewer or drain or telegraphic or telephonic apparatus and any other obstruction causing as little detriment and inconvenience as circumstances admit and the Company shall make full compensation for all damage caused by the alteration of level of or interference with any street or with any such main pipe or apparatus in the exercise of the powers of this enactment and shall provide a proper substitute before interrupting the flow of sewage in any sewer or drain Provided that the Company shall not alter or interfere with any apparatus laid down or used for telegraphic or telephonic purposes by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 and nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply.

Purchase of
lands by
agreement.

9. The Company may from time to time for the purposes of their undertaking purchase or acquire by agreement any lands not exceeding in the whole three acres and may erect and hold offices buildings and other conveniences on any such lands but nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any land purchased or acquired under the powers of this section.

Restriction
on taking
houses of
labouring
class.

10. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company purchase or acquire any house or houses under the powers by this Act granted in contravention of the provisions of this section 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 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. A.D. 1900.

The expression "labouring class" in this section means mechanics artizans 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 such persons who may be residing with them and the word "house" means any tenement separately occupied by any person or persons.

11. 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 (not being an easement right or privilege of water in which any persons other than parties to the agreement 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. Power to owners to grant easements &c.

12. The tramways shall be constructed on a gauge of four feet eight and a half inches and the tramways shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the carriageway of the road along or across which the same is laid and the Company shall not use on the tramways carriages adapted for use on railways. Gauge and mode of formation of tramways.

13. The following sections of the Act of 1899 so far as the same are applicable shall extend and apply to the tramways by this Act authorised and to the Company in respect thereto in as full and complete a manner as if the said sections were re-enacted in this Act with reference thereto (that is to say):— Incorporation of sections of Act of 1899.

11. Inspection by Board of Trade:

13. Further provisions as to construction of tramways:

14. Penalty for not maintaining rails and roads in proper order:

15. Tramways to be kept on level of surface of roads:

18. Temporary tramways may be made when necessary:

52. Fares on Sundays or public holidays not to be raised.

14. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the Corporation require the Company to adopt and apply such improvements in the tramways including the As to rails of tramways.

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rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining tramways to satisfaction of Corporation.

15. In addition to any other provision of this Act or of the Act of 1899 extended by this Act the Company shall maintain and keep the tramways in good condition and repair to the satisfaction of the Corporation and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in manner provided by section 56 of the Tramways Act 1870 but by the Corporation only.

Power to make additional crossings &c.

16. The Company may subject to the provisions of this Act make maintain alter and remove all 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 by electricity or for providing access to any warehouse stables or carriage or engine houses or works of the Company Provided that in the construction of any such works no rail shall be laid so 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 the premises abutting on the place 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.

Application of road materials excavated in construction of works.

17. Any paving metalling or material excavated by the Company in the construction of the tramways or street widenings from any road under the jurisdiction or control of the Corporation shall be riddled by the Company through a sieve with a one-inch mesh and the material passing through such sieve may be used by the Company for concrete in constructing the tramways and paving such portions of road as the Company are by section 28 of the Tramways Act 1870 required to maintain and in or towards the construction of such street widenings and the remainder of such paving metalling or material shall belong to the Corporation and shall be deposited by the Company on the side of the road where it shall be at the risk of and may be removed by the Corporation Any difference between the Company and the Corporation or the borough engineer

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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 all differences between the Company and any road authority. A.D. 1900.

18. The Corporation 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 sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the Corporation as if the same were a pipe for the supply of gas or water. Corporation to have access to sewers.

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

20. If the tramways are not completed within as regards Tramways Nos. 1 2 4 and 4a two years from the passing of this Act and as regards Tramway No. 3 two years from the completion of the widening of Church Lane by this Act authorised then on the expiration of those respective periods the powers by this Act granted to the Company for constructing the said tramways respectively or otherwise in relation thereto shall cease except as to so much thereof respectively as shall be then completed. Period for completion of tramways.

21. If the Company fail within the respective periods limited by this Act to complete the tramways or any of them 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 said respective periods until the said tramways 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 tramway or tramways 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 the third section of the Railway and Canal Traffic Act 1854 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 and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided But

Penalty imposed unless tramways opened within times limited.

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Application
of penalty.

22. 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 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 tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the 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 if the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has or 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 re-transferred to the Company.

Provisions
as to motive
power.

23. The carriages used on any tramways for the time being of the Company within the borough 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 such tramways and for regulating the use of such power :

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

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

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

(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.

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

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

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

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

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

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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.

Recovery of penalties.

25. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Amendment of Tramways Act 1870 as to byelaws by local authority.

26. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the Corporation to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Act but the Corporation may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Orders &c. of Board of Trade.

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

For protection of Postmaster-General.

28.—(A) 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.

(B) In the event of any tramways for the time being of the Company being worked by electricity the following provisions shall have effect:—

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the 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 :

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

(3)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs 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 ;

(B) 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 :

(4) 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 :

(5) 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 cognizance 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

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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 :

(6) 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 :

(7) 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 :

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(9) 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 :

(10) 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 :

(11) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways for the time being of the Company.

Special provisions as to use of electrical power.

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

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

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to injuriously 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 such 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 maintenance 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 :
- (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 licences and any person owning working or running carriages over any of the tramways.

30. The Company may construct lay down place erect maintain renew and repair on in over and under the streets and roads

As to laying down and maintaining

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works
necessary
for using
electrical
power.

(including footways) within the borough in which the tramways or any existing tramways of the Company are situate and with the consent in writing of the owner and occupier thereof may attach to any house or building all such cables conductors electric mains wires standards posts plates tubes apparatus machinery works and appliances and may make and maintain such openings and ways on in over or under such streets and roads as may be necessary or convenient for the purpose of the working by electrical power of any such tramways or for providing access to or forming connections with any generating or other stations or any engines machinery or apparatus either of the Company or the Corporation and may make such alterations in any of their existing tramways within the said borough and execute all such works on and in connection therewith as may be necessary or expedient for adapting the same to be worked by electrical power and may for those purposes or any of them subject to the restrictions and provisions contained in Part II. of the Tramways Act 1870 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 Provided that 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.

Rates.

31. The tramways by this Act authorised shall for the purposes of the rates and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Act of 1879 and sections 47 to 52 of that Act as amended by section 22 of the Order of 1897 shall so far as the same are applicable apply to the tramways by this Act authorised and to the traffic thereon and to the rates and charges authorised to be demanded and taken in respect of such traffic in like manner and in every respect as if the tramways by this Act authorised formed part of the tramways authorised by the Act of 1879 the word "rates" being substituted in each case for the word "tolls."

Cheap fares
for labour-
ing classes.

32.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance

On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes. A.D. 1900.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

33. The following provisions shall unless otherwise agreed in writing between the Corporation and the Company have effect (that is to say):— Special provisions in relation to tramways &c.

(1) Subject to the provisions contained in sub-section 4 of this section it shall not be lawful for the Corporation to require the Company to sell to them so much of the undertaking of the Company as is within the borough pursuant to section 43 of the Tramways Act 1870 until after the expiration of a period of twenty-one years from the twenty-first day of July one thousand nine hundred. Provided always that by notice in writing given pursuant to section 43 of the Tramways Act 1870 after the twenty-first day of July one thousand nine hundred and twenty-one the Corporation shall be entitled to require the Company to sell, and the Company shall sell to them the whole of the Company's undertaking as then existing within the borough as then existing upon the terms of the said section:

(2) For and during the period of twenty-one years from the twenty-first day of July one thousand nine hundred the Company shall pay to the Corporation by equal half-yearly payments on the twenty-first day of January and twenty-first day of July in each year the sum of one thousand pounds per annum for the first five years of the said period the sum of one thousand two hundred and fifty pounds per annum for the next five years the sum of one thousand five hundred pounds per annum for the next three years the sum of one thousand seven hundred and fifty pounds per annum for the next three years the sum of two thousand pounds per annum for the remaining five years of the said period. Provided that if the Corporation shall exercise the power of purchase conferred on them by sub-section 4 of this section such payments and also the payments (if any) mentioned in sub-section three of this section shall cease and determine on and as from the date on which the

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completion of such purchase shall take effect and the amounts payable shall if necessary be apportioned up to that date. Provided also that within three months from the date of the passing of this Act a copy of this Act printed by the Queen's printer of Acts of Parliament shall be produced to the Commissioners of Inland Revenue stamped with the ad valorem duty as if the same were an instrument of security for the sum of twenty-one thousand pounds and in default of such production the duty with interest thereon at the rate of five per cent. per annum from the expiration of the said three months shall be a debt due to Her Majesty from the party who if this Act were such an instrument of security would have been liable to the penalty imposed by the Stamp Act 1891 for nonpayment of the duty payable thereon :

(3) In the event of the Corporation deciding in the exercise of their uncontrolled discretion to acquire and acquiring the lands described in the schedule to the Grimsby Order 1899 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1899 or any part thereof for the purpose of widening altering or improving Victoria Street West and Old Market Place the Company shall in addition to the payments provided for in sub-section 2 of this section pay to the Corporation on the first day of January and the first day of July in each year during the remainder of twenty-one years from the twenty-first day of July one thousand nine hundred such a sum as will reimburse to the Corporation the amount of the interest and sinking fund (spread over the longest period which the Local Government Board will allow in such case) which may be payable by the Corporation in respect of the net cost of widening altering and improving the said streets pursuant to the Grimsby Order 1899 including in such net cost the law costs and other expenses of and incidental to the obtaining of such Order and to the ascertainment by arbitration or otherwise of the purchase moneys of the lands described in the schedule thereto tenants' and owners' compensations and goodwill of their businesses and to the conveyance of such lands and premises to or otherwise vesting the same in the Corporation :

(4) If at any time after the twenty-first day of July one thousand nine hundred and ten the Corporation shall desire to purchase the whole undertaking of the Company as then existing within the borough as then existing and shall give the Company twelve calendar months' notice in writing to that effect the Company shall sell and the Corporation shall purchase as a going concern

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the whole undertaking of the Company as aforesaid anything herein-before contained to the contrary notwithstanding for such consideration being a sum in gross and on such terms and conditions as shall be agreed between the Corporation and the Company or as failing such agreement shall be determined by the arbitration of two persons (one to be appointed by each party to the reference) or their umpire under and according to the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement and on the basis of a compulsory sale and in construing those provisions for the purposes of this sub-section the word "lands" shall mean the undertaking of the Company as aforesaid and the expression "the promoters of the undertaking" shall mean the Corporation :

(5) In the event of the Corporation making certain contemplated new streets leading from east to west in the borough between Bradley Street and Town Hall Square and Freeman Street and the Central Market the Company shall apply for parliamentary powers to construct and maintain tramway lines in such new streets if required by the Corporation so to do :

(6) The Company shall so far as the same have not already been satisfactorily reconstructed reconstruct the whole of their existing tramways with girder rails suitable for electric traction approved of by the borough engineer and shall bond them with copper bonds in accordance with the Board of Trade rules and to the satisfaction of the said engineer :

(7) If at any time hereafter prior to the acquisition by the Corporation of the whole undertaking of the Company within the borough subways shall be constructed under the lines of railway in the borough crossed by the Company's tramways such tramways and the tramway cars used thereon shall be adapted by and at the expense of the Company to pass along such subways :

(8) The Corporation shall supply to the Company and the Company shall take from the Corporation the whole of the electrical power required or used by the Company for working their tramway cars or other use in connection with their undertaking within the borough and the Company and their successors and assigns shall not at any time before the twenty-first day of July one thousand nine hundred and twenty-one construct any electrical or other works for supplying motive power of any description within the borough or purchase or obtain such power for use within the borough from any other source than

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from the Corporation anything in the Order of 1897 or in the Act of 1899 contained to the contrary notwithstanding :

(9) The Company shall pay the Corporation for the electric current supplied by them to the Company a sum to be calculated at the rate of three halfpence per Board of Trade unit for the first three hundred and sixty thousand units used during each year at the rate of one and three-eighths pence per unit for the next one hundred thousand units so used and at the rate of one penny farthing per unit for all current used above four hundred and sixty thousand units during each year from the commencement of the supply Provided always that the Company shall for each year as aforesaid pay for a minimum quantity of three hundred and sixty thousand Board of Trade units whether such quantity shall or shall not have been actually supplied to or used by the Company :

(10) The Corporation shall supply electric energy to the Company daily between the hours of five a.m. and twelve midnight at a pressure of about five hundred volts but not falling below four hundred and seventy-five volts and in such quantity as required by the Company up to a maximum of two hundred kilowatts or say two hundred and seventy electrical horse power and in the event of any failure in such supply not caused by strikes or combination of workmen accidents or other unavoidable circumstances whatever beyond the control of the Corporation the Corporation shall pay to the Company as liquidated damages for each such failure for every car mile in working the tramways within the borough lost by the Company an amount equal to the average earnings of the Company per car mile for the three preceding weeks unless such failure should occur on a bank or other public holiday in which case the amount to be paid by the Corporation for each car mile lost as aforesaid shall be equal to the earnings per car mile of the Company on the corresponding or last preceding bank or other public holiday in the previous year Provided that save and except as aforesaid the Corporation shall not be called upon to make compensation to the Company for damage sustained or alleged to have been sustained by the Company in consequence of the exercise of any powers conferred upon the Corporation for the supply of electricity and in particular the Corporation shall not be required to pay to the Company any compensation pursuant to section 17 of the Electric Lighting Act 1882 And provided also that the Corporation shall not be liable to pay damages as aforesaid to the Company for any failure to supply electric current as aforesaid until the electric power works of the

Corporation are sufficiently completed to enable them to supply the electricity required by the Company : A.D. 1900.

(11) The Corporation shall only be required to supply the electric current to the Company at the Corporation's generating station through a meter (to which the Company shall have access) and shall be in no way responsible for mains poles or any other matters outside the generating station which shall be provided and maintained by and at the expense of the Company :

(12) The Company shall provide and lay and uphold and renew as occasion requires the feeder cables and all other appliances in connection with the supply of current for running the tramway cars and such cables and appliances shall be the property of the Company :

(13) The Company shall erect within the borough standards with lampholders at the top of such design and of such material other than wood and in such positions as shall be approved of by the engineer to the Corporation for the purpose of carrying the Company's overhead wires and the local authority shall upon giving to the Company fourteen days' previous notice in writing of their desire to do so have the right to use such lampholders and standards for the support of electric lamps together with the necessary electric wires and fittings paying to the Company such an annual sum for such use as aforesaid for such lampholders and standards as may be mutually agreed upon between the Company and the Corporation or as failing agreement may be determined by Alexander Blackie William Kennedy or him failing by an arbitrator to be appointed on the application of either party by the President for the time being of the Institute of electrical engineers Provided always that the Corporation shall make good any damage that may be done by them or their workmen servants or agents to any such standards or the Company's wires and fittings suspended therefrom or affixed thereto and shall indemnify and save harmless the Company from all claims and demands actions costs and expenses which the Company may incur to third parties by reason of or arising out of such user :

(14) The standards and trolley wires erected by the Company within the borough shall be their property but shall not be used for any advertising purposes without the consent of the Corporation and the Company shall uphold and renew such standards and trolley wires as occasion requires :

(15) After the conversion to electric traction of the existing tramways and the construction of the tramways by this

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Act authorised the whole tramway system of the Company within the borough shall subject to the provisions contained in the section of this Act the marginal note whereof is "Provisions as to motive power" be from the date when the Corporation are prepared to supply current moved by electrical power and not otherwise without the consent of the Corporation :

(16) The Company shall from the date of commencing working the whole system within the borough by electric traction provide a seven and a-half-minutes service of cars from the first of April to the thirty-first of October inclusive and a ten minutes service during the remaining months of each year or such other service as may be from time to time agreed upon between the Company and the Corporation but the Company shall be at liberty to run a more frequent service of cars if necessary to answer the requirements of the public :

(17) As from the date of commencing working the whole system of the Company within the borough by electric traction the tolls and charges to be taken for a passenger travelling upon the tramways of the Company shall not without the consent of the Corporation exceed the sum of one penny for any journey completed within the borough anything in the Act of 1879 the Order of 1886 the Order of 1897 or the Act of 1899 contained to the contrary notwithstanding :

(18) The managing director of the Company shall give notice to the town clerk of the borough whenever he is about to visit the borough and if required by the town clerk so to do shall confer with the mayor or other member of the town council appointed by the Corporation upon any matter in connection with the working of the tramways of the Company.

Power to
apply exist-
ing funds.

34. The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or may hereafter raise under any other Act or Acts and which may not be required for the purposes to which by the respective Acts such moneys are made applicable.

Power to
raise addi-
tional
capital.

35. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole ten thousand pounds by the creation and issue at their option of ordinary shares or stock or preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum

not being less than one-fifth of the amount of such share shall have been paid in respect thereof Any such preference shares or stock may be issued with such rights as between such preference shares or stock and any ordinary shares or stock of the Company to priority in distribution of assets as may be fixed by the meeting of the Company at which it shall be determined to issue any portion of such additional capital as preference capital Provided always that the terms and conditions on which such preference shares or stock are or is issued shall be stated on the certificates thereof.

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36. If any money be payable to any holder of shares or stock in the capital of the Company or to any mortgagee of the Company being a minor idiot or lunatic the receipt of his guardian or committee as the case may be shall be a sufficient discharge to the Company.

Receipts on behalf of incapacitated persons.

37. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares or stock.

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

Power to borrow.

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Repealing existing provisions as to receiver.

For appointment of a receiver.

Company not to create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

Indorsement of notice of power of future purchase by local authority.

Existing mortgages to have priority.

Moneys borrowed on mortgage to have priority.

Application of moneys.

Recovery of demands under fifty pounds.

39. The provisions of section 45 of the Act of 1899 for appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

40. 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 three thousand pounds in the whole.

41. The Company shall not create debenture stock.

42. 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 a 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.

43. 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 undertaking of the Company in the event of purchase by a local authority under the forty-third section of the Tramways Act 1870.

44. All mortgages granted by the Company before the passing of this Act in pursuance of the powers of the Act of 1879 and of the Act of 1899 and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

45. All moneys to be borrowed on mortgage under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them.

46. All moneys raised under this Act whether by shares stock or borrowing shall be applied for the purposes only of this Act and other the general purposes of the Company being in all cases purposes to which capital is properly applicable.

47. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any

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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. A.D. 1900.

48. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 or of any rules made thereunder shall apply in every such arbitration. Provisions as to arbitration.

49. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall 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.

50. 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 tramway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

51. Nothing in this Act contained shall exempt the Company or the tramways of the Company 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 or charges. Provision as to general Tramways Acts.

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

Printed by EYRE and SPOTTISWOODE,

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T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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