CHAPTER clxviii.

An Act for incorporating the Alford and Sutton Tramways Company and authorising them to construct Tramways from Alford to Sutton-le-Marsh in the parts of Lindsey in the county of Lincoln; and for other purposes. A.D. 1880

[12th August 1880.]

WHEREAS the construction of tramways from Alford to Sutton-le-Marsh in the parts of Lindsey in the county of Lincoln would be of public and local advantage:

And whereas the persons in that behalf in this Act named, with others, are willing at their own expense to construct such tramways on being incorporated into a company with adequate powers for the purpose, and it is expedient that they be incorporated and empowered accordingly:

And whereas plans and sections showing the situation, lines, and levels of the tramways authorised by this Act, and the lands to be taken for the purposes thereof, with a book of reference to the plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands, were duly deposited with the clerk of the peace for the parts of Lindsey in the county of Lincoln, and are herein-after referred to as the deposited plans, sections, and books of reference:

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

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

1. This Act may be cited as the Alford and Sutton Tramways Act, 1880. Short title.

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Incorporation of general Acts.

8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
33 & 34 Vict. c. 78.

2. The Companies Clauses Consolidation Act, 1845, and Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act, 1870, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act; the expressions "the tramways" and "the undertaking" mean respectively the tramways, passing places, and works and the undertaking by this Act authorised; the word "contingencies" in section 122 of the Companies Clauses Consolidation Act, 1845, shall, with reference to the Company, be construed to include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act, 1870, at a sum less than the aggregate amount of the capital and debts of the Company; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Incorporation of Company.

4. Edwin Cox Nicholls, Septimus Francis Porter, David Forrest, James Martin, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the tramways and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Alford and Sutton Tramway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make tramways.

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 and within the limits of deviation shown on the depo-

sited plans and sections, and in all respects in accordance with those plans and sections, the tramways herein-after described, with all proper rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as are mentioned or referred to in the Schedule A. to this Act annexed. The tramways herein-before referred to and authorised by this Act are wholly situate in the parts of Lindsey in the county of Lincoln, and are—

Tramway No. 1. A tramway (single line) seven furlongs and six and a half chains in length, wholly situate in the parish of Alford, commencing in the road leading from the railway station to the town of Alford at a point two chains or thereabouts north-eastward of the point where the Great Northern Railway crosses the said road on the level, passing thence along that road into and along High Street, Alford, and thence passing by the churchyard into and along the main road leading to Louth, and terminating in that road at the point of junction of the road leading to Bilsby with the said main road leading to Louth:

Tramway No. 1A. A tramway (single line) four and a half chains in length, wholly situate in the parish of Alford, commencing by a junction with Tramway No. 1 at its point of commencement, and terminating in the railway station yard at Alford at a point twenty yards or thereabouts south-eastward of the entrance door of the station building:

Tramway No. 2. A tramway (single line) six miles and three and a half chains in length, commencing in the parish of Alford by a junction with Tramway No. 1 at the termination thereof, passing thence into and along the main road leading through the villages of Bilsby, Markby, and Hannah-cum-Hagnaby to Sutton-le-Marsh, and terminating in that road at Sutton-le-Marsh in the parish of Sutton-le-Marsh at a point opposite to the flagstaff at the inn known as the Jolly Bacchus, which said Tramway No. 2 will be wholly made or situate in the parishes of Alford, Bilsby with Thurlby, Markby, Hannah-cum-Hagnaby, and Sutton-le-Marsh.

Tramways or passing places (each consisting of a single line of rails only), commencing and terminating respectively by junctions with Tramway No. 1, their respective points of commencement and termination being as follows:

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Tramway No. 3. A tramway or passing place two chains in length, wholly situate in the parish of Alford, commencing and terminating at points respectively one chain and three chains from the commencement of Tramway No. 1:

Tramway No. 4. A tramway or passing place sixteen chains in length, wholly situate in the parish of Alford, commencing in the High Street, Alford, at a point opposite the easternmost corner of the Post Office, and terminating at a point sixteen chains north-east from its point of commencement.

Tramways or passing places (each consisting of a single line of rails only), commencing and terminating respectively by junctions with Tramway No. 2, their respective points of commencement and termination being as follows:

Tramway No. 5. A tramway or passing place eight chains fifteen links in length, wholly situate in the parish of Bilsby with Thurlby, commencing and terminating at points respectively one chain and a half or thereabouts north-westward and six chains and a half or thereabouts south-eastward of the north-east corner of Bilsby Church:

Tramway No. 6. A tramway or passing place twenty-two chains in length, wholly situate in the parish of Bilsby with Thurlby, commencing and terminating at points respectively two chains north-westward and twenty chains north-eastward of the north corner of the Three Tuns Inn:

Tramway No. 7. A tramway or passing place twelve chains in length, commencing in the parish of Bilsby with Thurlby, and terminating in the parish of Markby at points respectively twenty-six and thirty-eight chains north-eastward of the entrance gates of the Furze Hill Farm:

Tramway No. 8. A tramway or passing place four chains in length, wholly situate in the parish of Markby, commencing and terminating at points respectively nine and thirteen chains to the eastward of the Wesleyan Chapel at Markby:

Tramway No. 9. A tramway or passing place seven chains in length, wholly situate in the parish of Hannah-cum-Hagnaby, commencing and terminating at points respectively three chains southward and four chains northward of the north-westernmost corner of the Fleece Inn:

Tramway No. 10. A tramway or passing place four chains in length, wholly situate in the parish of Sutton-le-Marsh, commencing and terminating at points respectively two chains south-westward and two chains north-eastward of the point of

junction of the road leading to Thorpe with the said main road leading from Hannah-cum-Hagnaby to Sutton :

Tramway No. 11. A tramway or passing place two chains in length, wholly situate in the parish of Sutton-le-Marsh, commencing and terminating at points respectively three chains and one chain from the termination of Tramway No. 2.

Capital.

6. The capital of the Company shall be sixteen thousand pounds, in one thousand six hundred shares of ten pounds each.

Shares not to be issued until one-fifth part paid up.

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

Calls.

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

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

10. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called preferred half share and the other shall be called deferred half share, but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time

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being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

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

Half shares to be registered and certificates issued.

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

Terms of issue to be stated on certificates.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

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

Preferred shares not to be cancelled, &c.

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

Half shares to be half shares in capital.

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

Power to borrow on mortgage.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole four thousand pounds, but no part thereof shall be borrowed until the whole capital of sixteen thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845 (before he so certifies), that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same, and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Mortgages to comprise purchase money paid on compulsory sale.

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

Indorsement of notice of power of future purchase.

20. 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 tramways in the event of their being purchased by the local authority under the forty-third section of the Tramways Act, 1870.

Money borrowed on mortgage to have priority.

21. All moneys borrowed or 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,

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over all other claims on account of any debts incurred or to be incurred or any engagements entered into or to be entered into by them, but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act, or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Appointment of a receiver.

22. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four hundred pounds in the whole.

Company not to create debenture stock.

23. The Company shall not create debenture stock.

Application of moneys.

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

First and subsequent meetings.

25. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year, in the months of February or March and August or September, as the directors may appoint.

Number of directors.

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

Qualification of directors.

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

Quorum of directors.

28. The quorum of a meeting of directors shall be three until the number of the directors is reduced to three, and then the quorum shall be two.

First directors and election of directors.

29. Edwin Cox Nicholls, Septimus Francis Porter, David Forrest, and James Martin shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in

person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for compulsory purchase of lands.

30. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Power to purchase lands, &c. by agreement.

31. The Company may from time to time, in addition to the other lands which they are by this Act authorised to acquire, purchase by agreement any lands which they may require for any of the purposes of their undertaking, not exceeding in the whole three acres, and the Company may erect on such lands such suitable buildings as they think necessary for the purposes of their undertaking.

Power to take easements, &c. by agreement.

32. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

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

33. Whereas, pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, the sum of seven hundred and sixty-five pounds six shillings and twopence three per centum Consolidated Bank Annuities, the same being equal to five per centum upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is in this Act referred to as the deposit fund: Be it enacted that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance

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of the said Act, or the survivors or survivor of them, which persons, survivors, or survivor are or is in this Act referred to as the depositors, unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers, then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised, the Chancery Division shall, on the application of the depositors or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

34. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers, then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been made, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or material 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 tramways, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit, and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all

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

Period for completion of works.

35. If the tramways are not completed within two years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the tramways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Mode of formation and gauge of tramways.

36. Every tramway of the Company shall consist of a single pair of rails laid and maintained in such manner as to be on a level with the surface of the street, and shall be constructed on the gauge of two feet six inches; and so much of section 34 of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

Correction of errors in deposited plans and books of reference.

37. If there be any omission, misstatement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plans or specified in the deposited books 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

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parts of Lindsey in the county of Lincoln, and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate, and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate, and thereupon the deposited plans and books 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.

Rails of tramways.

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

Further provisions as to construction of tramways.

39. In addition to the requirements of section 26 of the Tramways Act, 1870, the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, or renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, or renewing such tramways, and a statement of the materials intended to be used therein; and the Company shall not commence the construction, laying down, maintenance, or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section 26 of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

Inspection by Board of Trade.

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

Tramways to be kept level with surface of road.

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

Penalty for not maintaining rails

42. 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 which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Company at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act, 1870, they shall for every such offence be subject to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section 56 of the said Act is provided. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in this section contained, or with any of the requirements of section 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.

and roads in good condition.

43. Every sewer authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Company, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Sewer authorities to have access to sewers.

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

Company may be required to use improved form of rail.

45. The Company may, subject to the provisions of this Act, with the consent of the local authority and road authority, from time to time make, maintain, alter, and remove such crossings,

Power to make additional crossings,&c.

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

Temporary tramways may be made when necessary.

46. Where by reason of the execution of any works affecting the surface or soil of any road along which any of the tramways are laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramways or any part thereof, the Company may, with the consent of the road authority, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and with the like consent, subject to the like conditions, and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramways or part of the tramways so removed or discontinued. If any difference arise between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Certain lands when acquired to be thrown into adjoining road.

47. Except as in this section otherwise expressly provided, all lands which the Company may acquire under the provisions of this Act, and which shall be within the limits of deviation shown on the deposited plans, shall when so acquired be used only for the purpose of widening and improving the public road and the slopes thereof on which such lands abut, and all such lands so thrown into any public road shall form part thereof, and shall for ever thereafter be dedicated to the public, but this provision shall not apply to any lands which the Company may be required or compelled to purchase which shall be situate beyond the limits of deviation shown on the deposited plans, although forming part of lands situate within the limits of deviation, or to any lands which

the Company may acquire by agreement under the provisions of this Act for the erection of buildings or for sidings or other works.

Protection of the Great Northern Railway Company.

48. The Tramway No. 3 and so much of Tramway No. 1 as is situate and lies between the commencement thereof and the termination of Tramway No. 3, and any additional tramways, sidings, and other works made under the authority of this Act in connexion with or in lieu of that tramway and portion of tramway, shall be so constructed, maintained, and worked as not to impede the access to the station of the Great Northern Railway Company at Alford, and the Tramway No. 1A herein-before authorised shall be subject to the following conditions :—

(*a.*) It shall be constructed according to plans and specifications approved by the engineer of the Great Northern Railway Company :

(*b.*) It shall be worked according to regulations to be approved by the same company :

(*c.*) It shall be removed at the expense of the Tramway Company after they shall have received three months' notice to that effect from the Great Northern Railway Company, and from and after the expiration of that period the said Tramway No. 1A shall cease to be used by the Company.

Application of road materials excavated in construction of works.

49. Any paving, metalling, or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 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, such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with

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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.

Carriages may be moved by animal, steam, or mechanical power.

50. The carriages used on the tramways may, subject to the provisions of this Act, be moved by animal power, and with the consent of the Board of Trade during a period of seven years after the opening of the same for public traffic, and with the like consent during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board, by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule B. to this Act annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

Penalty for using steam or mechanical power contrary to order or regulations.

51. The Company or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act, or to any of the regulations set forth in the Schedule B. to this Act annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always, that, whether any such penalty has been recovered or not, the Board of Trade, in case in their opinion the Company or any person using steam or any mechanical power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act, or with any of the regulations set forth in the Schedule B. to this Act annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the Company or such person to cease to exercise the powers aforesaid, and thereupon the Company or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

52. Subject to the provisions of this Act, the Board of Trade may from time to time make, and when made may rescind, annul, or add to, byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Act 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:

For regulating the emission of smoke or steam from engines used on the tramways:

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 regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Penalty for breach of byelaws.

53. 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.

The provisions of the Tramways Act, 1870, with respect to the recovery of penalties shall apply to any penalty under this Act, and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

54. 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 tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act, or by any regulation made by the Board of Trade under the authority of this Act, at which engines are to be driven or propelled on the tramways under the authority of this Act, but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed at a lower rate than that so prescribed.

Orders and byelaws made by Board of Trade.

55. 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, and when so signed the same

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shall be deemed to have been duly made in accordance with the provisions of this Act.

Where steam or mechanical power is used, contract with road authority not to be for longer than two years at a time.

56. Where steam or any mechanical power is used by the Company or any other company or person on the tramways or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or any mechanical power as aforesaid with respect to the user by the Company or such other company or person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may be renewed from time to time with or without modifications, or a new contract, agreement, or arrangement may be made instead thereof.

Contracts with road authorities when steam or mechanical power is to be used.

57. Where the Company or any other company or person intend to use steam or any mechanical power under the authority of this Act on the tramways or any part thereof, they or he shall give two months previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend to use such power are or is situated.

Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Company or such other company or person, or the paving and keeping in repair, of the whole or any part of the roadway in any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Company or such other company or person by such notice, or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement, and thereupon such contract, agreement, or arrangement

shall, from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof, be determined and of no effect.

Before using steam or any mechanical power on the tramways or any part thereof, and thereafter from time to time, the Company or such person and every such road authority may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arise between any such road authority and the Company or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority after request in writing by the Company or such person, or the Company or such person after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination, or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof with or without modification, or any new contract instead thereof, shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Company and any road authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrangement thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to

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the tramways or such portion of the tramways a contract, agreement, or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract, agreement, or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard in the first instance to the requirements of the roads upon which the tramways are laid.

Tolls for passengers.

58. The Company may demand and take for any passenger travelling upon the tramways or any part or parts thereof, including tolls for the use of the tramways and of carriages, and for motive power, and for every other expense incidental to such conveyance, any tolls or charges not exceeding twopence per mile, and in computing the said tolls or charges a fraction of a mile shall be deemed a mile, but in no case shall the Company be bound to charge a less sum than threepence.

Passengers luggage.

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

Tolls for animals and goods.

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

For every horse, mule, or other beast of draught or burden, sixpence per head per mile:

For every ox, cow, bull, or head of neat cattle, fivepence per head per mile:

For calves, sheep, pigs, lambs, and small animals, threepence per head per mile:

For all coals, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or

highways, culm, cannel, ironstone, iron ore, limestone, slates, slate slabs, slate flags, chalk, sand, slag, and clay (except fire-clay), threepence per ton per mile:

For all coke, charcoal, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, salt, fire-clay, and stone, fourpence per ton per mile:

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

For cotton and other wools, drugs, manufactured goods, and for fish, and all other wares, merchandise, articles, matters, or things, sixpence per ton per mile:

For every carriage of whatever description, not weighing more than one ton, sixpence per mile, with an additional charge of threepence per quarter of a ton over one ton in weight:

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

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, any sum which they may think fit:

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

For the carriage of single articles of great weight:

For the carriage of any one 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) shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding one shilling per ton per mile:

For the carriage of any single piece of machinery, or single piece of timber or stone, or other single article, the weight of which with the carriage shall exceed eight tons, the Company may demand such sum as they think fit.

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Regulations as to tolls.

61. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

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

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile:

For a fraction of a ton the Company may demand tolls according to the numbers of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton:

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

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

Company to carry parcels.

62. The Company shall carry small parcels, but they shall not be bound to deliver the same except at the termini of their tramways, or at such other place or places as the Company may from time to time determine.

Company not bound to carry animals and goods.

63. The Company shall not be bound, unless they think fit, to carry on the tramways any goods, animals, or other things other than passengers and passengers luggage, not exceeding the weight in this Act in that behalf mentioned, and small parcels.

Byelaws as to tolls.

64. The Company may, subject to the provisions of section 46 of the Tramways Act, 1870, from time to time make byelaws as to the persons, times, and places to whom and at and in which the tolls and charges authorised by this Act shall be paid.

Periodical revision of tolls.

65. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that

under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any part of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Power to enter into agreements for widening and improving of roads.

66. Subject to the provisions of this Act, the Company on the one hand and any local authority or road authority on the other hand may from time to time enter into and carry into effect contracts or agreements with respect to the widening and improving of any of the roads along which the tramways or any of them are authorised to be laid or any part or parts thereof respectively, and with respect to the laying down, maintaining, renewing, repairing, and using the tramways or any of them, and all matters incidental thereto.

Interest not to be paid on calls paid up.

67. The Company shall not, out of any moneys by this Act authorised to be raised, pay interest or dividend 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.

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

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

Company not exempt from provisions of

69. Notwithstanding anything contained in this Act, the Company and any other company or person using any tramways to which the same applies shall be subject and liable to the provisions

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present or future general Tramway Acts.

of any general Act which may hereafter be passed during this or any future session of Parliament relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by any Act relating to the Company, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, and mechanical power, by any such general Act as aforesaid.

Expenses of Act.

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

The SCHEDULES referred to in the foregoing Act. A.D. 1880.

SCHEDULE A.

Parish.	No. on deposited Plan.
Alford - - -	- 1.
Bilsby with Thurlby -	- 2, 2a, 3, 3a, 4, 5, 6, 7, 9, 23, 24, 25, 26, 27, 28, 30, 31, 32.
Markby - -	- 3, 4, 5, 6, 3a, 4a, 5a, 6a, 8a, 11.
Hannah-cum-Hagnaby -	- 2, 5, 6, 7, 8, 10, 11, 12.

SCHEDULE B.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating, and for bringing such engine and any carriage drawn or propelled by such engine to a stand, as the Board of Trade may from time to time think sufficient. Break power of engines.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof, and shall be fitted— As to fittings of engines, &c.

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell, whistle, or other apparatus, to be sounded as a warning when necessary; and

With a seat for the driver of such engine, so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above four inches from the level of the rails, and all fire used on such engine shall be concealed from view.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to, exit from, and accommodation in such carriage, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriage. As to carriages.

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Inspection of engines and carriages.

The Board of Trade shall on the application of the local authority, and may on complaint made by any person, from time to time inspect any engine or carriage used on the tramways and the machinery therein, and may, whenever they think fit, prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through moveable facing points shall not exceed the rate of four miles an hour.

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