CHAPTER xxxvii.

An Act to authorise the Corporation of Chesterfield to construct and work tramways to execute further street works and improvements to extend their area for the supply of electricity to make further provision for the improvement local government and health of the Borough of Chesterfield and for other purposes. [24th June 1904.] A.D. 1904.

WHEREAS the borough of Chesterfield in the county of Derby (in this Act called "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act called "the Corporation") and whereas the Corporation acting by the council are the local authority for the borough:

And whereas under the powers conferred by the Tramways Orders Confirmation Act 1879 certain tramways in the said Act described as the Chesterfield Brampton and Whittington Tramways have been constructed within the borough and certain other tramways by the said Act authorised were not constructed:

And whereas the Corporation have purchased the undertaking of the Chesterfield Brampton and Whittington Tramways and are now carrying on the same and it is expedient that the Corporation be authorised to construct additional tramways both within and beyond the borough and to equip both the existing and the additional tramways for the purpose of working by mechanical power and to work the same:

And whereas under the powers of the Chesterfield Improvement Act 1901 the Corporation were authorised to make certain street improvements as in the said Act defined and such improvements have for the most part been carried out but

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some of them are not now necessary and it is expedient that the Corporation be authorised to abandon such last-mentioned improvements and to execute other and further improvements and to take lands therefor:

And whereas under the provisions of the Chesterfield (Corporation) Electric Lighting Order 1894 as confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1894 the Corporation are the undertakers for the supply of and are supplying electrical energy within the borough:

And whereas in connexion with their proposed tramway undertaking the Corporation will be enabled to supply electrical energy conveniently and economically to certain districts outside the borough and it is expedient that for that purpose the area of supply of the Corporation be extended and that further powers in connexion with their electrical undertaking be conferred upon the Corporation:

And whereas the Corporation are the owners of a certain piece of land acquired for the purpose of a highway depôt but which is not now required for that purpose and it is expedient that they be authorised to appropriate and use the said piece of land for a generating station and other the purposes of their tramway and electrical undertaking:

And whereas it is expedient that the Corporation be authorised to enter into agreements with local and road authorities companies and persons with reference to the purposes of this Act:

And whereas it is expedient that the Corporation should be empowered to borrow money for the purposes of this Act:

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the various works by this Act authorised and such estimates are as follows:—

For tramway purposes ninety-five thousand and twenty pounds and fifteen shillings;

For street improvements twenty-three thousand six hundred and forty-one pounds and ten shillings:

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost of them should be spread over a term of years:

And whereas the estimate prepared by the Corporation for the street improvements by this Act authorised to be abandoned was fifty-five thousand pounds:

And whereas none of the powers of the Chesterfield Improvement Act 1901 with respect to the street improvements by this Act authorised to be abandoned have been exercised and no notices to treat have been served in respect of such street improvements:

And whereas the Corporation have been authorised to borrow otherwise than by the Chesterfield Improvement Act 1901 and have borrowed sums amounting in all to one hundred and fourteen thousand four hundred and ninety-three pounds of which thirty-eight thousand six hundred and eighty-six pounds have been paid off and seventy-five thousand eight hundred and seven pounds are still outstanding:

And whereas the Corporation were authorised under the Chesterfield Improvement Act 1901 to borrow one hundred and seventy-seven thousand pounds for the purposes of that Act in addition to such sums as might be required to defray the costs of the same but have not hitherto exercised their powers under that Act:

And whereas an absolute majority of the whole number of the council at a meeting held on the eighth day of December one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Derbyshire Courier a local newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the thirtieth day of December one thousand nine hundred and three being not less than fourteen days after the deposit of the Bill in Parliament:

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And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed:

And whereas plans and sections showing the lines and levels of the works by this Act authorised and also plans showing the land authorised by this Act to be purchased compulsorily appropriated taken and used together with books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken appropriated and used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Derby and are in this Act respectively referred to as the deposited plans sections and books of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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):—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Chesterfield Corporation Tramways and Improvements Act 1904.

Act divided into parts.

2. This Act is divided into parts as follows (that is to say):—

Part I.—Preliminary.
Part II.—Tramways.
Part III.—Street Improvements.
Part IV.—Electricity.
Part V.—Lands.
Part VI.—Finance.
Part VII.—Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated and form part of this Act.

Interpretation.

4. In this Act unless the subject or context otherwise requires—

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act (except where otherwise expressly provided) the same respective meanings;

"The borough" means the borough of Chesterfield;

"The Corporation" means the mayor aldermen and burgesses of the borough acting by the Council;

"The town clerk" "the borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the town clerk the borough fund the borough rate the district fund and the general district rate of the borough;

"The Act of 1901" means the Chesterfield Improvement Act 1901;

Words to which meanings are assigned by the Act of 1901 have the same respective meanings as in that Act;

"The existing tramways" means the tramways within the borough authorised and constructed under the Tramways Orders Confirmation Act 1879;

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

"The tramway undertaking" means the tramway undertaking of the Corporation for the time being authorised and "tramway revenue" means the revenue of the said undertaking;

"The Order of 1894" means the Chesterfield (Corporation) Electric Lighting Order 1894 as confirmed by Parliament;

"The electrical undertaking" means the electrical undertaking of the Corporation for the time being authorised and "electrical revenue" means the revenue of the said undertaking;

"Mechanical power" includes steam electrical and every other motive power not being animal power;

"Engine" includes motor;

"Daily penalty" means a penalty for each day on which an offence is continued after conviction thereof.

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Part II.

Tramways.

Power to make tramways.

5. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain both within and outside the borough the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper and convenient rails plates sleepers channels pipes conduits tubes passages for ropes cables lines and wires pits underground chambers shafts manholes dynamos junctions turntables turnouts crossings passing places triangles pillars posts poles brackets waiting rooms stables carriage houses engine houses stations sheds works and conveniences connected therewith and may equip the same with the necessary plant and rolling stock:

Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

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

Tramway No. 1 (5 furlongs 4·0 chains or thereabouts in length whereof 3 furlongs 8·0 chains or thereabouts will be single line and 1 furlong 6·0 chains or thereabouts will be double line) situate wholly in the borough and parish of Chesterfield commencing at a point where the boundary of the borough crosses the Chatsworth Road and terminating in that road by a junction with the existing tramway of the Corporation at the intersection of Cross Street and Chatsworth Road:

Tramway No. 2 (a double line 3 chains or thereabouts in length) situate wholly in the borough and parish of Chesterfield commencing by a junction with the existing tramway of the Corporation in Chatsworth Road at a point 1·3 chains or thereabouts west of the intersection of Bobbinmill Lane and Chatsworth Road and terminating in that road by a junction with the existing tramway of the Corporation at a point 1·7 chains or thereabouts east of the intersection of Bobbinmill Lane and Chatsworth Road:

Tramway No. 3 (a double line 5·55 chains or thereabouts in length) situate wholly in the borough and parish of Chesterfield commencing by a junction with the existing tramway of the Corporation in Chatsworth Road at a point 8·1 chains or thereabouts east of the intersection of Factory Street and Chatsworth Road and terminating in that road by a junction with the existing tramway of the Corporation at a point 2·5 chains or thereabouts west of the intersection of Hipper Street West and Chatsworth Road:

Tramway No. 4 (a double line 3 chains or thereabouts in length) situate wholly in the borough and parish of Chesterfield commencing by a junction with the existing tramway of the Corporation in Chatsworth Road at a point 3·3 chains or thereabouts east of the intersection of Alma Street and Chatsworth Road and terminating in that road by a junction with the existing tramway of the Corporation at a point 0·7 chain or thereabouts east of the intersection of Bank Street and Chatsworth Road:

Tramway No. 5 (4·09 chains or thereabouts in length whereof 1·09 chains or thereabouts will be single line and 3 chains or thereabouts will be double line) situate wholly in the borough and parish of Chesterfield commencing by a junction with the existing tramway of the Corporation in Chatsworth Road at a point 3·3 chains or thereabouts east of the intersection of Chester Street and Chatsworth Road and terminating in that road by a junction with the existing tramway of the Corporation at a point 2·4 chains or thereabouts west of the intersection of Foljambe Road and Chatsworth Road:

Tramway No. 6 (1 furlong 6·35 chains or thereabouts in length whereof 1 furlong 0·35 chain or thereabouts will be single line and 6 chains or thereabouts will be double line) situate wholly in the borough and parish of Chesterfield commencing by a junction with the existing tramway of the Corporation in West Bars at a point in line with the east side of Rutland Road at the intersection of Rutland Road with West Bars and terminating in that road by a junction with the existing tramway of the Corporation at a point 1·6 chains or thereabouts west of the west side of New Square:

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Tramway No. 7 (a double line 2 furlongs 4·36 chains or thereabouts in length) situate wholly in the borough and parish of Chesterfield commencing in New Square by a junction with the existing tramway of the Corporation at a point opposite the junction of Park Road with New Square or thereabouts and terminating in Holywell Cross at the intersection of Cavendish Street and Holywell Street or thereabouts:

Tramway No. 8 (5 furlongs 6·8 chains or thereabouts in length whereof 3 furlongs 0·53 chain or thereabouts will be single line and 2 furlongs 6·27 chains or thereabouts will be double line) situate wholly in the borough and parish of Chesterfield commencing by a junction with Tramway No. 7 at the point of termination thereof as herein-before described and terminating in Sheffield Road at the point where the boundary of the borough crosses that road or thereabouts:

Tramway No. 9 (1 furlong 9·35 chains or thereabouts in length whereof 1 furlong 6·35 chains or thereabouts will be single line and 3·0 chains or thereabouts will be double line) situate wholly in the parish and urban district of Newbold and Dunston commencing by a junction with Tramway No. 8 at the point of termination thereof as herein-before described and terminating in Sheffield Road at a point 4·8 chains or thereabouts north-west of the intersection of Lockoford Lane and Sheffield Road:

Tramway No. 10 (7 furlongs 0·20 chain or thereabouts in length whereof 4 furlongs 7·66 chains or thereabouts will be single line and 2 furlongs 2·54 chains or thereabouts will be double line) situate wholly in the parishes and urban districts of Newbold and Dunston and Whittington commencing by a junction with Tramway No. 9 at the point of termination thereof as herein-before described and terminating in Sheffield Road in the parish and urban district of Whittington at a point 4·5 chains or thereabouts north-west of the intersection of St. John's Road and Sheffield Road:

Tramway No. 11 (a double line 8·6 chains or thereabouts in length) situate wholly in the borough and parish of Chesterfield commencing by a junction with the existing tramway of the Corporation in Low Pavement at a point

3 chains or thereabouts east of the junction of Park Road with New Square and terminating in that road at a point in line with the west side of Packer's Row or thereabouts:

Tramway No. 11A (a double line 9·0 chains or thereabouts in length) situate wholly in the borough and parish of Chesterfield commencing by a junction with Tramway No. 11 at the point of termination thereof as herein-before described and terminating in Burlington Street by a junction with Tramway No. 7 at a point 5 yards or thereabouts north of the north side of Burlington Street:

Tramway No. 12 (a double line 4 furlongs 6·14 chains or thereabouts in length) situate wholly in the borough and parish of Chesterfield commencing by a junction with the existing tramway of the Corporation in New Square and terminating in Lordsmill Street at a point 1·7 chains or thereabouts north of the point where the Lancashire Derbyshire and East Coast Railway crosses the Derby Road:

Tramway No. 13 (2 furlongs 1·6 chains or thereabouts in length whereof 1 furlong 4·0 chains or thereabouts will be single line and 7·6 chains or thereabouts will be double line) situate wholly in the borough and parish of Chesterfield commencing by a junction with Tramway No. 12 at the point of termination as herein-before described and terminating in Derby Road at the point where the boundary of the borough crosses that road or thereabouts:

Tramway No. 14 (4 furlongs 0·6 chain or thereabouts in length whereof 2 furlongs 8·7 chains or thereabouts will be single line and 1 furlong 1·9 chains or thereabouts will be double line) situate wholly in the parish of Hasland in the rural district of Chesterfield commencing by a junction with Tramway No. 13 at the point of termination thereof herein-before described and terminating in Derby Road at a point 1·4 chains or thereabouts north of the point of intersection of Storforth Lane with Derby Road:

Tramway No. 15 (a double line 1 furlong 1·2 chains or thereabouts in length) situate wholly in the parish of Hasland in the rural district of Chesterfield commencing in Derby Road by a junction with Tramway No. 14 at a point 2·5 chains or thereabouts south-west of the point of intersection of Hawthorne Street and Derby Road and

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terminating in Derby Road by a junction with Tramway No. 14 at a point 1 furlong 2·6 chains or thereabouts north of the point of intersection of Bacons Lane and Derby Road:

Tramway No. 16 (2 furlongs 3·1 chains or thereabouts in length whereof 1 furlong 5·9 chains or thereabouts will be single line and 7·2 chains or thereabouts will be double line) situate wholly in the borough and parish of Chesterfield commencing by a junction with Tramway No. 12 at the point of termination thereof as herein-before described and terminating in the Hasland Road at the point where the boundary of the borough crosses that road or thereabouts:

Tramway No. 17 (5 furlongs 3·7 chains or thereabouts in length whereof 3 furlongs 8·9 chains or thereabouts will be single line and 1 furlong 4·8 chains or thereabouts will be double line) situate wholly in the parish of Hasland in the rural district of Chesterfield commencing by a junction with Tramway No. 16 at the point of termination thereof as herein-before described and terminating in the Hasland Road at a point 3 chains or thereabouts north-west of the point of intersection of Calow Lane and Hasland Road.

Gauge of tramways.

6.—(1) The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon.

(2) In the event of the tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall exceed six feet six and a half inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Rails of tramways.

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

Plan of proposed mode of construction.

8.—(1) In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall in respect of so much of the tramways as are situate outside the borough 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 laying down constructing and renewing any of the tramways and in respect of so much of the tramways as are situate within the borough before commencing the construction laying down and renewal of any of such tramways or of any part thereof lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down and 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 of the road authority as provided by section 26 of the said Act:

Provided that the word "materials" in this section does not include materials used for paving any part of any street or road under the provisions of the Tramways Act 1870 or of this Act.

(2) If any dispute shall arise between the Corporation and the road authority or their surveyor under this section such dispute shall be referred to arbitration under the Tramways Act 1870.

Penalty for not maintaining rails and roads.

9.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(2) 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 Corporation 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

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the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of road.

10. If and whenever after the commencement of this Act the road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Corporation 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.

Sanitary and road authorities to have access to sewers.

11. Every sanitary and road 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 Corporation 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 said authorities as if the same were a pipe for the supply of gas or water.

Cross-overs to be constructed in certain cases.

12. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs and to double tramway lines.

13.—(1) The Corporation may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such crossings cross-overs passing places sidings turnouts 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 generating stations warehouses stables or carriage houses or works of the Corporation or to any premises near any part of the tramways.

(2) Notwithstanding anything shown on the deposited plans the Corporation may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any

time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Corporation may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not (except with the consent of the Board of Trade) be so laid if the owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

Temporary tramways may be made where necessary.

14. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may subject to such conditions as the road authority may from time to time impose construct in the same or any adjacent road and subject as aforesaid maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Corporation may reduce footpath for constructing tramways.

15. The Corporation may with the consent of the local and road authority increase the roadway of any street or road in which any of the tramways are authorised to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each and either side of such street or road and the nearest rail of such tramway by reducing the width of the footpath on each or either side of such street or road Provided that no footpath be so reduced in width as to be less than five feet wide.

Application of road materials excavated in

16. Any paving metalling or material excavated by the Corporation in the construction of the tramways or street works from any road or bridge under the jurisdiction or control of any

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construction of works.

road authority may be applied by the Corporation so far as may be necessary in or towards the reinstatement or making up of the road street work or bridge 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 Corporation are by section 28 of the Tramways Act 1870 required to maintain and the Corporation 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 of the road authority or to such person or persons as he may appoint to receive the same Provided that if within fourteen 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 named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Corporation and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

Shelters or waiting rooms.

17. The Corporation may erect and maintain in any district sheds or shelters or waiting rooms for the accommodation of passengers and of the Corporation servants and the Corporation may with the consent of the local and road authority of such district for such period and on such terms as may be agreed upon use for that purpose portions of the public streets or roads within such district.

Stopping of roads during execution of works.

18. Subject to the provisions of this Act the Corporation may during the execution of the tramways and street works with the consent of the road authority expressed in writing by the clerk of such authority stop up temporarily the carriageway or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time but convenient access to the houses in such street shall be provided by the Corporation.

Corporation may lop

19. The Corporation may cut and lop any trees planted in or near any highway along which the tramways are laid which

may in any way interfere with the construction or working of the tramways or trolley wires in connexion therewith or with the clear and safe passage of the tramcars and the passengers thereon Provided that the Company shall not in the exercise of the powers of this section do unnecessary damage to any such trees and shall make compensation to any persons who may sustain damage by the exercise of the powers conferred by this section.

trees overhanging public highway.

20. The Corporation may lay and maintain pipes and make openings or ways in or under and may break up the surface of any road or street (including the footways thereof) foctpath bridge or public place in order to lay and maintain and may lay use and maintain cables ropes conduits electric conductors wires and other apparatus for transmitting motive power for the carriages running on the tramways and the Corporation may use electric wires and all machinery and apparatus necessary for such motive power.

Power to lay and maintain pipes and make openings in streets.

21. Subject to the provisions of this Act the Corporation may place and maintain on in under or over any road or street (including the footways thereof) footpath bridge or public place in which the tramways or any of them are or is laid such posts standards brackets and overhead and other electric conductors mains and conduits as they may consider necessary and proper for working the same by mechanical power and may remove replace or alter the position of any lamp-post in any such road street footway footpath bridge or place Provided that the position of such posts standards and brackets so far as they may be placed outside the borough shall be subject to the consent of the road authority.

Power to place posts wires &c.

22. The Corporation may make junctions between their tramways and any other tramway or light railway laid near their tramways and which can be worked in connexion therewith but only with the consents of the owners and lessees of such tramway or light railway and (where such junctions are laid upon any road) of the road authority within whose district such junctions are intended to be laid and the provisions of the Tramways Act 1870 incorporated with this Act and of this Act with respect to the construction maintenance and working of the tramways shall apply to such junctions when made shall for all purposes be deemed to be part of the undertaking of the Corporation.

Junctions with tramways which can be worked in connexion with Corporation's lines.

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As to removal of snow &c.

23. If the Corporation at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Corporation may at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and salt shall not be used for thawing the snow on any road Provided that any dirt or other like matter removed by the Corporation from the grooves of the rails of the tramways shall not be allowed to remain on the side of the road but shall be taken away by the Corporation as soon as shall be reasonably practicable.

Period for completion of tramways.

24. If the tramways by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making or completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed :

Provided that in respect to Tramways Nos. 11 to 17 (both inclusive) it shall be lawful for the Board of Trade to extend the said period of five years for such further period if any as they may see fit.

Inspection by Board of Trade.

25. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Provisions as to motive power.

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

(1) The mechanical 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 mechanical power on the tramways and for regulating the use of electrical power :

(3) The Corporation or any company or person using any mechanical power on the 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 Corporation or such 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 mechanical power as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such 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.

Special provisions as to use of electrical power.

27. 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 Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

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

(3) The 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

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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:

(4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation 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:

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

(6) If any difference arises between the Corporation 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.

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

Alteration of telegraph lines of Postmaster-General.

28. 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.

For protection of Post Office telegraph lines.

29. In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect :—

(1) The Corporation 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 His 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. Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation 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) 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) the Corporation 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 Corporation 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

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line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the works of the Corporation or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the works of the Corporation for the purpose of inspecting the Corporation plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations :

(5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation 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 :

(6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(7) 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:

(8) For the purposes of this section and subject as therein provided sections two ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

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

(10) 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 thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

Conveyance of mails.

30. Notwithstanding any provision in any Act or Provisional Order relating to any of the existing tramways the Conveyance of Mails Act 1893 shall extend and apply to all the tramways of the Corporation as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways.

Apparatus used for mechanical power to be

31. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of the tramway)

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shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical-power were parts of the tramways

deemed part of tramways.

Power to Corporation to work tramways.

32. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and the existing tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the working or user of the said tramways by animal or mechanical power but nothing in this section shall empower the Corporation to construct any station for generating electrical power nor to create or permit a nuisance.

As to the existing tramways.

33. The Corporation may take up reconstruct relay and alter the existing tramways in order to adapt them for the use of mechanical power and in respect of the existing tramways may exercise all the powers rights and privileges (including the powers of construction maintenance working and taking tolls) and shall be subject to all the duties and obligations which are by this Act and the Acts incorporated therewith conferred or imposed on the Corporation in relation to the tramways by this Act authorised The Corporation may discontinue the working of the existing tramways or any part or parts thereof for such period or periods as may be in their judgment reasonably necessary for the execution of the works thereon authorised by this section So soon as the existing tramways or any portion or portions thereof shall have been reconstructed as aforesaid and reopened for public traffic so much of the Tramways Orders Confirmation Act 1879 as relates to the Chesterfield Brampton and Whittington Tramways shall cease to apply to the said tramways or such portion or portions thereof and the existing tramways and the tramways by this Act authorised shall constitute for all purposes one undertaking under the powers of this Act.

Passengers' fares.

34. The Corporation may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than one penny.

Passengers' luggage.

35. 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 a seat nor be of a form or description to annoy or inconvenience other passengers.

Carriage of goods.

36. The tramways may be used for the carriage of passengers animals goods minerals articles and things but the Corporation shall not be bound unless they think fit to carry any animals goods minerals articles or things other than personal luggage as aforesaid and not exceeding twenty-eight pounds in weight.

Animals and goods.

37. The Corporation may demand and take in respect of any animals goods minerals articles or things conveyed by them on the tramways including every expense incidental to such conveyance (except a reasonable sum for loading and unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Corporation) any rates or charges not exceeding the rates per mile following in respect of animals conveyed on the tramways:—

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

For every ox cow bull or head of cattle threepence:

For calves pigs sheep and small animals one penny halfpenny.

Goods.

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

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

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

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

For every carriage of whatever description one shilling.

Rates for small parcels and single articles of great weight.

38. With respect to small parcels and single articles of great weight the Corporation may demand and take any rates and charges not exceeding the following (that is to say):—

For any parcel not exceeding seven pounds in weight threepence:

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

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

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

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Corporation may think fit:

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

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

For the carriage of any iron 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 such sum as the Corporation may think fit not exceeding two shillings per ton per mile:

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

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Regulations as to rates on tramways.

39. In respect of the rates and charges which the Corporation are by this Act authorised to make in respect of animals goods minerals articles or things conveyed on the tramways the following provisions shall have effect (that is to say) :—

For animals goods minerals articles or things conveyed on the tramways for a less distance than two miles the Corporation may demand rates and charges as for two miles :

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

For a fraction of a ton (except in the case of small parcels) the Corporation may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

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

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

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

Cheap fares for labouring classes.

40.—(1) The Corporation at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier (except on Saturdays) than five in the evening respectively as may be most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny for every mile or fraction of that distance but the Corporation shall not be bound to take any fare less than one penny On Saturdays the Corporation 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.

(2) If complaint is made to the Board of Trade that a proper and sufficient service is not provided the Board after considering

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the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation 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.

As to fares on Sundays and holidays.

41. The Corporation shall not take or demand on Sundays or on any public holiday any higher fares or charges than those levied by them on ordinary week days.

Periodical revision of rates and charges.

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

Byelaws by Board of Trade.

43. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used 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 engines or carriages :

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 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.

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.

Regulations by Corporation.

44. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Byelaws by local authority.

45. 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 local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations.

Penalty for malicious damage.

46. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any tramway of the Corporation anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Corporation shall be liable to a penalty not exceeding twenty pounds.

Amendment of section 43 of Tramways Act 1870.

47. Section 43 of the Tramways Act 1870 shall in reference to so much of the Tramways as are outside the borough be read and have effect as though "forty-two" years were substituted for the period of twenty-one years mentioned therein.

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Agreements for working running powers &c.

48.—(1) Subject to the provisions of this Act and with the approval of the Board of Trade the Corporation may enter into and carry into effect contracts and arrangements with any local authority in whose district any of the tramways will be situate and with any local authority company or person owning tramways or light railways in any adjacent district which can be worked with any of the tramways of the Corporation or with any company or person having powers under the authority of Parliament for the supply of electrical energy in any district in which the tramways or any of them are authorised to be constructed with respect to the working use management and maintenance by the contracting parties of all or any of their respective tramways or light railways and works connected therewith or any part or parts thereof respectively the making of all necessary junctions the supply under any agreement for all or any of the respective tramways or light railways of the contracting parties being worked by the other of them as aforesaid of rolling stock plant machinery and electrical energy or power necessary for the purposes and during the continuance of such agreement the appointment and removal of officers and servants the payments to be made and the conditions to be performed in respect of such working use management and maintenance the interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties and the division and apportionment of the revenue arising from such traffic and the payment of any moneys by way of fixed or contingent rent or in a lump sum or otherwise.

(2) The Corporation and every local authority company or person working or using any tramway or light railway under the powers of this section shall be subject to all the regulations and restrictions so far as the same are applicable to which the working and user of such tramway or light railway by or in the hands of the promoters of the same is subjected by the Act or Order authorising the construction thereof or by any byelaw or regulation made under such Act or Order.

(3) No contract or agreement under this section shall extend for a period beyond seven years from the making thereof On the termination of any such agreement a new contract or agreement with or without modifications for such limited period as aforesaid may with the approval of the Board of Trade be entered into between the parties and so on from time to time as occasion may arise.

(4) Any difference or dispute as to the construction of or in any way arising out of any such contract or agreement shall be referred to arbitration and section 33 of the Tramways Act 1870 shall apply to any such arbitration.

(5) Nothing in this section shall authorise any local authority to construct or work tramways outside their own respective districts or to supply electrical energy or power beyond their own respective areas of supply.

Further powers as to agreements.

49.—(1) Subject to the provisions of this Act and with the approval of the Board of Trade which approval that Board are hereby authorised to give the Corporation may after deciding to do so by a special resolution as hereafter defined enter into carry into effect and rescind any agreement or agreements with any company or person for all or any of the following purposes (that is to say):—

The construction maintenance use working and management by such company or person of the tramways or any of them:

The supply and maintenance during the continuance of any such agreement of any rolling stock and other plant apparatus and appliances necessary for the purposes of any such agreement and the supply of electrical energy:

The fixing and apportionment of rates fares and charges and payments to be made and the conditions to be performed with respect to the matters aforesaid.

(2) An agreement under this section shall not affect any local authority purchasing any portion of the tramways situate within the district of such authority under section 43 of the Tramways Act 1870 as amended by this Act.

(3) "Special resolution" in this section means a resolution passed by a majority of not less than two thirds of the members of the council of the borough present and voting at a meeting of the council of which meeting at least one month's previous notice specifying the resolution to be proposed at such meeting has been given in the manner in which notices of meetings of the council are usually given.

Provision as to general Tramway Acts.

50. Nothing in this Act contained shall (save as is in this Act expressly provided) exempt the Corporation or the tramways from the provisions of any general Act relating to tramways passed

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before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates and charges authorised by this Act.

For protection of Derbyshire County Council.

51. Notwithstanding anything in this Act contained the provisions of this section shall apply for the protection of the county council of the administrative county of Derby (in this section referred to as "the county council"):—

(1) Where in accordance with the section of this Act (the marginal note whereof is "Gauge of tramways") the tramways are constructed on any main road belonging to the county council or for the repair of which they are or may within five years from the passing of this Act become liable or towards the repair of which they are or may within such period become liable to contribute (all which roads are in this section herein-after referred to as main roads) with a less gauge than 4 feet $8\frac{1}{2}$ inches the distance "9 feet 6 inches" wherever mentioned in this Act in regard to the space which is to intervene between the outside of the footpath and the nearest rail of the tramway shall not be calculated from the outside of the footpath up to the nearest rail of the tramway but shall be calculated so as to provide that the full distance between the outside of the footpath and the extreme limit of the carriage running on the tramway shall at no time be less than 8 feet 7 inches:

Provided that the provisions of this subsection shall not apply to the places shown as "narrow places" on the deposited plans:

(2) For the purpose of arriving at the annual sum which will be payable by the county council to the Corporation in respect of portions of roads not occupied by tramways thereon the Corporation shall keep their accounts in respect of their expenditure upon such portions of the said roads separate from the accounts of their expenditure upon the portions of roads which they are liable to repair under section 28 of the Tramways Act 1870 and the county council shall be entitled to examine such accounts and to be supplied with copies of the same:

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(3) So far as concerns the tramways outside the borough the following provisions shall have effect:—

(A) The county council shall not be liable to the Corporation for any damage sustained by the Corporation in consequence of any road subsiding after the constructing or relaying of any sewer drain gas or water main or any other pipes and apparatus has been completed and the ground above the same filled in Provided such work if carried out by or under the supervision of the county council shall have been executed with all care and in a proper and workmanlike manner;

(B)—(i) Before opening for public traffic any portion of the tramways the Corporation shall at their own expense and to the reasonable satisfaction of the county council strengthen all drains bridges and culverts over along and underneath any main road over which the tramways pass which in the opinion of the surveyor of the county council shall require so to be strengthened by reason of the making of the said tramways;

(ii) The Corporation shall so construct maintain and use the tramways over any bridge or culvert belonging to the county council as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge or culvert by the construction maintenance or user of the tramways the Corporation shall make good at their own expense and restore the same to the reasonable satisfaction of the county council;

(iii) The Corporation shall give fourteen days' notice in writing to the county council of the intention to commence any works which affect or interfere with the structural work of any such bridge or culvert and shall at the same time send sufficient specifications or other information to show the nature of such works and such works shall be constructed under the superintendence and to the reasonable satisfaction of the county council the reasonable costs of such superintendence to be borne by the Corporation;

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(iv) If any such bridge or culvert as aforesaid upon or along which any of the tramways are laid be altered widened or rebuilt by the county council the county council may require the Corporation to alter any such tramway in such manner as the circumstances of the case may reasonably require and shall at the same time send sufficient specifications or other information to show the nature of the alterations required;

(v) Any works under this section in so far as they affect or interfere with the structural works of any such bridge or culvert shall if the county council so require be executed by the county council at the expense of the Corporation and in that case the county council shall give notice to the Corporation of their intention so to execute such work and shall commence execute and complete the same with all reasonable despatch Provided that unless the county council shall give the said notice to the Corporation within seven days after receiving any such notice from the Corporation as is herein-before prescribed the Corporation may themselves proceed to execute the work;

(vi) In the event of any gas or water pipe laid under any road being removed or interfered with for the purpose of works under this Act the Corporation shall in exoneration of the road authority be responsible to the owner or owners thereof for any damage that may occur thereto on the same or similar pipes being relaid under the same road by the use of a steam roller by the road authority in carrying out their ordinary works of repair to the said roads;

(c) If any question arises under this section between the Corporation and the county council that question shall be referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

For protection of Midland Railway Company.

52. For the protection of the Midland Railway Company (herein-after in this section called "the Midland Company") the following provisions shall apply and have effect:—

(1) So much of Tramway No. 5 as will cross the railway and property of the Midland Company on the level

and so much of Tramways Nos. 12 and 16 as will pass under bridges carrying the Midland Railway over public roads shall be so constructed and maintained as not in any manner to obstruct or impede the traffic on the railway of the Midland Company or injuriously to affect the structure of the said bridges or the piers and abutments thereof :

(2) In the event of any injury being caused to the said bridges or the piers or abutments thereof by the construction maintenance repairing user or removal of any of the tramways by this Act authorised or the works in connexion therewith the Midland Company may at the expense of the Corporation restore such bridges or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall repay to the Midland Company all sums costs and expenses properly and reasonably expended by them in respect thereof :

(3) The Corporation shall repay to the Midland Company the reasonable cost of any alteration in or additions to the signals gates or machinery of the Midland Railway rendered necessary by the construction of Tramway No. 5 by this Act authorised :

(4) Whenever and so often as the Midland Company shall require to widen lengthen strengthen reconstruct alter or repair such bridges or to widen or alter their railways or to lift or support such bridges owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of any of the tramways under such bridges should be wholly or partially stopped or delayed or that such tramways should be temporarily diverted or wholly or in part taken up or removed and shall except in cases of emergency give to the Corporation fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the

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expense of the Corporation and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as it may be absolutely necessary for effecting such purpose and the Midland Company shall not be liable for any compensation claims and demands charges costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :

(5) If in consequence of the construction of the tramways by this Act authorised or the working and user thereof it shall be necessary to strengthen or underpin the piers and abutments of the bridges on the Midland Railway under which the said tramways shall pass the Corporation shall on demand repay to the Midland Company the cost reasonably and properly incurred by them in the execution of all such works so executed by them :

(6) If having regard to the proposed position of any works by this Act authorised when considered in relation to the works of the Midland Company at the points where the proposed tramways will pass under or over the same it becomes advisable in order to avoid danger that the electric telegraphic telephonic or signal wires or apparatus of the Midland Company should be altered the Midland Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation :

(7) In the event of any of the telegraphic telephonic or electrical signal communications of the Midland Company being at any time injuriously affected by the working and use of the said tramways by electricity the Corporation shall at their own expense execute such remedial works as may be necessary for the protection of the Midland Company any difference arising between the Corporation and the Midland Company regarding such remedial works to be determined by arbitration as hereafter provided :

(8) All works which may be necessary in constructing and maintaining any of the tramways or working the same by mechanical power over the Midland Railway or

under any bridge works or property of the Midland Company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the Midland Company in such manner and according to plans sections and specifications to be previously submitted to and reasonably approved by him :

(9) The Corporation shall not for the purpose of electric traction make attachments to any part of the said bridges without the consent in writing of the principal engineer of the Midland Company which consent shall not be unreasonably withheld such attachments if allowed to be in all respects subject to the reasonable approval of the said engineer and to be temporarily removed at any time when required by him in connexion with the maintenance reconstruction or alteration of the said bridges :

(10) The Corporation shall not for the purpose of constructing the street widening by this Act authorised acquire more of the land and property of the Midland Company abutting on the street than is necessary for carrying out the widening as shown on the deposited plans and the Midland Company shall retain a full right of frontage to the said street when widened :

(11) The Corporation shall be responsible for and make good to the Midland Company all costs damages and expenses which may be occasioned to that company or to their railway works and property by reason of the execution and use of the works of the Corporation by this Act authorised or the failure thereof :

(12) Any dispute or difference that may arise between the Midland Company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be agreed on between the parties or failing agreement to be nominated by the Board of Trade on the application of the Corporation or the Midland Company and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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PART III.

STREET IMPROVEMENTS.

Power to execute street improvements.

53. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands shown on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections the street improvements and other works herein-after described namely :—

(A) A widening and improvement of a proposed new street authorised by the Act of 1901 and therein described as "A new street commencing at the junction of Wheeldon Lane with Queen's Park Road and terminating at the easterly corner of the Corporation Slaughter Houses in South Place":

(B) A new street commencing at the termination of the said authorised new street at the easterly corner of the Corporation Slaughter Houses in South Place and terminating in Lordsmill Street at a point ten yards or thereabouts on the north side of the Brampton branch of the Midland Railway Company.

Abandonment of authorised improvements.

54. The Corporation may and shall abandon the execution of such of the improvements authorised by the Act of 1901 as were therein described as follows (that is to say) :—

I. "A new street commencing at the junction of Holywell Street with Sheffield Road and Newbold Road 240 yards long and terminating on the north side of Salter Gate at a point opposite the junction of Gluman Gate with Salter Gate":

II. "A widening of Burlington Street on its southerly side commencing at a point four yards from the north-east corner of a house in the occupation of Frederick Smith and terminating in Packer's Row."

Application of certain sections of Act of 1901.

55. The following sections of the Act of 1901 shall apply to the improvements by this Act authorised as though they had been in terms re-enacted in this Act :—

Section 7 Limits of lateral and vertical deviation.

Section 8 Period for completion of works.

Section 9 Power to make subsidiary works.
Section 10 Alteration of position of sewers pipes &c.
Section 11 Streets disused vested in Corporation.

Part IV.

Electricity.

Area of supply.

56.—(1) Subject to the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may supply electrical energy within the districts and parts of districts named in the First Schedule to this Act (herein-after in this section called "the extended area") and for the purpose of such supply the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as amended or varied by this part of this Act shall with the exception of sections 83 and 84 of such schedule be incorporated with and form part of this part of this Act In reading such schedule the expression "the special order" shall mean "this part of this Act" and "the undertakers" shall mean "the Corporation."

(2) Section 21 subsection (1) of the schedule to the Electric Lighting (Clauses) Act 1899 shall not apply to the extended area but in lieu thereof the following provision shall have effect (that is to say) The Corporation shall within a period of six months after the completion and opening for traffic of any tramway or portion of tramway by this Act authorised to be constructed beyond the borough lay down suitable and sufficient distributing mains in every street or road or portion thereof in which such tramway or portion thereof shall have been completed and opened and shall thereafter maintain the same.

(3) The maximum prices which may be charged by the Corporation in the extended area as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be those stated in the Fourth Schedule to the Order of 1894.

For supply of electric motors fittings apparatus &c.

57. The Corporation may if they think fit purchase provide sell let for hire and fix set up alter repair and remove and otherwise deal in (but not manufacture) lamps electric lines electric motors fittings apparatus and things for generating transforming distributing and utilising electrical energy and may provide all materials and do all work necessary or proper in that behalf and may require and take such remuneration in money or such

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rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps electric motors electric lines fittings apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

Any lamps motors lines fittings apparatus and things as aforesaid let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such lamps motors lines fittings apparatus and things have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

Supply where consumer has separate supply.

58. Notwithstanding anything contained in the Order of 1894 or the Acts incorporated therewith a person shall not be entitled to demand from the Corporation a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and standing charges incurred by the Corporation to meet the possible maximum demand of such person In case the Corporation and the person demanding such supply of electrical energy shall fail to agree as to the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be decided by arbitration.

Corporation may refuse to supply energy in certain cases.

59. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of energy are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises or to any person whom they may have reasonable grounds for believing to be acting contrary to the provisions of the section of

this Act the marginal note of which is "Use for lighting purposes of energy supplied for power." A.D. 1904.

Use for lighting purposes of energy supplied for power.

60. No consumer to whom energy is supplied by the Corporation for power purposes shall without the consent in writing of the Corporation use such energy for lighting purposes or suffer it to be so used Any consumer who without such consent shall use or suffer to be used for lighting purposes energy supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electrical energy agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a further daily penalty of two pounds and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of energy for lighting purposes for all or any portion of the energy which has been supplied to him for power purposes within one year previous to the date when the Corporation shall sue for any penalty as aforesaid Any court having jurisdiction to impose such penalty may and shall on the application of the Corporation decide as to what portion of any of such energy the higher charge as aforesaid shall be payable to the Corporation.

Discount on electrical charges.

61. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five per centum on the amount due in respect of any charges for electrical energy supplied by them from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf and if and so soon as the Corporation decide to allow any such discount notice to that effect shall be contained in every demand note in respect of such charges Provided that in making such allowance the Corporation shall not show any undue preference to any consumer.

Power to acquire patent rights.

62. For the purposes of the tramway undertaking and the electrical undertaking or either of them the Corporation may acquire hold and exercise patent and other rights or licences but not so as to acquire any exclusive rights therein.

Attachment of brackets to buildings and bridges.

63. The Corporation may with the consent of the owner of any building or bridge attach thereto (but in the case of a bridge only to the underside thereof) such brackets wires and apparatus as may be required for the working of the tramways by

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mechanical power and for the purposes of the lighting of streets in connexion with their electrical undertaking or either of them:

Provided that—

(1) Where in the opinion of the Corporation any cousent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building or bridge and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building or bridge but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

Expenses and revenue under this part of Act.

64. Any expenses incurred by the Corporation in carrying into effect the provisions of this part of this Act shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

Any moneys received by the Corporation under this part of this Act shall be applied in manner provided by section 52 of the

Order of 1894 except capital moneys which shall be applied in manner provided by section 53 of the said Order.

For further protection of Derbyshire County Council.

65.—(1) Nothing in this part of this Act shall in any way limit or affect the powers of the Derbyshire County Council (in this section referred to as "the county council") to rebuild alter widen or repair the structure of any bridge upon which any work by this part of this Act authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of this Act.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking by this part of this Act authorised they shall prior to the commencement of such work give the Corporation one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Corporation of electrical energy it is in the opinion of the county surveyor necessary to temporarily remove the mains and other electrical appliances belonging to the Corporation from such bridge then the Corporation shall (and they are hereby authorised) at their own expense to temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Corporation shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute shall arise between the county council and the Corporation with regard to this section the same shall be determined by the arbitrator to be appointed on the application of either party by the Board of Trade.

Part V.

Lands.

Power to take lands.

66. Subject to the provisions of this Act the Corporation may enter upon take appropriate and use all or any part of the lands delineated on the deposited plans and described in the deposited books of reference and in particular may appropriate

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and use as a station for generating electrical energy for the tramway undertaking and the electrical undertaking or either of them and for providing and working thereon engines dynamos and other electrical plant and works the lands described in the Second Schedule to this Act.

If and so soon as the Corporation appropriate for the purpose of a generating station all or any portion of the lands last before mentioned they shall in each succeeding year charge upon the tramway revenue and the electrical revenue or either of them such a sum as in their judgment fairly represents the annual value of the lands or portion of lands so appropriated such sum not being less than shall suffice to meet the charges of the loan out of which the said lands were purchased or such proportion of such charges as corresponds to the portion of the entire area so appropriated and shall place the said sum to the credit of the district fund.

Period for compulsory purchase of lands.

67. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act may be exercised by the Corporation at any time within three years from the passing of this Act and shall cease after the expiration of the said period.

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

68. 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 plans or specified in the books of reference deposited in relation to the Act of 1901 or this Act the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Derby (such justices not being members of the Corporation) 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 shall in such 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 county and a duplicate thereof shall also be deposited with the town clerk of the borough or with the clerk of the urban district council or the clerk of the parish council of the urban district or parish as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk and clerk or clerks of the urban district and parish

councils 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 Corporation to take the lands and execute the works in accordance with such certificate. A.D. 1904.

Application of certain sections of Act of 1901.

69. The following sections of the Act of 1901 shall apply to the taking of lands for the purposes of this Act as though they had been in terms re-enacted herein (that is to say) :—

Section 14 Persons under disability may grant easements &c.

Section 16 Power to retain sell &c. lands.

Section 17 Proceeds of sale of surplus lands.

Section 18 Owners may be required to sell parts only of certain lands and buildings :

Provided that subsection (1) of section 18 shall be read as though the Third Schedule of this Act were substituted for the schedule in that subsection referred to.

Section 19 Benefits to be set off against compensation.

Section 20 Power to appropriate lands for purposes of Act.

Power to stop up footpath.

70. On the completion of the new street authorised by subsection (A) of the section of this Act the marginal note of which is "Power to execute street improvements" and so soon as the same is opened for public traffic the Corporation may stop up the passage or footpath known as Dog Kennel's Walk and thereupon all public and private rights of way over the same shall be extinguished :

Provided that the Corporation shall make full compensation to all parties interested in any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

PART VI.

FINANCE.

Power to borrow.

71.—(1) The Corporation may borrow at interest the following sums on the following securities namely :—

(A) For street improvement purposes (including acquisition of land) on the security of the district fund and general district rate any sums not exceeding twenty-three thousand six hundred and forty-one pounds :

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(B) For the purposes of the tramway undertaking (including acquisition of land) on the security of the tramway revenue and the borough fund and borough rate any sums not exceeding ninety-five thousand and twenty pounds fifteen shillings:

(C) For payment of the costs charges and expenses of and incidental to preparing and obtaining this Act on the security of the borough fund and borough rate the sums requisite for that purpose:

And the Corporation may with the approval of the Local Government Board borrow such further moneys as the Corporation may require for the purpose (A) of this section and with the approval of the Board of Trade such further sums as the Corporation may require for purpose (B) of this section.

(2) In calculating the sum which the Corporation may borrow under any other enactment any sums which they may borrow for purpose (B) of this section shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under the powers of this Act shall not be restrained by the provisions of the Municipal Corporations Acts or of the Public Health Acts or of the Local Government Act 1888.

(3) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Periods for repayment of money borrowed.

72. The Corporation shall pay off all moneys borrowed by them under this Act within the following respective periods (in the Act of 1901 and in this Act referred to as "the prescribed periods") (that is to say):—

As to the moneys borrowed for street improvement purposes within fifty years from the time or times of borrowing:

As to the moneys borrowed for the purposes of the tramway undertaking within thirty years from the time or times of borrowing:

As to the moneys borrowed for payment of the costs charges and expenses of this Act within five years from the passing of this Act:

As to moneys borrowed with the sanction of the Local Government Board or the Board of Trade within the period or respective periods prescribed by those Boards respectively.

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Return to Local Government Board as to repayment of debt.

73. Section 82 of the Act of 1901 is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :—

(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of the Act of 1901 or of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court :

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the

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Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application of certain sections of Act of 1901.

74. The following sections of Part XI. (Financial) of the Act of 1901 shall extend and apply to the borrowing and the financial affairs of the Corporation under this Act as though they were in terms re-enacted herein (that is to say) :—

Section 74 Mode of raising money.
Section 75 Provisions of Public Health Act as to mortgages to apply.
Section 77 Mode of payment off of money borrowed.
Section 78 Sinking fund.
Section 79 Protection of lender from inquiry.
Section 81 Power to re-borrow.
Section 84 Expenses of execution of Act.
Section 85 Accounts to be kept and audited.

Amendment of section 73 of Act of 1901.

75. Section 73 of the Act of 1901 is hereby amended and the power to borrow for street improvement purposes conferred by paragraph (A) of that section is hereby reduced from the sum of one hundred and sixty-seven thousand pounds in that paragraph mentioned to a sum not exceeding one hundred and twelve thousand pounds.

Part VII.

Miscellaneous.

Consents of local and road authority.

76. Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Orders &c. of Board of Trade.

77. 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.

Recovery of penalties.

78. 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.

Informations by whom to be laid.

79. Informations or complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

As to appeal.

80. Any person deeming himself aggrieved by any conviction by or order of a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Judges &c. not disqualified.

81. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Inquiries by Local Government Board.

82.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Costs of Act.

83. The costs charges and expenses of and incidental to preparing obtaining and passing this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of moneys borrowed under the powers of this Act and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Borough Funds Act 1903 with respect to the Bill for this Act and all matters relating thereto.

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

EXTENDED AREA OF SUPPLY.

The urban district of Newbold and Dunston;

The urban district of Whittington;

The parish of Hasland in the rural district of Chesterfield;

as the same are respectively constituted at the time of the passing of this Act which said districts and parish are all in the county of Derby.

SECOND SCHEDULE.

LANDS FOR GENERATING STATION.

The piece of land containing 3 acres 1 rood 33 poles or thereabouts situate wholly in the borough and parish of Chesterfield and bounded on the north partly by the Chatsworth Road and partly by the River Hipper on the south by the Brampton Branch Railway belonging to the Midland Railway Company on the east partly by land and houses belonging to Mr. Joseph Silcock and partly by land belonging to the representatives of Alfred Barnes deceased and on the west partly by land belonging to the said Midland Railway Company and partly by cottages and gardens belonging to Mrs. Sarah Ann Gaunt.

THIRD SCHEDULE.

Properties of which Parts only may be taken.

No. on deposited Plan.	Parish or Borough.	Description of Property.
22	Chesterfield	Yard.
25	Do.	Land and wall.
31	Do.	Yard.
39	Do.	Do.
41	Do.	Wall and land.
42	Do.	Do.
43	Do.	Do.
44	Do.	Do.
45	Do.	Do.
46	Do.	Yard wall and privies.
47	Do.	Wall and land.
72	Do.	Yard.
72A	Do.	Land.
73	Do.	Yard and wall.
92	Do.	Harness-room and store.
93	Do.	Do.
97	Do.	Yard.
103	Do.	Yard and wall.
111	Do.	Do.
115	Do.	Garden and wall.
132	Do.	Yard.
146	Do.	Do.
152	Do.	Do.
163	Do.	Cowsheds and pigsties.
167	Do.	Yard and wall.
175	Do.	Wall and land.
176	Do.	Do.
169	Do.	Land.
194	Do.	Do.
196	Do.	Store.
197	Do.	Yard.

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