CHAP. clii.

An Act to empower the Promoter of Columbia Market to make certain Street Improvements and Tramways in connexion with the said Market. [24th July 1871.]

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WHEREAS the making of a short street opposite the main entrance to Columbia Market, and certain other street improvements in this Act particularly described, would improve the approaches to Columbia Market, Bethnal Green, established under the provisions of "The Columbia (Bethnal Green) Market and Approaches Act, 1866," and it is expedient that the Right Honourable Angela Georgina Baroness Burdett-Coutts (herein-after referred to as the Promoter of Columbia Market) be empowered to make such street and street improvements:

And whereas the laying down of tramways, to be worked by animal power only, in certain streets between the Hackney Road and the goods station of the Great Eastern Railway would greatly facilitate the traffic to the said Columbia Market, and be of public and local advantage, and the Promoter of Columbia Market, if empowered so to do, is willing at her own expense to make such tramways:

And whereas it is expedient that the Promoter of Columbia Market on the one hand, and the Great Eastern Railway Company and the North Metropolitan Tramway Company, or either of them, on the other hand, be empowered to enter into contracts and arrangements as by this Act provided:

And whereas plans and sections showing the lines and levels of the street and street improvements and of the tramways by this Act authorised, and the lands to be taken for the purposes thereof, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Middlesex and the clerk of the peace for the city of London, and those plans, sections, and books of reference are in

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this Act referred to as the deposited plans, sections, and books of reference:

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

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

Short title.

1. This Act may be cited for all purposes as "The Columbia Market Approaches and Tramways Act, 1871."

Provisions of general Acts herein named incorporated.

2. Part II. (construction of tramways) and Part III. (general provisions) of "The Tramways Act, 1870," and "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (save where the same are expressly varied or excepted by this Act,) are incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "Promoter of Columbia Market" means the owner or owners for the time being of Columbia Market, Bethnal Green; the expression "road authority" means the vestry, district board, or other body having the control of the roads referred to; the expression "district," in relation to a road authority, means the area within the jurisdiction of such road authority; and in this Act, and in any Act wholly or in part incorporated herewith, the term "two justices" shall, in addition to its ordinary signification, apply to one stipendiary or police magistrate acting in any police court for the district; the expression "superior courts" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to Promoter of Columbia Market to make new street and tramways.

4. Subject to the provisions of this Act, and of the Acts and parts of Acts incorporated herewith, the Promoter of Columbia Market may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the new street, widenings of streets, and tramways herein-after described, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be

required for that purpose. The works herein-before referred to and by this Act authorised are,—

A short street opposite the main entrance to Columbia Market, commencing at the south side of Crab Tree Row at a point sixty yards in an easterly direction from the junction of Gascoigne Place with Crab Tree Row, and terminating in Virginia Row opposite the northern end of Turk Street:

A widening of Hackney Road on the eastern side thereof, and of Crab Tree Row on the south side thereof, at its eastern end, commencing in Hackney Road at Cooper's Gardens, and terminating on the south side of Crab Tree Row fifty-eight yards in an easterly direction from the junction of Crab Tree Row with Hackney Road:

A widening of Crab Tree Row on its southern side from Gascoigne Place to Virginia Row:

A widening of Birdcage Walk on the north-western side thereof, and of Hackney Road on the south side thereof, commencing at the junction of James Street with Birdcage Walk, and terminating in Hackney Road opposite the passage forming the southern entrance to Essex Place:

A tramway No. 1, being a double line, one furlong and six chains in length (consisting of the tramways numbered 10 and 10A on the deposited plans), commencing in the Hackney Road at or near the western end of Crab Tree Row, and terminating in Crab Tree Row at or near its eastern end:

A tramway No. 2, being a single line, two furlongs and five chains in length (consisting of parts of the tramways numbered 11 and 15 on the deposited plans), commencing in Crab Tree Row by a junction with tramway No. 1 at its termination herein-before described, thence passing into and along Gossett Street and into Squerries Street, and terminating in the last-named street about thirty-three yards south of its junction with Gossett Street:

A tramway No. 3, being a single line, two furlongs and eight chains in length (consisting of the tramway numbered 16 and part of the tramway numbered 15 on the deposited plans), commencing at the termination herein-before described of tramway No. 2, thence passing along Squerries Street, White Street, and Nottingham Street, and terminating by a junction with the tramway of the Great Eastern Railway Company authorised by "The Great Eastern Railway (Metropolitan Railways) Act, 1870," at a point one hundred and ten yards

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in an easterly direction from the commencement of the said authorised tramway:

Provided always, that the junction of tramway No. 3 with the said tramway of the Great Eastern Railway Company shall be subject to sections nine, ten, eleven, and twelve of "The Railways Clauses Act, 1863," and for such purposes those sections are incorporated with this Act, and the word "company" in such sections shall extend to and include the Promoter of Columbia Market, and the word "railway" shall extend to and include tramways.

Property not to be taken without consent of owners, &c.

5. It shall not be lawful for the Promoter of Columbia Market to enter upon, take, or use for the purposes of the tramway No. 2 by this Act authorised any land, house, or property, except by agreement with the owners, lessees, and occupiers thereof.

Mode of formation of tramways.

6. Every tramway to be made, formed, or laid down under this Act shall be constructed with two rails to be laid at a distance (measuring from the inside edge of each rail) of four feet eight inches and half an inch from each other, and be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic in the manner (if any) prescribed by the Board of Trade by any rules for the time being in force made by them under the powers of any Act of Parliament enabling them in that behalf.

Further provisions as to construction of tramways.

7. In addition to the requirements of section twenty-six of "The Tramways Act, 1870," the Promoter of Columbia Market shall, at the same time as the said Promoter gives notice to the road authority of the intention to open or break up any road for the purpose of making, forming, and laying down, maintaining and renewing, any of the tramways, lay before the Board of Trade a plan showing the proposed mode of construction and a statement of the materials intended to be used therein; and the Promoter of Columbia Market shall not commence the construction of any of the tramways or part of any tramways until such plan and statement have been approved by the said Board, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

Promoter may be required to use improved form of rail.

8. The Board of Trade may from time to time, upon the application of the Metropolitan Board of Works, require the Promoter of Columbia Market to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time

to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoter of Columbia Market shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

9. The Promoter of Columbia Market shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoter of Columbia Market at any time fails to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," the said Promoter shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues, and such penalty may be recovered by the Metropolitan Board of Works only in manner provided by section fifty-six of the said Act.

Saving rights of Metropolitan Board of Works to stop up, &c. streets.

10. Nothing in this Act contained shall extend or be construed to extend to alter, abridge, or take away any of the rights, powers, and privileges conferred upon the Metropolitan Board of Works by "The Metropolis Local Management Act, 1855," or any other Act relating to the Board, as to stopping for public traffic any road or street under the jurisdiction of that Board, for the purpose of constructing, repairing, and maintaining the sewers along or under any such road or street.

Passing places to be constructed where less than a certain width left between footway and tramway.

11. 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 Promoter of Columbia Market shall and is hereby required to construct a passing place or places connecting the one tramway with the other, and by means of such passing place or places the traffic shall, when necessary, be diverted from the one tramway to the other.

Tramways to be kept on level with surface of road.

12. If any road authority shall hereafter alter the level of any road along or across which any tramway is by this Act authorised to be laid, the Promoter of Columbia Market may and shall from time to time alter, or (as the case may be) lay the rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Additional crossings, passing places, &c. may be made

13. The Promoter of Columbia Market may from time to time hereafter, subject to the provisions of this Act, with the consent of the Metropolitan Board of Works, make all such crossings, passing places, sidings, junctions, and other works, in addition to those par-

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where necessary.

ticularly specified in and authorised by this Act, as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any carriage sheds or works of the Promoter of Columbia Market not being distant from any part of the tramway more than one furlong.

In making the tramways the Promoter not to prevent traffic passing along street.

14. The Promoter of Columbia Market shall not in the construction of any of the tramways stop up or interfere with any street so as to prevent the passing of traffic along such street, except with the previous consent in writing of the Metropolitan Board of Works.

Powers for compulsory purchases limited.

15. The powers of compulsory purchase of lands for the purposes of the new street and widenings of streets by this Act authorised shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of tramways.

16. The tramways shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Promoter of Columbia Market for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for completion of new street and widenings.

17. The new street and widenings of streets shall be completed within seven years from the passing of this Act, and on the expiration of that period the powers by this Act granted for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Notice to be given of taking houses of labouring classes.

18. The Promoter of Columbia Market shall, not less than eight weeks before she takes in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers respectively, make known her intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and such Promoter shall not take any such houses until she has obtained the certificate of a justice that it has been proved to his satisfaction that such Promoter has made known her intention to take the same in manner herein-before required.

Land by agreement.

19. The Promoter of Columbia Market may from time to time purchase and acquire (by agreement) such land as may be required for the undertaking authorised by this Act, not exceeding in the whole two acres.

Tolls for passengers.

20. The Promoter of Columbia Market may demand and take for every passenger travelling upon any or either of the tramways, or any part or parts thereof respectively, including tolls for the use of the tramway and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny.

Passengers luggage.

21. 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.

Tolls for goods on tramways.

22. The Promoter of Columbia Market may demand and take for goods conveyed on the tramways authorised by this Act, or any part or parts thereof respectively, including tolls for the use of the tramways and of carriages, and for motive power, and every other expense incidental to such conveyance (except as herein-after mentioned), any tolls not exceeding the following; (that is to say,)

For all grain, corn, flour, ale, beer and porter, and stout, in barrels, oranges, lemons, and other fruit not dried, vegetables, eggs, poultry, meat, and all other articles of a perishable or consumable nature, the sum of one shilling and eightpence per ton:

For every trunk, pad, barrel, or other parcel of fish—

Not exceeding twenty-eight pounds in weight, one penny halfpenny;

Not exceeding fifty-six pounds in weight, twopence halfpenny;

Not exceeding eighty-four pounds in weight, threepence farthing;

Not exceeding one hundred and twelve pounds in weight, fourpence;

Not exceeding half a ton in weight, three shillings;

Not exceeding one ton in weight, five shillings;

And for every additional half a ton or fraction of half a ton in weight above one ton, two shillings:

Provided always, that it shall not be lawful for the Promoter of Columbia Market to carry goods upon the tramways, or any part or parts thereof, except between the hours of ten p.m. and ten a.m.

Regulations as to tolls.

23. The following provisions and regulations shall be applicable to the fixing of such tolls; (that is to say,)

For a fraction of a ton the Promoter of Columbia Market may demand toll according to the number of quarters of a ton in

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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 the weight shall be determined according to the usual avoirdupois weight.

Tolls for small parcels and great weights.

24. With respect to small packages not consisting of fish, notwithstanding the rate of tolls prescribed by this Act, the Promoter of Columbia Market may lawfully demand tolls not exceeding the following; (that is to say,)

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

For any parcel not exceeding fourteen pounds in weight, fourpence;

For any parcel not exceeding twenty-eight pounds in weight, sixpence;

For any parcel not exceeding fifty-six pounds in weight, eightpence;

And for parcels exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight, the Promoter of Columbia Market may demand any sum she thinks fit:

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

Not to prevent charges for delivery and collection, &c. of goods.

25. Nothing in this Act contained shall prevent the Promoter of Columbia Market from demanding and receiving a reasonable sum for loading, covering, unloading, and warehousing of goods, and for the delivery and collection of goods, and for other services incidental to the business or duty of a carrier, where such services shall be performed by the said Promoter.

Tolls to be paid as directed.

26. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways, and in such manner and under such regulations, as the Promoter of Columbia Market shall by notice to be annexed to the list of tolls appoint.

Carriages extending more than eleven inches beyond the wheels may be used on tramways.

27. For the conveyance of goods to and from the Great Eastern Railway the Promoter of Columbia Market may use trucks and carriages belonging to the Great Eastern Railway Company, or constructed in the same manner as the trucks and carriages of that company, although such trucks and carriages extend beyond the outer edges of the wheels thereof more than eleven inches on each side: Provided that no trucks or carriages belonging to the Great Eastern Railway Company shall be used on the tramways until the

engineer of that company shall be satisfied that the rails of the tramways are adapted for the running thereon of the trucks and carriages of the Company.

Power to enter into traffic arrangements with North Metropolitan Tramways Company.

28. The Promoter of Columbia Market and the North Metropolitan Tramways Company may from time to time enter into and carry into effect contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

The user, working, maintenance, and management of the tramways authorised by this Act, or some part or parts thereof respectively;

The providing of rolling and working stock for such tramways;

The appointment, removal, and payment of officers and servants for such tramways;

The interchange, transmission, collection, and delivery of traffic coming from or destined for the tramways authorised by this Act and the undertaking of the North Metropolitan Tramways Company;

The fixing, collection, division, apportionment, and appropriation by and between the Promoter of Columbia Market and the Companies of the rates, tolls, and charges upon their respective undertakings;

And all incidental matters.

Power to enter into traffic arrangements with Great Eastern Railway Company.

29. The Promoter of Columbia Market and the Great Eastern Railway Company may from time to time enter into and carry into effect contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

The user of the tramways authorised by this Act, or some part or parts thereof respectively;

The appointment, removal, and payment of officers and servants for such tramways;

The interchange, transmission, collection, and delivery of traffic coming from or destined for the tramways authorised by this Act and the Great Eastern Railway respectively;

The fixing, collection, division, apportionment, and appropriation by and between the Promoter of Columbia Market and the Great Eastern Railway Company of the rates, tolls, and charges upon their respective undertakings;

And all incidental matters.

Tolls on traffic conveyed partly on the tramways of the Promoter of

30. During the continuance of any such agreement the tramways of the Promoter of Columbia Market and of the North Metropolitan Tramway Company shall for the purposes of tolls and charges be considered as one tramway, and in estimating the

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Columbia Market and partly on the North Metropolitan tramways.

amount of tolls and charges in respect of traffic conveyed partly on the tramways of the one contracting party and partly on the tramways of the other for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and no other short-distance charge shall be made for the conveyance of passengers partly on the tramways of the one and partly on the tramways of the other contracting party.

For facilitating interchange and transmission of through traffic.

31. If the Metropolitan Board of Works at any time or times hereafter give notice in writing to the Promoter of Columbia Market stating that in their opinion the Promoter of Columbia Market has not made or is not carrying out proper arrangements for facilitating in the metropolis the interchange and forwarding of traffic coming from or destined for any tramway which belongs to any company or person, and forms an authorised junction with any of the tramways authorised by this Act, and the Promoter of Columbia Market does not within fourteen days after the delivery of such notice make arrangements in that behalf to the satisfaction of the said Board, the Board of Trade may and shall from time to time, upon representation of the Metropolitan Board of Works, appoint a referee to inquire into the truth of such representation in the manner prescribed by section sixty-three of "The Tramways Act, 1870," and if such referee report that such representation is true the Board of Trade may make such regulations, including, if that Board so think fit, arrangements for booking through the traffic or any part thereof, and the fixing of through fares and rates, as, having regard to all the circumstances of the case, they may deem expedient for providing for such interchange and forwarding of traffic with as little inconvenience as may be to the public; and after fourteen days from the date of the delivery of a copy of any such regulation to the Promoter of Columbia Market the same shall be binding upon the Promoter of Columbia Market, and may be enforced in the same manner as regulations made by the local authority under section forty-six of "The Tramways Act, 1870:" Provided always, that if and whenever the Board of Trade fix any through rate or fare under this section, they shall at the same time fix and determine the proportions in which such through rate or fare shall be divided between and belong to the Promoter of Columbia Market and the companies or company interested; and in fixing and determining such proportion the said Board shall take into account all the circumstances of the case, including the actual and relative cost

of construction and maintenance of the respective tramways and works of the respective parties, and the said Board may from time to time rescind, alter, or vary any order which they may make under this section.

Powers, &c. to extend to Promoter's heirs and assigns.

32. All powers, authorities, rights, and duties by this Act conferred or imposed on the Promoter of Columbia Market shall pass and belong to and be performed by the heirs and assigns of the said Promoter.

Tramways not exempt from provisions of general Acts.

33. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament.

Expenses of Act.

34. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Promoter of Columbia Market.

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