CHAPTER xcvi.

An Act for incorporating the Flamborough Head Tramways Company and empowering them to construct Tramways and other works in the East Riding of the County of York and for other purposes. A.D. 1887.

[5th July 1887.]

WHEREAS the construction of the tramways in the east riding of the county of York by this Act authorised would be attended with public and local advantage:

And whereas it is expedient that the persons herein-after named with others should be incorporated into a Company and should be empowered to lay down and maintain the said tramways and that the powers herein-after contained should be conferred upon them for those purposes:

And whereas it is expedient that the Company so to be incorporated (in this Act called "the Company") be empowered to use on the tramways by this Act authorised steam or other mechanical power as a motive power in addition to or in substitution for horse power:

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act and showing the lands to be taken compulsorily under the powers of this Act and books of reference to those plans respectively containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the east riding of the county of York and are herein-after referred to respectively as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with

A.D. 1887.

the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the Flamborough Head Tramways Act 1887.

Incorporation of general Acts.

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

The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 :

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 hereinafter referred to as "the Lands Clauses Acts" :

Section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) of Part I. and Parts II. and III. of the Tramways Act 1870 :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the construction of the railway and the works connected therewith the crossing of roads and construction of bridges and works for the accommodation of lands adjoining the railway and with respect to mines lying under or near the railway but as regards the incorporated provisions of the Railways Clauses Consolidation Act 1845 in the case of so much only of the tramways as will not be situate in any street road or public place :

so far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act and shall apply to the undertaking of the Company and in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the expression "railway" shall include any tramway by this Act authorised.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "the Company" means the company incorporated by this Act :

The expression "the tramways" means the tramways by this Act authorised including any line or lines of rails which may be laid under the authority of this Act :

The expression "the undertaking" means the undertaking of the Company by this Act authorised :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated with this Act shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute and the expression "court" means the High Court of Justice or any judge thereof:

The word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authorities under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company:

The words "mechanical power" shall include electricity steam or other mechanical agency.

Company incorporated.

4. John Richard Dickson Romyn Haddon Trigg and Robert Storrs Wilton and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making maintaining and working the tramways and for other the purposes of this Act and for those purposes shall be incorporated by the name of "The Flamborough Head Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make tramways.

5. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections the tramways herein-after described with all proper rails plates chairs sleepers tubes engines engine-houses carriage-houses weighbridges weighing-machines works and conveniences connected therewith and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as are required for the purpose but nothing in this Act contained shall empower the Company to take any public street or road or to enter upon or use the same otherwise than in accordance with the provisions of the Tramways Act 1870.

The tramways and works herein-before referred to and authorised by this Act will be situate in the east riding of the county of York and are the following namely:—

A.D. 1887.

Tramway No. 1 (double line) 6·70 chains in length commencing in a field belonging to the North-eastern Railway Company and terminating at a point about one chain from the southern fence of the highway leading to Flamborough:

Tramway No. 2 (single line) 3·73 chains in length commencing at the point of the termination of the intended Tramway No. 1 as herein-before described and terminating about 2 chains past the fence on the north side of the highway:

Tramway No. 3 (double line) 6·06 chains in length commencing at the point of termination of the intended Tramway No. 2 as herein-before described and terminating at a point opposite the junction of the North-eastern Railway Company's sidings with the main line on land belonging to the Reverend Yarburgh Gamaliel Lloyd-Greame:

Tramway No. 4 (single line) 7 furlongs 7·82 chains in length commencing at the point of termination of the intended Tramway No. 2 as herein-before described and terminating at the commencement of Tramway No. 5 herein-after described:

Tramway No. 5 (double line) 5·00 chains in length commencing at the point of termination of the intended Tramway No. 4 as herein-before described and terminating about 5 chains from its commencement:

Tramway No. 6 (single line) 1 furlong 7·00 chains in length commencing at the point of termination of the intended Tramway No. 5 as herein-before described and terminating at a point above the parish boundary between the townships or parishes of Marton cum Sewerby and Flamborough:

Tramway No. 7 (single line) 5 furlongs 2·55 chains in length commencing at the point of termination of the intended Tramway No. 6 as herein-before described passing over land of Mrs. Cottrill Dormer and terminating at the fence dividing certain land known as "The Crofts" from the corner of a highway known as Carter Lane:

Tramway No. 8 (single line) 6·97 chains in length commencing at the point of termination of the intended Tramway No. 7 crossing the said highway passing along the grass margin on the south side of the said highway and terminating at a point about 5 chains measured in an easterly direction from the south-west corner of a road called Garth End:

Tramway No. 9 (double line) 5·00 chains in length commencing at the point of termination of the intended Tramway No. 8 as herein-before described and terminating at a point opposite the south-west corner of Garth End:

Tramway No. 10 (single line) 1 furlong 3·35 chains in length commencing at the point of termination of the intended Tramway No. 9 as herein-before described passing along the east side of Garth End and terminating at the boundary wall dividing Garth End at the north end thereof from land of the said Mrs. Cottrill Dormer:

Tramway No. 11 (single line) 9·38 chains in length commencing at the point of termination of the intended Tramway No. 10 as herein-before described crossing land of Mrs. Cottrill Dormer and terminating at the boundary fence between the said land and a highway called North Sea Lane:

Tramway No. 12 (single line) 4 furlongs 9·50 chains in length commencing at the point of termination of the intended Tramway No. 11 as herein-before described crossing North Sea Lane at its commencement passing along the grass margin of and on the east side of the said lane and terminating at a point opposite to and about 2 chains south-west of the entrance door of the Thornwick Hotel:

Tramway No. 13 (double line) 3·00 chains in length commencing at the point of termination of the intended Tramway No. 12 as herein-before described and terminating at a point 1 chain northward of the said entrance door and passing partly on the metalled surface of the said North Sea Lane:

Tramway No. 14 (single line) 1 furlong 4·50 chains in length commencing at the point of termination of the intended Tramway No. 13 as herein-before described passing along the side of the said highway and crossing a highway or road leading to North Moor and terminating at the fence between the said highway and land of Mrs. Cottrill Dormer at a point about 7 chains from the end of the said highway:

Tramway No. 15 (double line and sidings) 7·25 chains in length commencing at the point of termination of the intended Tramway No. 14 as herein-before described and terminating at the edge of the cliff passing over land of Mrs. Dormer.

For protection of North-eastern Railway Company.

6. Notwithstanding anything in this Act or in the deposited plans and books of reference contained no part of the tramways shall be made formed or laid down on any land or property of the North-eastern Railway Company without the written consent of that company first obtained nor shall the Company without such consent enter upon take or use any land or property of that company.

Power to deviate.

7. The Company in constructing any portion of the tramways which will not be laid in or along a street or road may deviate from

A.D. 1887.

the lines thereof shown on the deposited plans to any extent within the limits of deviation delineated thereon respectively and from the levels shown on the deposited sections to any extent not exceeding three feet either upwards or downwards.

Power to cross footpaths &c.

8. The Company from time to time may in constructing any portion of the tramways which will not be situate in any street or road cross break up or alter either temporarily or permanently any footpaths watercourses sewers or drains in any of the lands shown on the deposited plans and described in the books of reference to such plans which they are by this Act authorised to purchase and acquire and which shall be purchased and acquired by the Company when and so far as the Company deem requisite for the purposes of constructing maintaining repairing removing renewing altering or reinstating the tramways by this Act authorised.

Proviso as to damages.

9. Provided always that in the exercise of the powers by this Act granted the Company shall do as little damage as can be and shall make full compensation to all parties interested for all damage by them sustained by reason of the exercise of such powers such compensation to be ascertained in case of difference in manner provided by the Lands Clauses Acts.

Use of animal and mechanical power.

10. The carriages and trucks used on the tramways may subject to the provisions of this Act be moved by horse power or by mechanical power as herein-before defined.

Capital.

11. The capital of the Company shall be twenty-five thousand pounds in five thousand shares of five pounds each.

Shares not to issue until one fifth part thereof shall have been paid up.

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

Calls.

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

Receipt in case of incapacitated persons.

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

Power to borrow.

15. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole six thousand two hundred and fifty pounds but no part thereof shall be borrowed

until the whole capital of twenty-five thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

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

Debenture stock not to be created.

17. The Company shall not create debenture stock.

Short title of Act to be marked on mortgage.

18. Every mortgage granted by the Company shall be marked with the short title of the Act under which the same is granted.

Mortgage to comprise purchase money paid on compulsory sale.

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

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

20. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not remain a charge upon the tramways or the undertaking or any part thereof in the event of purchase by the local authority under the power of purchase conferred by section 43 of the Tramways Act 1870.

Priority of mortgages.

21. All moneys borrowed on mortgage under this Act shall have priority against the Company and the property from time to

A.D. 1887.

time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them.

Application of moneys.

22. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

23. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

24. The number of directors shall be five but the Company may from time to time alter the number provided that the number be never less than three nor more than five.

Qualification of directors.

25. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

26. The quorum for a meeting of directors shall be three.

First directors.

27. John Richard Dickson Romyn Haddon Trigg and Robert Storrs Wilton and two other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for altering the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Period for compulsory purchase of lands.

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

Restriction on taking houses of

29. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire

A.D. 1887.

in any parish ten or more houses which after the passing of this Act have been or on the 15th December last were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers. labouring class.

For the purpose of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Period for completion of works.

30. The tramways by this Act authorised shall be completed within two years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for constructing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Tramway deposit fund.

31. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty chapter twenty a sum of eight hundred and twenty-eight pounds eight shillings and twopence cash equal to five per centum upon the amount of the estimate in respect of the tramways authorised by this Act was transferred into the name of the Paymaster General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act and has been invested in the purchase of eight hundred and seventeen pounds three shillings and one penny New Three Pounds per cent. Annuities and is in this Act referred to as the deposit fund: Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them or the executors or administrators of such survivor (which persons survivors or survivor and the executors or administrators of such survivor are or is in this Act referred to as and included in the expression "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways complete and open the tramways for public traffic: Provided that if within the said period the Company open any portion of the tramways for public traffic then on production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion

A.D. 1887.

of the tramway deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the High Court of Justice herein-after in this Act referred to as the court shall on the application of the depositors or the majority of them order the said portion of the deposit fund so specified in such certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of that Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of tramway deposit fund.

32. If the Company do not previously to the expiration of the period limited by this Act for the completion of the tramways open them for public traffic then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors as aforesaid shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any land-owners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and also in compensating any road authority for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authority and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the court may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court think fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such

receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid or re-transferred to the depositors or shall have become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Purchase of lands by agreement.

33. In addition to the other lands which by this Act the Company are authorised to purchase and acquire they may purchase or acquire by agreement for the purposes of their undertaking and may hold any lands not exceeding five acres and they may on such lands and on any lands purchased or acquired under the authority of this Act erect or construct and hold offices buildings depôts and other conveniences in connexion with their undertaking but nothing in this Act shall exempt the Company from any proceeding for nuisance in the event of any nuisance being caused by them on any land purchased or acquired under the powers of this section.

Correction of errors in deposited plans and books of reference.

34. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or described in the deposited books of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the east riding of the county of York for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in the certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described. The certificate of the justices shall be deposited with the clerk of the peace for the east riding of the county of York and a duplicate thereof with the parish clerk of the parish in which the lands in question lie and the certificate and duplicate respectively shall be kept by the clerk of the peace and parish clerk respectively with the other documents to which the same relate and thereupon the said plans and books of reference shall be deemed to be corrected in accordance with the certificate and the Company may execute the works in accordance with the certificate.

Power to take easements &c. by agreement.

35. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water)

A.D. 1887.

required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Application of certain provisions of Improvement of Land Act.

36. The provisions of the Improvement of Land Act 1864 with regard to charging lands with money subscribed for the construction of railways shall apply to the case of any landowner who shall be desirous of subscribing for any shares or stock in the capital of the Company and those provisions for the purposes of this Act shall be read as if the word "tramway" were inserted therein instead of the word "railway."

Gauge and mode of formation of tramways.

37. Every tramway to be made formed or laid down under the powers of this Act shall be constructed with two rails on the gauge of three feet and shall where laid in or across a street or road be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the street: Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways: Provided also that the carriages to be used on the tramways hereby authorised shall not extend beyond the outer edge of the wheels of such carriages more than eighteen inches on each side.

As to rails of tramways.

38. The rails of the tramways where laid in or across a street or road shall be such as the Board of Trade may approve.

Company to adopt improvements if required by Board of Trade.

39. The Board of Trade may from time to time upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the tramways so far as the same are laid in any street or road under the control of such local authority or road authority 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 of such street or road and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Inspection by Board of Trade.

40. No tramway by this Act authorised shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Penalties for not maintaining rails in proper order.

41. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways where laid in any

street or road and (except so far as repairs and maintenance are undertaken by the road authority) the paving metalling or other road materials laid down by the Company and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with any of the provisions of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such failure continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways always to be kept on level of surface of roads.

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

Further provisions as to construction of tramways.

43. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance 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 superinten-

A.D. 1887.

dence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

Power to make additional crossings &c.

44. The Company may from time to time make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or any of them or for providing access to any warehouses stables carriage or engine houses or works of the Company: Provided that such works shall not be laid down or altered in any street or road without the consent of the local authority and the road authority and further that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the Company express his objection thereto.

Temporary tramways may be made when necessary.

45. When by reason of the execution of any work affecting the surface or soil of any street or road along which any tramway authorised by this Act is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company shall within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor discontinue or take up such tramway or part of the tramway for such term as may be necessary for the execution of the said works: Provided that the Company may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued. If any difference arises between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

Sanitary authority to have access to sewers.

46. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to

lay lateral and private drains and pipes to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Agreements between the Company and road authorities.

47. The Company and any local or road authority may subject to the provisions of this Act from time to time enter into any agreements with respect to the mode of constructing and to the maintaining working removing renewing repairing and using of the tramways situate within the district of such local or road authority and the rails plates chairs sleepers and works connected therewith and the facilitating of the traffic over and along the same.

Use of mechanical power to be subject to regulations of Board of Trade.

48. The carriages and trucks used on the tramways may be moved by horse power and subject to the provisions of this Act during a period of seven years from the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as that Board may from time to time specify in any order may be moved by any mechanical power: Provided always that in the exercise of the powers by this Act conferred with respect to the use of any mechanical power the Company shall be subject to the regulations set forth in the schedule to this Act annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of those powers.

Penalty for using mechanical power contrary to order or regulations.

49. The Company or any other company or person using any mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof: Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using any mechanical power on the tramways of the Company under the authority of this Act have or has made default in complying with the provisions of this Act or with any of

A.D. 1887.

the regulations set forth in the schedule to this Act annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or person so directed shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws for regulating use of mechanical power.

50. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to all or any of the tramways of the Company upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine or carriage:

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

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

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

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

Penalty for breach of byelaws.

51. 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.

As to recovery of penalties.

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

A.D. 1887.

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

53. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority of any district in which any tramway is laid with respect to the rate of speed to be observed in travelling on the tramways shall not authorise any such local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation made by the Board of Trade under the authority of this Act at which carriages are to be driven or propelled on the tramways under the authority of this Act but any such local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws of Board of Trade.

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

As to contracts with road authorities where any mechanical power is to be used.

55. Where the Company or any other company or person shall use any mechanical power under the authority of this Act on any part of the tramways which is situate in any street or road they or he shall give two months previous notice of such intention to every road authority within whose district such part of the tramways are or is situate. Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of any mechanical power upon any part of the tramways which is so situate in a street or road be determined and of no effect.

Before using any mechanical power on any such part of the tramways and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement

A.D. 1887.

or arrangement with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is used or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve.

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

No mechanical power shall be used on any portion of the tramways which is situate in any street or road unless there is in force in relation to such portion of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining

the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways are laid.

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

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

Tramway tolls for passengers.

57. The Company may demand and take for every passenger travelling upon the tramways or any part thereof including the use of the tramways and of the carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding fourpence per mile in the case of first-class passengers and twopence per mile in the case of second-class passengers or the Company may fix stages of one mile in length and may demand and take for every passenger travelling as aforesaid any sum not exceeding fourpence per stage in the case of first-class passengers and twopence per stage in the case of second-class passengers and for the purposes of this section the fraction of a mile beyond an integral number of miles or the fraction of a stage shall be deemed a mile or a stage as the case may be.

Passengers luggage.

58. 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 all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

List of tolls to be exhibited.

59. A list of the tolls and charges by this Act authorised to be taken in respect of the tramways for passengers including therein the cheap fares for the labouring classes and which shall be charged

A.D. 1887.

by the Company from time to time shall be exhibited in a conspicuous place inside each of the carriages used upon any of the tramways.

Company may carry animals goods and other things.

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

Tolls for animals goods &c.

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

ANIMALS.

In respect of animals conveyed on the tramways :

For every horse mule or other beast of draught or burden per head one shilling :

For every ox cow bull or head of cattle per head ninepence :

Provided that the Company may charge a minimum toll as for four animals above mentioned whether the number conveyed at any one time be four or less :

For every calf pig or sheep per head threepence :

For every lamb or other small animal twopence.

GOODS.

In respect of goods conveyed on the tramways per mile :

For all coals culm cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton threepence if not less than four tons (but the Company may charge for any quantity less than four tons as for four tons) :

For all timber deals staves iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stone for building pitching and paving tiles slates and clay (except fireclay)

and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway or tramway chairs and plates per ton ninepence:

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

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

For herrings per ton sixpence:

For all other fish by parcel not exceeding two hundredweight for whole distance fourpence:

For every carriage of whatever description having two wheels one shilling per mile:

For every carriage of whatever description having four wheels two shillings per mile.

Tolls for small parcels and single single articles of great weight.

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

SMALL PARCELS.

For any parcel not exceeding seven pounds in weight threepence:

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

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

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

For any parcel exceeding fifty-six pounds and not exceeding one hundredweight such sum as the Company may think fit:

Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet: Provided always that articles sent in large aggregate quantities although made up in separate parcels (such as bags of sugar coffee meal and the like) shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

A.D. 1887.

FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT ON THE TRAMWAYS.

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

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

Regulations as to tolls on tramways.

63. For animals goods materials articles or things conveyed on the tramways for a less distance than two miles the Company may demand tolls 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 Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

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

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

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

As to mode &c. of payment of tramway tolls.

64. The tolls and charges by this Act authorised to be demanded and taken by the Company in respect of the tramways shall be paid at such times and places and to such persons upon or near to the tramways and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of tolls appoint.

Periodical revision of tramway tolls.

65. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this

A.D. 1887.

section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partly situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised: Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Cheap fares for labouring classes.

66. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run sufficient carriages each way (Sunday Christmas Day and Good Friday and bank holidays always excepted) at such hour in the morning and evening as may be suitable to and from the Flamborough Railway Station for fishermen artizans mechanics and daily labourers using the tramways at fares not exceeding one halfpenny per mile the Company nevertheless not being required to take any fare less than one penny and the Company shall be liable to a penalty not exceeding twenty shillings for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section unless prevented by circumstances over which they have no control: Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

User of tramways by local autho-

67. The local authorities may use the tramways in their respective districts for sanitary purposes at any time between the hours

A.D. 1887.

rities for sanitary purposes.

of twelve o'clock at night and five o'clock in the morning on paying such tolls as may be agreed upon between the Company and the respective local authority or as in case of difference may from time to time be fixed or directed by the Board of Trade.

Provisions as to arbitration.

68. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 or of any Act or rules whereby the same has been or may be modified or superseded shall apply in every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

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

(1.) Every notice shall be in writing or print including lithograph or partly in writing and partly in print and if given by the local or road authority shall be sufficiently authenticated by being signed by their surveyor or clerk:

(2.) Any notice to be delivered by or to the Company to or by the local or road authority may be delivered by being left at the principal office of the local or road authority or of the Company as the case may be or by being sent by post in a registered letter addressed to their respective clerk or surveyor at their principal office and every such letter shall be deemed to be received by the local or road authority or by the Company as the case may be on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Recovery of penalties &c.

70. All offences under this Act and all penalties and forfeitures damages charges tolls and costs inflicted imposed or ordered to be paid or payable under or by virtue of this Act may be taken cognizance of or recovered under the provisions of the Summary Jurisdiction Acts.

Carrying of mails by Company.

71.—(1.) The Company if required by the Postmaster General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster General from time to time requires provided as follows :—

(A.) Nothing in this section shall authorise the Postmaster General to require mails in excess of the following weights to be carried by the Company in or upon any carriage that is to say :—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

(B.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(C.) Nothing in this section shall authorise the Postmaster General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger:

(D.) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

A.D. 1887.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

36 & 37 Vict. c. 48; 45 & 46 Vict. c. 74.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster General may be signified by writing under the hand of any person who is at the time either such Postmaster General or a secretary or assistant secretary of the Post Office or the Inspector General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Provision for protection of the Postmaster General in case of electricity being used.

72. In the event of the tramways of the Company being worked by electricity the following provisions shall have effect:—

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

(2.) Any difference which arises between the Postmaster General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

31 & 32 Vict. c. 119.

(3.) In the event of any contravention of or wilful non-compliance

with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

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

(5.) 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:

(6.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted. 41 & 42 Vict. c. 76.

Interest not to be paid on calls paid up.

73. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always that nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

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

A.D. 1887.

Provision as to general Tramway Acts.

75. 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 or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

Break Power.

The mechanical power used on the tramways shall be fitted with such mechanical appliances for preventing the same from operating and for bringing such mechanical power and any carriage drawn or propelled thereby to a stand as the Board of Trade may from time to time think sufficient.

As to Fittings of Engines, &c.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

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

With a suitable fender to push aside obstructions:

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

With a seat for conductor or driver so placed as to command the fullest possible view of the road before him.

As to Carriages.

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

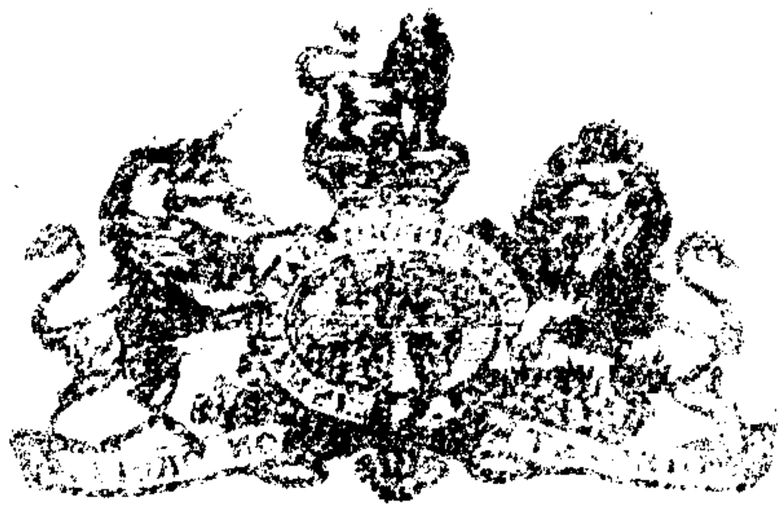
Inspection of Engines and Carriages.

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

As to Speed.

The speed at which carriages may be driven or propelled along any portion of the tramways which may be situate in any street or road shall not exceed the rate of eight miles an hour.

The speed at which carriages may pass through movable facing points on any street or road shall not exceed the rate of four miles an hour.



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