CHAPTER li.

An Act for conferring further powers upon the Ipswich Tramways Company. A.D. 1882. [19th June 1882.]

WHEREAS by the Ipswich Tramways Orders 1879 and 1880 (in this Act respectively called "the Order of 1879" and "the Order of 1880") the promoters thereof were authorised to construct tramways in the borough of Ipswich (in this Act called "the borough") and by the Ipswich Tramways Act 1881 (in this Act called "the Act of 1881") the Ipswich Tramways Company (in this Act called "the Company") were incorporated for acquiring the undertakings authorised by the said Orders and were authorised to construct additional tramways in the borough: 44 & 45 Vict. c. cix.

And whereas it is expedient that the Company be empowered to abandon the portions of their authorised undertaking and (in substitution) to lay down the several additional tramways in this Act described and in connexion therewith to widen certain streets in the borough:

And whereas it is expedient that the mayor aldermen and burgesses of the borough (in this Act called "the corporation") be authorised to contribute towards the cost of such widenings:

And whereas about one half of the tramways authorised by the Order of 1879 has been constructed and the time for the construction of the remainder was extended by the Act of 1881 and it is expedient that it be further extended:

And whereas it is expedient that the Company be empowered to use steam or any mechanical power for the purpose of working their tramways:

And whereas plans and sections showing the lines and levels of the tramways and works 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 of the occupiers of those lands have been deposited with the clerk of the peace for the county of Suffolk and

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those plans sections and books of reference are in 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 (that is to say):

Short title.

1. This Act may for all purposes be cited as the Ipswich Tramways Act 1882.

Incorporation of Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
33 & 34 Vict. c. 78.

2. The following Acts and parts of Acts namely the Lands Clauses Consolidation Acts 1845 1860 and 1869 section three (interpretation of terms) section nineteen (local authority may lease and take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 so far as the same respectively are applicable to and are not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act except that the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking shall not extend to any other purpose than the widening and improving of streets by this Act authorised.

Interpretation of terms.

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

8 & 9 Vict. c. 16.

The word "contingencies" in the Companies Clauses Consolidation Act 1845 section one hundred and twenty-two shall with reference to the Company be construed to include the contingency of the undertaking of the Company being sold to the local authority under the Tramways Act 1870 section forty-three at a sum less than the aggregate amount of the capital and debts of the Company;

The expression "the tramways" means the tramways by this Act authorised or any part thereof;

The expression "superior court" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and

have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Correction of errors in deposited plan and book of reference.

4. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Suffolk for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Suffolk and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Abandonment of portions of authorised undertaking.

5. The Company shall abandon and relinquish the construction of the following portions of their authorised undertaking (that is to say) :—

(1) So much of Tramway No. 6 authorised by the Order of 1880 as extends from Old Foundry Road (the commencement of Tramway No. 3 by this Act authorised) to the west end of Crown Street;

(2) So much of Tramway No. 1 authorised by the Act of 1881 at Hyde Park Corner as extends from its junction there with Tramway No. 3 authorised by that Act to its termination;

(3) All or any works and conveniences connected therewith respectively.

Deposit of 1880 to be applicable to the tramways.

6. The sum of one hundred and fifty pounds cash paid as a deposit fund into the Chancery Division of the High Court of Justice with reference to the Order of 1880 and now remaining in the said division to the credit of "Ex parte the Ipswich Tramways (Extensions)" shall be dealt with as if it were so deposited in respect of the tramways by this Act authorised and of so much of the tramways authorised by the Order of 1880 as are not by this Act authorised to be abandoned as if those respective tramways

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had been the whole of the tramways authorised by that Order and as if the tramways authorised by this Act had been part of the tramways authorised by that Order.

Power to make tramways.

7. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the borough in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with the deposited plans and sections the tramways herein-after described with all proper rails plates works points crossings and conveniences connected therewith The tramways herein-before referred to and authorised by this Act are:—

Tramway No. 1 (1 furlong 1 chain 85 links in length) commencing in Cornhill and passing along Cornhill and Tavern Street and terminating in that street at its eastern end Tramway No. 1 will be a double line except for 1·50 chains from its commencement where it will be single;

Tramway No. 2 single line (2 furlongs 2 chains 80 links in length) commencing by a junction with Tramway No. 1 at its termination and passing along Carr Street and terminating at Major's Corner St. Helen's Street opposite Upper Orwell Street;

Tramway No. 3 single line (9 chains in length) commencing in Old Foundry Road and passing into and along Great Colman Street and Northgate Street and terminating by a junction with Tramway No. 1 at its termination;

Tramway No. 4 a single line (being a junction 1 chain 60 links or thereabouts in length) situate in Cornhill.

Further provision as to Tramway No. 2.

8. If the Corporation under their common seal consent thereto the Company may construct and maintain Tramway No. 2 as a double line Provided that no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail 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 by writing under his hand addressed to the Company express his objection thereto.

Gauge of tramways.

9. The tramways shall be constructed on a gauge of three feet six inches.

Company to have exclusive use of Tramways for flange wheels &c.

10. Subject to the provisions of this Act the Company shall have the exclusive use of the tramways for carriages with flange wheels or other wheels specially or particularly adapted to run on a grooved rail and notwithstanding anything to the contrary contained in the Tramways Act 1870 all carriages used by the Company on any of the tramways may extend beyond the outer

edge of the wheels of such carriages to any distance not exceeding sixteen inches on each side. A.D. 1882.

Tramways not to be opened until certified by Board of Trade.

11. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act 1870 and the Board of Trade have by an order signed by a secretary or an assistant secretary of the said Board authorised the same to be opened for traffic.

Period for completion of tramways.

12. If the tramways which are dependent upon the making of any particular street improvements by this Act authorised are not completed within one year after the making of these improvements respectively and if the other tramways by this Act authorised are not completed within two years from the passing of this Act then on the expiration of those respective periods the powers by this Act granted for making and completing the same or otherwise in relation thereto respectively shall cease to be exercised except as to so much thereof as shall then be completed.

Extension of time for completion of tramways of 1879.

13. The time limited for the completion of so much of the Tramways authorised by the Order of 1879 as are not already completed is hereby extended and the powers of the Company for that purpose may be exercised until the thirty-first day of July one thousand eight hundred and eighty-three and on the expiration of that period the powers for making and completing the same tramways or otherwise in relation thereto shall cease except as to so much of the tramways as is then completed.

Tramways to be kept on a level with surface of road.

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

Penalty for not maintaining rails and roads in good condition.

15. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways 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 requirements of section twenty-eight 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 default continues and such penalty may be recovered as by section fifty-six of the last-mentioned Act is provided.

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In any case in which 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 twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said Board such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act 1870 and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as are or is by this section imposed.

Sewer authorities to have access to sewers.

16. Every sewer authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

As to rails of tramways.

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

Passing-places to be constructed where less than a certain width between footway and tramways.

18. Where in any road in which a double line of tramway is laid there is 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 Company shall and they are hereby required to construct a passing-place or passing-places connecting the one tramway with the other as and when directed by the road authority and by means

of such passing-place or passing-places the traffic shall when necessary be diverted from one tramway to the other.

Additional crossings &c. may be made where necessary.

19. The Company may from time to time hereafter make maintain alter and remove all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables carriage-houses sheds or works of the Company subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail 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 by writing under his hand addressed to the Company express his objection thereto Provided also that the number and situation of such crossings points passing-places sidings junctions and other works shall be determined by the road authority and if any difference arises between the Company and any road authority with respect to the number and situation of the said crossings points passing-places sidings junctions or works the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned and that if any crossing or other additional works so made with the approval of the road authority or any part thereof is subsequently objected to by the road authority the road authority may by written notice to the Company require them to remove the same and if the road authority so think fit to remake or relay the same in some other position to be specified in the notice and the Company shall comply with such requirement Provided that the expense of every such removal remaking or relaying shall be borne by the road authority.

Application of road materials excavated in construction of works.

20. Any paving metalling or material excavated by the Company in the construction of the works authorised by this Act from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramway as the Company are by this Act required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to

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receive the same Provided that if within seven days after notice in writing to the road authority that the surplus of such paving metalling or material is ready for removal such surplus is not removed by the said surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they shall think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company and any road authority.

Temporary tramways to be made where necessary.

21. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof 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 in the same or any adjacent road and 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 a tramway so removed or discontinued.

If any difference arises between the Company and any road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Traffic in roads not to be impeded.

22. During the construction of any works by this Act authorised in any roads the Company shall cause as little impediment as possible to the traffic along such roads and shall make such arrangements in the execution of such works as the road authority of such district may from time to time by writing reasonably require for preventing such traffic from being unnecessarily impeded.

Provision as to paving Tavern Street and Carr Street.

23. In constructing so much of Tramways No. 1 and No. 2 by this Act authorised as is situated in Tavern Street and Carr Street the Company shall pave with some system of wood blocks or other system of paving as may be approved by the corporation the whole of the roadways in these streets with the exception of the side

channels thereof and shall at all times subject to the provisions of the Tramways Act 1870 except so far as they are hereby varied maintain and keep the said roadways in good condition and repair and the corporation shall from time to time subject as aforesaid bear and pay to the Company one third of the amount of the expense incurred by the Company in and about such maintenance and keeping in good condition and repair Provided always that the expense of renewing or repairing any portion of the said roadways after relaying renewing or repairing any of the rails of the said tramways by the Company shall not be chargeable to the corporation as part of the expense incurred by the Company in maintaining and keeping in good condition and repair the said roadways.

Company to deliver account of expenditure to corporation.

24. The Company shall from time to time at the expiration of every six months from the opening for traffic of the tramways by this Act authorised deliver to the corporation an account in writing showing the amounts from time to time incurred or expended by the Company as aforesaid during the six months immediately preceding the delivery of each such account and certified under the hand of their engineer or other officer for the time being authorised in that behalf and shall afford to the corporation such information either by production of books vouchers or otherwise as may be reasonably necessary for enabling the corporation to verify such accounts and the corporation shall from time to time within twenty-eight days from the delivery of every such account or from the date of the award of a referee to be appointed under section 33 of the Tramways Act 1870 in case any dispute shall arise between the Company and the corporation upon any such account pay to the Company or as they shall direct one third of the total amount of every such account and the Company may from time to time recover from the corporation in any court of competent jurisdiction any sum or sums of money from time to time becoming due and payable by the corporation to the Company under the provisions of this Act.

Provision as to paving roads.

25. Subject to the provisions of this Act so much of every road whereon any of the tramways is laid as lies between the rails and extends eighteen inches beyond the rails of and on each side of such tramway shall be paved by the Company with wood or other noiseless pavement as the Company may (with the approval of the corporation signified in writing under the hand of their engineer or surveyor for the time being) adopt and to the reasonable satisfaction of the road authority.

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Provisions as to construction of tramways.

26. In addition to the requirements of section twenty-six 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 tramway and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively (except for the purpose of necessary repairs) until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as prescribed by section twenty-six of the said Act.

Power to Company to widen streets.

27. Subject to the provisions of this Act and in accordance with the deposited plans the Company may widen and improve the following streets or roads in the borough (that is to say):

Carr Street on the south side for a distance of thirty yards east and fourteen yards west of a point opposite the centre of Little Colman Street;

Great Colman Street on the south side for a distance of eight yards from the corner of Northgate Street;

Northgate Street on the east side for a distance of six yards from the corner of Great Colman Street;

and for that purpose may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose.

Power to corporation to subscribe to street improvements.

28. The corporation may subscribe any sum of money not exceeding in the whole the sum of one thousand five hundred pounds towards the cost of the making by the Company of the several street improvements and widenings hereby authorised.

Application of corporate funds.

29. For the purposes of the contribution of the corporation they may from time to time apply any money in their hands received under any Act relating to them and not required for the purposes of that Act.

Period for completion of street widenings.

30. If the widenings and improvement of streets by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for widening and improving streets or

otherwise in relation thereto shall cease to be exercised except as to so much thereof as is completed. A.D. 1882.

Period for compulsory purchase of lands &c.

31. 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 three years from the passing of this Act.

Power to erect buildings &c.

32. The Company may on any lands required by them under the powers and for the purposes of this Act erect and hold or let any buildings offices or other conveniences and may from time to time sell any lands so acquired by them and not required for the purposes of this Act.

Deposit money not to be repaid until line opened.

33. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of two hundred and fifty-five pounds whereof one hundred and thirty-five pounds (herein-after referred to as "the tramway deposit fund") represents a sum equal to five per centum upon the amount by which the estimate of expense in respect of the tramways by this Act authorised will exceed the expense of the works to be abandoned under the authority of this Act and one hundred and twenty pounds (herein-after referred to as "the street improvement deposit") represents a sum equal to four per centum upon the amount of the estimate in respect of the street improvements by this Act authorised has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act Be it enacted that notwithstanding anything contained in the said Act the said tramway 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 (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways by this Act authorised open the same for the public conveyance of passengers provided that if within such period as aforesaid the Company open any portion of such tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the tramway deposit fund which bears to the whole of the tramway deposit fund the same proportion as the length of the tramway so opened bears to the entire length of the tramway hereby authorised the Court shall on the application of the depositors order the portion of the tramway deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the

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certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of tramway deposit.

34. If the Company do not previously to the expiration of the period limited for the completion of the tramways by this Act authorised complete and open the same for the public conveyance of passengers then and in every such case the tramway deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the powers conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities for the expense incurred by them in taking up any tramways or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the tramway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the tramway deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the consolidated fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the tramway deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same

shall become payable be paid to or on the application of the depositors. A.D. 1882.

Release of street improvement deposit fund.

35. On the application of the depositors by petition in a summary way at any time after the passing of this Act the court may and shall order that the street improvement deposit fund and the interest and dividends thereon shall be transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

Application of deposit in respect of tramways for which time for completion extended.

36. If previously to the time limited for the completion of the tramways the time for completing which is hereby extended the same are not complete and open for the public conveyance of passengers the deposit fund of six hundred and twenty-five pounds paid as a deposit fund into the Chancery Division of the High Court of Justice with reference to the Order of 1879 and now remaining in the said division to the credit of ex parte the Ipswich tramways or so much thereof as shall not have been paid to the depositors or the Company as the case may be shall be applicable and after due notice in the London Gazette shall be applied in manner provided by the rules of the Board of Trade under which such deposit fund was deposited in court.

Carriages on tramways may be moved by animal steam or mechanical power.

37. The carriages used on any of the Company's tramways may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same respectively for public traffic and with the consent of the Board of Trade during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or assistant secretary to the said Board by steam power or any mechanical power Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the consent of the local and road authority and also to the regulations set forth in the schedule to this Act 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 steam or mechanical power contrary to Act or regulation.

38. The Company or any other company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the said schedule, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the

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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 penalty not exceeding five pounds for every day after the first during which such offence continues Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam or any mechanical power on the tramways under the authority of this Act has made default in complying with the provisions of this Act or with any of the regulations set forth in that schedule 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 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 steam &c.

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

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

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

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

For regulating the entrance to exit from and accommodation in the carriages used on the said 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 said tramways by exhibition of the same in conspicuous places on the carriages and elsewhere;

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

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As to recovery of penalties.

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

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

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

Orders and byelaws of Board of Trade.

42. 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 to the Board of Trade.

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

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

Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway 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 steam or any mechanical

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power upon such tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the company or such 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 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 steam or mechanical power shall be used on the tramways to which such appeal relates.

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

agreement or arrangement in accordance with the provisions of this section.

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

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

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

Power to apply existing funds.

45. The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or may hereafter raise under the Act of 1881 and which may not be required for the purposes of that Act.

Extending to this Act sections of Order of 1879 and Order of 1880 as to tolls.

46. The Company may demand and take in respect of the tramways the tolls and charges which they are by the Order of 1879 and the Order of 1880 respectively authorised to demand and take with respect to the tramways by those Orders respectively authorised as if the tramways by this Act authorised had formed part of the tramways by those Orders respectively authorised and sections twenty-four to twenty-nine both inclusive of the Order of 1879 and sections twenty-one to twenty-six both inclusive of the Order of 1880 are incorporated with and form part of this Act and shall extend and apply to the tramways by this Act authorised and

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the passengers using the same and the tolls to be taken for the use of the same as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto.

Agreements between Company and road authorities.

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

Company to contract with road authority.

48. The Company shall if required by the road authority make contracts with the road authority for all or any of the purposes for which contracts may be made between the promoters of any tramway undertaking and a road authority under the authority of section twenty-nine of the Tramways Act 1870 Provided always that the terms of any contract shall in case the same are not agreed upon between the Company and the road authority be determined by a referee to be appointed by the Board of Trade for such purpose.

Saving rights of corporation as to sewers.
38 & 39 Vict. c. 55.

49. Nothing in this Act contained shall take away alter or diminish any of the powers rights or authorities of the corporation as the sewer authority for the borough either under the powers conferred upon them by the Public Health Act 1875 or any other public or local and private Act or Acts of Parliament affecting the borough already existing or which may hereafter be passed enabling the corporation to construct maintain or repair cleanse alter discontinue or otherwise deal with any sewers or drains belonging to the corporation or over which they may from time to time have control or be empowered to construct and maintain and the corporation shall be entitled to require the Company to and the Company shall upon receiving eighteen hours' notice in writing from the corporation so to do either stop the traffic upon the tramways in any street or road to which such notice shall refer or shore up and secure the same at their own risk and cost and to the reasonable satisfaction of the surveyor for the time being of the corporation during the construction of the work in any such street or road provided that all such work shall be done by the corporation with all reasonable despatch and with as little damage as reasonably may be to the tramways provided further that the corporation shall not by reason of the execution of any such works incur any liability to the Company except for damage caused by the

unreasonable or wilful act or neglect of the corporation or their servants. A.D. 1882.

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

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

Tramways not exempt from provisions of general Acts.

51. 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.

Expenses of Act.

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

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THE SCHEDULE.

Regulations with respect to use of Steam or Mechanical Power on Tramways.

Brake power of engines.

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

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 the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

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

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 their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines or carriages.

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

As to speed.

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

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

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