CHAPTER cx.

An Act to authorise the Northampton Street Tramways Company to construct additional Tramways; to abandon parts of their authorised Tramways; and for other purposes. [12th July 1882.]

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WHEREAS by the Northampton Street Tramways Act 1880 the Northampton Street Tramways Company (in this Act called the Company) was incorporated with a share capital of fifty thousand pounds and with power to borrow on mortgage twelve thousand five hundred pounds and was empowered to construct tramways in the borough and county of Northampton and the Company has issued share capital to the amount of twenty-seven thousand four hundred and forty pounds but has not borrowed any money under the powers of the said Act of 1880: 43 & 44 Vict. c. ci.

And whereas it is expedient that the Company be empowered to construct the tramways in this Act described instead of six of the tramways authorised by the Act aforesaid and that they be authorised to abandon the construction of such six tramways:

And whereas by the substitution of the tramways described in this Act for the tramways the construction of which is intended to be abandoned as aforesaid a saving of expenditure will be effected and it is expedient that the capital of the Company be reduced:

And whereas it is expedient that the Company be empowered to use steam or other mechanical power for the purpose of working the tramways (except the said six tramways to be abandoned) respectively authorised by the said Act of 1880 and by this Act:

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised and books of reference to such plans have been deposited with the clerk of the peace for the county of Northampton and 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 effected without the authority of Parliament:

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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 be cited for all purposes as the Northampton Street Tramways Extension Act 1882.

Incorporation of Acts.

2. The following Acts and parts of Acts (except where expressly varied or excepted by or inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say) :

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 (except the provisions thereof 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) ;

33 & 34 Vict. c. 78.

Section three (interpretation of terms) section nineteen (local authority may lease or take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870.

Interpretation.

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

The expression "the tramway" means the tramway and works by this Act authorised ;

The expression "the Act of 1880" means the Northampton Street Tramways Act 1880 ;

The word "person" includes a corporation ;

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 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 ;

And for the purposes of this Act the expression "superior courts" 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 simple contract debt and not a debt or demand created by statute.

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Power to make tramways.

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

A tramway (No. 1) 1 mile and 1 chain in length commencing in the parish of St. Sepulchre in the borough of Northampton by a junction with tramway (No. 2) authorised by the Act of 1880 near the junction of Marriott Street with Kingsthorpe Road otherwise Barrack Road passing thence in a northerly direction along the same road and Kingsthorpe Road and terminating in the parish of Kingsthorpe in the county of Northampton near the junction of the road leading to Brampton with Kingsthorpe Road.

A tramway (No. 2) 1 furlong and 9·4 chains in length commencing in the parish of Duston in the county of Northampton by a junction with tramway (No. 3) authorised by the Act of 1880 at or near the junction of Devonshire Street with St. James' End thence passing along St. James' End in a westerly direction and terminating in the road leading to Duston near the Melbourne Gardens and about seven and a half chains west of the junction of Argyll Road with the said road leading to Duston.

Gauge of tramways.

5. The tramways authorised by this Act shall be laid on a gauge of three feet and six inches and shall consist of single lines of rails except at the following places respectively where they will be laid as double lines viz.:—

Tramway (No. 1)—

In Kingsthorpe Road:

Between points respectively 3·35 chains and 4·75 chains north of the junction of Marriott Street with Kingsthorpe Road;

Between points respectively 1·65 chains and 4·65 chains north of the junction of Alpha Street with Kingsthorpe Road;

Between points respectively 14 chains and 17 chains south of the southern corner of the Cock public-house in Kingsthorpe Road;

Between points respectively 1·3 chains south and 1·7 chains north of the southern corner of the Cock public-house aforesaid;

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Between points respectively 1·55 chains and 4·55 chains from the termination of tramway (No. 1);

Tramway (No. 2).

In the road leading to Duston near Melbourne Gardens:

Between points respectively 1·5 chains and 4·5 chains from the termination of tramway (No. 2).

Tramways to form part of authorised undertaking of Company.

6. The tramways authorised by this Act shall for all purposes whatever be deemed to form part of the undertaking of the Company authorised by the Act of 1880 and all the provisions of that Act except so far as they are varied amended or repealed by this Act shall (so far as applicable) apply to the tramways authorised by this Act in like manner in every respect as if those tramways formed part of the tramways authorised by the Act of 1880.

Power to Company to apply corporate funds to purposes of Act.

7. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise by shares or borrowing by virtue of the Act of 1880 as amended by this Act and which may not be required for the purposes to which they are by the Act of 1880 made specially applicable.

Period for completion of works.

8. The tramways authorised by this Act 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 executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Providing for completion of tramways.

9. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty the sum of one thousand one hundred and eight pounds Three per centum Consolidated Bank Annuities (in this Act referred to as the deposit fund) was transferred into the Chancery Division of the High Court of Justice in respect of the application to Parliament for the Act of 1880 and by that Act it was provided that notwithstanding anything contained therein the deposit fund should not be 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 (herein-after called the depositors) unless the Company should previously to the expiration of the period limited by the Act of 1880 for completion of the tramways by that Act authorised open such tramways for the public conveyance of passengers And whereas the tramways

authorised by this Act are in substitution for some of the tramways authorised by the Act of 1880 and by this Act authorised to be abandoned Be it therefore enacted that notwithstanding anything contained in the said Act of the ninth year of the reign of Her present Majesty chapter twenty if the periods respectively limited by the Act of 1880 and by this Act shall expire before the Company shall have opened the tramways authorised by the Act of 1880 and not by this Act authorised to be abandoned and the tramways hereby authorised for the public conveyance of passengers subject to the provisions of this Act the deposit fund shall be applied in the manner herein-after specified Provided that if within such periods as aforesaid the Company open any portion of the said tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised the court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified and it shall not be necessary to produce any certificate of this Act having passed anything in the first above-mentioned Act to the contrary notwithstanding.

Application of deposit.

10. If the Company do not previously to the expiration of the periods limited for the completion of the tramways respectively authorised by the Act of 1880 and not by this Act authorised to be abandoned and the tramways authorised by this Act complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said tramways or any portion thereof and also in compensating all road authorities for the expense incurred by them in taking up any such tramway 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 tramway and shall be dis-

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tributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Reducing capital of Company.

11. Notwithstanding anything contained in the Act of 1880 with reference to the raising of capital by shares and by borrowing the capital which the Company may raise by shares is hereby restricted to the sum of forty thousand pounds and the sum which the Company may from time to time raise by mortgage is hereby restricted to the sum of ten thousand pounds but no part of the said sum of ten thousand pounds shall be borrowed until shares for the said sum of forty thousand pounds are 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 shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors or adminstrators successors or assigns and also that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

Shares already issued to form parts of reduced share capital.

12. The restrictions of the Company's share capital and power to borrow on mortgage contained in this Act shall not prejudice or affect the rights of holders of shares issued and accepted before the passing of this Act and all such shares shall be deemed to be and form parts of the sum of forty thousand pounds of share capital authorised by this Act.

For appointment of a receiver.

13. Section 22 of the Act of 1880 with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or principal money and interest is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such section 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 one thousand pounds in the whole.

Release of portion of deposit.

14. The Chancery Division of the High Court of Justice may at any time after the passing of this Act on the application of the persons or the majority of the persons named in the warrant or order referred to in section 35 of the Act of 1880 or the survivors or survivor of such persons order that the sum of two hundred and twenty-one pounds twelve shillings being so much of the sum of one thousand one hundred and eight pounds Three per cent. Consolidated Bank Annuities specified in that section as is applicable to the tramways and tramways or passing places by this Act authorised to be abandoned shall be transferred to such persons as aforesaid or to any other persons or person whom they or he may appoint on their behalf.

Mode of formation of tramways.

15. The tramways to be formed or laid down under the authority of this Act shall be constructed with two grooved rails and shall be laid and maintained in such manner as that the uppermost surface of the rail shall be on a level with the surface of the street or road on each side of such rail and the groove of the rail shall in no case exceed one inch and a quarter in width Provided always that so much of section thirty-four of the Tramways Act 1870 as

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limits the extent of any carriage used on any tramway of the Company beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the said tramways.

Rails to be approved by Board of Trade.

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

Company to adopt improvements if required by Board of Trade.

17. The Board of Trade may from time to time upon the application of the local authority or road authority of any district require the Company to adopt and apply such improvements in the tramway 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 such improvements.

Inspection by Board of Trade.

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

Tramways to be kept level with surface of road.

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

Further provisions as to construction of tramways.

20. 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 the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing the 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 the tramways or any part thereof until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act.

Penalty for not maintaining rails and roads.

21. 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 the tramways for the time being consist and the substructure upon which the same rest and if the Company at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject 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 56 of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and roads.

22. 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 the preceding 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 inquiry 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 the preceding section imposed.

Power to make additional crossings, &c.

23. The Company may subject to the provisions of this Act and with the consent of the local authority and road authority 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 for providing access to any warehouses stables or carriage houses or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto and provided also that any such altered substituted and additional crossings passing places sidings junctions and other works shall in

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all respects be thereafter subject to the provisions of this Act and the Acts incorporated therewith as fully and effectually as if the same had been originally described or marked on the said deposited plans.

Temporary tramways may be made when necessary.

24. Where by reason of the execution of any work affecting the surface or soil of any road along which either of the tramways 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 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 and 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.

Company not to use carriages constructed for use on railways.

25. The Company shall not use upon the tramways authorised by this Act carriages or trucks constructed for use upon railways.

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

26. The carriages used on the tramways authorised by the Act of 1880 and this Act may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of any portion 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 Board of Trade may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board by steam power or other mechanical power Provided always that in the exercise of the powers by this Act conferred with respect to the use of steam or 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 these powers.

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

27. The Company or any other company or person using steam or any mechanical power on any of the tramways of the Company 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 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 said 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 the regulations set forth in the schedule to this Act annexed or with any regulations 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.

28. 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;

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

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;

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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 bye-laws 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.

As to recovery of penalties.

29. 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.

30. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority of any district in which any tramway of the Company is laid with respect to the rate of speed to be observed in travelling on such tramway 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 engines are to be driven or propelled on the tramways of the Company under the authority of this Act but any such local authority may if they think fit make byelaws under the provisions of this Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws of Board of Trade.

31. 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 steam or mechanical power is to be used.

32. Before the Company or any other company or person use steam or any mechanical power under the authority of this Act on the tramways of the Company or any part thereof they or he shall give two months previous notice of such intention to every road authority within whose district the said tramways or any part thereof upon which they or he intend to use such power 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 tram-

ways or such part of such tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power on the said 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 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

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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 said tramways or any portion thereof unless there is in force in relation to such tramways or such portion thereof 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 said 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.

33. Where steam or any mechanical power is used by the Company or any other company or person on the tramways of the Company or any part 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 not 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.

Extending to this Act sections of the Act of 1880 as to tolls.

34. The Company may demand and take in respect of the tramways tolls and charges after the rates which they are by the Act of 1880 authorised to demand and take with respect to the tramways by that Act authorised as if the tramways had formed

part of the tramways by that Act authorised and sections 49 to 57 inclusive of the Act of 1880 are incorporated with this Act and shall extend and apply to the tramways authorised by this Act and the passengers using the same and the tolls to be taken for the use of the same as fully and effectually as if those sections had been re-enacted in this Act.

Certain tramways authorised by Act of 1880 to be abandoned.

35. The Company shall abandon the construction of tramway (No. 1) tramway (No. 5) tramway (No. 6) and tramway (No. 7) and tramways or passing places (No. 6A) and (No. 6B) respectively authorised by the Act of 1880 and on and after the passing of this Act the Company (except only as is by this Act otherwise expressly provided) shall be absolutely freed and discharged from all obligation with respect to the making and maintaining of those tramways and tramways or passing places respectively.

Provision as to general Tramway Acts.

36. Nothing in this Act contained shall exempt the Company or 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.

37. 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 referred to in the foregoing Act.

Break Power of Engines.

Every engine used on the tramways of the Company shall be fitted with such mechanical appliances for preventing the motive power of such engines 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 of the Company 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 of the Company 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 and Carriages.

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

As to Speed.

The speed at which engines and carriages may be driven or propelled along the tramways of the Company 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.

LONDON : Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.