CHAPTER ccxii.

An Act for incorporating the Wellingborough and District Tramroads Company and empowering them to construct Tramroads; and for other purposes. [30th August 1889.] A.D. 1889.

WHEREAS the construction of the tramroads by this Act authorised in the neighbourhood of Wellingborough and other places in the county of Northampton would be attended with public and local advantage:

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

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

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

A.D. 1889.

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 Wellingborough and District Tramroads Act 1889.

Incorporation of general Acts.

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

The Companies Clauses Consolidation Act 1845:

Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869:

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

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near to the railway and with respect to the carrying of passengers and goods upon the railway and the tolls to be taken thereon:

Section 3 (interpretation of terms) and Parts II. and III. of the Tramways Act 1870 (except section 43 of that Act):

so far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act and shall apply to the undertaking of the Company: Provided that for the purposes of the provisions of the Railways Clauses Consolidation Act 1845 herewith incorporated the tramroads and works of the Company shall be deemed to be railways and the Company shall be deemed to be a railway company: Provided further that the provisions of the Tramways Act 1870 herewith incorporated shall not apply to any portions of the tramroads by this Act authorised which are not intended to be laid along the carriage-way of any street or road and shall not apply to any interference with any telegraphic line of Her Majesty's Postmaster-General.

Interpretation.

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

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

The expression "the tramroad" or "the tramroads" means the tramroads by this Act authorised:

A.D. 1889.

The expression "the undertaking" means the undertaking of the Company:

"Steam power" includes any mechanical power:

The expression "superior courts" or court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated with this Act shall for the purposes of this Act 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.

Correction of errors in deposited plans and books 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 upon the deposited plans or specified in the deposited books of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices 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 in which the lands in question shall be situate and a duplicate thereof shall also be deposited with the parish clerk 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 clerk respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Company incorporated.

5. Charles Herbert Wilkinson, Malcolm Ross, Anthony Boiston and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making maintaining and working the tramroads and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Wellingborough and District Tramroads Company" and by that name shall be a body corporate with perpetual succession and a common seal and with

A.D. 1889.

power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make tramroads.

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

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

Tramroad No. 1 (4 miles 4 furlongs and 4·40 chains in length of which 2 miles 1 furlong and 2·40 chains are intended to be laid upon waste lands by the side of roads and 1 furlong and 7 chains are intended to be laid along the carriage-way of streets or roads) commencing in the London Road Bozeat near to and northward of the junction of the said road with Mile Street thence passing in a northerly direction through Wollaston and terminating near Wellingborough Station on the London and North-western Railway at a point opposite the Prince of Wales public-house:

Tramroad No. 2 (1 mile and 9 chains in length of which 3 furlongs and 5 chains are intended to be laid upon waste land by the side of a road and 1 furlong and 5 chains are intended to be laid along the carriage-way of streets or roads) commencing in Sheep Street Wellingborough at or near the Bee's Wing public-house thence passing in a south-easterly direction past the gasworks over the River Nene and the London and North-western Railway and terminating by a junction with Tramroad No. 1 at a point 10 chains or thereabouts measured in a southerly direction from the termination of that tramroad:

Provided always that nothing in this Act shall authorise the Company to load or unload or use any waggons or trucks on any part of Tramroad No. 1 within fifteen chains from the commencement thereof or on any part of Tramroad No. 2 within fourteen chains from the commencement thereof.

A.D. 1889.

For the protection of the London and North-western Railway Company.

7. The following provisions for the protection of the London and North-western Railway Company (herein-after referred to as "the North-western Company") shall apply and have effect:—

(1) In the event of the North-western Company desiring to widen alter or improve their railway or works on the eastern side thereof the Company shall at the request in writing of the North-western Company remove so much of Tramroad No. 1 as is intended to be situate within a distance of 1 chain from the termination thereof as shown on the deposited plans;

(2) The Company shall construct Tramroad No. 2 where the same is intended to pass over the Northampton and Peterborough Railway of the North-western Company in such line within the limits of deviation as shall be reasonably approved by Francis Stevenson or other the principal engineer for the time being of the North-western Company in this section called the said principal engineer and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the North-western Company at such crossing and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railway of the North-western Company and if any such obstruction or interference shall be caused or take place the Company shall pay to the North-western Company full compensation in respect thereof to be recovered with full costs in any court of competent jurisdiction;

(3) The Company shall carry the said Tramroad No. 2 over the said Northampton and Peterborough Railway by means of a wrought-iron girder bridge with wrought-iron flooring of one clear span not less than 72 feet in width measured on the square and with a clear headway throughout of not less than 15 feet above the level of the existing rails at the point of crossing;

(4) If by reason of the construction of the said Tramroad No. 2 it shall become necessary to add to or alter the signal or signals upon the said Northampton and Peterborough Railway the same shall be so added to or altered by the North-western Company and the reasonable expense thereof shall be repaid to that company by the Company;

(5.) The Company shall construct the said portion of Tramroad No. 2 and all the works both temporary and permanent necessary and incident to the construction thereof or affecting the property and works of the North-western Company in accordance with the provisions of this section and according to

A.D. 1889

plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously submitted to and reasonably approved in writing by the said principal engineer and the Company shall not commence the construction of the said portion of tramroad or enter upon or interfere with any lands works or property belonging to or used by the North-western Company until such plans sections and specifications have been so submitted and approved: Provided always that if the said principal engineer shall for the period of one month neglect or refuse to approve such plans sections or specifications or shall disapprove the same then the said portion of tramroad and the said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed upon or in default of agreement to be appointed at the request of either the Company or the North-western Company by the President for the time being of the Institution of Civil Engineers;

(6) The said portion of tramroad and all works necessary or incident to the construction thereof or affecting the property and works of the North-western Company shall be executed by and in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the said principal engineer;

(7) The Company shall not (except with the previous consent of the North-western Company under their common seal) purchase or acquire any lands or property of the North-western Company but the Company may purchase and take and the North-western Company shall sell and grant accordingly an easement or right of using so much of the lands of that company as may be necessary for the construction of the said portion of Tramroad No. 2 in accordance with the provisions of this section. The amount to be paid by the Company to the North-western Company for the grant of an easement in manner herein-before provided shall in case of difference be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement;

(8) During the construction of the said portion of tramroad over across and adjoining and near to or affecting the railways property and works of the North-western Company the Company shall bear and on demand pay to that company all expense of employment by them of a sufficient number of

inspectors or watchmen to be appointed by that company for watching their railways and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise;

(9) The Company shall at all times maintain the said portion of tramroad and all the works connected therewith and incident thereto by which the said tramroad shall be carried over across and adjoining the railway works and lands of the North-western Company in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Company fail so to do the North-western Company may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the said principal engineer to be the reasonable amount of such expenditure shall be repaid to the North-western Company by the Company and in default may be recovered by them from the Company with full costs in any court of competent jurisdiction;

(10) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North-western Company all costs losses damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of the Company's tramroad or the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the North-western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission;

(11) The Company and the North-western Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed;

(12) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the

A.D. 1889.

North-western Company otherwise than is herein expressly provided.

Capital.

8. The capital of the Company shall be fifty thousand pounds in five thousand shares of ten pounds each.

Shares not to be issued until one-fifth part thereof shall have been paid up.

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

Calls.

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

Power to borrow.

11. The Company may in respect of the capital of fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twelve thousand five hundred pounds but no part thereof shall be borrowed until the whole of the capital of fifty thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

12. 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 two thousand pounds in the whole.

Debenture stock.

13. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages.

14. All moneys borrowed on mortgage under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them: Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Receipt in case of persons not sui juris.

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

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

18. The number of directors shall be five but the Company may from time to time reduce and increase the number provided that the number be not less than three nor more than five.

Qualification of directors.

19. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum for meeting of directors.

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

First directors.

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

Election of directors.

As to crossing public roads, &c.

22. With respect to the crossing on the level of the public roads respectively numbered on the deposited plans and in the deposited books of reference as follows namely:—

Number of Tramroad.	Number on deposited Plans.	Parish.
No. 1	3	Strixton
No. 1	9	Wollaston
No. 2	3	Wellingborough

the following provisions shall have effect (that is to say):—

(1) The Company shall construct Tramroad No. 1 on the south side of the said road numbered on the deposited plans 3 in the parish of Strixton with an uniform gradient of 1 in 30 instead of with the gradients of 1 in 55 and 1 in 20 as shown on the deposited sections:

(2) The Company shall erect and maintain at all times gates across the tramroads at each side of the said roads respectively and shall unless otherwise permitted by the Board of Trade from time to time in writing under the hand of an assistant secretary employ a proper person to open and close such gates :

(3) Such gates shall be kept constantly closed across the tramroads except during the time when engines carriages or trucks passing along the tramroads shall have occasion to cross the said roads respectively and shall be of such dimensions and so constructed as when closed to fence in the tramroad and prevent cattle or horses passing along the said roads respectively from entering upon the tramroad :

(4) The drivers or conductors of any engines carriages or trucks passing along the tramroads or other the person whose office or duty it may be to open or close the said gates shall cause the same to be closed as soon as such engines carriages or trucks shall have passed through the same and shall be liable to a penalty of not exceeding forty shillings for every default in so doing :

(5) The tramroad at the points of crossing shall consist of a single line of rails or not more than a double line of rails if a second line be approved by the Board of Trade :

(6) Section 5 of the Railways Clauses Act 1863 shall apply to the said level crossings as if the tramroad were a railway within the meaning of that Act.

Further powers to Board of Trade as to level crossings.

23. If at any time the Board of Trade are of opinion that by reason of the increase of traffic on the tramroad or any road crossed by the tramroad on the level (other than a road along the carriage-way of which the tramroad is laid) any alteration of the level crossings or the mode of working the same is expedient the Company shall be subject to all such rules and regulations with regard to the mode of working such crossing as may from time to time be made by the Board of Trade and section 48 of the Railways Clauses Consolidation Act 1845 and section 7 of the Railways Clauses Act 1863 shall be incorporated with this Act and shall apply to the tramroad in the same manner as if it were a railway.

Power to deviate.

24. The Company in constructing any portion of the tramroads which will not be laid in across or along the carriage-way of any public street or road may deviate from the lines and levels thereof shown on the deposited plans and sections to the extent and subject to the conditions prescribed in the case of a railway by sections 11

A.D. 1889.

12 14 and 15 of the Railways Clauses Consolidation Act 1845 and those sections shall apply to any such portion of the tramroads as if the same were a railway within the meaning of that Act: Provided always that nothing herein contained shall authorise the Company in constructing any portion of the tramroads which will be laid upon waste land by the side of any road to deviate from the centre line thereof shown on the deposited plans beyond such waste land or so as to bring the centre line nearer to the carriage-way of such road or to deviate from the levels thereof as shown on the deposited sections to any extent exceeding two feet.

Powers to cross roads &c.

25. The Company shall for the purposes of constructing any portion of the tramroads which will not be laid in or upon any public street road or place have the same powers as are given by section 16 of the Railways Clauses Consolidation Act 1845 in the case of a railway and that section shall apply to any such portion of the tramroads as if the same were a railway within the meaning of that Act.

As to accommodation works.

26. The Company shall fence off the tramroads from the adjoining lands not taken by them and (subject to any agreement made with any owner lessee or occupier of such lands) shall construct and maintain such gates passages and drains over under or by the side of the tramroads as shall be necessary for making good the interruption caused by the tramroads to the use or drainage of or access to the lands through which the same will be made and shall construct proper watering-places for cattle in cases in which the cattle of any person occupying lands adjoining the tramroads are by the construction thereof deprived of access to their present watering-places and shall construct the necessary watercourses or drains for conveying water to such new watering-places and if any question arise as to the works to be constructed or maintained by the Company under the provisions of this section the same shall be determined by two justices.

Period for compulsory purchase of lands.

27. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of two years from the passing of this Act.

Period for completion of works.

28. If the tramroads by this Act authorised are not completed within four years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for constructing the said tramroads or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Deposit money not to be repaid

29. 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 20 a sum of two thousand three hundred and seventy-three pounds fourteen shillings and ninepence Two pounds fifteen shillings per centum New Consols has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act: And whereas the sum of one thousand three hundred and eleven pounds part of the said sum of two thousand three hundred and seventy-three pounds fourteen shillings and ninepence New Consols is equal in value to five per centum upon the amount of the estimate in respect of the tramroads by this Act authorised and the sum of one thousand and sixty-two pounds fourteen shillings and ninepence the remainder of the said sum of two thousand three hundred and seventy-three pounds fourteen shillings and ninepence is equal in value to five per centum upon the amount of the estimate in respect of certain other tramroads originally proposed to be authorised by this Act but which were struck out of the Bill for this Act during its progress through Parliament: Be it enacted that notwithstanding anything contained in the said Act the said sum of one thousand three hundred and eleven pounds New Consols which sum is hereinafter referred to as the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them or the executors or administrators of such survivor (which persons survivors or survivor and the executors or administrators of such survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramroads complete and open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramroads 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 tramroads 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 tramroads so opened bears to the entire length of the tramroads the High Court of Justice in England 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 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.

A.D. 1889.

except so far as tramroads are opened.

A.D. 1889.

Application of deposit.

30. If the Company do not previously to the expiration of the period limited for the completion of the tramroads 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 tramroads or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities for the expense incurred by them in taking up any part of the tramroads 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 tramroads and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to 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 shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid or re-transferred 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.

Providing for release of part of

31. On the application of the depositors at any time after the passing of this Act the High Court of Justice in England may and

shall order that the said sum of one thousand and sixty-two pounds fourteen shillings and nine pence New Consols the remainder of the said sum of two thousand three hundred and seventy-three pounds fourteen shillings and ninepence New Consols so deposited as aforesaid over and above the deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or as they shall direct. A.D. 1889. deposit money.

32. In addition to the other lands which by this Act the Company are authorised to purchase and acquire they may purchase or acquire by agreement for the purposes of their undertaking and may hold any lands not exceeding six acres and they may on such lands and on any lands purchased or acquired under the authority of this Act erect or construct and hold carriage and engine-houses stables offices warehouses goods sheds buildings and other conveniences in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them on any land purchased or acquired by agreement under the powers of this section. Purchase of lands by agreement.

33. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers: Restriction on taking houses of labouring class.

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

34. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege required for the purposes of this Act (not being an easement of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable Power to take easements &c. by agreement.

A.D. 1889.

in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Gauge and mode of formation of tramroads.

35. The tramroads shall be constructed with two rails on the gauge of three feet six inches and shall where laid along or across the carriage-way of any street or road be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of such carriage-way and notwithstanding anything in the Tramways Act 1870 contained to the contrary the carriages trucks or engines used on the tramroads may extend for but shall not extend more than fifteen inches beyond the outer edge of the rail of the tramroad on either side.

As to rails of tramroads.

36. The rails of the tramroads where laid along or across any street or road shall be of such character and laid in such manner as the Board of Trade may approve.

Company to adopt improvements if required by Board of Trade.

37. The Board of Trade may from time to time upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the tramroads so far as the same are laid along the carriage-way of any street or road under the control of such local authority or road authority including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic of such street or road and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Further provisions as to construction of tramroads.

38. 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 street or road for the purpose of constructing laying down maintaining or renewing the tramroads lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramroads 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 such tramroads or any part thereof respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

A.D. 1889.

Inspection by Board of Trade.

39. The tramroads shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Penalty for not maintaining rails in proper order.

40. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramroads where laid along or across the carriage-way of any street or road and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which such tramroads or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramroads to be kept on level of surface of roads.

41. If and whenever after the passing of this Act any road authority alters the level of any street or road along or across which any part of the tramroads is laid or authorised to be 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 street or road as altered.

Application of road materials excavated in construction of tramroads.

42. Any paving metalling or material excavated by the Company in the construction of their works 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 the street or road and the maintenance for six months after completion of any of the tramroads within the district of such road authority of so much of the roadway on either side of such tramroads as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be

A.D. 1889.

retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given by the Company such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may 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 differences between the promoters and any road authority.

Power to make additional crossings &c.

43. The Company may subject to the provisions of this Act with the consent of the local and road authority from time to time make maintain alter and remove in any street or road 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 tramroads or for providing access to any carriage or engine-houses warehouses goods sheds stables 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 street or road at any point where houses shops or other buildings abut thereon or at any other point if the owner or owners or occupier or occupiers of premises abutting on the street or road at such last-mentioned point shall by writing under their hand addressed to the Company express their objection thereto.

Temporary tramroads may be made when necessary.

44. When by reason of the execution of any work affecting the surface or soil of any street or road along or across the carriage-way of which any tramroad or part of a tramroad is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramroad 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 tramroad or part of the tramroad for such term as may be necessary for the execution of the said works: Provided that the Company may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent street or 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 tramroad in lieu of the part of the tramroad 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 tramroad 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. A.D. 1889.

Sanitary authority to have access to sewers.

45. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Agreements between the Company and road authorities.

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

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

47. The carriages and trucks used on the tramroads may be moved by animal power and subject to the provisions of this Act by steam power: Provided always that in the exercise of the powers by this Act conferred with respect to the use of steam power the Company shall be subject 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 power contrary to Act or regulations.

48. The Company or any other company or person using steam power on such parts of the tramroads as are laid along any street or road contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act or to any regulations added thereto or substituted therefor by any order made by

A.D. 1889.

the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof: Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam power on such parts of the tramroads as aforesaid 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 said 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 on such parts of the tramroads as aforesaid and thereupon the Company or such other company or person shall cease to exercise the powers aforesaid thereon 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.

49. 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 the use of steam power upon such parts of the tramroads as are laid along any street or road for all or any of the following purposes (that is to say):—

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

For regulating the emission of smoke or steam from engines used in working the tramroads;

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

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

A.D. 1889.

Penalty for breach of byelaws.

50. 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.

51. 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 the Tramways Act 1870 as to byelaws by local authority.

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

Provisions for protection of the Postmaster-General.

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

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

(2) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade

A.D. 1889.

31 & 32 Vict. c. 119.

whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act;

(3) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;

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

(5) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;

(6) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

41 & 42 Vict. c. 76.

Orders and byelaws to be signed &c.

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

Tolls for passengers.

55. The Company may demand and take for every passenger travelling upon the tramroads or any part thereof including the use of the tramroads and of the carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding twopence per mile in the case of first-class passengers and one penny per mile in the case of second-class

passengers and for the purposes of this section the fraction of a mile beyond an integral number of miles shall be deemed a mile.

Passengers' luggage.

56. Every passenger travelling upon the tramroads may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

List of tolls to be exhibited.

57. A list of the tolls and charges by this Act authorised to be taken in respect of the tramroads for passengers including therein the cheap fares for the labouring classes and which shall be charged by the Company from time to time shall be exhibited in a conspicuous place inside each of the carriages used upon the tramroads and the provisions of sections 93 94 and 95 of the Railways Clauses Consolidation Act 1845 shall extend and apply to the tramroads and tolls by this Act authorised as if the tramroads were a railway.

Company may carry animals goods and other things.

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

Tolls for animals goods &c.

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

Animals.

In respect of animals conveyed on the tramroads—

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

For every ox cow bull or head of cattle threepence;

For every calf pig or sheep one penny halfpenny;

For every lamb or other small animal three farthings:

Goods.

In respect of goods conveyed on the tramroads—

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

A.D. 1889.

For all timber deals staves iron ironstone iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stone for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway tramroad or tramway chairs and plates per ton twopence halfpenny;

For all sugar grain corn flour hides dye-woods and metals (except iron) nails anvils vices and chains and for light iron castings per ton threepence;

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

For every carriage of whatever description having two wheels sixpence;

For every carriage of whatever description having four wheels one shilling.

Tolls for small parcels and single articles of great weight.

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

For any parcel not exceeding seven pounds in weight threepence;

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

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

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

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

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

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

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

Regulations as to tolls on tramroads.

61. For animals goods minerals articles or things conveyed on the tramroads for a less distance than three miles the Company may demand tolls and charges as for three miles;

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

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

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

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

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

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

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

Cheap fares for labouring classes.

63. The Company at all times after the opening of the tramroads for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday and Bank holidays always excepted) at such hours not being later than six in the morning or earlier than six in the evening respectively as the Company think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile the Company nevertheless not being required to take any fare less than one penny and the Company shall be liable to a penalty not exceeding twenty shillings for every day except as aforesaid on which they do not run such number of carriages as aforesaid in

A.D. 1889.

accordance with the provisions of this section unless prevented by circumstances over which they have no control: Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Damages and charges in case of dispute to be settled by justices.

66. In all cases wherein damages or charges are by this Act directed or authorised to be paid and the manner of ascertaining the amount thereof is not specified or provided for such amount in case of non-payment thereof or any dispute respecting the same shall be ascertained and determined by two justices.

Recovery and application of penalties &c.

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

For securing offenders whose

68. It shall be lawful for any constable or collector of tolls or any officer or agent of the Company and all such persons as he

shall call to his assistance to seize and detain any person who shall commit any offence against this Act whose name and place of abode shall be unknown to and who shall refuse to furnish his name and place of abode to such constable toll collector officer or agent and to convey him before a justice of the peace without any other warrant or authority than this Act and such justice may deal with such offender as if he had been duly summoned or brought by warrant before such justice.

names and places of abode are unknown.

69. The tramroads shall for the purposes of the conveyance of Her Majesty's mails and generally in relation to the rights powers and privileges of Her Majesty's Postmaster-General be deemed to be a railway and the enactments relating to the conveyance of mails by railways and to the rights powers and privileges conferred upon the Postmaster-General in relation to telegraphs shall apply to the tramroads and to the Company as if the tramroads were railways and the Company were a railway company:

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

Carrying mails by Company.

70. The provisions of the Railway and Canal Traffic Act 1854 and the Railway and Canal Traffic Acts 1873 and 1888 shall apply to the Company as if they were a railway or canal company and to the tramroads authorised by this Act as if those tramroads were railways or canals: Provided that the time within which the revised schedule of maximum rates and charges prescribed by section 24 of the Railway and Canal Traffic Act 1888 shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Railway and Canal Traffic Acts 1854 1873 and 1888 to apply to Company.

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

Interest not to be paid on calls paid up.

72. 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 Parlia-

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

A.D. 1889.

ment for the purpose of obtaining an Act authorising the Company to construct any other tramroad or to execute any other work or undertaking.

Provision as to general Tramroad Acts.

73. Nothing herein contained shall be deemed or construed to exempt the tramroads from the provisions of any general Act relating to tramroads 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.

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

SCHEDULE referred to in the foregoing Act.

BREAK POWER OF ENGINES.

Every engine used on the tramroads 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 tramroads 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 tramroads shall be so constructed as to provide for the safety of passengers and for their sale 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 of any district in which steam power is used on the tramroads and may on complaint made by any person from time to time inspect any engine or carriage used on the tramroads and the machinery therein and may whenever they think fit prohibit the use on the tramroads of any such engine or carriage which in their opinion may not be safe for use on the tramroads.

A.D. 1889.

AS TO SPEED.

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

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

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