CHAPTER ccli.

An Act to incorporate the West Cumberland Electric Tramways Company and to empower that Company to make tramways tramroads and street improvements and to erect generating stations and to supply electricity and for other purposes. [17th August 1901.] A.D. 1901.

WHEREAS the making and maintaining of the tramways tramroads road widenings and bridge authorised by this Act would be of public and local advantage:

And whereas the erection of electrical generating stations and works for the supply of electricity within the area of supply herein-after defined and of motive power to the said tramways and tramroads would be of public and local advantage:

And whereas the persons in this Act named with others are willing at their own expense to construct the tramways tramroads road widenings bridge generating stations and works and to supply electricity within such area under the powers and subject to the conditions herein-after contained and it is expedient that they be incorporated into a Company for the purposes herein-after mentioned and that the powers herein-after contained be conferred on them:

And whereas plans and sections showing the lines and levels of the tramways tramroads and other works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Cumberland and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

[*Price* 5*s*. 6*d*.]

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May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 :—

PRELIMINARY.

Short title.

1. This Act may be cited as the West Cumberland Electric Tramways Act 1901.

Application of Electric Lighting Acts.

2. This Act shall be deemed to be a special Act within the meaning of the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Clauses) Act 1899 but sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the Company or the undertaking.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act) are subject to the provisions of this Act hereby incorporated with and form part of this Act (that is to say) :—

The Companies Clauses Acts 1845 to 1889 except Part II. and Part IV. of the Companies Clauses Act 1863 ;

The Lands Clauses Acts ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof with respect to mines lying under or near to the railway with respect to the carrying of passengers and goods upon the railway and the tolls to be taken thereon (except sections 93 to 98 and 107) and with respect to the regulation of the use of the railway ;

Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 ;

And the provisions of the schedule annexed to the Electric Lighting (Clauses) Act 1899 except the following provisions that is to say section 2 subsection 2 sections 3 5 7 to 9 21 to 29 30 (so far as regards a supply to authorised undertakers) 31 to 37 41 48 63 to 68 75 78 83 and 84 and the sections and provisions so excepted from incorporation shall not apply to the Company or the undertaking and section 81 of the said schedule shall not apply to any generating stations or

works erected on any of the lands described in the First Schedule to this Act: A.D. 1901.

Provided that the provisions of the Railways Clauses Consolidation Act 1845 herewith incorporated shall only apply to the tramroads by this Act authorised and for the purposes of such provisions the tramroads of the company shall be deemed to be railways and the Company shall be deemed to be a railway company.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Electric Lighting Acts 1882 and 1888 or 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 Provided that in this Act and for the purposes of the provisions of the Tramways Act 1870 (except section 46 thereof) incorporated with this Act the expression "local authority" shall mean in the case of any place not within a borough or urban district the rural district council And in this Act unless the context otherwise requires—

"The Company" means the Company incorporated by this Act who shall be the undertakers within the meaning and for the purposes of the provisions of the schedule annexed to the Electric Lighting (Clauses) Act 1899 incorporated with this Act;

"The tramways" mean the tramways authorised by this Act;

"The tramroads" mean the tramroads authorised by this Act;

"The tramway undertaking" means the tramways the tramroads and the lands buildings rights property and effects connected with that undertaking;

"The undertaking" means the undertaking of the Company by this Act authorised;

"Mechanical power" includes steam electrical and every other motive power not being animal power;

"Engine" includes motor;

"Street" has the same meaning as in the Public Health Act 1875;

"County council" means the county council of Cumberland;

"Local authority" means with respect to each part of the area within which the Company may supply electricity the local authority for that part;

The expression "authorised distributor" means any local authority company body or person authorised by Act of Parliament or Provisional Order confirmed by Parliament

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to give a general supply of electricity within the area of supply or any part thereof;

"County surveyor" means the surveyor of the county council;

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

Incorporation of Company Capital &c.

Company incorporated.

5. George Edward Heyl-Dia Charles Benedict Craven William Windle Pilkington Joseph Beecham Frederick Richard Dixon-Nuttall Thomas Ellis Briggs Herbert Walmsley James Iddon and all other persons 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 and maintaining the tramways tramroads and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The West Cumberland Electric Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Capital.

6. The capital of the Company shall be four hundred thousand pounds in forty thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

7. The Company shall not issue any share created under the authority of this Act nor shall any such 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 is paid in respect thereof.

Calls.

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

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or

committee of his estate shall be a sufficient discharge to the Company. A.D. 1901.

Power to divide shares.

10. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

11. The dividends which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been payable on the entire share if the same had not been divided.

Dividends on preferred half shares to be paid out of profits of year only.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the

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directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred half shares not to be cancelled or surrendered.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be shares in capital.

17. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share

Power to borrow.

18. The Company may in respect of the capital of four hundred 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 one hundred thousand pounds (that is to say) When tramways numbered 1 2 3 and 4 shall have been constructed they may borrow on mortgage any sum not exceeding twenty-five thousand pounds and any sum not exceeding twenty-five thousand pounds when tramways numbered 5 6 and 7 have been constructed and any sum not exceeding twenty-five thousand pounds when tramways and tramroad numbered 8 9 10 11 and 12 have been constructed and any sum not exceeding twenty-five thousand pounds when the tramways and tramroads numbered 13 14 15 16 and 17 have been constructed but no such

borrowing powers shall be exercised by the Company until they shall prove 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 raising one hundred thousand pounds capital in respect of each such sum of twenty-five thousand pounds to be borrowed have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns and that such persons 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.

Appointment of receiver.

19. The mortgagees of the undertaking 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.

Priority of mortgages over other debts.

20. All money to be raised by the Company on mortgage under the provisions of 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 engagements entered into by them after the passing of this Act 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 Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages 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.

Rights of mortgagees on sale of undertaking.

21. Every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Company

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in the event of a sale of the whole or any part of the undertaking to any local authority under the provisions of this Act and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage and the mortgage shall cease to be a charge upon the whole or that part of the undertaking in respect of which such purchase money shall have been paid and every mortgage deed shall be endorsed with notice to that effect.

Company not to create debenture stock.

22. The Company shall not create debenture stock.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

25. The number of directors shall be seven but the Company may vary the number provided that the number be not at any time more than ten or less than five.

Qualification of directors.

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

Quorum.

27. The quorum of a meeting of directors shall be four.

First and subsequent directors.

28. George Edward Heyl-Dia Charles Benedict Craven Joseph Beecham Thomas Ellis Briggs and three 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 shall 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 varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 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.

Power to make tram ways and tramroads.

29. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways and tramroads herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all necessary and proper rails plates junctions turntables turnouts crossings passing-places posts poles brackets wires waiting rooms carriage houses engines dynamos stations sidings buildings apparatus machinery works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways and tramroads herein-before referred to and authorised by this Act are situate wholly in the county of Cumberland and are—

Tramway No. 1 1 mile 5 furlongs and 9·15 chains in length of which 1 mile 4 furlongs and 3·15 chains is single line and 1 furlong and 6·00 chains is double line wholly situate in the urban district of Cleator Moor in the parish of Cleator commencing at the intersection of Frizington Road Trumpet Road and Ennerdale Road respectively and passing thence westwardly along Ennerdale Road High Street Leconfield Street and Whitehaven Road and terminating on Keekle (New) Bridge immediately above the centre of Keekle Beck at the boundary of the parishes of Cleator and Hensingham :

Tramway No. 2 1 mile 5 furlongs and 4·50 chains in length of which 1 mile 3 furlongs and 3·50 chains is single line and 2 furlongs and 1·00 chain is double line wholly situate in the parish of Hensingham commencing by a junction with Tramway No. 1 at its termination and passing thence north-west along the main road from Cleator Moor to Whitehaven past Keekle Terrace and Richmond Hill to and through the main street of the village of Hensingham and terminating at a point in such street opposite Beckbottom at the boundary line of the borough of Whitehaven :

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Tramway No. 3 2 miles 3 furlongs and 3·40 chains in length of which 1 mile 7 furlongs and 6·40 chains is single line and 3 furlongs and 7·00 chains is double line wholly situate in the borough of Whitehaven commencing by a junction with Tramway No. 2 at its termination and passing thence northerly along Hensingham Road Inkerman Terrace Back Corkickle Flatt Walks Lowther Street north-westwardly along Scotch Street westwardly along Duke Street thence along Tangier Street Bransty Row and the New Road past Lonsdale Place and terminating in such road at the boundary line of the borough of Whitehaven at a point 4·2 chains south-east from the cottage called Bransty Toll Bar:

Tramway No. 4 1 mile 5 furlongs and 8·60 chains in length of which 1 mile 3 furlongs and 7·60 chains is single line and 2 furlongs and 1·00 chain is double line wholly situate in the parish of Moresby commencing by a junction with Tramway No. 3 at its termination and passing thence northerly along the New Road and the main road from Whitehaven to Cockermouth through the village of Moresby and terminating in such road on Barngill Bridge at the boundary line of the parishes of Moresby and Distington:

Tramway No. 5 Partly a tramway and partly a tramroad 1 mile 6 furlongs and 5·06 chains in length of which 1 mile 4 furlongs and 1·06 chains is single line and 2 furlongs and 4·00 chains is double line wholly situate in the parish of Distington commencing by a junction with Tramway No. 4 at its termination and passing thence northerly on the main road from Whitehaven to Cockermouth thence along the waste land on the west side of the said main road to the road leading to Hayes Castle Farm and thence along the main road through the village of Distington and terminating at a point on the said main road opposite the Old Toll Bar House at the junction of that road with the road to High Harrington where the boundary line between the parishes of Distington and Workington Rural intersects the said road:

Tramway No. 6 Partly a tramway and partly a tramroad 2 miles 3 furlongs and 7·38 chains in length of which 2 miles 1 furlong and 3·38 chains is single line and 2 furlongs and 4·00 chains is double line wholly situate in the parish of Workington Rural commencing by a junction with Tramway No. 5 at its termination and passing thence north-east along the road side waste on the south side of the main road from

Whitehaven to Cockermouth as far as Lilly Hall and thence along the road side waste on the east side of the main road to Workington to a point 4·7 chains south of the south-east corner of the public house called the Bread and Beer House and thence along the main road to Workington and terminating in that road at a point 6 chains north-west of the occupation road to Schoose Cottages where the boundary line of the borough of Workington intersects the said road near Richmond Hill:

Tramway No. 7 1 mile 2 furlongs and 6·67 chains in length of which 1 mile and 2·67 chains is single line and 2 furlongs and 4·00 chains is double line wholly situate in the borough of Workington commencing by a junction with Tramway No. 6 at its termination and passing thence north-west along the main road from Whitehaven and along High Street Cross Hill Guard Street Washington Street Pow Street and Bridge Street as proposed to be widened Bridge Street and Hall Brow thence over Workington Bridge and along Calva Brow and terminating in that Brow 17·6 chains from the north-west end of Workington Bridge where the boundary line of the borough of Workington intersects the said road near Calva House:

Tramway No. 8 Partly a tramway and partly a tramroad 2 miles 3 furlongs and 6·90 chains in length of which 2 miles 1 furlong and 8·90 chains is single line and 1 furlong and 8·00 chains is double line wholly situate in the parish of Seaton commencing by a junction with Tramway No. 7 at its termination and passing thence northward along Calva Brow the road to Low Seaton the road to High Seaton and along Flimby Road to a point in such last-mentioned road 38·7 chains north-eastward from the lodge of Seaton Villa and thence along the waste on the south side of Flimby Road to the junction of that road with the road from Seaton to Dearham and thence along Flimby Road and terminating at a point in such road 7·8 chains north from the junction of that road with the road from Seaton to Dearham where the boundary line of the parish of Flimby crosses the said Flimby Road near Gillhead Colliery:

Tramway No. 9 4 furlongs and 0·38 chain in length of which 3 furlongs and 7·38 chains is single line and 3·00 chains is double line wholly situate in the parish of Flimby commencing by a junction with Tramway No. 8 at its termination and passing thence north-westward along Flimby Road and that road as proposed to be widened at the junction of that road

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with the road from Flimby to Dearham and thence along the Flimby Road and terminating in that road at a point 31·5 chains from Church Road Flimby:

Tramroad No. 10 5 furlongs and 8·00 chains in length of which 5 furlongs and 5·00 chains is single line and 3·00 chains is double line wholly situate in the parish of Flimby commencing by a junction with Tramway No. 9 at its termination and passing thence across the fields numbered 225 226 229 228 227 and 247 on the $\frac{1}{2500}$ Ordnance map (second edition 1900) of the parish of Flimby and across Church Road and passing thence across the fields numbered 252 253 245 244 243 and 256 and the road numbered 255 on the Ordnance map above referred to and terminating in Ryehill Road at the junction of Brook Street Flimby:

Tramway No. 11 1 mile 2 furlongs and 5·60 chains in length of which 1 mile 1 furlong and 3·60 chains is single line and 1 furlong and 2·00 chains is double line wholly situate in the parish of Flimby commencing by a junction with Tramroad No. 10 at its termination and passing thence north along Ryehill Road and the road to Maryport and terminating at a point 10 chains south of Collins Terrace at the boundary line of the urban district of Maryport:

Tramway No. 12 1 mile 3 furlongs and 7·50 chains in length of which 1 mile 1 furlong and 8·50 chains is single line and 1 furlong and 9·00 chains is double line wholly situate in the urban district of Maryport commencing by a junction with Tramway No. 11 at its termination and passing thence north along the road from Flimby to Maryport over the railway bridge and the bridge over the River Ellen thence along Station Street Curzon Street and Netherhall Road and terminating at a point on that road 1·5 chains south of the west corner of Ellen Grove Villa where the boundary line of the urban district of Maryport intersects the said road:

Tramway No. 13 7 furlongs and 0·05 chain in length of which 6 furlongs and 4·05 chains is single line and 6·00 chains is double line wholly situate in the parish of Crosscanonby commencing by a junction with Tramway No. 12 at its termination and passing north along the main road from Maryport to Allonby and terminating at a point on such road 7·5 chains north of the entrance to the Cemetery in the parish of Crosscanonby:

Tramroad No. 14 3 miles 3 furlongs and 1·20 chains in length of which 2 miles 7 furlongs and 2·20 chains is single line and 3 furlongs and 9·00 chains is double line wholly situate in the parishes of Crosscanonby Oughterside and Allerby Hayton and Mealo and Allonby commencing by a junction with Tramway No. 13 at its termination and passing along the main road from Maryport to Allonby and thence along the open ground on the north-west side of such road to a point 1 chain south of Staith Bridge and thence along the Allonby Road and over the Staith Bridge and along the Allonby Road to a point 10 chains north of Staith Bridge and thence along the open ground on the north-west side of that road and thence on to that road and terminating in that road at a point 2 chains south of the south-west corner of the Corn Mill at Allonby:

Tramway No. 15 2 furlongs and 8·10 chains in length of which 2 furlongs and 5·10 chains is single line and 3·00 chains is double line wholly situate in the parish of Allonby commencing by a junction with Tramroad No. 14 at its termination and passing north along Allonby Road across the bridge as proposed to be constructed over Allonby Beck and thence passing north along the main street of Allonby and along the main road from Allonby to Silloth and terminating in that road at a point 1 chain north of the north-west corner of the Congregational Chapel at Allonby:

Tramroad No. 16 6 miles 3 furlongs and 6·00 chains in length of which 5 miles 4 furlongs and 1·00 chain is single line and 7 furlongs and 5·00 chains is double line wholly situate in the parishes of Allonby Holme Saint Cuthberts and Holme Low commencing by a junction with Tramway No. 15 at its termination and thence passing along the open land on the west side of the main road from Allonby to Silloth over Cross Beck and thence along the open ground on the west side of the last named road and along the waste land on the west side of that road near Mawbray Cote and Mawbray Yard and thence along the open ground on the west side of that road and on the west side of the footpath leading from that road across Wolsty Bank and Blitterlees Bank to West Silloth and terminating on the road to Silloth near West Silloth and at the junction of that road with the road from Greenrow:

Tramway No. 17 4 furlongs and 6·00 chains in length of which 3 furlongs and 9·00 chains is single line and 7·00 chains is double line wholly situate in the urban district of Holme Cultram commencing by a junction with Tramroad No. 16

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at its termination and passing thence north along the main road to Silloth over the railway bridge and thence along the same road and Eden Street and terminating in that street at a point 1 chain from Criffel Street:

Provided that in the following cases the respective tramways shall not be constructed until the road widenings and bridge by this Act authorised and herein-after respectively mentioned in connexion therewith shall have been constructed so that the roads and bridge will be of the respective widths indicated on the deposited plans namely—

Tramway.	Road Widenings and Bridge.
No. 7.	No. 1.
No. 8.	No. 2.
No. 9.	No. 3.
No. 15.	No. 4.

The lengths of the portions of each of the tramways and tramroads herein-after mentioned which are intended to be constructed (A) along the carriageway of any street or road (B) upon any waste or open ground by the side of any street road or footpath (C) upon private lands respectively and (D) the total length of each tramway and tramroad are as set forth in the next following table with reference to the several tramways and tramroads respectively (that is to say):—

No. of Tramway or Tramroad.	(A) Length along Carriageway.	(B) Length upon Waste or Open Ground.	(C) Length upon Private Lands.	(D) Total Length of Tramway and Tramroad.
	M. F. C.	M. F. C.	M. F. C.	M. F. C.
Tramway No. 5	1 4 3·56	—	—	1 6 5·06
Tramroad No. 5	—	0 2 1·50	—	
Tramway No. 6	0 7 4·88	—	—	2 3 7·38
Tramroad No. 6	—	1 4 2·50	—	
Tramway No. 8	2 0 5·40	—	—	2 3 6·90
Tramroad No. 8	—	0 3 1·50	—	
Tramroad No. 10	—	—	0 5 8·00	0 5 8·00
Tramroad No. 14	0 1 1	3 2 0·20	—	3 3 1·20
Tramroad No. 16	—	6 3 6·00	—	6 3 6·00
Total	4 4 3·84	12 0 2·70	0 5 8·00	17 2 4·54

Provided that if within one month after the service upon the Cleator Moor Urban District Council by the Company of notice under section 26 of the Tramways Act 1870 the urban district council of Cleator Moor desire that the position of so much of Tramway No. 1 as will pass over the railway bridge at Cleator

Moor Station shall be altered and shall specify by written notice to the Company to that effect the Company shall subject to an appeal to arbitration construct the said tramway in such altered position as may be specified in the said notice Any question which may arise between the council and the Company as to such position shall be determined by arbitration.

Inspection by Board of Trade.

30. The tramways and tramroads 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.

Gauge.

31. The tramways and tramroads shall be constructed on a gauge of four feet eight and a half inches but carriages or trucks adapted to run on railways shall not be run thereon.

Rails.

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

Plan of proposed mode of construction.

33. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the road authority and 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 of the road authority as provided by section 26 of the said Act Provided that in case of difference between the Company

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and any road authority with reference to the said plan and statement the decision of the Board of Trade shall prevail.

Penalty for not maintaining rails and roads.

34.—(1) The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the sub-structure 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 after conviction thereof.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of road.

35. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways 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 road as altered.

Passing-places to be constructed where less than nine feet six inches width left between footway and tramway.

36. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Company shall if and when required by the Board of Trade construct a passing-place or places connecting the one tramway with the other and by the means of such passing-place or places the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional crossings &c.

37. The Company may subject to the provisions of this Act with the consent of the local authority and road authority 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 engine or power houses or works of the Company Provided that in the construction of any such works no rail shall be so laid (except with the consent of the Board of Trade) 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 owners or the occupiers of one third of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto. A.D. 1901.

Alteration of tramways.

38. Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade and of the road authority lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which any of the tramways or any part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company shall construct such tramways or part thereof or (as the case may be) take up and reconstruct the same in such position as the road authority shall reasonably require or as in case of difference shall be determined by a referee to be appointed under section 33 of the Tramways Act 1870 Provided that in the exercise of the powers of this section except where the deposited plans indicate that a less space than nine feet six inches is intended to intervene between the footpath or the edge of the road and the nearest rail of the tramway no rail shall be so laid (except with the consent of the Board of Trade) that a less space than nine feet six inches shall intervene between it and the outside of the footpath or edge of the road on either side of the road if the owners or the occupiers of one-third of the houses shops or warehouses abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

Temporary tramways may be made where necessary.

39.—(1) Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Company necessary or expedient temporarily to remove or discontinue the use of such

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tramway or any part thereof the Company may with the consent of the road authority construct in the same or any adjacent road and so maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

(2) The consent of the road authority under this section shall not be unreasonably withheld but may be given subject to such reasonable conditions as that authority may think fit to impose and if any question shall arise between the Company and any road authority under this section that question shall be referred to arbitration.

Application of road materials excavated in construction of works.

40. Any paving metalling or material excavated by the Company in the making of any road widening or bridge or in the construction of the tramways in 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 construction of the tramways and the reinstating of the road and the maintenance for six months after completion of any of the tramways within the districts of such road authority of so much of the roadway 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 retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same Provided that if within twenty-one days after setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given 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 settled by a referee to be nominated by the Board of Trade on the application of either party.

Local authority to have access to sewers.

41. Every local 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 sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under

the control of the local authority as if the same were a pipe for the supply of gas or water. A.D. 1901.

As to subsidence of road.

42. A local or road authority shall not be responsible to the Company for any damage sustained by the Company in consequence of any road subsiding after the construction or relaying of any sewer drain gas or water main or any other pipes and apparatus has been completed and the ground above the same filled in provided such work shall have been executed with all reasonable care and in a proper and workmanlike manner If any question arises as to the mode in which the work is executed that question shall be referred to arbitration.

As to manholes.

43. Where the tramways are constructed or intended to be constructed or reconstructed over any manhole or entrance into any sewer of a local authority or so close to such manhole or entrance as to make the use thereof dangerous the Company shall at their own expense if required by the local authority alter the position of such manhole or entrance in such manner as may be reasonably necessary and approved by the local authority or the local authority may at their own option at the reasonable expense of the Company make such alteration in the position of such manhole or entrance If such authority intend to execute such works themselves they shall commence execute and complete the same with all reasonable despatch If any question arises as to whether any requirement or failure to give approval under this section is reasonable or as to the reasonable expense to be paid by the Company such question shall be referred to arbitration.

As to removal of snow &c.

44. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways and tramroads the Company shall at their own cost remove the snow or other matter to the side of the road or to the waste but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any road Provided that any dirt or other matter removed by the Company from the grooves of the rails of the tramways and tramroads shall not be allowed to remain on the road but shall be at once taken away by the Company.

Powers to Board of Trade as to crossing of roads by tramroads.

45. If at any time the Board of Trade are of opinion that by reason of the increase of traffic on any tramroad or on any road crossed by any tramroad any alteration of the mode of working any tramroad at such crossing is expedient the Company shall be subject

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to all such rules and regulations with regard to the mode of working any tramroad at such crossing as may from time to time be made by the Board of Trade.

Power to deviate.

46. The Company in constructing any portion of the tramroads which will not be laid in across or along the carriageway 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 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 and those sections had been incorporated with this Act with reference thereto Provided always that nothing in this Act shall authorise the Company to construct along the carriageway of any street or road any part of any tramroad which is not shown on the deposited plans as intended to be so constructed.

Tramroad No. 10 to be fenced.

47. The Company shall fence off Tramroad No. 10 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 or drains over under or by the side of Tramroad No. 10 as shall be necessary for making good the interruption caused by such tramroad 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 such tramroad are by the construction thereof deprived of access to their present watering places and shall construct the necessary water-courses 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.

As to tramroads at side of road.

48. In all cases where the tramroads are constructed along or upon the waste land at the side of any road the Company shall construct the line so as not to cut off the access from such road to any land thereto adjoining and shall wherever necessary make and maintain metalled crossings which shall be constructed so as to accommodate carts and wagons loaded or unloaded engines steam-ploughs and other agricultural implements and machinery and so that there is at least eighteen feet between the level of the rails and any overhead wire.

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Certain tramroads not to be fenced.

49. The Company shall not fence off tramroads numbered 5 6 8 14 and 16 from the waste or other land along or across which such tramroads are to be constructed.

Application of section 16 of the Railways Clauses Consolidation Act 1845.

50. The Company shall for the purposes of constructing any portion of the tramroads which will not be laid in or upon the carriageway of 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 and that section had been incorporated with this Act with reference thereto.

Agreements with adjoining owners &c.

51. The Company may enter into and carry into effect agreements and arrangements with the owners lessees or occupiers of any lands adjoining or near to the tramways or tramroads with reference to the construction and maintenance by the Company or by those owners lessees or occupiers of sidings junctions works and conveniences for the accommodation and benefit of those owners lessees or occupiers either on the lands owned by leased to or occupied by them or on the lands of the Company and the Company may from time to time apply their corporate funds and revenues for the purposes of such agreements or arrangements 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 owners or the occupiers of one third of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

Period for completion of tramways and tramroads.

52. If the tramways and tramroads be not completed within a period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the tramways and tramroads or otherwise in relation thereto shall cease except as to so much of the tramways and tramroads respectively as is then completed.

County council may make bye-laws for regulating traffic on tramways.

53. For the purposes of section 46 of the Tramways Act 1870 the county council shall be deemed to be the local authority of any rural parish within the administrative county of Cumberland in or through which any of the tramways passes or is laid to the exclusion of every other authority.

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The powers to make byelaws and regulations with respect to the tramways conferred by that section shall extend and apply to the tramroads.

A true copy of every such byelaw made by the local authority under that section shall be delivered by them to the rural district council of every district in or through which the tramways and tramroads are laid or will pass at the same time as a copy thereof is laid before the Board of Trade and every such rural district council may make any representation or objection to the Board of Trade with respect to such byelaws.

MOTIVE POWER.

Provisions as to motive power.

54. The carriages used on the tramways and tramroads may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) No steam locomotive shall be used except with the consent of the local authorities:

(2) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(3) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and tramroads and for regulating the use of electrical power:

(4) The Company or any other company or person using any mechanical power on the tramways and tramroads contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable 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 is continued after conviction thereof:

(5) The Board of Trade if they are of opinion—

(*a*) That the Company or such other company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(*b*) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Lands for generating stations.

55. Subject to the provisions of this Act the Company may appropriate and use as stations for generating electrical energy and for providing and working thereon engines dynamos and other electrical plant and works the lands described in the First Schedule to this Act but nothing in this Act shall authorise the Company to generate electrical energy elsewhere than on the lands so described.

Power to hold patent rights.

56. The Company may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use of electrical power for the purposes of this Act.

Special provisions as to use of electrical power on tramways and tramroads.

57. The following provisions shall apply to the use of electrical power on the tramways and tramroads unless such power is entirely contained in and carried along with the carriages :—

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their tramway undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire

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line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the tramway undertaking:

(5) At the expiration of two years from the opening for traffic of the tramway undertaking the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Company and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) The expression "company" in this section shall include licencees and any person owning working or running carriages over any tramway or tramroad of the Company.

Erection of posts &c.

58.—(1) The Company may lay down construct erect and maintain on in under or over the surface of any street or road or footway of any streets or roads and on or in any lands in or through which the tramways and tramroads will be situate or pass such posts standards brackets conductors wires tubes mains plates cables ropes boxes and apparatus and may make and maintain such openings and ways in or through or under any such surface as may be necessary or convenient for the working of the tramways and tramroads or for the transmission of electrical energy for the purposes of this Act or for connecting any portions of the tramways and tramroads or for providing access to or forming connexions with any generating station or other stations engines machinery or apparatus.

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(2) The size position design and construction of all posts standards and brackets and their several attachments erected in the district of any road authority shall be such as the authority may reasonably approve or as in case of difference between them may be determined by the Board of Trade :

Provided that—

(*a*) If before the erection of any such posts standards brackets and attachments in the district of a road authority the Company deliver to the authority a drawing and a description of the same and a plan showing the proposed position thereof and the authority do not within twenty-eight days give notice to the Company of any objection such authority shall be taken to have agreed to the size position design and construction of such posts standards brackets and attachments as shown by the said drawing description and plan ; and

(*b*) If in the opinion of the road authority it is desirable for the purpose of effecting improvements in any street or road to alter any post or overhead wire the Company shall alter the position thereof in such manner as the road authority direct but the Company may appeal against such direction to the Board of Trade and the decision of the Board shall be final.

(3) The local or road authority shall upon giving not less than fourteen days' notice to the Company of their desire to do so have the right to use any posts standards and brackets erected in the streets within their district for the support of any electric wires or lamps or any gas lamp belonging to the local authority or to any contractor with them for the lighting of street lamps Provided that the said notice shall be accompanied by sufficient plans showing the method and position in which such wires or lamps are to be supported and that in placing maintaining or altering such wires or lamps no damage shall be caused to such posts standards or brackets and no obstruction shall be caused to the working by the Company of their tramway undertaking.

(4) No advertisement shall be displayed upon any such posts standards or brackets.

Attachment of brackets to buildings.

59. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways and tramroads by mechanical power :

Provided that—

(1) Where in the opinion of the Company any consent under this section is unreasonably refused or withheld they may

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appeal to the petty sessional court of the district which shall have power to allow the attachment subject to such terms as to compensation or rent and otherwise as such court may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Byelaws.

60. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways and tramroads upon which mechanical power may be used for all or any of the following purposes (that is to say):—

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

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

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

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and 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 byelaws and Board of Trade regulations in force for the time being in relation to

the tramways and tramroads 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.

For protection of Postmaster-General.

61.—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of the tramway undertaking or any part thereof being worked by electricity the following provisions shall have effect:—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their tramway undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their tramway undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Company have constructed their electric lines or other works or work their tramway undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the tramway undertaking the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) (*a*) Before any electric line is laid down or any act or work for working the tramway undertaking or any part thereof by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying

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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 the work shall give written notice to the Postmaster-General specifying the course of the line 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;

(*b*) 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 arbitration:

(4) 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:

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

(6) 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:

(7) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on the tramways or tramroads authorised by this Act.

Byelaws by local authority.

62. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways and tramroads shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Rate of speed.

63. The Company shall not run any carriage on the tramways and tramroads by this Act authorised at a higher rate of speed than eight miles an hour where the respective tramways or tramroads are laid along the carriageway of a street or road and fifteen miles an hour where the same is not so laid unless a higher rate be at any time sanctioned by the Board of Trade.

Rates on Tramways and Tramroads.

Rates for passengers.

64. The Company may demand and take for every passenger travelling upon the tramways or tramroads or any part or parts thereof including every expense incidental to such conveyance fares rates and charges not exceeding one penny per mile and in computing the said fares rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than one penny.

Passengers' luggage.

65. Every passenger travelling upon the tramways or tramroads may take with him his personal luggage not exceeding twenty-eight

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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.

Company not bound to carry goods.

66. The Company shall not be bound unless they think fit to carry passengers' luggage exceeding the weight in this Act in that behalf mentioned nor any parcel or goods.

Restriction on carriage of animals and goods.

67. No goods animals articles or things other than passengers and passengers' luggage and parcels and except light goods and things conveyed on a trailer car attached to a passenger car shall be conveyed on the tramways or tramroads between the hours of eight in the morning and eight in the evening without the consent of the local authority and the road authority.

Animals and goods.

68. The Company may demand and take in respect of any animals goods or things conveyed by them on the tramways or tramroads including every expense incidental to the conveyance any rates or charges not exceeding those specified in the Second Schedule to this Act and the regulations contained in the said schedule shall be observed.

Payment of rates and charges.

69. The rates and charges authorised by this Act shall be paid to such persons and at such places upon or near to the tramways and tramroads and in such manner and under such regulations as the Company may by byelaw made under this Act appoint.

As to fares on Sundays and holidays.

70. The Company shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week-days.

Cheap fares for labouring classes.

71.—(1) The Company at all times after the opening of the tramways and tramroads for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Periodical revision of rates and charges.

72. If at any time after three years from the opening for public traffic of the tramways and tramroads or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways and tramroads or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which tramways and tramroads or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways and tramroads or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways and tramroads or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

Road Improvements.

Power to make road improvements,

73. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the road widenings and bridge herein-after mentioned together with all necessary and proper works bridges improvements retaining walls junctions connexions approaches sewers drains culverts and conveniences in connexion therewith or incidental thereto.

The works above referred to and authorised by this Act are situate wholly in the county of Cumberland and are—

(1) A widening of Pow Street and Bridge Street in the borough of Workington commencing in Pow Street eighteen yards or

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thereabouts west of Bridge Street and terminating in Bridge Street eighteen yards or thereabouts north of Pow Street:

(2) A rounding off of the corner of the road through Low Seaton on the north and west sides thereof opposite the Royal Oak Inn in the parish of Seaton:

(3) A rounding off of the corner of the road from Seaton to Flimby in the parish of Flimby on the west and south sides thereof opposite the road from Flimby to Dearham:

(4) A new bridge with approaches in the parish of Allonby over Allonby Beck commencing in the road from Maryport to Allonby one chain or thereabouts west of the centre of the iron bridge and terminating in the main street in Allonby three chains or thereabouts north of the centre of the iron bridge aforesaid.

Time for completion of works.

74. If the road widenings and bridge by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Power to deviate.

75. In constructing the road widenings and bridge by this Act authorised the Company may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

As to maintenance of road widenings and bridge.

76. The road widenings and bridge and approaches by this Act authorised and the works connected therewith shall be maintained in repair by and at the cost of the Company to the satisfaction of the road authority for twelve months after their respective completion of which completion a certificate under the hand of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and from and after the expiration of the respective periods of twelve months the said road widenings and bridge and approaches respectively shall be vested in and shall thereafter be maintained in repair subject to the provisions of this Act by and at the expense of the authority liable for the maintenance and repair of the adjacent streets and roads.

Agreements with respect to road widenings.

77. The Company on the one hand and any local or road authority on the other hand may enter into and carry into effect

contracts and agreements with respect to the construction maintenance and repair of the road widenings and bridge by this Act authorised and with respect to the widening of any road in the district of any local authority in which any of the tramways or tramroads are authorised to be constructed.

Power to make subsidiary works.

78. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Company in connexion with the road widenings and bridge authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the road widenings or bridge or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the road widenings or bridge or any of them or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer or channel within the said limits the Company providing a proper substitute before interrupting the flow of sewage in any drain or sewer and making compensation for any damage done by them in the execution of the powers of this section All such works shall be executed by the Company to the reasonable satisfaction of the road authority and the provisions of the section of this Act of which the marginal note is "As to maintenance of road widenings and bridge" shall apply thereto.

Lands.

Power to take lands.

79. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as they may require for the construction of the tramways and tramroads for the road widenings and bridge authorised by this Act for the provision of sites for the erection of buildings adjoining any street for sidings for the erection of generating stations waiting rooms sheds depôts and other buildings and for the purposes of this Act.

Correction of errors &c. in deposited plans and books of reference.

80. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited 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 acting for the county of Cumberland for the correction

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thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Cumberland and a duplicate thereof shall also be deposited with the town clerk of the borough or the clerk of the urban district or of the parish council or as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace town clerk of the borough or the clerk of the urban district or clerks of the council 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.

Owners may be required to sell parts only of certain lands and buildings.

81. And whereas in the construction of the road widenings by this Act authorised or otherwise in exercise of the powers of this Act it may happen that a portion only of the garden numbered 19 in the parish of Flimby shown on the deposited plans may be sufficient for the purposes of the same and that such portion may be severed from the remainder of the said property without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in such garden whereof a part only is required for the purposes of this Act may if such portion can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such property without material detriment thereto be required to sell and convey to the Company the portion only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portion required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Limiting quantity of open lands to be taken.

82. The Company shall not under the powers of this Act acquire a greater quantity of the stinted pasture land adjoining the foreshore in the parish of Crosscanonby than four acres three roods and ten perches nor of that in the parish of Oughterside and Allerby than one acre three roods and twelve perches nor of that

in the parish of Hayton and Mealo than three roods and twenty-seven perches nor of that in the parish of Allonby than two acres three roods and twenty-one perches nor a greater quantity of "Mawbray Bank" in the parish of Holme Saint Cuthberts than nine acres two roods and fifteen perches nor a greater quantity of "Wolsty Bank" and "Blitterlees Bank" in the parish of Holme Low than five acres three roods and five perches.

Purchase of lands by agreement.

83. In addition to the other lands which the Company are by this Act authorised to purchase and acquire they may purchase take upon lease or acquire by agreement for the purposes of the undertaking and may hold any lands not exceeding ten 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 shelters waiting-rooms stables offices warehouses goods sheds buildings and other conveniences (except stations for generating electricity) in connexion with the undertaking Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands purchased or acquired under the provisions of this section.

Period for compulsory purchase of lands.

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

Persons under disability may grant easements &c.

85. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

86. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

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

General Provisions as to Tramways and Tramroads.

Rights of pre-emption to local authorities.

87. In the event of the Company proposing to exercise their power of sale under section 44 of the Tramways Act 1870 as incorporated with this Act the Company shall before selling to any company or person offer to sell to the local authorities at the price at which they shall have bonâ fide arranged to sell to such company or person in the event of the local authorities not accepting such offer.

Deposit money not to be repaid until line opened.

88. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of eighteen thousand seven hundred and fifty pounds Two and three quarters per Centum Consolidated Stock being equivalent to the sum of eighteen thousand and seventy-nine pounds seventeen shillings and fivepence cash such last-mentioned sum being equal to five per centum upon the amount of the estimate in respect of the tramways and tramroads authorised by this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless

the Company shall previously to the expiration of the period limited by this Act for completion of the tramways and tramroads open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways and tramroads the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways or 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 tramways or 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 tramways or tramroads so opened bears to the entire length of the tramways or tramroads hereby authorised the High 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 shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

89. If the Company do not previously to the expiration of the period limited for the completion of the tramways and 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 tramways or 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 also in compensating all road authorities for the expense incurred by them in taking up any tramways or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such

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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 if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the depositors 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 as and when the same become payable be paid to or on application of the depositors.

Service of cars.

90. The Company shall at all times after the opening of the tramways or tramroads or any portions or portion thereof for public traffic provide such service of cars as may be reasonably required in the public interests and the Company shall be liable to a penalty of not exceeding five pounds for every day on which they shall fail to comply with the provisions of this section Any question which may arise as to the service of cars required in the public interests may be determined on the application of the Company or of the local authority or other body or person by the Board of Trade whose decision shall be final and conclusive.

Provision as to carriages on tramways.

91. The carriages used on the tramways shall not be allowed to remain standing in the streets of any urban district so as to be an obstruction for a longer time than may be necessarily required for the purpose of taking up and setting down passengers or goods and if necessary for complying with the provisions of this section the Company shall subject to the provisions of this Act provide proper and suitable places at the termination of any tramway for the accommodation of carriages.

Company may light tramways and tramroads.

92. In every street in which any of the tramways or tramroads shall be constructed the Company may place electric lamps upon such of the posts or standards erected by the Company in pursuance of the foregoing provisions of this Act for the purpose of working the tramways and tramroads by mechanical power as the local authority shall approve or if no such posts or standards shall be used by the Company they may place such lamps upon such other suitable pillars to be erected by and at the cost of the Company as the local authority shall reasonably approve The Company may by

means of the lamps placed in pursuance of this section keep the said streets lighted.

Local authorities and road authorities may use tramways and tramroads for certain purposes.

93. Subject to the provisions of this Act and of the Board of Trade regulations and of any byelaws for the time being in force with respect to the tramways and tramroads any local authority or road authority may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning but so as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways or tramroads use the tramways or tramroads within their district by carriages moved by horses or otherwise for the removal of night soil and house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of such authority free of all tolls and charges in respect of such use Subject as aforesaid any local authority or road authority may enter into agreements with the Company for the purposes of this section and such authority shall have power to form connexions between the tramways and tramroads and any yards or works belonging to such authority Provided that in the construction of any such connexion no avoidable damage shall be done to the tramways and tramroads and they shall have first submitted to the Company plans showing such connexions or works and the mode of constructing the same and if any question arises as to such plans or the mode of constructing such works that question shall be referred to arbitration and such authority shall be entitled to use for such purposes trucks and electric current or other motive power of the Company on such terms as may be agreed upon or as failing agreement shall be settled by arbitration Provided that any authority exercising any of the powers of this section shall indemnify the Company against and compensate them for any injury damage or loss they may suffer the amount thereof to be determined in default of agreement by arbitration.

Waiting-rooms.

94.—(1) Upon the request of the local authority of any district in which any of the tramways or tramroads shall be situate the Company shall provide such number of waiting-rooms (not exceeding two in any district) in such positions near to the route of the tramways and tramroads upon land provided by the Company or (with the consent of the road authority) upon the highways and of such size description and design as the local authority shall deem reasonably necessary and convenient for the use of persons intending to use the tramways or tramroads and prior to erecting any waiting-rooms in pursuance of this section the Company shall submit

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the plan and elevation thereof to the local authority for their reasonable approval.

(2) If any question shall arise between any local authority and the Company in regard to anything contained in this section the same shall be determined by arbitration.

Strengthening and alteration of bridges.

95. If in consequence of the construction or user of the tramways or tramroads by the Company it shall be necessary to strengthen or otherwise alter any bridge over which they pass the reasonable expense incurred by any road authority in effecting such strengthening or alteration shall be repaid to them by the Company and any question which may arise between any road authority and the Company with respect to anything contained in this section shall be determined by arbitration.

Company to repair injury caused by heavy traffic.

96. Any injury which may be done to any road or bridge on which any of the tramways or tramroads shall be laid in consequence of heavy weights being carried on such tramways or tramroads or otherwise in consequence of such tramways or tramroads being laid on such road or bridge shall be made good by the Company or if the road authority so desire by that authority at the reasonable cost of the Company and any question which may arise between any road authority and the Company touching anything contained in this section shall be determined by arbitration.

Supply of Electrical Energy.

General powers of Company as to electrical energy.

97. Subject to the provisions of this Act the Company may acquire construct maintain use enlarge alter or discontinue the use of and may sell or otherwise dispose of lands buildings machinery plant and apparatus for the production generation storage regulation transformation measurement distribution and supply of electrical energy and may also sell or otherwise dispose of all such lands buildings machinery appliances and other property.

Storage and distributing works.

98. Subject to the provisions of this Act the Company may acquire maintain and use and sell let on hire and otherwise dispose of (but shall not manufacture) electric and other mains storage and other batteries dynamos accumulators cables conductors services wires tubes pipes insulators meters reservoirs distributing cut-out and other boxes switches transformers lamps fittings motors and other apparatus for transmitting storing measuring regulating and distributing electrical energy for lighting and other purposes public and private or for converting the same into motive power heat or

otherwise and may (by agreement) lay down and use pipes conduits and other channels of water supply for feeding or condensing purposes or other purposes connected with the undertaking of the Company. A.D. 1901

Area of supply.

99. Subject to the provisions of this Act the area within which the Company may supply electricity shall be the urban district of Holme Cultram and the parishes of Hensingham Moresby Distington Workington Rural Stainburn Seaton Camerton Dearham Flimby Crosscanonby Oughterside and Allerby Hayton and Mealo and Allonby all in the county of Cumberland.

Conditions affecting supply.

100. The powers of the Company for the supply of energy under this Act shall be subject to the following provisions:—

(1) Energy shall be supplied under this Act only—

(*a*) For supply in bulk to authorised distributors;

(*b*) For working the tramway undertaking; and

(*c*) For providing power to any person within the area of supply:

(2) The Company shall not supply energy for lighting purposes except to authorised distributors Provided that the energy supplied to any person for power may be used by such person for lighting any premises on any part of which the power is utilised:

(3) If at any time after the passing of this Act any local authority company or person become authorised distributors in any area within the area of supply under this Act the Company shall be subject to any provisions which may be made by the Act or Provisional Order under which the distributors become authorised as to the taking over of any supply then given by the Company for use exclusively within the area of supply of the distributors or otherwise as to the powers of the Company to supply within that area and such provisions may be made in any such Provisional Order under the Electric Lighting Acts.

As to application for Provisional Orders.

101. Nothing contained in this Act shall prevent the Company from applying for Provisional Orders under the Electric Lighting Acts 1882 and 1888.

Company to furnish supply of energy in bulk to distributors within area of supply.

102. The Company shall upon being required to do so by any authorised distributor give and continue to give to such distributor at such point within the area of supply as such distributor may reasonably require a supply of energy in bulk at a price not exceeding the prices stated in the Third Schedule to this Act and they shall

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furnish and lay such electric lines as may be necessary for the purpose of supplying to such distributor at such point the maximum power with which such distributor may be entitled to be supplied under this Act subject to the conditions following (that is to say) :—

Every such distributor requiring a supply of energy shall serve a notice upon the Company specifying the point at which such supply is required to be given and the maximum power required to be supplied and the day upon which such supply is required to commence (not being an earlier day than a reasonable time after the date of the service of such notice having regard to the situation of the point at which such supply is required to be given and to the length of electric line required to be laid and plant required to be erected for affording such supply) ; and

Enter into a written contract with the Company (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least seven years of such an amount that the payment to be made for the same shall not be less than twenty pounds per centum per annum on the outlay (excluding expenditure on generating plant and any electric line then laid) incurred by the Company in making provision for such supply.

If any difference arises under this section such difference shall be determined by arbitration.

Penalty for failure to supply.

103. Whenever the Company make default in supplying any authorised distributor to whom they may be and are required to supply energy in bulk in accordance with the provisions of this Act they shall be liable in respect of such default to a penalty not exceeding ten pounds for each day on which the default occurs Provided that the penalties to be inflicted on the Company under this section shall not exceed in respect of any one default not being a wilful default on the part of the Company the sum of five hundred pounds And provided also that in no case shall any penalty be inflicted in respect of any default if the court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight and unimportant a character as not materially to affect the value of the supply.

Arbitration as regards supply.

104. The Company shall give a supply of energy to any person within the area of supply who requires a supply upon that person entering into a binding agreement to take the energy upon such terms as failing agreement shall be fixed by a single arbitrator appointed by the Board of Trade and in fixing such terms (including

a minimum annual sum to be paid to the Company) the arbitrator shall have regard to the following amongst other considerations:—

(1) The period for which the person to whom the supply is to be given is prepared to bind himself to take energy:

(2) The amount of energy required and the hours during which the Company can be called upon to supply such energy:

(3) The capital expenditure in connexion with the supply of such energy:

(4) How far capital expended in connexion with such supply may become unproductive to the Company upon the discontinuance of such supply.

Notice of discontinuance of supply.

105. Any authorised distributor or person supplied with energy by the Company under this Act who is desirous of discontinuing such supply shall give to the Company twelve months' notice in writing of his intention to discontinue such supply Such notice may be given so as to expire at the end of the period for which the authorised distributor or person has contracted to receive and pay for such supply or at any subsequent date.

Maximum power.

106. The maximum power with which any such authorised distributor or person shall be entitled to be supplied shall be of such amount as he may demand to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption.

If any difference arises between any such authorised distributor or person and the Company as to what may be reasonably anticipated as the consumption of such authorised distributor or person such difference shall be determined by a single arbitrator to be appointed by the Board of Trade.

As to route.

107.—(1) Any electric lines for the supply of energy to any person laid down in any street by the Company under this Act shall be laid in such line or route and in a trench of such dimensions and in such position as may be agreed between the Company and the local authority or as failing agreement shall be settled by the Board of Trade And the Company shall show on the plan of the works to be served on such local authority in accordance with the provisions of the Electric Lighting (Clauses) Act 1899 incorporated with this Act the route proposed to be taken and the dimensions and position of the proposed trench:

Provided that where the local authority of any urban district objects to any proposed line or route for the supply of energy to any person on the ground that it would traverse the principal thoroughfares or busy streets of such district and indicate an alternative

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route or deviation which in the opinion of the Board of Trade is reasonably practicable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted.

(2) The reasonable and proper costs charges and expenses incurred by any local authority in relation to any reference to the Board of Trade under this section shall unless the Board of Trade shall certify that the action of the local authority in the matter has been unreasonable be paid by the Company.

Provided nevertheless that the provisions of this section shall not take away or prejudicially affect the rights of the Postmaster-General under section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply in respect of such alternative route or deviation.

Appointment of electric inspectors.

108.—(1) The Board of Trade may on the application of the Company or of any authorised distributor or person to whom the Company is supplying energy under this Act appoint and keep appointed one or more competent and impartial person or persons to be an electric inspector or electric inspectors under this Act and the Board of Trade may prescribe the fees to be taken by any such inspector and these fees shall be accounted for and applied as may be directed by the Board of Trade.

(2) The Company shall whenever reasonably required by any local authority through whose district any trunk main is laid test and furnish a record of the testing of the portion of main within their district and in case the Company fail to comply with the provisions of this subsection any such local authority may apply to the Board of Trade to appoint an inspector for the purpose of testing such main and the foregoing provisions of this section shall apply to the appointment of such inspector and the Company shall pay the cost of such testing.

Maximum prices.

109. The prices to be charged by the Company for energy supplied by them shall not exceed those stated in that behalf in the Third Schedule to this Act.

Revision of prices.

110.—(1) The Board of Trade at any time after the expiration of a period of seven years from the passing of this Act on the application of the Company or of any three or more authorised distributors to whom electricity is supplied by the Company in bulk under this Act or of any twenty persons to whom energy is supplied by the Company under this Act may revise the maximum prices contained in the Third Schedule to this Act.

(2) The Board of Trade may if they think fit on the like application make a similar revision at the expiration of a period of ten years from the date at which the last such revision has taken place.

MISCELLANEOUS.

Future purchase of undertaking by local authorities.

111. Except as provided by this section section 43 of the Tramways Act 1870 shall not apply to the tramways authorised by this Act but in lieu thereof the following provisions shall have effect as regards the undertaking viz.—

The local authorities in whose districts the undertaking is situate or any two or more of them may if such local authorities respectively by resolution passed in manner prescribed by section 43 of the Tramways Act 1870 so decide within six months after the expiration of a period of thirty years after the passing of this Act or within six months after the expiration of every subsequent period of seven years by notice in writing require the Company to sell and thereupon the Company shall sell to them the undertaking upon terms of their paying the fair market value thereof as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference shall be borne and paid as the referee directs:

If the said local authorities by resolution passed as aforesaid so decide the said local authorities may within six months after the expiration of a period of forty-two years after the passing of this Act or within six months after the expiration of every subsequent period of seven years by notice in writing require the Company to sell and thereupon the Company shall sell to them the undertaking upon terms of their paying a sum equal to the then value of the undertaking such value to be determined upon the basis and in the manner prescribed for the purchase of a tramway by a local authority by section 43 of the Tramways Act 1870:

Provided that any such notice shall not be valid or effectual unless within three months after service thereof on the Company or such further period as may be allowed by the Board of Trade a contract for sale containing provisions for vesting the undertaking in the local authorities purchasing the undertaking and a scheme or schemes for the future maintenance management

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and working of the undertaking shall have been approved by the Board of Trade:

The local authorities may pay the purchase money and all expenses incurred by them under the authority of this section out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870.

Agreements as to supply of electricity.

112. The Company and the mayor aldermen and burgesses of Whitehaven the mayor aldermen and burgesses of Workington and the urban district council of Maryport or any two or one of them (in this section referred to as "the corporations") or any local authority or company within the area of supply may enter into and carry into effect contracts agreements and arrangements for and with respect to all or any of the following matters (that is to say):—

The supply by the corporations to the Company and the supply by the Company to the corporations or any local authority or company for the time being authorised to supply electricity under the provisions of the Electric Lighting Acts of energy plant fittings or materials;

The prices to be charged for and the terms and conditions of such supply;

The execution by such corporations local authority or company on behalf of the Company or by the Company on behalf of such corporations local authority or company of any works in reference to the supply or use of energy:

Provided that any supply of electrical energy under this section and any works constructed for that purpose shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and of his rights in respect thereof which are contained in the Act or Order by which the supplying company corporation or authority is authorised to generate or supply electricity for the purposes of its own undertaking.

Agreements as to supply of water.

113. The Company may enter into and carry into effect contracts agreements and arrangements with any local authority company body or person for and with respect to the supply of water to the Company for condensing and other purposes.

Orders &c. of Board of Trade.

114. All orders regulations 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.

Recovery of penalties.

115. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

For protection of county council of Cumberland.

116. Notwithstanding anything in this Act the provisions of this section shall apply for the protection of the county council and the ratepayers and inhabitants of the administrative county of Cumberland unless otherwise agreed in writing between the county council and the Company (that is to say) :—

(1) A double line of rails shall if required by the county council be laid along any main road or part of a main road in the place of a single line where a single line is shown on the deposited plans in order to provide for the accommodation of the traffic of the tramways Provided that no such double line of rails shall be required to be laid in the borough of Whitehaven or the borough of Workington without the consent in writing of the corporation of such borough Provided that if any difference shall arise between the Company and the county council as to the necessity for laying any such double line the same shall be determined in manner herein-after provided for settlement of differences under this section Each of such double lines shall be so laid that a space of not more than three feet shall intervene between the outside of the footpath or edge of the road and the nearest rail of the tramway Provided that in the exercise of the provisions of this section except where the deposited plans indicate that a less space than nine feet six inches is intended to intervene between the outside of the footpath or edge of the road and the nearest rail of the tramway no rail shall be so laid (except with the consent of the Board of Trade) that a less space than nine feet six inches shall intervene between it and the outside of the footpath or edge of the road on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto :

(2) In addition to the portion of any main road which the Company are by section 28 of the Tramways Act 1870 required to maintain and keep in good condition and repair they shall in like manner maintain and keep in good condition and repair

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the whole portion of the road between the outside of the footpath or edge of the road and the nearest rail of the tramway in all cases where a space of not more than three feet shall intervene between the outside of the footpath or edge of the road and such nearest rail:

(3) The Company shall at their own cost widen any existing county or rebate bridge and the approaches thereto (except the bridge over the River Derwent at Workington and the bridge over the River Ellen at Maryport) over which the tramways are laid so as to secure a carriageway of the minimum width of twenty-seven feet in addition to the existing width of footpaths unless they obtain a special certificate from the county council exempting them from the obligations of this subsection The specifications of works to be done in such widening shall be agreed between the county council and the Company or failing agreement shall be determined in manner herein-after provided:

(4) The rails of all such tramways shall be laid over and across all county or rebate bridges in such position as may be required by the county surveyor:

(5) Subject to the proviso herein-after contained the provisions of this section may be enforced by the county council notwithstanding that the main road or bridge in question is within an urban district the council of which has given notice under section 11 of the Local Government Act 1888 to retain the powers and duties of maintaining and repairing the main roads within its district Provided that the foregoing provisions of this subsection shall not be enforceable by the county council in any case as regards any main road within the borough of Whitehaven or the borough of Workington nor as regards any main road within any other urban district if and so long as the urban district council shall fully enforce against the Company the special provisions in this Act inserted for the protection of such urban district as regards the widening paving or otherwise dealing with such main road:

(6) Any difference which may arise between the county council or their surveyor and the Company under subsections 1 and 3 of this section shall be determined in manner provided by section 33 of the Tramways Act 1870.

For protection of Whitehaven Corporation.

117. For the protection of the mayor aldermen and burgesses of the borough of Whitehaven (in this section referred to as "the

corporation") the following provisions shall have effect (that is to say):— A.D. 1901.

(1) If the corporation shall at any time or times for the purpose of any road improvement divert or alter any road in their borough on which any of the tramways or tramroads are laid or are authorised to be laid or erect any shelter urinal or other like construction the Company shall at their own expense when required and to the reasonable satisfaction of the corporation divert or (as the case may be) lay their rails so that the tramway or tramroad shall be on a level with the surface of the road and as nearly as possible in the centre of the road as diverted raised or altered:

(2) Should the corporation deem it necessary at any time or times to repave or remake with new materials any of the roads on which the tramways or tramroads in their borough shall be laid they shall be at liberty to repave the portion of the road maintained at the cost of the Company with the like materials so as to make the surface of the road uniform over its whole width and the cost incurred by the corporation in pursuance of this subsection shall be repaid to them by the Company:

(3) Notwithstanding anything contained in this Act if within two years from the passing of this Act the Tramways Nos. 1 3 4 and 5 authorised by this Act to be constructed are not substantially commenced the powers by this Act granted for making and completing such tramways or otherwise in relation thereto shall cease:

(4) Notwithstanding anything in this Act contained no goods animals articles or things other than passengers and passengers' luggage and parcels and except light goods and things conveyed on a trailer car attached to a passenger car shall be conveyed on the tramways in the borough of Whitehaven without the consent of the corporation:

(5) (*a*) The corporation or the corporation together with the Cleator Moor Urban District Council and the Whitehaven Rural District Council or with either of them may purchase in accordance with the terms of the section of this Act of which the marginal note is "Future purchase of undertaking by local authorities" the whole of that part of the undertaking situate within the districts traversed by Tramways Nos. 1 2 3 4 and 5 authorised by this Act; or

(*b*) The corporation or the corporation and the Whitehaven Rural District Council together may purchase in accordance

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with the terms of the section of this Act of which the marginal note is "Future purchase of undertaking by local authorities" so much of the undertaking as is situate within the districts traversed by Tramways Nos. 2 3 4 and 5 authorised by this Act; or

(*c*) The corporation may purchase so much of the undertaking of the Company as is situate in the borough of Whitehaven;

(*d*) Provided always that if in the event of the corporation purchasing either by themselves or in conjunction with the rural district council of Whitehaven the Tramways Nos. 2 3 4 and 5 or any of them or any part or parts thereof then if the Company within three months from the receipt of notice in writing under this subsection from the corporation give notice in writing under their common seal to the corporation that they desire to exercise running powers over the tramways or tramway or any part or parts thereof to be sold to them either alone or jointly as aforesaid the Company shall have the right after such sale to run over and use the tramways or tramway or part or parts thereof so sold with their engines carriages and servants for the purposes of traffic of all kinds and for that purpose to use any posts standards brackets and other apparatus conveniences and works as may be necessary or convenient for carrying electric conductors or other apparatus or otherwise for working the tramways by mechanical power and may demand and take rates and charges for the carriage of persons animals and goods over such part of the tramways not exceeding the rates and charges authorised by this Act and may exercise in respect of such tramways or tramway or part or parts thereof the powers of this Act relating to the working of tramways by animal or mechanical power Provided that the terms and conditions upon and subject to which the powers conferred upon the Company by this subsection shall be exercised and the tolls charges or other consideration to be paid by the Company shall be such as shall be agreed between the Company and the corporation or as in case of difference shall be determined by arbitration;

(*e*) Provided that nothing in this subsection contained shall prejudice or interfere with the right of the Company to supply electricity within the parishes of Hensingham Moresby and Distington:

(6) In the portion of New Road between Wheelbarrow Brow and the boundary of the borough of Whitehaven in which Tramway

No. 3 shall be constructed the Company shall place electric lamps upon such of the posts or standards erected by the Company in pursuance of the foregoing provisions of this Act for the purpose of working such tramway by mechanical power as the corporation shall approve or if no such posts or standards shall be used by the Company they shall place such lamps upon such other suitable pillars to be erected by and at the cost of the Company as the corporation shall reasonably approve The Company shall by means of the lamps placed in pursuance of this subsection keep the said portion of New Road efficiently lighted during the same period as the corporation keep their main road streets in the borough of Whitehaven lighted.

For protection of Workington Corporation.

118. For the protection of the mayor aldermen and burgesses of the borough of Workington (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the corporation and the Company apply and have effect:—

(1) The Company shall not oppose any application for statutory powers which may be made by the corporation to construct purchase or work tramways within the borough of Workington or to alter the method of traction thereon:

(2) The corporation and their licencees shall have running powers over all the tramways of the Company which shall be constructed within the borough of Workington for cars to be worked on or in connexion with any tramways which the corporation or their licencees may purchase construct or work within the borough of Workington and also the use of any posts pillars brackets or other apparatus whatever belonging to the Company for carrying any electric wires or other apparatus necessary for the running of cars on such tramways provided that such use is not inconsistent with or detrimental to the use of the same by the Company for the purposes of the said tramways The running powers aforesaid shall be such as may be necessary for the efficient working of a local tramway service and shall be exercised upon such terms as to payment at such times and in such manner as shall be agreed between the Company and the corporation or in case of dispute as shall be determined by arbitration:

(3) The corporation shall for the purposes of the last subsection have power from time to time to cross the said tramways by tramway lines which they or their licencees shall by law be

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authorised to construct and to make junctions between any tramways which may be laid in the borough of Workington and the said tramways at such places and in such manner as may be agreed between the engineer of the Company and the borough surveyor or in case of difference as may be determined by arbitration All such works to be constructed and maintained at the cost of the corporation and to the reasonable satisfaction of the Company :

(4) The gauge of the tramways shall not be altered without the consent of the corporation :

(5) Except for the purpose of the working of the undertaking and except for the purpose in this subsection mentioned the Company shall not under the powers of this Act supply electrical energy for any purpose within the borough of Workington In every street in the borough of Workington in which any of the tramways or tramroads shall be constructed the Company shall place electric lamps upon such of the posts or standards erected by the Company in pursuance of the foregoing provisions of this Act for the purpose of working the tramways and tramroads within such borough by mechanical power as the corporation shall approve or if no such posts or standards shall be used by the Company they shall place such lamps upon such other suitable pillars to be erected by and at the cost of the Company as the corporation shall reasonably approve The Company shall by means of the lamps placed in pursuance of this subsection keep the said streets efficiently lighted during the same period as the corporation keep their main road streets in the borough of Workington lighted :

(6) If within two years from the passing of this Act the works authorised between Distington Toll Bar and Seaton Villa are not substantially commenced the powers conferred on the Company by this Act in relation to that portion of their undertaking and tramway shall cease and determine :

(7) In the event of Tramway No. 7 being constructed within the borough of Workington by the Company the corporation may if they think fit at any time within ten years from the passing of this Act widen such portions of High Street Guard Street Washington Street and Bridge Street along which the tramway shall be constructed as are shown between the letters A and B C and D E and F G and H upon a plan in duplicate signed by John Raven Musgrave on behalf of the Company and by John

Warwick town clerk on behalf of the corporation to the extent and in the manner shown upon the said plan and for that purpose the corporation may purchase such lands and premises as may not at present belong to them or be under their control and available for the purpose of such widenings and the Company shall repay to the corporation any sums reasonably expended by them in the purchase of such lands and premises (and if necessary obtaining statutory powers for the purpose) in the erection and alteration of fences and buildings incident to such widenings and in reconstructing forming and making good the widened portions of the roads in which the tramway shall be constructed other than the footpaths thereof and such sums shall be paid by monthly instalments of amounts equal to the sum from time to time certified by the borough surveyor as having been expended for the purposes aforesaid If any difference shall arise between the Company and the corporation as to the sums so reasonably expended such difference shall be settled by arbitration:

(8) Notwithstanding anything in the Tramways Act 1870 or in this Act contained the Company shall not sell lease or assign or in any manner part with the possession of the tramways within the borough of Workington without first offering to sell lease or assign the same to the corporation at the price at which they shall have bonâ fide arranged to sell to any company or person:

(9) Nothing in this Act contained shall prevent the corporation from purchasing in accordance with the terms of the section of this Act of which the marginal note is "Future purchase of undertaking by local authorities" so much of the undertaking of the Company as is situate within the borough of Workington whether or not the other local authorities in whose districts the undertaking is situate decide to purchase so much of the undertaking as is situate within their districts Provided that if the Company within three months from the receipt of notice in writing under this subsection from the corporation give notice in writing under their common seal to the corporation that they desire to exercise running powers over the tramways to be sold to them in pursuance of such first-mentioned notice the Company shall have the right after such sale to run over and use the part of the tramways so sold with their engines carriages and servants for the purposes of traffic of all kinds and for that purpose to use any posts standards brackets and

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shall be carried out by the Company under the supervision (if the same be given) and to the reasonable satisfaction of the borough surveyor in all respects:

(16) Any question which may arise between the corporation or the borough surveyor and the Company with reference to this section or anything to be done or not to be done thereunder shall be determined by arbitration.

For protection of Maryport Urban District Council.

119. For the protection of the Maryport Urban District Council (in this section referred to as "the council") the following provisions shall have effect (that is to say):—

(1) If the council shall at any time or times for the purpose of any road improvement divert or alter any road in their district in which any of the tramways or tramroads are laid or are authorised to be laid or erect any shelter urinal or other like construction the Company shall at their own expense when required and to the reasonable satisfaction of the council divert or (as the case may be) lay their rails so that the tramway or tramroad shall be on a level with the surface of the road and as nearly as possible in the centre of the road as diverted raised or altered:

(2) Should the council deem it necessary at any time or times to repave or remake with new materials any of the roads in which the tramways or tramroads in their district shall be laid they shall be at liberty to repave the portion of the road maintained at the cost of the Company with the like materials so as to make the surface of the road uniform over its whole width and the cost incurred by the council in pursuance of this subsection shall be repaid to them by the Company.

For protection of Cleator Moor Urban District Council.

120. For the protection of the Cleator Moor Urban District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company apply and have effect:—

(1) The Company shall not oppose any application for statutory powers which may be made by the council to construct purchase or work tramways within the district of the council or to alter the method of traction thereon:

(2) The council and their licencees shall have running powers over all the tramways of the Company which shall be constructed within the district of the council for cars to be worked on or in connexion with any tramways which the council or their licencees may purchase construct or work

within the district of the council and also the use of any posts pillars brackets or other apparatus whatever belonging to the Company for carrying any electric wires or other apparatus necessary for the running of cars on such tramways provided that such use is not inconsistent with or detrimental to the use of the same by the Company for the purposes of the said tramways The running powers aforesaid shall be such as may be necessary for the efficient working of a local tramway service and shall be exercised upon such terms as to payment at such times and in such manner as shall be agreed between the Company and the council or in case of dispute as shall be determined by arbitration:

(3) The council shall for the purposes of the last subsection have power from time to time to cross the said tramways by tramway lines which they or their licencees shall by law be authorised to construct and to make junctions between any tramways which may be laid in the district of the council and the said tramways at such places and in such manner as may be agreed between the engineer of the Company and the surveyor of the council or in case of difference as may be determined by arbitration All such works to be constructed and maintained at the cost of the council and to the reasonable satisfaction of the Company:

(4) If within two years from the passing of this Act the works authorised in the district of the council between Wath Brow and Keekle Bridge are not substantially commenced the powers conferred on the Company by this Act in relation to that portion of their undertaking and tramway shall cease and determine:

(5) Nothing in this Act contained shall prevent the council from purchasing in accordance with the terms of the section of this Act of which the marginal note is "Future purchase of undertaking by local authorities" so much of the undertaking of the Company as is situate within the district of the council whether or not the other local authorities in whose districts the undertaking is situate decide to purchase so much of the undertaking as is situate within their districts Provided that if the Company within three months from the receipt of notice in writing under this subsection from the council give notice in writing under their common seal to the council that they desire to exercise running powers over the tramways to be sold to them in pursuance of such first-mentioned notice the Company

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shall have the right after such sale to run over and use the part of the tramways so sold with their engines carriages and servants for the purposes of traffic of all kinds and for that purpose to use any posts standards brackets and other apparatus conveniences and works as may be necessary or convenient for carrying electric conductors or other apparatus or otherwise for working the tramways by mechanical power and may demand and take rates and charges for the carriage of persons animals and goods over such part of the tramways not exceeding the rates and charges authorised by this Act and may exercise in respect of such part of the tramways the powers of this Act relating to the working of tramways by animal or mechanical power Provided that such use is not inconsistent with or detrimental to the use of the same by the council for the purposes of the said tramways to be purchased constructed or worked under subsection 2 hereof Provided that the terms and conditions upon and subject to which the powers conferred upon the Company by this subsection shall be exercised and the tolls charges or other consideration to be paid by the Company shall be such as shall be agreed between the Company and the council or as in case of difference shall be determined by arbitration :

(6) In the event of the making of the tramways or the working thereof rendering it necessary to alter the position of or otherwise to alter any gas or water mains or pipes sewers drains manholes ventilation grids hydrants wires tubes or other works or apparatus of any kind or description whatsoever belonging to the council either solely or jointly with any other person the council shall be at liberty to remove or alter the same in any manner that they may deem fit and the Company shall repay to the council the cost of the work and the superintendence thereof and shall pay and indemnify the council against any claims actions or proceedings for compensation or damages to which the council may be liable at the instance of any company corporation or person in consequence of the carrying out of such work :

(7) Notwithstanding anything in this Act contained to the contrary whenever for the purpose of making forming laying down maintaining repairing or renewing any of their tramways the Company are authorised to alter or interfere with the mains or pipes for the supply of gas or water or for sewerage purposes or any tubes wires or apparatus belonging to or

controlled by the council the Company shall give fourteen days' notice in writing to the council of such works and shall at the same time send sufficient specifications or other information to show the nature of the interference with any mains pipes sewers conduits or structures of the council and the council shall by notice given within fourteen days of the receipt of such last-mentioned notice of their desire to do so have the right to execute any works of alteration of any mains pipes sewers conduits or structures belonging to them at the reasonable cost and expense of the Company : A.D. 1901.

(8) In the event of the council desiring to carry out any improvement or do any work in any street or road within the district of the council which will in the opinion of the council necessitate alteration or reconstruction of the Company's tramways the Company shall on being required by the council so to do alter and reconstruct such tramways in accordance with the reasonable requirements of the council :

(9) If the council at any time reasonably require the Company to alter the position of any posts standards brackets wires and other apparatus which may interfere with any improvement or work about to be carried out or undertaken by the council and the Company fail to do so the council may alter the same in any manner that they may deem fit and the Company shall repay to the council the cost of such work :

(10) Should the council deem it necessary at any time or times to repave or remake with new materials any of the roads in which the tramways or tramroads in their district shall be laid they shall be at liberty to repave the portion of the road maintained at the cost of the Company with the like materials so as to make the surface of the road uniform over its whole width and the cost incurred by the council in pursuance of this subsection shall be repaid to them by the Company :

(11) Any question that may arise between the council or the surveyor of the council and the Company with reference to this Act or anything to be done or not to be done thereunder shall be determined by arbitration.

121. In constructing and maintaining Tramway No. 7 by this Act authorised and the works connected therewith and in constructing and maintaining any works for the purpose of working the said tramway where the same is intended to cross any bridge carrying any road over any railway railway siding or works **For protection of London and North Western Railway Company.**

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belonging to the London and North Western Railway Company (herein-after called "the North Western Company") the following provisions shall have full force and effect:—

(1) Before commencing any works on or over any such bridge or the approaches thereto or other work of the North Western Company the Company shall give fourteen days' notice in writing to the North Western Company of their intention to execute such works and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works:

(2) The Company shall not in any way vary alter or interfere with the structure of such bridge or of the approaches thereto and in the construction and maintenance of the tramway and works over such bridge and approaches the Company shall not injuriously affect the same:

(3) In the event of any injury being caused to such bridge or approaches by the construction maintenance repairing use or removal of the said tramway and works the North Western Company may at the expense of the Company restore such bridges and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the North Western Company against all sums costs and expenses which they may reasonably pay or be put to in repairing or maintaining so much of the road over such bridge or approaches as the Company are liable to maintain and repair under section 28 of the Tramways Act 1870 and the North Western Company may recover from the Company all such sums costs and expenses:

(4) (*a*) Whenever and so often as the North Western Company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways thereunder or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of the tramway over any such bridge or approaches shall be wholly or partially stopped or delayed or that the tramway should be temporarily diverted or wholly or in part taken up or removed and shall except in case of emergency (when they shall give the longest notice practicable) give the Company one month's notice in writing requiring such

stoppage delay or diversion taking up or removal the working and user of the said tramway shall be stopped or delayed or the said tramway shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of their engineer if such engineer give such superintendence but only for so long as shall be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto;

(*b*) In case any such strengthening reconstruction or alteration is rendered necessary owing to the carriages or other vehicles used on the said tramway being or being intended to be moved by mechanical power the North Western Company shall before effecting the same give to the Company fourteen clear days' notice and such strengthening reconstruction or alteration shall be effected in all things at the expense of the Company who shall also pay to the North Western Company any additional expense which they may incur or be put to in effecting any such strengthening reconstruction or alteration or any widening lengthening repairs lifting or supporting by reason of the existence of the tramways or any of the works connected therewith:

(5) Whenever such tramway on either side of such bridge or approaches is a single line there shall only be a single line over such bridge or approaches unless a double line be shown on the deposited plans and no turnouts or passing-places not shown on such plans shall be constructed thereon:

(6) All works which may be necessary in constructing and maintaining the said tramway or for working the same by mechanical power over any such bridge and approaches shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the North Western Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of either the North Western Company or the Company:

(7) During the construction of the said tramway and works the Company shall bear and on demand pay to the North Western Company all reasonable 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

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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:

(8) Where the said tramway will pass in front of the entrances to the Workington Bridge passenger and goods stations of the North Western Company no additional crossing passing-place siding junction or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the North Western Company under their common seal and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and lengths except for and only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers and except when such stoppage is occasioned by circumstances over which the Company has no control:

(9) If any difference shall arise between the Company and the North Western Company or their respective engineers as to the reasonableness of the plans sections and specifications herein-before provided for or otherwise under this section such difference shall be referred to and be determined by arbitration:

(10) 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.

For protection of London and North Western Furness and Cleator and Workington Junction Railway Companies.

122. In constructing and maintaining the tramways and works connected therewith and in constructing and maintaining any works for the purpose of working any of the tramways where the same are intended to cross any bridge carrying any road over any railway railway siding or works belonging to the London and North Western Railway Company and the Furness Railway Company jointly and to those companies and the Cleator and Workington Junction Railway Company jointly (all of which companies are referred to in this section as "the railway company") the following provisions shall have full force and effect:—

(1) Before commencing any works on over or under any such bridge or the approaches thereto or other work of the railway

company the Company shall give fourteen days' notice in writing to the railway company of their intention to execute such works and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works:

(2) The Company shall not in any way vary alter or interfere with the structure of any such bridge or of the approaches thereto and in the construction and maintenance of the tramway and works under such bridge as the case may be the Company shall not injuriously affect the same:

(3) In the event of any injury being caused to such bridge or approaches by the construction maintenance repairing use or removal of the said tramways and works the railway company may at the expense of the Company restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the railway company against all sums costs and expenses which they may reasonably pay or be put to in repairing or maintaining so much of the road over such bridge or approaches as the Company are liable to maintain and repair under section 28 of the Tramways Act 1870 and the railway company may recover from the Company all such sums costs and expenses:

(4) (*a*) Whenever and so often as the railway company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways thereunder or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of the tramway over any such bridge or approaches shall be wholly or partially stopped or delayed or that the tramway should be temporarily diverted or wholly or in part taken up or removed and shall except in case of emergency (when they shall give the longest notice practicable) give the Company one month's notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the said tramway shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of their engineer if such engineer give such superintendence but only for so long

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as shall be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto;

(*b*) In case any such strengthening reconstruction or alteration is rendered necessary owing to the carriages or other vehicles used on any such tramway being or being intended to be moved by mechanical power the railway company shall before effecting the same give to the Company fourteen clear days' notice and such strengthening reconstruction or alteration shall be effected in all things at the expense of the Company who shall also pay to the railway company any additional expense which they may incur or be put to in effecting any such strengthening reconstruction or alteration or any widening lengthening repairs lifting or supporting by reason of the existence of the tramways or any of the works connected therewith:

(5) Whenever such tramway on either side of such bridge or approaches is a single line there shall only be a single line over such bridge or approaches unless a double line be shown on the deposited plans and no turnouts or passing-places not shown on such plans shall be constructed thereon:

(6) All works which may be necessary in constructing and maintaining any tramway or for working the tramways by mechanical power over any such bridge and approaches shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the railway company or in case of difference of an engineer to be appointed by the Board of Trade on the application of either the railway company or the Company:

(7) During the construction of the said tramways and works the Company shall bear and on demand pay to the railway company all reasonable 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: A.D. 1901.

(8) In the event of any of the tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the railway company be attached to any bridge of that company:

(9) Where any tramways will pass in front of the entrances to any existing passenger or goods stations of the railway company no additional crossing passing-place siding junction or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the railway company under their common seal and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and lengths except for and only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers and parcels and except when such stoppage is occasioned by circumstances over which the Company have no control:

(10) The Company shall not except with the previous consent of the railway company under their common seal purchase or acquire any portion of the lands or property belonging to them shown upon the deposited plans and intended as the site of the Company's proposed power station at Distington:

(11) Notwithstanding anything shown on the deposited plan and section the Company shall not in constructing Tramway No. 5 alter the levels of the road No. 7 in the parish of Distington:

(12) If any difference shall arise between the Company and the railway company or their respective engineers as to the reasonableness of the plans sections and specifications hereinbefore provided for or otherwise under this section such difference shall be referred to and be determined by arbitration:

(13) The Company and the railway 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.

123. For the protection of the Furness Railway Company (in this section called "the Furness Company") the following provisions For protection of Furness

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Railway Company.

shall unless otherwise agreed between the Company and the Furness Company be observed and have effect (that is to say):—

(1) In this section the word "apparatus" includes posts standards brackets electric conductors wires apparatus mains plates cables tubes and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramways and includes also any subways tunnels openings excavations channels and pipes for the purposes of such apparatus:

(2) Where any of the tramways are laid along a road which is carried by means of a tunnel over any railway of the Furness Company the Company shall so construct maintain and use the tramway and apparatus as not to vary alter or interfere with the structure of such tunnel or to injuriously affect the same:

(3) In the event of any of the tramways being worked by electricity on the overhead system no apparatus shall without the previous consent in writing of the Furness Company be attached to any work of that company:

(4) Before commencing any tramway or apparatus in on over or along any road over any tunnel of the Furness Company the Company shall give to the Furness Company fourteen days' notice in writing of their intention to execute such works and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works:

(5) All works which may be necessary in constructing and maintaining the tramways or apparatus over any such tunnel shall be constructed and maintained in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the engineer of the Furness Company:

(6) In the event of any injury being caused to any such tunnel by the construction maintenance repairing user or removal of the tramways or apparatus the Furness Company may at the expense in all things of the Company restore such tunnel or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the Furness Company against all sums costs and expenses which they may reasonably pay or be put to in repairing or maintaining so much of the road over such tunnel as the Company are liable to maintain and repair under section 28 of the Tramways Act 1870:

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(7) In case it shall become necessary in consequence of the existence or user of the tramways or apparatus to strengthen the fabric of any such tunnel the Furness Company may after giving to the Company seven clear days' notice thereof execute such works as their engineer may deem necessary but in all things at the expense of the Company:

(8) The sleepers and other materials forming the substructure of the tramways where the same cross any such tunnel shall subject to the provisions of this section be such as shall be reasonably approved of by the Furness Company:

(9) Whenever and so often as the Furness Company shall require to widen strengthen reconstruct alter or repair any such tunnel over which any tramway is laid or to widen or alter their railway thereunder or to lift or support any such tunnel owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten or in case it shall become necessary in consequence of the existence or user of any such tramway to strengthen the fabric of any such tunnel and it shall be necessary for effecting any of such purposes that the working and user of any of the tramways over any such tunnel shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall except in cases of emergency (when they shall give the longest notice practicable) give to the Company one month's notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of such tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Company but only for so long as shall be absolutely necessary for effecting such purpose and the Furness Company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto If the Company after such notice make default in diverting taking up or removal of any such tramway or apparatus the Furness Company may at the expense of the Company effect such diversion taking up or removal:

(10) If the tramway on either side of such tunnel is a single line there shall only be a single line over such tunnel unless a double line is shown on the deposited plans and no turnouts or passing-places not shown on such plans shall be constructed over such tunnel:

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(11) During the construction of the tramways and apparatus the Company shall bear and on demand pay to the Furness Company all reasonable 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 or for preventing as far as may be all interference obstruction danger or 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:

(12) Where any of the tramways will pass in front of the entrances or approaches to any existing passenger or goods stations of the Furness Company no additional crossing passing-place siding junction or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances or approaches to such stations and for a length of ten yards at each end of such distance without the consent of the Furness Company under their common seal and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and lengths except for and only for so long as shall be reasonably necessary for the purpose of discharging and taking up passengers or parcels and except when such stoppage is occasioned by circumstances over which the Company have no control:

(13) The Company shall be responsible for and make good to the Furness Company all losses damages and expenses which may be occasioned to the Furness Company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the intended works or by reason of any act default or omission of the Company or of any person in their employment or of any contractors for the intended works or any part thereof or otherwise and the Company shall effectually indemnify and hold harmless the Furness Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission Provided that the Furness Company shall not admit or compromise any such claim or demand without the consent in writing of the Company:

(14) If any difference shall arise under this section between the Company and the Furness Company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by arbitration :

(15) The Company and the Furness Company may by agreement vary or alter the provisions of this section.

For protection of Maryport and Carlisle Railway Company.

124. For the protection of the Maryport and Carlisle Railway Company (in this section called "the Maryport Company") the following provisions shall unless otherwise agreed between the Company and the Maryport Company be observed and have effect (that is to say) :—

(1) In this section the word "apparatus" includes posts standards brackets conductors wires plates cables ropes boxes and similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramways and includes also any excavations tubes mains and pipes for the purposes of such apparatus :

(2) Where any tramway by this Act authorised to be constructed or in connexion with which any apparatus is to be constructed or used is laid along a road which is carried by means of a bridge over any railway of the Maryport Company the Company shall so construct maintain and use the said tramway and apparatus as not to alter or interfere with the structure of such bridge or of the approaches thereto :

(3) In the event of any injury being caused to any such bridge or the approaches thereto by the construction maintenance repairing user or removal of the tramways or apparatus the Maryport Company may at the expense in all things of the Company after giving (except in cases of emergency when they shall give the longest notice practicable) not less than seven days' notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned :

(4) All works which may be necessary in constructing and maintaining the tramways or apparatus over any such bridge and the approaches thereto shall be constructed and maintained in all things at the expense of the Company and under the

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superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Maryport Company :

(5) In case it shall become necessary in consequence of the existence or user of the tramways or apparatus to strengthen the fabric of any such bridge or approaches thereto the Maryport Company may after giving to the Company fourteen clear days' notice thereof execute such works as may be necessary but in all things at the expense of the Company :

(6) If it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the Maryport Company shall (except in cases of emergency when they shall give the longest notice practicable) give to the Company fourteen clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the Maryport Company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay :

(7) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge over the railway or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the Maryport Company :

(8) Whenever and so often as the Maryport Company shall require under their existing powers to heighten lengthen strengthen reconstruct alter or repair any bridge over which any of the tramways are laid or the approaches thereto owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten or owing to the development or exigencies of the traffic of the Maryport Company and it shall be necessary for effecting any of such purposes that the working and user of the tramways over such bridge or approaches shall be wholly or partially stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall except in cases of emergency (when they shall give the longest notice practicable) give to the Company fourteen days' notice in writing requiring such stoppage delay or diversion taking up or removal the working

or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Company and under the superintendence of the engineer of the Maryport Company (if such engineer shall give such superintendence) but only for so long as it may be absolutely necessary for effecting such purpose and the Maryport Company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :

(9) The Company shall be responsible for and make good to the Maryport Company all losses damages and expenses which may be occasioned to the Maryport Company or any of their works and property or to the traffic on their railway or to any company or person using the same by or by reason of the execution or failure of any of the intended works or by reason of any act default or omission of the Company or of any person in their employment or of any contractors for the intended works or any part thereof or otherwise and the Company shall effectually indemnify and hold harmless the Maryport Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission Provided that the Maryport Company shall not admit or compromise any such claim or demand without the consent in writing of the Company :

(10) Where any tramways will pass in front of the entrances to any passenger or goods stations of the Maryport Company no additional crossing passing-place siding junction or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the Maryport Company under their common seal and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and lengths except for and only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers or goods and except when such stoppage is occasioned by circumstances over which the Company have no control :

(11) The Company shall not without the previous consent of the Maryport Company under their common seal purchase or acquire any lands or property of that company :

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(12) The Company and the Maryport 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:

(13) If any difference shall arise under this section between the Company and the Maryport Company touching anything to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by arbitration.

For protection of Cleator and Workington Junction Railway Company.

125. For the protection of the Cleator and Workington Junction Railway Company (in this section called "the Cleator Company") the following provisions shall unless otherwise agreed between the Company and the Cleator Company be observed and have effect (that is to say):—

(1) In this section the word "apparatus" includes posts standards brackets conductors wires plates cables ropes boxes and similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramways and includes also any excavations tubes mains and pipes for the purposes of such apparatus:

(2) Where any tramway by this Act authorised to be constructed or in connexion with which any apparatus is to be constructed or used is laid along a road which is carried by means of a bridge over any railway of the Cleator Company the Company shall so construct maintain and use the said tramway and apparatus as not to alter or interfere with the structure of such bridge or of the approaches thereto:

(3) In the event of any injury being caused to any such bridge or the approaches thereto by the construction maintenance repairing user or removal of the tramways or apparatus the Cleator Company may at the expense in all things of the Company after giving (except in cases of emergency when they shall give the longest notice practicable) not less than seven days' notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned:

(4) All works which may be necessary in constructing and maintaining the tramways or apparatus over any such bridge and the approaches thereto shall be constructed and maintained in all things at the expense of the Company and under the

superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Cleator Company :

(5) In case it shall become necessary in consequence of the existence or user of the tramways or apparatus to strengthen the fabric of any such bridge or approaches thereto the Cleator Company may after giving to the Company fourteen clear days' notice thereof execute such works as may be necessary but in all things at the expense of the Company :

(6) If it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the Cleator Company shall (except in cases of emergency when they shall give the longest notice practicable) give to the Company fourteen clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the Cleator Company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay :

(7) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge over the railway or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the Cleator Company :

(8) Whenever and so often as the Cleator Company shall require under their existing powers to heighten lengthen strengthen reconstruct alter or repair any bridge over which any of the tramways are laid or the approaches thereto owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten or the exigencies of the traffic and it shall be necessary for effecting any of such purposes that the working and user of the tramways over such bridge or approaches shall be wholly or partially stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall except in cases of emergency (when they shall give the longest notice practicable) give to the Company fourteen days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly

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by and at the expense in all things of the Company and under the superintendence of the engineer of the Cleator Company (if such engineer shall give such superintendence) but only for so long as it may be absolutely necessary for effecting such purpose and the Cleator Company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto:

(9) The Company shall be responsible for and make good to the Cleator Company all losses damages and expenses which may be occasioned to the Cleator Company or any of their works and property or to the traffic on their railway or to any company or person using the same by or by reason of the execution or failure of any of the intended works or by reason of any act default or omission of the Company or of any person in their employment or of any contractors for the intended works or any part thereof or otherwise and the Company shall effectually indemnify and hold harmless the Cleator Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission Provided that the Cleator Company shall not admit or compromise any such claim or demand without the consent in writing of the Company:

(10) Where any tramways will pass in front of the entrances to any passenger or goods stations of the Cleator Company no additional crossing passing-place siding junction or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the Cleator Company under their common seal and without such consent no carriage used on the tramways shall be stopped or be permitted to be stopped within such distance and lengths except for and only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers or goods and except when such stoppage is occasioned by circumstances over which the Company have no control:

(11) The Company and the Cleator 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) If any difference shall arise under this section between the Company and the Cleator Company touching anything to be

done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by arbitration.

For protection of North British Railway Company.

126. For the protection of the North British Railway Company (in this section called "the railway company") the following provisions shall unless otherwise agreed in writing between the Company and the railway company have effect (that is to say):—

(1) Notwithstanding anything contained in this Act the Company shall not without the consent of the railway company take and acquire any lands belonging to the railway company for Tramroad No. 16 but the railway company shall sell and grant to the Company a perpetual wayleave for such tramroad through the property of the railway company in such line as may be agreed upon or settled by arbitration as herein-after provided and if called upon by the railway company the Company shall purchase and acquire the ground (if any) belonging to the railway company lying to the east of the subjects of wayleave or such part of said ground as the railway company may require the Company to purchase The Company shall pay to the railway company compensation under and in terms of this Act for such wayleave and for injuriously affecting the remainder of the railway company's property and for the ground (if any) to be acquired by the Company from the railway company:

(2) Proper and sufficient gates to the satisfaction of the engineer of the railway company shall if and so long as required by the railway company be erected and maintained by the Company across the tramroad at each end of the Blitterlees Bank belonging to the railway company so as to fence off the said property of the railway company and prevent cattle straying off the said bank and the Company shall be responsible for the closing of the said gates and shall keep the same closed across the said tramroad except when necessary that such gate or gates shall be open to permit the passage through the same of the traffic of the Company:

(3) The said Tramroad No. 16 shall not be fenced and the fullest and most ample rights of access upon and across the said tramroad between the property of the railway company and the lands on the east side of the said tramroad shall be

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reserved and the said tramroad shall be laid in such a way as to permit of such rights of crossing and access by pedestrians and vehicles:

(4) The Company shall not in the construction maintenance or use of Tramway No. 17 injure or interfere with the structure of the bridge carrying the public road across the railway of the railway company east of Silloth Station and shall not cause any interruption to the traffic on that railway:

(5) Not less than twenty-one days before commencing any works upon or over the said bridge the Company shall submit plans and sections of the intended works to the principal engineer of the railway company for his reasonable approval If the said engineer does not within fourteen days after such submission signify in writing his disapproval of such plans and sections he shall be deemed to have approved thereof and if within the said period of fourteen days the said engineer signifies in writing his disapproval of such plans and sections or makes any requirements in relation thereto to which the Company are unable to agree such plans and sections shall be settled by arbitration in manner herein-after provided Provided that this subsection as to the submission of plans and sections shall not apply to the ordinary repairs of that part of the road over any bridge which by the provisions of section 28 of the Tramways Act 1870 has to be kept in repair by the Company as promoters of the tramways:

(6) If any injury to or interference with the said bridge or any interruption to the traffic on the said railway shall arise or be occasioned at any time by the works of the Company the Company shall forthwith make good or remove such injury or interference or interruption at their own expense or the railway company may do the necessary work for that purpose at the expense of the Company and the Company shall repay to the railway company all reasonable costs and expenses incurred by them in so doing and all loss or damage sustained by the railway company in consequence of such injury interference or interruption:

(7) After the commencing to lay the said Tramway No. 17 upon and over the said bridge the Company shall free and relieve the railway company of all obligations to maintain and repair so much of the roadway of the said bridge and approaches thereto as the Company are by the provisions of section 28 of the Tramways Act 1870 to maintain and repair:

(8) If any difference shall arise between the Company and the railway company under this section or anything to be done or not to be done thereunder the same shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

For protection of Lord Leconfield.

127. For the protection of the Right Honourable Charles Henry Baron Leconfield his heirs sequels in estate and assigns (in this section called "the owner") the following provisions shall have effect:—

(1) Nothing in this Act contained shall be held to prejudice hinder or lessen any of the powers of working winning digging raising or carrying away minerals reserved to the lord of the lordship and borough of Egremont by an Act passed in the fifty-sixth year of the reign of His Majesty King George III. and entitled "An Act for enclosing lands in the parish of Cleator in the county of Cumberland" or to prevent the owner from winning and working the minerals underlying the road and streets known as Ennerdale Road High Street and Leconfield Street in the parish of Cleator and underlying the lands abutting or adjoining to the said road and streets or from letting down the surface of such road and streets and of such abutting or adjoining lands by reason of so working and winning:

(2) If and whenever in the course of so working and winning the said underlying minerals the owner and the authorities or persons having the control of and being responsible for the said road and streets shall agree that the said road or streets or any part thereof should be temporarily diverted the Company shall afford every facility to and shall to the fullest extent possible assist the owner to carry out such diversion and in particular will within one calendar month after receiving notice in writing asking them so to do take up and remove so much of the tramway and works connected therewith as passes along or over that portion of the said road or streets agreed to be temporarily diverted and shall lay down the same on the diverted road and in default of the Company so doing it shall be lawful for the said owner at his own cost and expense to take up and remove that portion of the said tramways and works and lay it down on the diverted portion of the road:

(3) And when and whenever the said road or streets shall by agreement between the said owner and the authorities having control thereof be restored for public traffic and the said

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substituted road shall be abandoned the Company shall within one calendar month after receiving notice in writing asking them so to do again remove and restore to the original line of route so much of the tramway and works connected therewith as shall have been diverted under the provisions of the preceding clause and in default of the Company so doing it shall be lawful for the said owner at his own cost and expense to take up and relay such portion of the said tramway:

(4) The owner shall repay to the Company all such reasonable costs and expenses as shall have been incurred by the Company in taking up and removing and laying down on the diverted road and in removing and restoring to the original route the portion of the tramway and the works connected therewith required to be diverted:

(5) In case of any difference arising between the Company and the said owner the same shall be referred from time to time to an engineer to be agreed upon in writing between the Company and the said owner or in default of agreement to be nominated by the President for the time being of the Institution of Civil Engineers in London on the application of either party.

For protection of Humphrey Pocklington Senhouse.

128. Whereas Humphrey Pocklington-Senhouse is or claims to be lord of the manor of Ellenborough in the parishes of Netherhall and Dearham in the county of Cumberland and is or claims to be owner of lands and hereditaments therein through parts of which manor the tramways authorised by this Act will be constructed and the said Humphrey Pocklington-Senhouse is or claims to be as lord of the said manor and owner of the said lands entitled to the collieries and coal mines lying within and under the same respectively And whereas in connexion with such collieries and coal mines certain waggonways have been constructed by the said Humphrey Pocklington-Senhouse and his predecessors in title across the public highway or main road in the said parish of Dearham leading from Workington to Maryport Be it therefore enacted for the protection of the said Humphrey Pocklington-Senhouse his heirs and assigns (in this section called "the owner") as follows:—

(A) In the construction and maintenance of the tramways the Company shall cause as little detriment to the existing waggonways of the owner his lessees or occupiers thereof and shall do as little damage thereto as may be and shall make full compensation to the owner his lessees or occupiers

thereof for all damage so caused and the amount of such compensation shall in case of difference be determined by arbitration :

(b) The Company shall afford to the owner of the waggonways all reasonable facilities for the convenient use thereof by himself his lessees or tenants and the owner his lessees or tenants shall afford to the Company all reasonable facilities for the passage of their engines or carriages along the tramways authorised by this Act and neither the Company nor the owner his lessees or tenants shall unreasonably delay or obstruct any traffic passing over such waggonways or over such tramways as the case may be :

(c) Notwithstanding anything contained in this Act the owner his lessees or occupiers desiring to construct within the said manor a railway tramway or waggonway across any public road within the said manor in which any tramway authorised by this Act has been constructed and having the approval of the local authority and the road authority may with the consent of the Company (which consent shall not be unreasonably withheld) construct the same across the said tramway in such position and manner and at such times as the Company may reasonably require and upon and subject to such terms and conditions as they may reasonably impose Provided that if any difference shall arise between the owner his lessees or occupiers and the Company as to whether the Company's consent is unreasonably withheld or as to the reasonableness of their requirements or of the terms or conditions sought to be imposed the same shall be determined by arbitration :

(d) It shall be lawful for the owner his lessees or occupiers with respect to any existing waggonway or of any railway tramway or waggonway hereafter constructed by him or them in pursuance of the power contained in subsection (c) hereof across any of the tramways of the Company from time to time to repair and maintain the same and to execute and do on the tramways of the Company all such works as may be reasonably necessary in that behalf Provided that the powers of this subsection shall be exercised only in such manner and at such times as the Company may reasonably require and upon and subject to such terms and conditions as they may reasonably impose and that if any difference shall arise under this sub-

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section as to the reasonableness of the requirements of the Company or of the terms and conditions sought to be imposed the same shall be determined by arbitration.

For protection of Whitehaven Hematite Iron and Steel Company Limited.

129. For the protection of the Whitehaven Hematite Iron and Steel Company Limited (in this section called "the Whitehaven Company") the following provisions shall apply and have effect (that is to say):—

(1) In exercise of the powers in relation to Tramway No. 1 by this Act authorised where the same is intended to be made across the tramway of the Whitehaven Company (which last-mentioned tramway crosses the public road which leads from Whitehaven to Cleator Moor and is known as the Whitehaven Road) the Company shall so construct maintain and use the said Tramway No. 1 as not to injure or interfere with the tramway of the Whitehaven Company or the traffic thereon or the working thereof and the Company shall at their own expense make all necessary alterations in the rails of the tramway of the Whitehaven Company and the roadway at such point of crossing as may be necessary to enable the said Tramway No. 1 to cross the same on the level and all alterations to be made under this section shall be made with as little detriment and inconvenience to the Whitehaven Company as the circumstances will admit and under the superintendence of the Whitehaven Company or their surveyor or engineer:

(2) The Company shall not permit any cars to stop on Tramway No. 1 at the aforesaid point of crossing or within ten yards on either side thereof unless such stoppage shall be occasioned by circumstances over which the Company have no control:

(3) The Company shall make good all damage done by them to the tramway of the Whitehaven Company by reason of any interference therewith and shall also pay to the Whitehaven Company any additional cost which may be occasioned to them in the maintenance and user of their tramway (other than the cost of keeping a look-out man) at the said point of crossing by reason of the maintenance and user of the said Tramway No. 1:

(4) Any difference which shall arise between the Company and the Whitehaven Company under this section shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either party.

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Works below high-water mark not to be commenced without consent of Board of Trade.

130. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Saving rights of Crown.

131. Nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

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

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

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Form and delivery of notices.

133. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect (that is to say):—

(1) Every notice shall be in writing and if given by the Company or by any local authority or any road authority shall be signed by their secretary clerk or engineer:

(2) Any notice to be delivered by or to the Company to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of the Company or of that authority body or company as the case may be or by being sent by post in a prepaid letter addressed to their respective secretary clerk or engineer at their principal office.

Arbitration.

134. Where any question is to be referred to or determined by arbitration under this Act or under the provisions of the Tramways Act 1870 incorporated with this Act that question shall be referred to the Board of Trade or if the Board of Trade think fit to an engineer or other fit person appointed by the Board and for the purpose of the determination of any such question either by the Board or by a person appointed by them and of the determination of any other matter under this Act by the Board the Board of Trade Arbitrations Act 1874 shall apply.

Provisions as to general Acts.

135. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of or deprive the Company of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy or relating to tramways or tramroads passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum amount of rates or charges authorised by this Act.

Costs of Act.

136. 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.

SCHEDULES referred to in the foregoing Act. A.D. 1901.

THE FIRST SCHEDULE.

Lands for Generating or Power Stations.

(A) A piece of land in the parish of Cleator and numbered 509 on the $\frac{1}{2500}$ Ordnance map (second edition 1899) of that parish situate at the corner of the Whitehaven Road and the road from that road to the Cleator Moor (New Street) Station of the Cleator and Workington Junction Railway Company.

(B) A piece of land in the parish of Distington numbered 68 on the $\frac{1}{2500}$ Ordnance map (second edition 1899) of that parish near Townhead and abutting on the south side of the road to Distington Railway Station.

(C) A piece of land in the parish of Flimby numbered 244 on the $\frac{1}{2500}$ Ordnance map (second edition 1899) of that parish and abutting on the south side of the road leading from the Sun Inn to the post office at Flimby.

(D) A piece of land in the parish of Holme Low and the urban district of Holme Cultram numbered 1062 on the $\frac{1}{2500}$ Ordnance map (second edition 1900) of that parish and abutting on the north side of the road opposite the gasworks at Silloth.

THE SECOND SCHEDULE.

Maximum Rates and Charges for Goods Animals and Things Conveyed by the Company on the Tramways.

	Per mile. s.	d.
Animals.		
For every horse mule or other beast of draught or burden	0	4
For every ox cow bull or head of cattle	0	3
For every calf pig sheep or small animal	0	1½
Goods.		
For all coals coke culm charcoal 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	0	2

A.D. 1901.

	Per mile. s.	d.
For all 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 stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs per ton	0	2
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton	0	3
For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - - per ton	0	4
For every carriage of whatever description - - - -	1	0

Small Parcels.

For any parcel not exceeding seven pounds in weight threepence;

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

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

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

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Company may think fit:

Provided 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.

Single Articles of Great Weight.

The Company shall not be bound to carry single articles of great weight but if they do carry such articles they may charge—

	Per mile. s.	d.
For the carriage of any iron 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 shall exceed four tons but shall not exceed eight tons such sum as the Company may think fit not exceeding per ton - - -	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Company may think fit.		

Regulations as to Rates.

1. For animals goods or things conveyed on the tramways or tramroads for any less distance than two miles the Company may demand rates and charges as for two miles.

2. In computing the said rates and charges a fraction of a mile shall be deemed a mile. A.D. 1901.

3. For the fraction of a ton the Company may demand rates 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.

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

5. 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.

6. In the case of goods animals and things the Company may demand such charges as are reasonable for loading and unloading the same and if any difference shall arise as to the reasonableness of any such charge the matter in difference shall be settled by the Board of Trade.

THE THIRD SCHEDULE.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Company charges any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the rate of threepence per unit per quarter.

Section 2.

Where the Company charges any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rate set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure of the consumers' terminals that is to say such a constant pressure at those terminals as may be declared by the Company under any regulations made under this Act.

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