



CHAPTER xxxv.

An Act to enable the corporation of Chesterfield to provide and run vehicles by means of railless traction and for other purposes. A.D. 1913.
[15th August 1913.]

WHEREAS the borough of Chesterfield in the county of Derby (in this Act called "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof acting by the council (in this Act called "the Corporation"):

And whereas it is expedient and would be for the public convenience that the Corporation be authorised to provide and run vehicles moved by electrical power supplied by means of overhead conductors or trolley wires along the routes in this Act described and to confer upon the Corporation powers with reference to motor omnibuses:

And whereas it is expedient that the Corporation should be empowered to enter into and carry into effect agreements with other local authorities companies or persons as in this Act provided:

And whereas it is expedient that the Corporation should be empowered to borrow money for the purposes mentioned in this Act:

And whereas it is expedient that the other provisions contained in this Act be enacted:

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And whereas estimates have been prepared by the Corporation for the purposes herein-after mentioned and such estimates are as follows:—

For the erection of car sheds depôts and other buildings - - - - -	£ 2,000
For the provision of overhead equipment and the construction of other works necessary for working and lighting trolley vehicles - - -	33,780
For the provision of trolley vehicles - - -	6,400
For the provision of motor omnibuses and expenses in connexion with the running thereof - -	16,000
	<u>£58,180</u>

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board in pursuance of section 4 of the Borough Funds Act 1872 has been obtained:

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

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 (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Chesterfield Corporation Railless Traction Act 1913.

Act divided into Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.

Part II.—Trolley Vehicles and Motor Omnibuses.

Part III.—Finance.

Part IV.—Miscellaneous.

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3. The following provisions of the Tramways Act 1870 so far as the same are applicable for the purposes and are not inconsistent with or expressly varied by the provisions of this Act are hereby incorporated with this Act:—

- Section 3 (Interpretation of terms);
- Part II. (Relating to the construction of tramways)
(except sections 22 28 and 29 and that portion of section 25 which relates to the mode of formation of tramways);
- Section 43 (Future purchase of undertaking by local authority);
- Section 45 (Tolls &c.);
- Section 46 (Byelaws by local authority Promoters may make certain regulations);
- Section 47 (Penalties may be imposed in byelaws);
- Section 48 (Power to local authority to license drivers conductors &c.);
- Section 49 (Penalty for obstruction of promoters in laying out tramway);
- Section 51 (Penalty on passengers practising frauds on the promoters);
- Section 52 (Transient offenders);
- Section 53 (Penalty for bringing dangerous goods on the tramway);
- Section 55 (Promoters or lessees to be responsible for all damages);
- Section 56 (Recovery of tolls penalties &c.);
- Section 57 (Right of user only);
- Section 59 (Reservation of rights of owners &c. of mines);
- Section 61 (Power for local or police authorities to regulate traffic in roads):

Provided that the provisions of the Tramways Act 1870 incorporated with this Act shall be read and have effect as if the works to be constructed in the streets for moving trolley vehicles by electrical power were tramways and as if trolley vehicles were carriages used on tramways.

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Interpreta-
tion.

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

“The borough” means the borough of Chesterfield;

“The Corporation” means the mayor aldermen and burgesses of the borough acting by the council;

“The town clerk” means the town clerk of the borough and includes any person duly authorised to discharge temporarily the duties of that office;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

“The Act of 1901” means the Chesterfield Improvement Act 1901;

“The Act of 1904” means the Chesterfield Corporation Tramways and Improvements Act 1904;

Words to which meanings are assigned by the Act of 1901 or the Act of 1904 have the same respective meanings as in those Acts respectively;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads and moved by electrical power transmitted thereto from some external source;

“Trolley vehicle routes” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;

“Overhead equipment” means and includes all posts poles standards brackets wires cables conductors transformers and all other necessary or convenient apparatus and equipment for the purpose of working and lighting trolley vehicles and for the purposes of telephonic communication in connexion therewith;

“Motor omnibus” means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power;

- “The urban districts” means the urban district of Clay Cross the urban district of Bolsover the urban district of Whittington and Newbold the urban district of Dronfield the urban district of Brampton and Walton and the urban district of Barlow or any of them all in the county of Derby; A.D. 1913.
- “The rural district” means the rural district of Chesterfield;
- “The county council” means the county council of the administrative county of Derby;
- “The road authority” means (a) in the case of main roads the county council and (b) in the case of district roads the district council.

PART II.

TROLLEY VEHICLES AND MOTOR OMNIBUSES.

5.—(1) The Corporation may subject to the provisions of this Act provide hire maintain and equip but shall not manufacture trolley vehicles and may work and use the same upon the trolley vehicle routes and may provide place erect and maintain in under and along the streets roads and places forming such routes any necessary or convenient overhead equipment for the purpose of working such trolley vehicles and may supply electrical energy by means of such apparatus and equipment outside the borough for that purpose. Power to provide &c. trolley vehicles.

(2) The trolley vehicle routes are—

Route No. 1 In the borough and in the parish of Hasland and the parish of Temple Normanton both in the rural district commencing at the tramway of the Corporation at the south-west end of Stephenson Place and proceeding along Stephenson Place Holywell Street St. Mary's Gate Lordsmill Street the Mansfield main road to Hasland thence along the same road to and terminating at a point opposite to the Lords' Arms Inn at Temple Normanton:

Route No. 2 In the borough and in the said parish of Hasland the parish of North Wingfield in the rural district and the urban district of Clay Cross commencing at the junction of the Mansfield main road

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with the Grassmoor Road at Hasland and proceeding along the last-mentioned road to Grassmoor and North Wingfield thence along Wingfield Lane to and terminating at High Street Clay Cross :

Route No. 4 In the borough and in the parish of Tapton and the parish of Brimington both in the rural district commencing at the junction of St. Mary's Gate with Corporation Street and proceeding along Corporation Street and Felkin Street into the Chesterfield and Worksop main road and along that road through Tapton to and terminating at the three road ends at a point opposite the Red Lion Inn at Brimington :

Route No. 7 In the borough and in the urban district of Whittington and Newbold commencing at the tramway of the Corporation at the junction of the Sheffield main road with the Newbold main road and proceeding along the last-mentioned road to Newbold and thence by way of Littlemoor and St. John's Road Newbold Moor and the Sheffield main road to and terminating at the tramway terminus of the Corporation at Whittington Moor :

Route No. 9 In the urban district of Whittington and Newbold and in the parish of Unstone in the rural district commencing at the tramway terminus of the Corporation at Whittington Moor and proceeding along the Sheffield main road through the Brushes and Unstone to a point opposite to and terminating at the Horse and Jockey Inn at Unstone :

Trolley
vehicles
not to be
deemed light
locomotives
or motor
cars.

6. Trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 (save and except subsection (1) of section 1 and the provisions necessary for enforcing that subsection and section 6 of that Act) and subject to such exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

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7. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

A.D. 1913.
Duties on
licences for
trolley
vehicles.

8.—(1) Trolley vehicles may be of such form weight construction and dimensions as may be convenient and as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade and no such vehicle including the weight of its load shall exceed a weight of six tons The overhead equipment shall be subject to the like approval.

Approval
of trolley
vehicles by
Board of
Trade.

(2) All posts and poles erected by the Corporation under the powers of this Act in any street or road shall be placed in such position as the local authority and road authority of the district in which any such street or road is situate may reasonably approve Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade and of the road authority.

(3) No advertisements shall be exhibited on any post pole or standard erected by the Corporation under the powers of this Act in any street or road.

9. The overhead equipment and other apparatus for working trolley vehicles shall be completed within six years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for
completion
of works.

10.—(1) If at any time hereafter the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 within the borough (other than the streets or roads forming the trolley vehicle routes) they may make application to the Board of Trade describing the route or routes and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any road or roads described in the application.

Board of
Trade may
authorise
new routes
within
borough.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(A) Have published once in each of two successive weeks in the months of October or November notice of

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their intention to make such application in some newspaper or newspapers circulating in the borough and have also published such notice once in the months of October or November in the London Gazette;

- (B) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the several streets or roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the borough in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Part of this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act. A.D. 1913.

(8) The making of a Provisional Order under this section shall be *prima facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Board of Trade in connexion with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connexion with any inquiry under this section shall be paid by the Corporation.

(10) Provided that any Provisional Order obtained by the Corporation under the Tramways Act 1870 authorising the construction of tramways in the borough may authorise the Corporation to use trolley vehicles upon all or any of the streets or roads along which such tramways are authorised to be constructed in lieu of and pending the construction thereof.

11.—(1) The Corporation may provide or hire but shall not manufacture motor omnibuses and may maintain work and run the same within the borough and also in connexion with their tramway undertaking in certain districts without the borough on the following routes (namely):—

Power to provide and run motor omnibuses.

(A) In the borough and in the parish of Hasland and the parish of Temple Normanton both in the rural district commencing at the tramway of the Corporation at the south-west end of Stephenson Place and proceeding along Stephenson Place Holywell Street St. Mary's Gate Lordsmill Street the Mansfield main road to Hasland thence along the same road to and terminating at a point opposite to the Lords' Arms Inn at Temple Normanton:

(B) In the borough and in the said parish of Hasland the parish of North Wingfield in the rural district and the urban district of Clay Cross commencing at the junction of the Mansfield main road with the Grassmoor Road at Hasland and proceeding along the last-mentioned road to Grassmoor and North Wingfield thence along Wingfield Lane to and terminating at High Street Clay Cross:

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- (c) In the borough and in the parish of Hasland the parish of Wingerworth the parish of Tupton and the parish of Woodthorpe all in the rural district and the urban district of Clay Cross commencing at the junction of Lordsmill Street with the Mansfield main road (Hornsbridge) and proceeding along the Derby main road through Wingerworth and Tupton to and terminating at High Street Clay Cross aforesaid :
- (D) In the borough and in the parish of Tupton and the parish of Brimington both in the rural district commencing at the junction of St. Mary's Gate with Corporation Street and proceeding along Corporation Street and Felkin Street into the Chesterfield and Worksop main road and along that road through Tupton to and terminating at the three road ends at a point opposite the Red Lion Inn at Brimington :
- (E) In the parish of Brimington aforesaid and the parish of Staveley both in the rural district commencing at the termination of Route (D) at the three road ends at Brimington and proceeding along the said Chesterfield and Worksop main road to and terminating at a point opposite the Markham Hall in Staveley Market Place :
- (F) In the borough and in the parish of Calow and the parish of Duckmanton both in the rural district and the urban district of Bolsover commencing at the junction of Corporation Street with Eyre Street and proceeding along the last-mentioned street to the public highway leading from Chesterfield to Bolsover and thence along that highway through Calow Arkwright Town Duckmanton to and terminating at a point opposite the Cavendish Hotel in the market place at Bolsover :
- (G) In the borough and in the urban district of Whittington and Newbold commencing at the tramway of the Corporation at the junction of the Sheffield main road with the Newbold main road and proceeding along the last-mentioned road to Newbold and thence by way of Littlemoor and St. John's Road Newbold Moor and the Sheffield main road to and terminating at the tramway terminus of the Corporation at Whittington Moor :

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- (I) In the urban district of Whittington and Newbold and in the parish of Unstone in the rural district commencing at the tramway terminus of the Corporation at Whittington Moor and proceeding along the Sheffield main road through the Brushes and Unstone to a point opposite to and terminating at the Horse and Jockey Inn at Unstone: A.D. 1913.
- (J) On any trolley vehicle routes for testing the amount of traffic along any such route or pending the construction of the overhead equipment and running of trolley vehicles thereon or when the running of trolley vehicles is impracticable or during the construction alteration or repair of the overhead equipment or any part thereof:
- (K) In connexion with or in prolongation of any trolley vehicle routes in the borough the urban districts or the rural district:
- (L) Along any streets or roads (connecting or forming through routes with any streets or roads in the borough) in the borough the urban districts or the rural district:

And the Corporation may demand and take such reasonable fares and charges for the conveyance of passengers therein as may be approved by the Board of Trade.

(2) The Corporation shall not run motor omnibuses along any streets or roads outside the borough under the powers conferred upon them by subsection (I) (K) and (L) of this section except with the consent of the council of the urban districts or rural district and the road authority in whose district or districts any such street or road may be situate.

(3) The Corporation may purchase take on lease or acquire by agreement and may hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such motor omnibuses but the Corporation shall not create or permit any nuisance on any such lands.

(4) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in their motor

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A.D. 1913. omnibuses Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(5) The Corporation and the councils or council of the urban districts or the rural district within whose district or any part thereof the Corporation propose to run the motor omnibuses by this Act authorised or any of them may from time to time enter into and carry into effect agreements with regard to the routes and running of such omnibuses within the urban districts or the rural district :

Provided that if any such agreement has relation to a main road such agreement shall have no effect unless approved by the county council and on such conditions as the county council think fit.

(6) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(7) All expenditure in respect of motor omnibuses shall be defrayed and all receipts shall be applied as if the motor omnibuses were part of the tramway undertaking of the Corporation but such expenditure and receipts shall (so far as reasonably practicable) be distinguished from the receipts and expenditure upon or in connexion with the remainder of such undertaking.

Corporation
not to carry
animals and
goods.

12. The Corporation shall not carry on the trolley vehicles or draw by means of the overhead equipment any goods animals or other things other than passengers and passengers' luggage and small parcels.

Trolley vehi-
cles and
motor omni-
buses to be part
of tramway
undertaking
for all purposes.

13. The trolley vehicles and the apparatus and equipment for working the same and the motor omnibuses shall for all purposes be deemed to form part of the tramway undertaking of the Corporation.

Accounts.

14. In the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connexion with trolley vehicles and motor omnibuses shall (as far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connexion with the remainder of such undertaking.

15. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any overhead equipment provided erected or maintained by them for the purpose of working trolley vehicles and any person using the said equipment otherwise than by agreement with the Corporation shall for every offence be liable to a penalty not exceeding twenty pounds.

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Corporation to have exclusive right of using overhead equipment.

16. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to the trolley vehicles) use the trolley vehicles within the borough for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use Provided that in exercising the powers of this section any trolley vehicle with its load shall not exceed five tons.

Corporation may use trolley vehicles for sanitary purposes.

17. The Corporation may with the consent of the owner of any building wall or bridge attach to such structure such brackets wires and apparatus as may be required for the working of the trolley vehicles of the Corporation by electrical energy Provided that—

Attachment of brackets to buildings.

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the structure and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable 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 Corporation 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 subsection (1):

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(3) The owner may require the Corporation 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 rack rent shall be deemed to be the owner.

As to use of trailers.

18. No trailers shall be used in connexion with the trolley vehicles.

Application of certain provisions of Act of 1904 to trolley vehicles.

19. The provisions contained in the sections of the Act of 1904 the numbers and marginal notes of which are set forth in this section shall so far as applicable in that behalf and not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the trolley vehicles and the apparatus and equipment for working the same and in construing those provisions to their application to this Part of this Act unless the context otherwise requires the expression "the tramways" or "the tramways of the Corporation" shall be deemed to mean the trolley vehicles and the apparatus and equipment for working the same.

The sections herein-before referred to are—

- Section 17 (Shelters or waiting rooms);
- Section 20 (Power to lay and maintain pipes and make openings in streets);
- Section 21 (Power to place posts wires &c.);
- Section 25 (Inspection by Board of Trade);
- Section 26 (Provisions as to motive power);
- Section 27 (Special provisions as to use of electrical power);
- Section 28 (Alteration of telegraph lines of Postmaster-General);
- Section 29 (For protection of Post Office telegraph lines);
- Section 32 (Power to Corporation to work tramways);
- Section 34 (Passengers' fares);
- Section 35 (Passengers' luggage);
- Section 38 (Rates for small parcels and single articles of great weight);

- Section 40 (Cheap fares for labouring classes); A.D. 1913.
Section 41 (As to fares on Sundays and holidays);
Section 42 (Periodical revision of rates and charges);
Section 44 (Regulations by Corporation);
Section 45 (Byelaws by local authority).

20.—(1) Subject to the provisions of this Act the Board of Trade may make byelaws with regard to the trolley vehicles 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 trolley vehicles:

For providing that trolley vehicles shall be brought to a stand at such places as the Board of Trade may deem proper for securing safety:

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

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

(2) 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.

21. The Corporation may purchase take on lease or acquire by agreement and may hold for the purposes of the trolley vehicle undertaking any lands not exceeding seven acres and they may on such lands erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connexion with the trolley vehicle undertaking but the Corporation shall not create or permit a nuisance on any such lands. Purchase of lands by agreement.

22. Notwithstanding anything contained in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration Power to retain sell &c. lands.

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A.D. 1913. — and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired or created by them under this Act and may retain sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of
sale of sur-
plus lands.

23. The Corporation shall apply moneys (being capital or in the nature of capital) received by them on any such sale lease exchange or disposition as aforesaid in or towards the extinguishment of any loan raised by them under the powers of this Act for the purpose of the acquisition of lands and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board.

Trees over-
hanging
highways.

24.—(1) Where any tree overhangs any highway along their trolley vehicle or motor omnibus routes which may in any way interfere with the construction or working of the trolley wires or with the clear and safe passage of the trolley vehicles or motor omnibuses and the passengers thereon the Corporation may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to lop the tree within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

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25. The Corporation may appoint stages upon any of the trolley vehicle routes and in respect of motor omnibuses and may demand and take for every passenger travelling upon any such stage such reasonable fares rates or charges not exceeding the fares rates and charges authorised to be taken by this Act as may be determined by the Corporation.

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Power to
appoint
stages.

26. The Corporation may appoint the stations and places from which the trolley vehicles used by the Corporation shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such trolley vehicles shall be allowed to remain at any such place.

Corporation
may appoint
stopping and
starting
places.

27. Any property found in any trolley vehicle or motor omnibus of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking of the Corporation.

Lost pro-
perty.

28. The fares rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the trolley vehicles or motor omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint.

Payment of
fares rates
and charges.

29. The provisions of sections 26 27 and 30 to 33 of the Tramways Act 1870 shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the trolley vehicle system.

Apparatus
used for
mechanical
power to be
deemed part
of trolley ve-
hicle system.

30. If any person wilfully and unlawfully does or causes to be done with respect to any apparatus used for or in connexion with the working of the trolley vehicles or motor omnibuses of the Corporation anything which is calculated to obstruct or interfere with the working of such trolley vehicles or motor omnibuses or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on

Penalty for
malicious
damage.

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A.D. 1913. summary conviction and every person convicted of such offence with respect to any trolley vehicle or motor omnibus of the Corporation shall be liable to a penalty not exceeding twenty pounds.

User of
posts by
Postmaster-
General.

31.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the trolley vehicles and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time alter any telegraph so supported subject to the following conditions:—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicle routes:
- (B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided:
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations

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which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section: A.D. 1913.

- (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided:
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:
- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants:
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as herein-after provided:

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(I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicles or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their trolley vehicles or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "Corporation" includes their lessees and any person owning working or running trolley vehicles;

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The expression "telegraph" has the same meaning as A.D. 1913.
in the Telegraph Act 1869;

Other expressions have the same meaning as in the
Telegraph Act 1878.

32.—(1) No apparatus or equipment constructed erected or laid down by the Corporation for the purposes of signalling or telephonic communication shall be used for the transmission of telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. For protection of Postmaster-General.

(2) The Corporation shall perform in respect of the trolley vehicles and motor omnibuses provided under this Act all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

33. The Corporation may supply electrical energy for any of the purposes of this Act and may enter into and carry into effect agreements with any local authority company body or person for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say):— Powers as to supply of electrical energy.

(1) The supply to the Corporation by any such local authority company body or person or any of them of electrical energy for working and lighting the trolley vehicles whether such working and lighting is or is not situate wholly or partly beyond the borough or district of the contracting parties:

(2) The payments to be made or other considerations to be given in respect of any such supply of electrical energy.

For the purpose of such supply the Corporation may lay pipes tubes and wires from any generating station sub-station or other works from or to the overhead equipment or other apparatus works or conveniences in under over across or along any street or road (including the footpaths thereof) bridge foot-path or public place in the borough or in any district or parish in which the overhead equipment will be or is situate or in which any other apparatus works or conveniences as aforesaid are situate:

Provided that the laying of pipes tubes and wires under the powers of this section shall for the purposes of

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A.D. 1913. subsection two of the section of this Act the marginal note of which is "For protection of Great Central and Midland Railway Companies" be deemed to be works by this Act authorised:

Provided that all provisions for the protection of the telegraphic lines of the Postmaster-General which are contained in this Act or in any other Act of the Corporation and all such provisions contained in the Acts or Orders (if any) of any such local authority company body or person as aforesaid shall apply to any supply of electrical energy under this section or any agreement made under this section and any works executed for the purpose of such supply.

Agreements
for working
running
powers &c.

34.—(1) Subject to the provisions of this Act and with the approval of the Board of Trade the Corporation on the one hand and any local authority company body or person owning leasing or working any trolley vehicle system with which any trolley vehicle system of the Corporation connects or any one or more of them on the other hand may enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

- (A) The alteration or equipment working running over use management and maintenance by the contracting parties of all or any of their trolley vehicles or overhead equipment or system or any part or parts thereof respectively:
- (B) The supply by the working party under and during the continuance of any such agreement of rolling stock plant machinery electrical energy or any motive power necessary for the purposes of such agreement and the employment appointment and removal of officers and servants:
- (C) The payments to be made and conditions to be performed in respect of such working use management and maintenance and the interchange accommodation and convenience transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties:
- (D) The payment collection division and apportionment of the tolls rates or other receipts arising upon the respective undertakings:

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(E) The appointment of a joint committee or joint committees consisting of members of the Corporation and of such other local authority or of any of such companies bodies or persons for the purpose of carrying out the provisions of any such agreement. A.D. 1913.

(2) The Corporation and any other local authority company body or person working running over or using any trolley vehicles or overhead equipment under the powers of this section shall be subject to all the regulations and restrictions so far as the same are applicable to which the working and user of such trolley vehicles or overhead equipment by or in the hands of the owners of the same is subjected by the Act or Order authorising the construction thereof or by any byelaw or regulation made under such Act or Order.

(3) Any difference or dispute as to the construction of or in any way arising out of any such contract or agreement shall be referred to arbitration and section 33 of the Tramways Act 1870 shall apply to any such arbitration.

(4) During the continuance of any agreement which may be entered into under the provisions of this section for the working or running over of any trolley vehicle system the trolley vehicle systems of the parties to such agreement shall for the purpose of calculating the fares rates and charges to be taken in respect of traffic conveyed partly upon one and partly upon the other or others of such systems be deemed to be one undertaking.

35. The Corporation may enter into and carry into effect agreements and arrangements with the owners lessees or occupiers of any lands adjoining or near to the trolley vehicle routes with reference to the construction and maintenance by the Corporation 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 Corporation Provided that the Corporation shall not create or permit a nuisance on any such lands. Agree-
ments with
adjoining
owners.

36. For the protection of the Great Central Railway Company and the Midland Railway Company (each of whom is in this section referred to as "the company") the following provisions For pro-
tection
of Great
Central and

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A.D. 1913. shall unless otherwise agreed between the Corporation and the
Midland company apply and have effect (that is to say):—
Railway
Companies.

- (1) In this section the word "apparatus" means and includes electric mains wires conductors posts tubes boxes apparatus and any similar appliances to be used for the purposes of the supply of motive power for any trolley vehicles and includes also any brackets wires and apparatus for the purposes of such apparatus:
- (2) All works by this Act authorised where the same shall be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as herein-after provided Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works shall be executed and thereafter maintained according to the plans sections and specifications so approved or determined by arbitration and under the superintendence (if the same be given) and to the reasonable satisfaction of the company The Corporation shall so construct maintain and use the works and apparatus as not to injuriously affect any such bridge approaches or other works and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the works trolley vehicles or apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing :
- (3) The Corporation shall on demand pay to the company the reasonable expense of lighting and watching the railway canal and property of the company during

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the execution or repair by the Corporation under this Act of any work or apparatus affecting any bridge or other work belonging to or maintainable by the company for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them or otherwise: A.D. 1913.

- (4) The Corporation shall not in any manner in the execution maintenance user or repair of any of their works trolley vehicles or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway canal or other work belonging to or maintainable by the company or any traffic thereon:
- (5) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railways or canal 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 apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the 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:
- (6) If the company shall hereafter require to widen lengthen strengthen reconstruct alter or repair any such bridge approaches or other works under or upon which the works and apparatus are laid or to widen or alter any railway or canal over or under such bridge approach or other works the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that such works and apparatus be taken up diverted or removed and if the company accordingly give to the Corporation twenty-one days

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A.D. 1913.

notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the expense of the Corporation and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal:

- (7) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :
- (8) If having regard to the proposed position of any works of the Corporation by this Act authorised when considered in relation to the position of the works of the company at any point where any works or apparatus will be constructed over under or upon the railway canal or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the company by the Corporation :
- (9) The Corporation shall not for the purposes of this Act make attachments to any bridges or other property of the company without the consent in writing of the engineer of the company such attachments if

allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connexion with the maintenance and reconstruction or alteration of the said bridges : A.D. 1913.

- (10) If any difference arises under this section between the Corporation and the company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

37. The following provisions for the protection of the councils of the urban districts and the rural district respectively (each of which councils is in this section respectively referred to as "the council") shall notwithstanding anything in this Act and unless otherwise agreed in writing between the council and the Corporation apply and have effect with respect to the use of trolley vehicles on any road under the jurisdiction and maintained at the cost wholly or in part of the council (which road is herein referred to as a "district road") (that is to say):— For protection of local authorities.

- (1) If within four years from the passing of this Act the overhead equipment for the trolley vehicle routes is not substantially commenced or if within five years from the passing of this Act the same is not completed then the powers of constructing such overhead equipment and otherwise in relation thereto shall cease to be exercised (except with the consent of the council) except as to so much of the same as is then completed :
- (2) If at any time after the opening for traffic of the trolley vehicle system in the district of the council the Corporation discontinue the running of the trolley vehicles in the district for the space of twelve calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Corporation) the Corporation shall not resume the running of trolley vehicles in such district without the consent of the council and shall if required by the council so to do remove the posts standards section boxes overhead wires cables and other works of which the use has been so discontinued :

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- (3) All posts standards and section boxes erected or placed on any district road shall be erected or placed in such position in or at the side thereof and in the case of underground works at such depth as the council in writing under the hand of their surveyor may reasonably direct:
- (4) If any post standard box or underground work interfere with the construction of any new road or footpath or the improvement of any road or footpath in the district of the council or becomes an obstruction the Corporation shall alter the position thereof in such manner as the council may reasonably direct:
- (5) If the Corporation in the execution of any works the construction of which is authorised by this Part of this Act in crossing or adjoining any district road shall cause any damage injury or disturbance to the same and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions in that behalf contained in section 27 of the Tramways Act 1870 then it shall be lawful for the council after reasonable notice to the Corporation of the alleged failure and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Corporation shall repay to the council all costs charges and expenses which the council shall reasonably incur in carrying out such works:
- (6) All trolley vehicles shall be numbered with distinctive numbers and such numbers shall be displayed upon a conspicuous part of each trolley vehicle:
- (7) Whenever during the period of one hour after sunset and one hour before sunrise a trolley vehicle is used on a public highway a lamp shall be kept burning on such trolley vehicle so contrived as to illuminate by means of reflection transparency or otherwise and render easily distinguishable the number of such trolley vehicle:
- (8) The provisions of section 28 of the Town Police Clauses Act 1847 with respect to the side of the road at which a carriage or other vehicle is to be kept when meeting or passing any other carriage or vehicle shall

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apply to the driver of a trolley vehicle and for the purpose of this section the said provisions shall be read as though horses and other beasts of burden and cattle were included therein: A.D. 1913.

- (9) The council shall be at liberty to use any posts poles or brackets erected under the powers of this Act for the purpose of affixing and maintaining thereon street name plates fire alarms and telephone wires in connexion therewith and lamps and other attachments for public lighting provided that no damage be thereby done to the equipment or if done be made good by the council and that no interference with the trolley vehicle service be caused:

Provided that any difference between the Postmaster-General and the council in relation to the use of the posts poles or brackets by the Postmaster-General and the council respectively shall be determined as provided by subsection (3) of the section of this Act the marginal note of which is "User of posts by Postmaster-General":

- (10) Any difference at any time arising between the council and the Corporation under this section shall be settled by an arbitrator to be agreed upon between the council and the Corporation or failing such agreement to be appointed on the application of either party by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration:
- (11) The powers conferred upon the Corporation by this Act to run motor omnibuses shall not be exercised on any route while the Corporation provide and maintain a service of trolley vehicles over that route except for the purpose of enabling an emergency service of motor omnibuses to be run when from accidental circumstances the service of trolley vehicles shall be temporarily interrupted or suspended.

38. The following provisions for the protection of the county council shall notwithstanding anything in this Act and unless otherwise agreed in writing apply and have effect with respect For protection of county council.

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A.D. 1913. to the use of trolley vehicles on the main roads maintained by or at the cost of the county council (that is to say):—

- (1) Subsections (3) (5) (6) (7) and (8) of the section of this Act of which the marginal note is "For protection of local authorities" shall extend and apply for the benefit and protection of the county council as if those subsections were in terms enacted in this section with the substitution in the said subsections (3) and (5) of the expressions "the county council" and "main road" for the expressions "the council" and "district road" respectively:
- (2) If any post standard box cable or other mechanical power work interfere with the construction of any new road or footpath or the widening or improvement of any road or footpath or the reconstruction or alteration of any county or main road bridge or become an obstruction the Corporation shall at their own expense alter the position thereof in such manner as the county council may reasonably direct:
- (3)—(A) The Corporation shall be responsible for and make good to the county council all losses damages and expenses which may be occasioned to the county council in relation to the structure of any county or main road bridge by or by reason of the execution or failure of any of the works authorised by this Act or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the county council from all claims or demands upon or against them by reason of such execution or failure or of any such act default or omission;
- (B) If the county council find it necessary that the working of the trolley vehicles over any such bridge be wholly or in part stopped or delayed for the purposes of any repairs to or alteration of such bridge and if the county council accordingly give the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably

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practicable) requiring such stoppage or delay the working of the trolley vehicles shall be stopped or delayed as required by such notice but no such working shall be stopped or delayed for a longer period or to a greater extent than may be absolutely necessary for effecting such purposes as aforesaid and in such case the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid;

A.D. 1913.

(c) The Corporation shall not without the consent in writing of the county council which consent shall not be unreasonably withheld place erect or attach any post or other support for any wire or cable or any feeder box on or to the structure of any bridge as aforesaid and shall on receiving three months' notice in writing remove any post support or box which shall with such consent have been so placed erected or attached:

(4) Any difference at any time arising between the county council and the Corporation under this section shall be settled by an arbitrator to be agreed upon between the county council and the Corporation or failing such agreement to be appointed on the application of either party by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

39.—(1) The Corporation shall not run trolley vehicles or motor omnibuses along any route authorised by this Act unless there be a carriageway of not less than 17 feet in width and save as is herein-after provided a footpath of not less than 4 feet in width.

As to widening of roads for trackless trolley vehicles and motor omnibuses.

(2) The road authority shall within six months after receiving a notice in writing from the Corporation that they intend to run trolley vehicles or motor omnibuses along any route authorised by this Act widen the road of such route so as to provide in the case of a main road a carriageway of 20 feet in width and in the case of a district road a carriageway of 17 feet in width and in either case where there is an existing footpath or footpaths a footpath or footpaths of the same width as any such existing footpath or footpaths Provided that where any such existing

A.D. 1913. footpath or any such existing footpaths or either of them exceed 6 feet in width in the case of a main road or 4 feet in width in the case of a district road the road authority shall reduce any such footpath to a width of not less than 6 feet in the case of a main road and to a width of not less than 4 feet in the case of a district road for the purpose of widening the carriageway of such main or such district road. Provided always that if in any case it should become necessary for the road authority to take proceedings to obtain compulsory powers for the acquisition of land for the purpose of such widening then in that case the limitation of six months shall not apply but the road authority shall as soon as practicable take all steps that may be necessary for the acquisition of such land and the widening of such road.

(3) On any route whereon there is no footpath the road authority in addition to such widening of the carriageway of the road as is determined in the preceding subsection shall provide a footpath of not less than 4 feet in width. Provided that the provisions of this subsection and of such part of subsection (1) of this section as refers to a footpath not less than 4 feet in width shall not apply—

- (a) In the case of a main road where the existing carriageway exceeds 24 feet in width;
- (b) In the case of a district road where the existing carriageway exceeds 21 feet in width;
- (c) In the case of a main road where the total width of the highway between the fences thereof capable of being used by foot passengers or equestrians is not less than 27 feet; and
- (d) In the case of a district road where the total width of the highway between the fences thereof capable of being used by foot passengers or equestrians is not less than 24 feet.

(4) Upon the road authority carrying out any widening or providing any footpath made compulsory by this section the Corporation shall contribute one third of the cost thereof.

(5) Provided always that when at any place the acquisition of a building is necessary for the execution of any such widening or if the widening would involve the disturbance alteration or interference with any railway line or railway or other bridge the road authority shall not be required to widen any road

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(including the footpath at the side thereof if any) to any greater extent than can be effected without such acquisition disturbance alteration or interference. A.D. 1913.

(6) The Corporation shall not be required to contribute to the cost of widening a bridge or to the cost of acquiring any building for the purpose of widening any road.

(7) If any widening carried out by a road authority under the provisions of this section involves an alteration of any telegraphic line belonging to or used by the Postmaster-General the enactments contained in section seven of the Telegraph Act 1878 shall apply to any such alteration as aforesaid and the road authority shall be deemed to be undertakers within the meaning of that Act.

40.—(1) For the purposes of this section—

(a) The word "route" shall mean a highway upon which trolley vehicles or motor omnibuses shall be run in exercise of the powers of this Act:

As to road
maintenance.

(b) The expression "authority" shall mean (1) in the case of main roads the county council (2) in the case of district roads the district council and (3) in the case of roads repairable by any company or person such company or person:

(c) The expression "extra expense" shall mean the amount by which the actual cost of repairing a route shall exceed what the cost of repairing such route assuming the same to have been properly maintained up to the standard required by the ordinary traffic thereon would have been if trolley vehicles and motor omnibuses had not been run thereon in exercise of the powers of this Act.

(2) The extra expense may as regards each route be agreed between the Corporation and the authority or failing agreement shall be settled and determined by an engineer appointed for the purpose by the Corporation and the authority or if they cannot agree appointed by the Board of Trade on the application of the Corporation or the authority after the expiration of a period of one year from the commencement of the running of the said trolley vehicles or motor omnibuses on such route and the provisions of the Arbitration Act 1889 shall apply to any such reference. The extra expense agreed on or settled

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A.D. 1913. and determined by the arbitrator shall be payable by and shall be a debt due from the Corporation to the authority and shall be recoverable from the Corporation accordingly and at the expiration of every period of three years subsequent to the said period of one year or at the expiration of any less period that may be agreed upon by the Corporation and the authority the like provisions shall apply in settling determining and recovering the amount of any such extra expense Provided that nothing herein contained shall prevent the Corporation and the authority from agreeing the amount of such extra expense as may have been incurred between any agreed dates within the first year or any subsequent period of three years.

(3)—(A) The Corporation shall keep daily records for the purposes of this section showing in proper detail the routes traversed and the number of journeys and the mileage run by each trolley vehicle and motor omnibus on the roads of the authority whether run by the Corporation or by any local authority company body or person under any agreement made in pursuance of the section of this Act the marginal note of which is "Agreements for working running powers &c." and shall furnish statements of such routes journeys and mileages quarterly to the authority and the Corporation shall allow any person duly authorised by the authority in that behalf at all reasonable times to inspect and take copies of all such records and any accounts kept by the Corporation relating to the running of all such trolley vehicles and motor omnibuses.

(B) For the purposes of any arbitration or agreement under this section the authority shall if required produce for inspection by the Corporation all books of account relating to expenditure on maintenance and repair of the said roads.

(4) Nothing in this section contained shall debar the Corporation from at any time hereafter applying for the rescission or modification of the provisions herein contained if in view of future legislation the Corporation shall think fit so to do.

PART III.

FINANCE.

41.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table.

Power to
borrow.

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the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods each of which is referred to as "the prescribed period" mentioned in the third column of the said table (namely):—

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Purpose.	Amount.	Period for Repayment.
(a) For the erection of car sheds depôts and other buildings.	£ 2,000 s. 0 d. 0	Twenty-five years from the date or dates of borrowing.
(b) For the provision of overhead equipment and the construction of other works necessary for working and lighting trolley vehicles.	33,780 0 0	Twenty years from the date or dates of borrowing.
(c) For the provision of trolley vehicles.	6,400 0 0	Ten years from the date or dates of borrowing.
(d) For the provision of motor omnibuses and expenses in connexion with the running thereof.	16,000 0 0	Five years from the date or dates of borrowing.
(e) For payment of costs charges and expenses of this Act as hereinafter provided.	The sum requisite	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for the purposes (a) (b) and (c) herein-before mentioned or for any purpose in connexion with the trolley vehicles Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board of Trade.

(3) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act except the purposes mentioned in subsection (2) of this section Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(4) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards moneys borrowed for the purposes (a) (b) (c) and (d) herein-before mentioned the revenue of the tramway undertaking and the borough fund and borough rate :

A.D. 1913.

As regards moneys borrowed for the purpose (E) herein-before mentioned the borough fund and borough rate and the district fund and general district rate:

As regards moneys borrowed with the consent of the Board of Trade or of the Local Government Board the revenue of the tramway undertaking and the borough fund and borough rate.

(5) In calculating the sum which the Corporation may borrow under any other enactment any sums which they may borrow for the purposes of this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under the powers of this Act shall not be restrained by the provisions of the Municipal Corporations Acts or of the Public Health Acts or of the Local Government Act 1888.

(6) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

(7) As regards any rates which may be laid under the powers of this Act to make good any loss which may be incurred in the running of trolley vehicles and motor omnibuses outside the borough the owners of any land used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed for such rates in respect of the same in the proportion of one-fourth part only of the net annual value thereof and the Corporation shall keep separate accounts of receipts and expenditure in connexion with such trolley vehicles and motor omnibuses and such accounts shall at all reasonable times be open to the inspection of the railway company occupying any such land and their officers.

42. The following sections of the Act of 1901 and of the Act of 1904 shall (with the necessary modifications and subject to the provisions of this Act) extend and apply to the borrowing and the financial affairs of the Corporation under this Act as though they were in terms re-enacted herein (that is to say):—

Of the Act of 1901—

Section 74 (Mode of raising money);

Section 75 (Provisions of Public Health Act as to mortgages to apply);

Section 77 (Mode of payment off of money borrowed);

Application
of certain
sections of
Act of 1901
and of Act
of 1904.

[3 & 4 GEO. 5.] *Chesterfield Corporation Railless* [Ch. xxxv.]
Traction Act, 1913.

Section 78 (Sinking fund);

A.D. 1913.

Section 79 (Protection of lender from inquiry);

Section 80 (Corporation not to regard trusts);

Section 81 (Power to re-borrow);

Section 84 (Expenses of execution of Act);

Section 85 (Accounts to be kept and audited):

Of the Act of 1904—

Section 73 (Return to Local Government Board as to repayment of debt);

Section 82 (Inquiries by Local Government Board).

43. Whereas by the Act of 1901 and the Act of 1904 the Corporation were empowered to borrow sums of money not exceeding the respective amounts therein specified and certain of the works for which portions of the said sums were authorised to be borrowed have not been and are not now intended to be executed by the Corporation And whereas it is expedient that the sums which the Corporation are authorised to borrow under those Acts should be reduced accordingly Therefore—

Cancellation
of certain
borrowing
powers.

- (1) The amount which the Corporation may borrow under paragraph (A) of section 73 of the Act of 1901 as amended by section 75 of the Act of 1904 for street improvement purposes shall be forty-one thousand four hundred and seventy pounds in lieu of one hundred and twelve thousand pounds:
- (2) The power to borrow any sums not exceeding six thousand pounds under paragraph (B) of section 73 of the Act of 1901 for market purposes is hereby repealed:
- (3) The power to borrow any sums not exceeding four thousand pounds under paragraph (c) of section 73 of the Act of 1901 for the erection and equipment of abattoirs is hereby repealed:
- (4) The power to borrow any sums not exceeding twenty-three thousand six hundred and forty-one pounds under paragraph (A) of section 71 of the Act of 1904 for street improvement purposes is hereby repealed:
- (5) The amount which the Corporation may borrow under paragraph (B) of section 71 of the Act of 1904 for the purposes of the tramway undertaking shall be seventy thousand five hundred pounds in lieu of ninety-five thousand and twenty pounds fifteen shillings.

A.D. 1913.

PART IV.

MISCELLANEOUS.

Orders of Board of Trade.

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

Recovery of penalties.

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

Consents of local or road authorities.

46. Subject to the provisions of this Act where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration and section 33 of the Tramways Act 1870 shall apply to any such arbitration.

Information by whom to be laid.

47. Information or complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

As to appeal.

48. Any person deeming himself aggrieved by any conviction by or order of a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Judges &c. not disqualified.

49. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Provisions as to arbitration.

50. Where under this Act or under the provisions of the Tramways Act 1870 incorporated therewith any question or dispute is to be referred to an arbitrator or to arbitration then unless other provision is made the reference shall be to an arbitrator appointed by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply thereto.

[3 & 4 GEO. 5.] *Chesterfield Corporation Railless* [Ch. xxxv.]
Traction Act, 1913.

51. With respect to notices and the delivery thereof by or to the Corporation the following provisions shall have effect (namely):—

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Form and
delivery of
notices.

(1) Every notice shall be in writing and if given by the Corporation or by the local or road authority shall be sufficiently authenticated by being signed by their clerk or secretary :

(2) Any notice to be delivered by or to the Corporation or to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Corporation (as the case may be) or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Corporation as the case may be may from time to time by notice to the other request that such notices may be sent or delivered.

52. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Crown
rights.

53. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of money to be borrowed under this Act for that purpose and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Borough Funds Act 1903 with respect to the Bill for this Act and all matters relating thereto.

Costs of
Act.

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