

[41 & 42 VICT.]

Boston District Tramways [Ch. ccxxxvi.]
Act, 1878.



CHAPTER ccxxxvi.

An Act to incorporate the Boston District Tramways Company, and to authorise the construction of Tramways in and near the town of Boston, and from Boston to Wrangle, in the county of Lincoln ; and for other purposes. A.D. 1878.
[16th August 1878.]

WHEREAS the construction of tramways from the East Lincolnshire line of the Great Northern Railway near Boston to the parish of Wrangle, and from Burton Corner to Bargate Bridge in the parish of Skirbeck, in the county of Lincoln, and the laying down of tramways in certain streets and roads in the borough of Boston, would be of local and public advantage :

And whereas the several persons herein-after named in that behalf are, with others, willing, at their own expense, to construct and maintain the tramways herein-after mentioned :

And whereas plans and sections of the proposed tramways, showing the lines and levels thereof and the lands to be taken for the purposes thereof, and books of reference to those plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the clerk of the peace for the parts of Holland, in the county of Lincoln, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the objects aforesaid 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited for all purposes as the Boston District Tramways Act, 1878. Short title.

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Incorporation of
general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
33 & 34 Vict. c. 78.
8 & 9 Vict. c. 20.

2. The Companies Clauses Consolidation Act, 1845, and Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870, and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, so far as the same respectively are applicable to and not varied or excepted by or inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act, and shall apply to the undertaking of the Company: Provided that in construing the provisions of the last-mentioned Act, the expressions "the railway" and "the centre of the railway" shall respectively mean the tramways and the centre of the tramways by this Act authorised, and the word "lands" shall not include houses or other buildings.

Interpretation of terms.

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

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

The expressions "the tramways," except when the tramways by this Act authorised, any or either of them, are expressly mentioned, and "the undertaking" shall respectively mean and include the tramways and works connected therewith by this Act authorised to be made:

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

The expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt, and not a debt or demand created by statute:

The expression "the railway commissioners" shall mean the persons for the time being holding office as commissioners

8 & 9 Vict.
c. 16.

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under the Regulation of Railways Acts, 1873 and 1874, and any Acts continuing, altering, affecting, or amending the same :

The term "person" shall include any corporation.

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36 & 37 Vict.
c. 76.
37 & 38 Vict.
c. 40.

4. William James Ingram, William Garfit, John Swain, Charles Lewis Nathaniel Ingram, George Frederick Young, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purpose of making and maintaining the tramways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Boston District Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Company
incorporated.

5. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act, 1870, the Company may make, form, lay down, work, use, and maintain the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, with all proper rails, plates, sleepers, 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 are referred to in the Schedule B. to this Act annexed. The tramways herein-before referred to and authorised by this Act are,—

Power to
make
tramways
according to
deposited
plans.
33 & 34 Vict.
c. 78.

A Tramway No. 1, about 9 miles 4 furlongs and 1.35 chains in length, commencing in the parish of Skirbeck at or near the post supporting the notice board of the Great Northern Railway Company at No. 6 level crossing of the East Lincolnshire Railway, near Rawson's Corner, and 18 feet or thereabouts south-east of the centre line of the East Lincolnshire Railway, and terminating in the parish of Wrangle at or near the southern angle of the garden fence attached to the house and brewery in the occupation of Samuel Horton, and 15 feet or thereabouts north of the centre of the Boston and Wainfleet public highway ;

A Tramway No. 2, about 1 mile 2 furlongs 8.40 chains in length, situate wholly in the parish of Wrangle aforesaid, and commencing by a junction with Tramway No. 1 at the point of termination of that tramway, and terminating at or near the north-east corner of a field in the occupation of John Idle

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abutting on the junction of the public highways known respectively as Ivery Lane and Wainfleet Road ;

A Tramway No. 3, about 5 furlongs 1 chain in length, situate wholly in the parish of Skirbeck aforesaid, and commencing by a junction with Tramway No. 1 at Burton Corner, at or near a point in the Wainfleet Road 5 feet or thereabouts north of the southern gate-post of the halfpenny toll-bar there, and terminating at or near the centre of the Spilsby Road 66 feet or thereabouts north-east of the north-eastern corner of Prospect Place ;

A Tramway No. 3A, about 4.50 chains in length, situate wholly in the parish of Skirbeck aforesaid, commencing by a junction with Tramway No. 3 at a point 400 feet or thereabouts from the termination of that tramway measured along and at or near to the centre of the Spilsby Road, and terminating by a junction with Tramway No. 3 at a point 100 feet or thereabouts from the termination of that tramway measured along the same road ;

A Tramway No. 4, about 2 furlongs 3.20 chains in length, commencing by a junction with Tramway No. 3 at the point of termination of that tramway, and terminating in the parish of Boston near the south end of Wide Bargate, in the town of Boston, at a point opposite to and 30 feet or thereabouts from the front door of the house No. 9, Wide Bargate aforesaid ;

A Tramway No. 4A, about 1.20 chains in length, commencing by a junction with Tramway No. 4 at or near a point 4 feet or thereabouts west of the angle of the railing at the southwestern corner of Bargate Green in Boston aforesaid, and terminating at or near a point opposite to and 21 feet or thereabouts from the front door of the house No. 9, Wide Bargate aforesaid.

All the tramways and works hereby authorised shall consist of a single line of tramway, and will be situate in the parts of Holland in the county of Lincoln.

Provisions as to crossing Maud Foster and Hobhole Bridges.

6. Before the Company shall lay down the tramway over the bridges crossing Maud Foster drain and Hobhole drain, or either of them, they shall strengthen the said bridges to the satisfaction of the General Commissioners for Drainage by the River Witham. If after the tramway has been so laid and in use the General Commissioners shall be of opinion that the tramway is endangering the stability of or is otherwise prejudicial to the structural safety of the said bridges, or either of them, then the Company shall forthwith, upon notice from the General Commissioners, do such works

and things as by the engineer of the General Commissioners and the engineer of the Company shall be considered necessary to make the said bridges, or either of them, strong enough to bear the weight of the traffic on the tramway, and until such works and things are done shall cease to run their engines, trucks, or carriages over the said bridges or bridge, and if required by the General Commissioners shall take up and remove the rails of the tramway and restore the said bridges or bridge to a good state and condition: Provided always, that if the engineer of the General Commissioners and the engineer of the Company cannot agree upon any question which may arise under the provisions of this section, such question in dispute shall be referred, at the expense of the Company, to the President for the time being of the Institute of Civil Engineers, or some engineer appointed by such President, whose decision shall be final.

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7. Nothing in this Act contained shall in any manner alienate, prejudice, alter, lessen, interfere with, or impede the exercise of any of the rights, interests, powers, privileges, or authorities whatsoever now exercised by or vested in the General Commissioners for Drainage by the River Witham, or their officers or servants, save and except so far as the same rights, interests, powers, privileges, or authorities are intended to be altered or interfered with by this Act, for the purpose only of executing the said undertaking or the said several works connected therewith or relating thereto in manner in this Act mentioned.

Saving rights of General Commissioners.

8. Nothing contained in this Act or in the deposited plans and sections shall enable the Company, unless with the consent in writing of the Great Northern Railway Company, to make any junction between the tramways hereby authorised and the Great Northern Railway, or to enter upon, take, or use any land of the Great Northern Railway Company otherwise than by way of easement, and for the purpose only of laying down and maintaining the tramways hereby authorised.

For protection of the Great Northern Railway.

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

Capital.

10. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation 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.

Shares not to issue until one-fifth part paid up.

11. 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

Calls.

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Receipt in case of persons not sui juris.

12. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

13. 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 from time to time divide any share 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 so 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.

14. The dividend which would from time to time 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 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 from time to time been payable on the entire share if the same had not been divided.

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

15. Each preferred half share shall be entitled out of the profits 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

16. 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 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.

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certificates
issued.

17. 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.

Terms of
issue to be
stated in
certificates.

18. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment 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.

Forfeiture of
preferred
shares.
8 & 9 Vict.
c. 16.

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

Preferred
shares not
to be can-
celled, &c.

20. 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.

Half shares
to be half
shares in
capital.

21. The provisions of the Improvement of Land Act, 1864, with regard to charging lands with money subscribed for the construction of railways, shall apply to the case of any landowner who shall be desirous of subscribing for any shares or stock in the capital of the Company, and those provisions shall for the purposes of this Act be read and have effect as if the word "tramway" were inserted therein instead of the word "railway."

Application
of provisions
of 27 & 28
Vict. c. 114.

22. The Company may from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds, but no part thereof shall be borrowed until the whole capital of forty

Power to
borrow on
mortgage.

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8 & 9 Vict.
c. 16.

thousand pounds is issued and accepted and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to ap-
pointment of
a receiver.

23. The mortgagees of the Company may enforce payment of arrear of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Mortgages
to comprise
purchase
money paid
on com-
pulsory sale.
33 & 34 Vict.
c. 78.

24. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act, 1870, and may comprise all or any moneys carried to a contingency fund according to the terms of the mortgage.

Indorsement
of notice of
power of fu-
ture purchase
by the local
authority.
33 & 34 Vict.
c. 78.

25. Every mortgage deed to be granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by the local authority under section 43 of the Tramways Act, 1870.

Company not
to create
debenture
stock.

26. The Company shall not create debenture stock.

Application
of moneys.

27. All moneys raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act only.

First
ordinary
meeting.

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

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29. The number of directors shall be five, but the Company may from time to time reduce that number provided that it be not less than three. A.D. 1878.
Number of directors.

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

31. The quorum of a meeting of directors shall be three, provided that while the number of directors shall be three the quorum of a meeting shall be two. Quorum.

32. William James Ingram, William Garfit, John Swain, Charles Lewis Nathaniel Ingram, and George Frederick Young 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 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 being, if 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 reducing 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. First directors.
Election of directors.
8 & 9 Vict. c. 16.

33. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

34. The Company may, in addition to the lands which they are by this Act authorised to purchase by compulsion, purchase and acquire by agreement such lands as they may require for their undertaking not exceeding in the whole five acres. Purchase of lands by agreement.

35. Persons empowered by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, to sell and convey or release lands, may, if they think fit, subject to the provisions of the said Acts, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, 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, as far as the same Company may acquire easements, &c. by agreement.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

A.D. 1878. are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Deposit
money not to
be repaid
except so far
as tramways
are opened.

36. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand eight hundred and seventy-eight pounds five shillings and sevenpence Consolidated Three Pounds per Centum Annuities, being equal to five pounds per centum upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (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, open the tramways for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers, then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised, the court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade 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.

37. If the Company do not, previously to the expiration of the period limited for the completion of the tramways, 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

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any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

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38. Notwithstanding anything in this Act contained the deposit fund may after payment of any compensation under section 37 of this Act be paid or transferred to or on the application of the depositors if, in the event of the use of steam or other mechanical power not being allowed, or being allowed on conditions which the Company think too onerous, on Tramways Nos. 1, 2, 3, and 3A, by public Act or otherwise in the next session of Parliament, the Company shall determine to abandon their undertaking, and the depositors shall thereupon, within six months after the close of that session, make application to the Chancery Division of the High Court of Justice for the payment or transfer of the deposit fund:

Deposit
to be repaid
under certain
circum-
stances.

A.D. 1878. — Provided always, that upon payment or transfer of the deposit fund to or on the application of the depositors under this section the powers granted to the Company by this Act for the construction of the tramways shall cease.

Period for completion of works.

39. The tramways by this Act authorised shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Use of railway trucks and waggons on Tramways 1 and 2. 33 & 34 Vict. c. 78.

40. Notwithstanding anything contained in section 34 of the Tramways Act, 1870, the Company may use on Tramways Nos. 1 and 2 such trucks and waggons for the conveyance of animals and goods as are now or may hereafter be used for that purpose on the Great Northern Railway.

Correction of errors in deposited plan and book of reference.

41. 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 parts of Holland in the county of Lincoln for the correction thereof, and if it appear to the justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described, and such certificate shall be deposited with the clerk of the peace for the parts of Holland in the county of Lincoln, and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate, and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate, and thereupon the deposited 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.

Inspection by Board of Trade.

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

Sewer authority to have access to sewers.

43. Every sewer authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without

the consent or concurrence of the Company; and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority, as if the same were a pipe for the supply of gas or water.

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44. The Company may, subject to the provisions of this Act, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, stables, engine-sheds, or carriage-houses, or works of the Company.

Power to
make addi-
tional cross-
ings, &c.
where
necessary.

45. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways 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 for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by such surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such a manner as they may think fit; any difference between the Company and any road authority, or surveyor or other person, with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the promoters and any road authority.

Application
of road
materials
excavated in
construction
of works.

33 & 34 Vict.
c. 78.

33 & 34 Vict.
c. 78.

46. Where by reason of the execution of any work affecting the surface or soil of the road along which any tramway is laid it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Company shall, within fourteen days of

As to
temporary
tramways.

A.D. 1878. — receiving an order in writing from any road authority under the hand of their clerk or secretary, discontinue or take up such tramway for such term as may be necessary for the execution of the said work: Provided that the Company may, with the sanction of the road authority, and subject to such conditions and in accordance in all respects with such regulations as they, the said road authority, may from time to time make or prescribe, construct on the same or any adjacent road, and with the like consent, subject to the like conditions and in accordance with the like regulations, maintain a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued to be used.

Power for
Company to
build offices,
&c. and sell
or let and re-
purchase
lands.

47. The Company may build upon any lands to be purchased or acquired by them for their undertaking such offices, stables, engine-sheds, carriage-houses, and other buildings as may be considered necessary or expedient for their undertaking.

Tolls for
passengers.

48. The Company may demand and take for every passenger travelling upon any of the tramways, or any part or parts thereof respectively, including tolls for the use of the tramways, and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding twopence per mile, and in computing the said tolls 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 fourpence: Provided always, that if at any time after five years from the opening for public traffic of any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which such portion is wholly or partly situate, or by twenty inhabitant ratepayers of any such district, that the Company are charging for passengers a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, 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 such referee report that the truth of the representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the tolls and charges to be thenceforth charged by the Company for the conveyance of passengers in such manner as the said Board may think proper, and the Company shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time after making such order revoke or modify the

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same, for good cause shown to them, on the application of the Com- A.D. 1878.
pany or of such local authority or ratepayer as aforesaid.

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

50. The Company may demand and take in respect of any Animals and
goods.
animals, goods, materials, articles, or things conveyed by them on
the tramways, including the tolls for the use of the tramways, and
for waggon, trucks, and motive power, and every other expense
incidental to the conveyance (except a reasonable charge for loading
or unloading goods, and for delivery and collection, and any other
service incidental to the business of a carrier, where any such service
is performed by the Company), any tolls or charges not exceeding
the rates following; (that is to say,)

For every horse, mule, or other beast of draught or burden, Animals.
sixpence per head per mile;

For every ox, cow, bull, or head of cattle, fivepence per head per
mile;

For calves, pigs, sheep, and small animals, threepence per head
per mile;

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, Goods.
salt, sand, fireclay, cinders, dung, and all sorts of natural
manure, and all undressed materials for the repair of public
roads or highways, threepence per ton per mile;

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 specifically classed herein, and for heavy iron
castings, including railway chairs, fourpence per ton per mile;

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, sixpence per ton
per mile;

For cotton, wools, drugs, manufactured goods, and all other
wares, merchandise, fish, articles, matters, or things, not
otherwise specially classed herein, eightpence per ton per
mile;

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For every carriage of whatever description under one ton in weight, sixpence per mile ;

With additional charge of threepence per quarter of a ton over one ton in weight :

Small packages.

For every parcel not exceeding seven pounds in weight, threepence ;

For every parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence ;

For every parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence ;

For every parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence ;

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

Provided always, 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.

Tolls for single articles of great weight.

For the carriage of single articles of great weight :

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 one shilling per ton per mile :

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 tolls.

51. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act ; (that is to say,)

Short distances.

For articles or animals conveyed on the tramways for a less distance than six miles, the Company may demand tolls and charges as for six miles :

Fractional parts of a mile.

For a fraction of a mile beyond six miles or beyond any greater number of miles, the Company may demand tolls and charges for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile :

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

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 —
 Fractional parts of a ton.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

General weight.

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

Weight of stone and timber.

52. 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 on Tramways 3, 3A, 4, and 4A.

Company not bound to carry goods on certain tramways.

53. The Company and the Great Northern Railway Company may, subject to the provision of Part III. of the Railways Clauses Act, 1863, (which shall be read as if the same applied to tramways instead of railways,) from time to time enter into and carry into effect contracts or agreements with respect to the following purposes, or any of them ; that is to say,

Power to enter into agreements with the Great Northern Railway Company.

The supply and maintenance of stock and plant during the continuance and for the purposes of any such agreement, and the employment of officers and servants ;

26 & 27 Vict. c. 92.

The management, regulation, interchange, collection, transmission, and delivery of traffic upon or coming from or destined for the respective railways and tramways of the contracting companies ;

The fixing, collection, payment, appropriation, apportionment, and distribution by and between the contracting companies of the tolls, rates, income, and profits arising from the respective railways, tramways, and works of the contracting companies, or either of them, or any part thereof ;

And all incidental matters :

Provided always, that no contract or arrangement under this section shall have any effect until the same has been approved by the Board of Trade.

54. The Company, or any person using the tramways under the authority of this Act, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Act, enter into agreements with any other company or person with respect to the receiving from or forwarding to any such other company or person,

Power to enter into agreements with respect to traffic, &c.

A.D. 1878. any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts, arising in respect of such traffic. In case any person deem himself aggrieved by any contract, agreement, or arrangement, or any renewal thereof, made under the authority of this section by reason of the same affording undue preference or inequality of treatment as to tolls or charges or facilities to any person to the prejudice of such first-mentioned person, then and in every such case such first-mentioned person may appeal against the same, or any part thereof, to the Railway Commissioners, and after the expiration of one month after notice of such appeal has been served by such first-mentioned person upon the parties to such contract, agreement, or arrangement in such manner as the Railway Commissioners may from time to time order and direct, the Railway Commissioners may hear and determine the subject-matter of such appeal, and, where necessary, any such contract, agreement, or arrangement may be determined by the Railway Commissioners, whose decision in respect of any such contract, agreement, or arrangement, or the determination thereof, shall be final and conclusive and binding on all parties; the expenses of such appeal shall be borne and paid as the Railway Commissioners may order: Provided always, that an appeal under this section may be made to the Railway Commissioners by a municipal or other public corporation, local authority, or road authority against any such contract, agreement, or arrangement, or any renewal thereof, without proof that the appellants are aggrieved by any such contract, agreement or arrangement, or renewal, but such appeal shall not be entertained by the Railway Commissioners in pursuance of this section unless such appeal is accompanied by a certificate of the Board of Trade to the effect that in their opinion the case in respect of which such appeal is made is a proper one to be submitted for adjudication to the Railway Commissioners by such municipal or other public corporation, local authority, or road authority.

Form and
delivery of
notices.

55. With respect to the notices to be given by or to the Company, and to the delivery thereof by or to the Company, the following provisions shall have effect; namely,

- (1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by any local authority or any road authority shall be sufficiently authenticated by being signed by their clerk or secretary.
- (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 that authority, body, or company, or of the Company (as the case may be), or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office. A.D. 1878.
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56. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845. Interest not to be paid on calls paid up.

8 & 9 Vict. c. 16.

57. 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 tramways, or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

58. Notwithstanding anything contained in this Act the Company, and any person using any tramways to which the same applies, shall be subject and liable to the provisions of any general Act which may hereafter be passed during this or any future session of Parliament relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power by any such general Act as aforesaid. Company not exempt from provisions of any present or future, general tramway Acts.

59. 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. Expenses of Act.

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The SCHEDULE to which the foregoing Act refers.

<u>Parishes.</u>	<u>Numbers on the deposited Plans.</u>
Skirbeck - - -	- 3 to 22 inclusive.
" - - -	- 28 and 29.
Fishtoft - - -	- 1 and 2a.
Freiston - - -	- 3, 5, and 7.
Butterwick - - -	- 2a, and 4 to 7 inclusive.
Bennington - - -	- 1, 3, 6, 7, 7a, 11 to 16 inclusive, and 18.
Leverton - - -	- 1, 3, 7, 8, 9 and 10.
Leake - - -	- 5a to 7 inclusive, and 10.
Wrangle - - -	- 2, 3, 5 to 11 inclusive, 15, 16, 19, 22, 23, 25, 26, 27, 29, 32, 34, 35 to 42 inclusive, and 44.