



CHAPTER clxxxiii.

An Act for incorporating the Skegness Chapel St. Leonards and Alford Tramways Company and authorising them to construct a Tramway from Skegness to Bilsby in the parts of Lindsey in the county of Lincoln and for other purposes.

A.D. 1883.

[2nd August 1883.]

WHEREAS the construction of a Tramway from Skegness to Bilsby in the parts of Lindsey in the county of Lincoln would be of public and local advantage :

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct such Tramway on being incorporated into a Company with adequate powers for the purpose :

And whereas it is expedient that the Company incorporated by this Act (hereinafter called "the Company") and any company or persons for the time being working or using the tramway of the Company or any part or parts thereof should be authorised to run over work and use the portion of the tramway hereinafter in that behalf mentioned :

And whereas it is expedient that the Company on the one hand and the Alford and Sutton Tramways Company (hereinafter called "the Alford Company") on the other hand should be empowered to enter into and carry into effect working and other agreements as hereinafter provided :

And whereas plans and sections showing the situation lines and levels of the Tramway authorised by this Act and the lands to be taken for the purposes thereof with a book 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 were duly deposited with the Clerk of the Peace for the parts of Lindsey in the county of Lincoln and are hereinafter respectively referred to as the deposited plans sections and books of reference :

[Ch. clxxxiii.] *Skegness Chapel St. Leonards* [46 & 47 VICT.]
and Alford Tramways Act, 1883.

A.D. 1883. And whereas the objects 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 Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows that is to say :—

Short Title. 1. This Act may be cited for all purposes as the Skegness Chapel St. Leonards and Alford Tramways Act 1883.

Incorporation of General Acts. 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 Part II (construction of tramways) and Part III (general provisions) of the Tramways Act 1870 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.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act the expressions "the Tramway" and "the undertaking" mean respectively the Tramway and works and the undertaking by this Act authorised the word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the 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 and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated. 4. Henry Smith Cropper Henry Mallet and all other persons and Corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors adminis-

A.D. 1883.

trators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the Tramway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Skegness Chapel St. Leonards and Alford 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.

Power to
make Tram-
way.

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 in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections the Tramway hereinafter described with all proper rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as are mentioned or referred to in the Schedule A to this Act annexed The Tramway hereinbefore referred to and authorised by this Act is wholly situate in the parts of Lindsey in the county of Lincoln and is:—

A Tramway of which 11 miles 26 chains will be single and 2 miles 12 chains double line commencing in the parish of Skegness at a point in the public road opposite the north west corner of the goods station of the Wainfleet and Skegness Railway and terminating by a junction with Tramway No. 6 described in and authorised by the Alford and Sutton Tramways Act 1880 at a point opposite the north corner of the Three Tuns Public House.

Gauge of
Tramway.

6. The Tramway shall be constructed on a gauge of two feet six inches. Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the Tramway but the extreme breadth externally of any part of any carriage used on the Tramway shall not exceed five feet six inches and no passenger shall be carried on the roof of any tramway carriage.

Correction
of errors in
deposited
plans and
books of
reference.

7. If there be any omission misstatement 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

A.D. 1883.

lessees and occupiers of the lands in question may apply to two justices acting for the parts of Lindsey in the county of Lincoln for the correction thereof and if it appear to the justices that the omission misstatement 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 misstated or wrongly described and such certificate shall be deposited with the Clerk of the Peace for the parts of Lindsey 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.

For protection of the Alford Company.

8. In constructing the junctions hereby authorised with the tramway of the Alford Company the Company shall conform to the following conditions:—

All works at and near the junction shall be executed at the cost of the Company to the reasonable satisfaction in all respects of the engineer of the Alford Company and shall thenceforth be maintained and kept in good repair by the Alford Company at the expense of the Company:

If any difference shall arise between the Company and the Alford Company as to the true intent and meaning of this enactment or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner provided by section 33 of the Tramways Act 1870.

Deposit fund.

9. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of two thousand five hundred and seventy-four pounds five shillings and two pence consolidated three pounds per cent. annuities being equal to five per centum upon the amount of the estimate in respect of the Tramway 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 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 Tramway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the Tramway 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 Tramway 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 Tramway so opened bears to the entire length of the Tramway hereby authorised the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

A.D. 1883.

10. If the Company do not previously to the expiration of the period limited for the completion of the Tramway complete the same and open it 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 Tramway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been made 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

Application
of deposit.

A.D. 1883. 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 hereinbefore 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.

Further provisions as to construction of Tramway.

11. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing the Tramway lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such Tramway and a statement of the materials intended to be used therein and the Company shall not commence the constructing laying down maintenance and renewal of the Tramway or part of the Tramway except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

As to rails of Tramway.

12. The rails of the Tramway shall be such as the Board of Trade may approve.

Inspection by Board of Trade.

13. The Tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramway to be kept on level of surface of road.

14. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the Tramway is laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the

uppermost surface thereof shall be on a level with the surface of the road as altered. A.D. 1883.

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

Penalty for not maintaining rails and roads.

16. Every sanitary or 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 and pipes to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary or sewer authority as if the same were a pipe for the supply of gas or water.

Sewer authority to have access to sewers.

17. The Board of Trade may from time to time upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the Tramway including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable dispatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Company may be required to use improved form of rail.

A.D. 1883.

Additional crossings passing places &c. may be made where necessary.

18. The Company may subject to the provisions of this Act with the consent of the road authority from time to time make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the Tramway or for providing access to any warehouses stables or carriage houses or works of the Company provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Temporary tramways may be made when necessary.

19. When by reason of the execution of any work affecting the surface or soil of the road along which the 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 may with the consent of the road authority subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the Tramway or part of the Tramway so removed or discontinued If any difference arises between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

20. 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 the completion of the Tramway within the district of such road authority of so much of the roadway on either side of such Tramway 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

A.D. 1883.

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 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.

21. The capital of the Company shall be fifty-three thousand pounds in five thousand three hundred shares of ten pounds each. Capital.

22. 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 be issued until one-fifth paid up.

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

24. If any money is 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. Receipt in case of persons not sui juris.

25. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole thirteen thousand two hundred and fifty pounds but no part thereof shall be borrowed until the whole capital of fifty-three 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 40th 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 Power to borrow.

A.D. 1883.

was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

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

Mortgages to comprise purchase money paid on compulsory sale.

27. 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 the contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by Local Authority.

28. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the Tramway or the Tramway undertaking in the event of its being purchased by the local authority under the forty-third section of the Tramways Act 1870.

Money borrowed on mortgage to have priority.

29. All moneys to be borrowed on mortgage under this Act shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the Tramway or by the exercise of any of the powers conferred upon the Company.

Company not to create debenture stock.

30. The Company shall not create debenture stock.

Application of moneys.

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

First and subsequent meetings.

32. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in

every year in the months of February or March and August or September as the directors may appoint. A.D. 1883.

33. The number of the directors shall be four but the Company may from time to time reduce the number provided that the number be not less than three. Number of directors.

34. The qualification of a director shall be the possession in his own right of not less than thirty shares. Qualification of directors.

35. The quorum of a meeting of directors shall be three and two if the number be reduced to three. Quorum of directors.

36. Henry Smith Cropper Henry Mallet and two other persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if 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 hereinbefore 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.

37. 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 two years from the passing of this Act. Period for compulsory purchase of lands.

38. The Tramway shall be completed within two years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed. Period for completion of works.

39. 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 Application of provisions of the Improvement of Land Act 1864.

A.D. 1883. — 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."

Power to purchase lands, &c. by agreement.

40. The Company may from time to time in addition to the other lands which they are by this Act authorised to acquire purchase by agreement any lands which they may require for any of the purposes of their undertaking not exceeding in the whole three acres.

Power to take easements &c. by agreement.

41. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege 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 rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Carriages may be moved by animal steam or mechanical power.

42. The carriages used on the Tramway may subject to the provisions of this Act be moved by animal power and with the consent of the Board of Trade in any order to be signed by a secretary or an assistant secretary to the said Board by steam power or any mechanical power. Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule B to this Act annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the Tramway.

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

43. The Company or any other company or person using steam or any mechanical power on the Tramway contrary to the provisions of this Act or to any of the regulations set forth in the Schedule B to this Act annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence a further penalty not exceeding five pounds for every day after the first during which such offence continues Pro-

vided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam or any mechanical power on the Tramway under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the Schedule B to this Act annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

A.D. 1883.

44. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to bye-laws with regard to the Tramway upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say) :—

Bye-laws.

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

For regulating the emission of smoke or steam from engines used on the Tramway :

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

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

For providing for the due publicity of all regulations and bye-laws in force for the time being in relation to the Tramway by exhibition of the same in conspicuous places on the carriages and elsewhere.

45. Any person offending against or committing a breach of any of the bye-laws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Penalty for breach of bye-laws.

46. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act

As to recovery of penalties.

A.D. 1883. — and to any penalty for non-observance of any bye-law made by the Board of Trade under the authority of this Act.

Amend-
ment of
33 & 34 Vict.
c. 78 as to
bye-laws
by Local
Authority.

47. The provisions of the Tramways Act 1870 relating to the making of bye-laws by the local authority with respect to the rate of speed to be observed in travelling on the Tramway shall not authorise the local authority to make any bye-law sanctioning a higher rate of speed than that authorised by this Act or by any regulation or bye-law made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the Tramway under the authority of this Act but the local authority may if they think fit make bye-laws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

As to orders
and byelaws
made by the
Board of
Trade.

48. All orders and bye-laws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Where
steam or
mechanical
power is
used con-
tract with
Road Au-
thority not
to be for
longer than
two years
at a time.

49. Where steam or any mechanical power is used by the Company or any other company or person on the Tramway or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or any mechanical power as aforesaid with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such Tramway or such part of such Tramway are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of such contract agreement or arrangement. Provided always that any such contract agreement or arrangement may be renewed from time to time with or without modifications or a new contract agreement or arrangement may be made instead thereof.

As to con-
tracts with
Road Au-
thorities
when steam
or mechani-
cal power is
to be used.

50. Where the Company or any other company or person intend to use steam or any mechanical power under the authority of this Act on the Tramway or any part thereof they or he shall give two months previous notice of such intention to every road authority within whose district the Tramway or any part thereof upon which they or he intend to use such power is situated.

Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such other company or person or the paving and

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

Before using steam or any mechanical power on the Tramway or any part thereof and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such Tramway or such part of such Tramway is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve.

In case any difference arise between any such road authority and the Company or such other company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such other company or person or the Company or such other company or person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without

A.D. 1883. — modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed. Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the Tramway to which such appeal relates.

No steam or mechanical power shall be used on the Tramway or any portion of the Tramway unless there is in force in relation to the tramway or such portion of the Tramway a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the Tramway is laid.

Tolls for
passengers.

51. The Company may demand and take for any passenger travelling upon the Tramway or any part or parts thereof including tolls for the use of the Tramway and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or charges not exceeding two pence per mile and in computing the said tolls or charges a fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than three pence.

Passengers'
luggage.

52. Every passenger travelling upon the Tramway may 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 the seat nor be of a form or description to annoy or inconvenience other passengers.

Tolls for
animals and
goods.

53. The Company may demand and take in respect of any animals goods materials articles or things conveyed by them on the Tramway including the tolls for the use of the Tramway and for wagons 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 when any such service is per-

formed by the Company) any tolls or charges not exceeding the A.D. 1883.
rates following (that is to say) :—

For every horse mule or other beast of draught or burden six Animals.
pence per head per mile :

For every ox cow bull or head of neat cattle five pence per head
per mile :

For calves sheep pigs lambs and small animals three pence per
head per mile :

For all coals cinders dung compost and all sorts of manure and Goods.
all undrest materials for the repair of public roads or highways
culm cannel ironstone iron ore limestone slates slate slabs slate
flags chalk sand slag and clay (except fire clay) three pence per
ton per mile :

For all coke charcoal pig iron bar iron rod iron sheet iron hoop
iron plates of iron wrought iron heavy iron castings railway
chairs slabs billets and rolled iron lime bricks tiles salt fire clay
and stone four pence 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 castings five pence per ton per mile :

For cotton and other wools drugs manufactured goods and for
fish and all other wares merchandise articles matters or things
six pence per ton per mile :

For every carriage of whatever description not weighing more
than one ton six pence per mile with an additional charge of
three pence per quarter of a ton over one ton in weight :

For any parcel not exceeding seven pounds in weight three
pence :

For any parcel exceeding seven pounds but not exceeding fourteen
pounds in weight five pence :

For any parcel exceeding fourteen pounds but not exceeding
twenty-eight pounds in weight seven pence :

For any parcel exceeding twenty-eight pounds but not exceeding
fifty-six pounds in weight nine pence :

For any parcel exceeding fifty-six pounds but not exceeding
five hundred pounds in weight any sum which they 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 :

A.D. 1883.

For the carriage of single articles of great weight :

Articles
of great
weight.

For the carriage of any one 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 the Company may demand such sum as they think fit not exceeding one shilling per ton per mile :

For the carriage of any single piece of machinery or single piece of timber or stone or other single article the weight of which with the carriage shall exceed eight tons the Company may demand such sum as they think fit.

Regulations
as to tolls.

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

Short dis-
tances.

For all animals or goods conveyed on the Tramway for a less distance than three miles the Company may demand tolls and charges as for three miles :

Fractional
parts of a
mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number 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 :

Fractional
parts of a
ton.

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 :

General
weight.

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

Weight of
stone and
timber.

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.

Company
to carry
parcels.

55. The Company shall carry small parcels but they shall not be bound to deliver the same except at the termini of their Tramway or at such other place or places as the Company may from time to time determine.

Company
not bound
to carry
animals and
goods.

56. The Company shall not be bound unless they think fit to carry on the Tramway any goods animals or other things other than passengers and passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels.

57. The Company may subject to the provisions of section 46 of the Tramways Act 1870 from time to time make bye-laws as to the persons times and places to whom and at and in which the tolls and charges authorised by this Act shall be paid. A.D. 1883.
Bye-laws
as to tolls.

58. If at any time after three years from the opening for public traffic of the Tramway or any portion of the Tramway or after three years from the date of any order made in pursuance of this section in respect of the Tramway or any portion of the Tramway it is represented in writing to the Board of Trade by the local authority of any district in which the Tramway or such portion of the Tramway is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the Tramway or on such portion of the Tramway should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any part of the tolls and charges to be demanded and taken in respect of the traffic on the Tramway or on such portion of the Tramway in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised. Periodical
revision of
tolls.

59. Subject to the provisions of this Act the Company on the one hand and any local authority or road authority on the other hand may from time to time enter into and carry into effect contracts or agreements with respect to the widening and improving of any of the roads along which the Tramway is authorised to be laid or any part or parts thereof respectively and with respect to the laying down maintaining renewing repairing and using the Tramway and all matters incidental thereto. Power to
Company to
enter into
agreements
for widening
and improv-
ing of roads.

60. The Alford Company and any company or persons for the time being working or using the tramway of the Alford Company or any part thereof may run over work and use with their animals or other mechanical or motive power engines carriages waggons and trucks officers and servants for the purposes of traffic of every description the Tramway by this Act authorised and all points booking Running
powers to
Alford Com-
pany.

A.D. 1883. — and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said Tramway and the Company shall afford all requisite facilities for the purpose. And as regards traffic conveyed by them the Alford Company may demand and take the same tolls and charges upon and in respect of the said Tramway as they would be entitled to take if such Tramway were part of their tramway but nothing in this section shall be taken to authorise the Alford Company or any other company or persons as aforesaid to run over work or use with any locomotive steam engine the Tramway by this Act authorised unless the Board of Trade have approved of the working of that Tramway by steam power.

Terms of such user.

61. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Alford Company or such other Company or persons as aforesaid for and in respect of the use of the Tramway by this Act authorised and other works and conveniences shall be such as are from time to time agreed upon between the Company and the Alford Company or failing such agreement as may from time to time be determined by a referee to be appointed by the Board of Trade on the application of any or either of the Companies interested and the costs of the arbitration shall be in the discretion of the said referee and the decisions of the said referee shall be final and binding on all parties.

Power to use portion of Tramways of Alford Company.

62. The Company and any company or persons for the time being working or using the Tramway of the Company or any part thereof may run over work and use with their animals or other mechanical or motive power engines carriages waggons officers and servants for the purposes of traffic of every description the portion of tramway hereinafter mentioned that is to say :—

So much of the tramways of the Alford Company as lies between the point of junction therewith of the Tramway by this Act authorised and the point of commencement of the tramways of the Alford Company in the parish of Alford and all points booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said portion of tramway :

And as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said portion of tramway as the Alford Company are entitled to take in respect of such portion of tramway.

Terms of such user.

63. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid

by the Company or such other company or persons as aforesaid for and in respect of the use of the said portion of tramway and other works and conveniences shall be such as are from time to time agreed upon between them and the Alford Company or failing such agreement as may from time to time be determined by a referee to be appointed by the Board of Trade on the application of any or either of the Companies interested and the costs of the arbitration shall be in the discretion of the said referee and the decisions of the said referee shall be final and binding on all parties.

A.D. 1883.

64. The Company on the one hand and the Alford Company on the other hand may from time to time enter into and carry into effect and rescind contracts agreements and arrangements with respect to the following purposes or any of them that is to say:—

Power to enter into traffic arrangements with Alford Company.

The working use management and maintenance by the contracting Companies or either of them of their respective Tramways and works or any part or parts thereof respectively :

The supply and maintenance of stock and plant and the employment of officers and servants :

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the Tramways of the contracting Companies or either of them :

The fixing collection payment appropriation apportionment and distribution by and between the Companies of the tolls rates income and profits arising from the respective 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.

65. During the continuance of any agreement to be entered into under the provisions of this Act between the Company and the Alford Company or the exercise of any running or working powers by this Act given the Tramways of the Company and of the Alford Company shall for the purposes of short distance tolls and charges be considered as one tramway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the Tramway and partly on the tramway of the Alford Company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges

Tolls on traffic conveyed partly on the tramway and partly on the tramway of the Alford Company.

A.D. 1883. as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the Tramway and partly on the tramway of the Alford Company.

Company may take on lease undertaking of Alford Company.

66. The Company may take on lease the whole or any part or parts of the undertaking of the Alford Company upon such terms and conditions pecuniary or otherwise as the Company and the Alford Company with the approval of the Board of Trade may agree.

Saving rights of Commissioners of Sewers of county of Lincoln.

67. Nothing in this Act contained shall be deemed or construed to extend to prejudice diminish alter abridge or take away any of the jurisdictions rights powers or authorities vested in the commissioners of sewers for the county of Lincoln and all the jurisdictions rights powers and authorities vested in them shall be as good valid and effectual to all intents and purposes as if this Act had not been passed. If the Company shall in the construction of the Tramway erect any new or additional bridges or culverts over any river stream sewer or drain subject to the jurisdiction power or authority of the commissioners of sewers such bridges or culverts shall be erected according to plans and specifications to be approved by the surveyor appointed by the said commissioners and shall at all times thereafter be and remain under and subject to the jurisdiction power and authority of the said commissioners and all such bridges and culverts as well as any bridges or culverts now under the jurisdiction power and authority of the said commissioners over which the Company shall in constructing the Tramway lay down rails or which the Company may otherwise use for the purposes of the Tramway shall so long as they may be used for the purposes of the Tramway be repaired maintained supported and amended and also if and whenever required by the said commissioners altered widened heightened and enlarged and the span or archway thereof increased according to the direction of the said commissioners and to the approval of their surveyor by and at the expense of the Company.

Saving rights of the Alford Company.

68. Except as is by this Act expressly provided this Act or anything therein contained shall not take away lessen alter or prejudice any of the rights privileges powers or authorities of the Alford Company.

Interest not to be paid on calls paid up.

69. The Company shall not out of any moneys 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. A.D. 1883.

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

71. Notwithstanding anything contained in this Act the Company and any other company or 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 any Act relating to the Company 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 and mechanical power by any such general Act as aforesaid. Company not exempt from provisions of present or future general Tramway Acts.

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

A.D. 1883.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Parish.	No. on Deposited Plan.
Skegness - - -	1, 5, 6.
Winthorpe - - -	1, 5, 6.
Ingoldmells - - -	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26.
Hogsthorpe - - -	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16.
Mumby-cum-Chapel - - -	1, 1A, 3, 5, 6, 7, 8, 8A, 8B, 8C, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18.
Bilsby with Thurlby - - -	1.

SCHEDULE B.

Break power
of engines.

Every engine used on the Tramway shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings
of engines &c.

Every engine used on the Tramway shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell whistle or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

[46 & 47 VICT.] *Skegness Chapel St. Leonards* [Ch. clxxxiii.]
and Alford Tramways Act, 1883.

Every Carriage used on the Tramway shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and the protection of passengers from the machinery of any engine used for drawing or propelling such carriage.

A.D. 1883.

As to car-
riages.

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

Inspection of
engines and
carriages.

The speed at which engines and carriages may be driven or propelled along the tramway shall not exceed the rate of eight miles an hour.

As to speed.

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

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1883.

