

[53 & 54 VICT.]

*Wellingborough and District
Tramroads Act, 1890.*

[Ch. ccxiv.]



CHAPTER ccxiv.

An Act for conferring further powers on the Wellingborough and District Tramroads Company and for other purposes.

A.D. 1890.

[14th August 1890.]

WHEREAS by the Wellingborough and District Tramroads Act 1889 (in this Act called the Act of 1889) the Wellingborough and District Tramroads Company (in this Act called the Company) were incorporated and empowered to make and maintain the tramroads described in that Act and to use thereon steam as a motive power in addition to or in substitution for animal power :

And whereas it is expedient that the Company should be empowered to extend their tramroads to Irchester Rushden and Higham Ferrers and to form a junction with the Newport Pagnell and District Tramways at Olney and that the powers herein-after contained should be conferred upon them for those purposes :

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

And whereas it has been found desirable to construct Tramroad No. 7 by this Act authorised upon different lines and levels from those shown upon the deposited plans and sections and further plans and sections (in this Act referred to as the amended plans and sections) showing the altered lines and levels of the said Tramroad No. 7 and also a book of reference (in this Act referred to as the amended book of reference) containing the names of the owners and

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And whereas it is expedient that the Company should be empowered to run over and use the tramways in this Act mentioned in that behalf and that the Company and the Promoters named in the Newport Pagnell and District Tramways Order 1887 should be empowered to enter into and carry into effect agreements for the purposes in this Act mentioned :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the *Wellingborough and District Tramroads Act 1890.*

Incorporation of general Acts.

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

The Lands Clauses Acts :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing by the Company of money on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act :

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 : A.D. 1890.

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

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

so far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act and shall apply to the undertaking of the Company Provided that for the purposes of the provisions of the Railways Clauses Consolidation Act 1845 herewith incorporated the tramroads and works of the Company shall be deemed to be railways and the Company shall be deemed to be a railway company Provided further that the provisions of the Tramways Act 1870 herewith incorporated shall not apply to any portions of the tramroads by this Act authorised which are not intended to be laid along the carriageway of any street or road and shall not apply to any interference with any telegraphic line of Her Majesty's Postmaster-General and that section 43 of that Act shall apply only to Tramroads No. 2 and No. 6.

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

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

The expression "the undertaking" means the undertaking of the Company as authorised by the Act of 1889 and this Act :

"Steam power" in this Act and in the Act of 1889 shall include electricity (applied on the overhead system or otherwise) and any other mechanical power :

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

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Correction
of errors in
deposited
plans and
books of
reference.

4. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or specified in the deposited books of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county in which the lands in question shall be situate and a duplicate thereof shall also be deposited with the parish 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.

Power to
make tram-
roads.

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

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

Tramroad No. 1 (2 furlongs and 5.40 chains in length of which 1 furlong and 3.50 chains are intended to be laid along the carriageway of streets or roads) commencing in the London Road Wellingborough by a junction with Tramroad No. 2 authorised by the Act of 1889 at or near the junction of the Cemetery Road with the London Road thence passing in a north-easterly direction along the Cemetery Road thence in a

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north-westerly direction into and along the Midland Road and terminating opposite the Midland Hotel Wellingborough :

Tramroad No. 2 (4 furlongs and 7·40 chains in length the whole of which is intended to be laid along the carriageway of a street or road) commencing in Midland Road Wellingborough by a junction with Tramroad No. 1 near its termination thence passing along the Midland Road to the Midland Railway Station Wellingborough and terminating opposite the entrance to the coal yard at that station :

Tramroad No. 3 (1 mile 7 furlongs and 8·60 chains in length of which 1 furlong and 0·40 chains are intended to be laid upon waste land by the side of roads and 2·60 chains are intended to be laid along the carriageway of a street or road) commencing in the London Road by a junction with Tramroad No. 1 authorised by the Act of 1889 at or near the junction of the road known as Gipsy Lane with the London Road thence along Gipsy Lane in a south-easterly direction thence through the village of Irchester and terminating in the road leading to the Midland Railway Station Irchester at a point 1 chain or thereabouts in a south-westerly direction from opposite the south-west corner of that station :

Tramroad No. 4 (4 chains in length the whole of which is intended to be laid along the carriageway of a street or road) commencing at the termination of Tramroad No. 3 and passing along the bridge over the Midland Railway and terminating at a point 4 chains or thereabouts from its commencement :

Tramroad No. 5 (2 miles and 3·10 chains in length of which 1 mile 2 furlongs and 0·30 chains are intended to be laid upon waste land by the side of a road) commencing at the termination of Tramroad No. 4 passing thence in a north-easterly direction past the Oakley Arms public-house and along the road leading to Higham Ferrers and thence in a southerly direction and terminating in a field near the gas-works in Rushden at a point on the north side of Church Street 5 chains or thereabouts west of its junction with Alfred Street :

Tramroad No. 6 (7 furlongs and 3·8 chains in length of which 1 furlong and 4·50 chains are intended to be laid upon waste land by the side of a road and 5 furlongs and 9·30 chains are intended to be laid along the carriageway of streets or roads) commencing by a junction with Tramroad No. 5 in the road leading to Higham Ferrers near the stream situated between the junction of the roads leading to Higham Ferrers Rushden and Irchester Station and the Oakley Arms public-house

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crossing the said road and passing thence in a north-easterly direction along Rushden Hill and along High Street Higham Ferrers and terminating in the Market Place Higham Ferrers at a point 3 chains or thereabouts measured in a northerly direction from the Town Hall :

Tramroad No. 7 as shown upon the amended plans and sections (4 miles 6 furlongs and 5.20 chains in length of which 9 furlongs and 7.50 chains are intended to be laid upon waste land by the side of a road and 8 chains are intended to be laid along the carriageway of a street or road) commencing in the London Road Bozeat by a junction with Tramroad No. 1 authorised by the Act of 1889 at a point 9 chains or thereabouts measured in a northerly direction along the London Road from opposite the Chequers public-house Bozeat passing thence in a southerly direction across the road leading from Bozeat to Easton Maudit past the Bozeat Mill thence in a southerly direction towards Olney into the London Road and terminating on the north side of the Midland Railway bridge at or near the junction of the Bedford Road with the London Road :

Tramroad No. 8 (1 furlong and 1.40 chains in length the whole of which is intended to be laid along the carriageway of a street or road) commencing at the termination of Tramroad No. 7 and passing thence in a southerly direction under the Midland Railway bridge and terminating in the Olney Road by a junction with Tramway No. 12 authorised by the Newport Pagnell and District Tramways Order 1887 at its termination.

Tramroads to be part of undertaking of Company.

6. The tramroads shall for the purposes of tolls rates and charges and for all other purposes whatsoever form part of the undertaking of the Company and subject to the provisions of section 70 of the Act of 1889 the Company may demand tolls rates and charges in respect thereof not exceeding those authorised by the Act of 1889.

As to crossing public roads &c.

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

Tramroad.	Number on deposited Plans.	Parish or Township.
No. 5	12	Parish of Rushden
No. 5	20	Parish of Rushden
No. 7	13	Parish of Bozeat
No. 7	{ 6	Parish of Lavendon
	{ 9	Township of Warrington

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

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- (1.) Before constructing Tramroad No. 5 across and on the level of the road numbered on the deposited plans 20 in the parish of Rushden the Company shall deviate the said road within the limits of deviation shown on the said plans in such manner as may be required by the Board of Trade ;
- (2.) The Company shall erect and maintain at all times gates across the tramroads at each side of the said roads respectively and shall unless otherwise permitted by the Board of Trade from time to time in writing under the hand of an assistant secretary employ a proper person to open and close such gates ;
- (3.) Such gates shall be kept constantly closed across the tramroads except during the time when engines carriages or trucks passing along the tramroads shall have occasion to cross the said roads respectively and shall be of such dimensions and so constructed as when closed to fence in the tramroad and prevent cattle or horses passing along the said roads respectively from entering upon the tramroad ;
- (4.) The drivers or conductors of any engines carriages or trucks passing along the tramroads or other the person whose office or duty it may be to open or close the said gates shall cause the same to be closed as soon as such engines carriages or trucks shall have passed through the same and shall be liable to a penalty of not exceeding forty shillings for every default in so doing ;
- (5.) The tramroad at the points of crossing shall consist of a single line of rails or not more than a double line of rails if a second line be approved by the Board of Trade ;
- (6.) Section 5 of the Railways Clauses Act 1863 shall apply to the said level crossings as if the tramroad were a railway within the meaning of that Act.

8. For the protection of the ratepayers of the county of Northampton as represented by the county council of the county of Northampton (herein-after called the council) the following provisions shall unless otherwise agreed between the council and the Company be observed and have effect:—

For the protection of the Northamptonshire County Council.

1. The span of the bridge by which Tramroad No. 2 (authorised by the Wellingborough and District Tramroads Act 1889) is carried over the River Nene shall be of such width as to leave a waterway of not less width than ninety feet.
2. During the construction of the tramroads the Company shall keep correct accounts and records of the weight of the traffic carried by them over any main road and such traffic shall be

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considered as extraordinary traffic within the meaning of section 23 of the Highways and Locomotives (Amendment) Act 1878 and paid for as herein-after provided.

3. In the event of the local board of health for the district of Wellingborough or any highway authority by arrangement with the council or otherwise undertaking the repair and maintenance of the whole or any part of any main road along which the tramroads are laid or being laid any expenses payable under the last preceding sub-section shall be recoverable from the Company by such local board or highway authority in the manner provided by the said section 23 but if at any time hereafter the council undertake the maintenance and repair of any such main road the said expenses shall in like manner be recoverable by the council.
4. In the event of the said local board or any highway authority or the council resolving to undertake the repair and maintenance of the whole of any road under their control along which the tramroads are laid the Company shall pay to such local board highway authority or council as the case may be such proportion of the costs incurred by them in respect of such repair and maintenance as the width of the portion which the Company are liable to repair and maintain under the provisions of the Tramways Act 1870 bears to the total width of the macadamised portion of the said road but not the foot-paths bridges ditches or waste lands adjoining and the account with reference to the sums payable by the Company under this sub-section shall be rendered and discharged half-yearly and any difference between the council and the Company under this sub-section shall be determined in the manner provided by section 33 of the Tramways Act 1870 and the decision of the referee under that section shall be final.
5. Nothing herein contained shall affect or abridge any right or claim which the council the said local board or the highway authority of any main road along which the tramroads are laid may have or make in consequence of the tramroads or any of them after their construction injuriously affecting any main road repairable by the council the local board of Wellingborough or any such highway authority.

For the protection of the Bucks County Council.

9. For the protection of the ratepayers of the county of Bucks as represented by the Bucks County Council the following provisions shall unless otherwise agreed between such council and the Company be observed and have effect:—

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1. During the construction of the tramroads by this Act authorised the Company shall keep correct accounts and records of the weights of the traffic carried by them over any highway or main road and such traffic shall be deemed to be extraordinary traffic within the meaning of section 23 of the Highways and Locomotives (Amendment) Act 1878 and the amount of the expenses incurred by reason of the damage arising from such traffic may be recovered from the Company in the manner provided by such section by the authority for the time being who is liable to or has undertaken to repair any highway or main road so damaged :
2. In the event of any highway authority or the Bucks County Council resolving to undertake the repair and maintenance of the whole of any highway or main road under their control along which the tramroads are laid the Company shall pay to such highway authority or council as the case may be such proportion of the costs incurred by them in respect of such repair and maintenance as the width of the portion which the Company are liable to repair and maintain under the provisions of the Tramways Act 1870 bears to the total width of the metalled or macadamised part of the said road (exclusive of the footpaths) and the account with reference to the sums payable by the Company under this sub-section shall be discharged by the Company half-yearly and any difference between any such highway authority or the Bucks County Council as the case may be and the Company under this sub-section shall be determined in the manner provided by section 33 of the Tramways Act 1870 and the decision of the referee under that section shall be final :
3. Nothing in this section contained shall affect or abridge or interfere with any right of the Bucks County Council or any highway authority or any claim which they may of their right lawfully make by reason of the tramroads or any of them after their construction injuriously affecting any road repairable by such council or highway authority :
4. The Company shall not commence any works on or across the metalled portion of any main road under the control or jurisdiction of the Bucks County Council until they shall have given to the county surveyor twenty-eight days notice in writing of their intention to commence the same by leaving the same at the office of the said surveyor with plans and sections of the proposed works and until the said

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surveyor shall have signified his approval of the same in writing unless the surveyor fails to signify his approval or his disapproval or other directions within twenty-eight days after service of the said notice and delivery of the said plans and sections in which case he shall be deemed to have approved the same and the Company shall comply with and conform to all reasonable directions of the said surveyor in the execution of such works and all such works shall be done to the reasonable satisfaction of the said surveyor at the expense of the Company :

5. If any difference shall arise between the Company and the Bucks County Council under this section the matter in difference shall be referred to and settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of such reference shall be borne and paid as such referee directs.

For the pro-
tection of the
Welling-
borough
Local Board.

10. For the protection of the local board of health for the district of Wellingborough (in this section referred to as "the local board") the following provisions shall have effect unless otherwise agreed between the local board and the Company :—

1. Notwithstanding anything contained in this Act the Company shall not without having previously obtained the consent in writing of the local board construct any part of Tramroad No. 1 between its junction with Tramroad No. 2 and its termination.
2. Tramroad No. 1 shall be carried over the footpath numbered on the deposited plans 11 in the parish of Wellingborough by a bridge having a clear headway of eight feet above the present level of the footpath which present level shall not be altered.
3. The Company shall indemnify the local board against all actions losses costs claims and demands brought incurred or arising in consequence of the construction of the tramroads or the continuance or working thereof.
4. If any difference shall arise between the Company or their engineer and the local board or their surveyor with respect to the mode of execution of the tramroads or any or either of them or any works connected therewith or of any other works or with respect to any act matter or thing arising out of this Act such difference shall be settled in the manner provided by section 33 of the Tramways Act 1870 and the decision of the referee under that section shall be final.

11. In constructing and maintaining so much of Tramroad No. 2 as will affect the property of the Midland Railway Company and in constructing and maintaining Tramroads No. 4 and No. 8 where the same will pass respectively over and under bridges belonging to the Midland Railway Company or which they are bound to maintain and repair the Company shall be subject to the following conditions:—

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For protection of
Midland
Railway
Company.

1. Tramroad No. 2 shall be so constructed and maintained as not to obstruct or interfere with the free access for passengers and vehicles to the Wellingborough Station of the Midland Railway Company and the termination of the said tramroad shall be at such a point near the said station as may be agreed on between the Company and the Midland Railway Company or in case of difference between them as shall be settled by an engineer to be appointed as herein-after provided.
2. Tramroads No. 4 and No. 8 shall be respectively constructed and maintained along the centre of the roadway where such tramroads will pass over or under the bridges of the Midland Railway Company.
3. The Company shall not in any way alter or interfere with the structure of such bridges or the approaches and abutments thereof and they shall so construct and maintain such tramroads as not injuriously to affect such bridges or the approaches and abutments thereof.
4. In the event of any injury being caused to such bridges or the approaches or abutments thereof by the construction maintenance repairing user or removal of such tramroads the Midland Railway Company may at the expense of the Company restore such bridges approaches and abutments to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the Midland Railway Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Company are liable to maintain and repair under section 28 of the Tramways Act 1870 and the Midland Railway Company may recover from the Company all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.
5. Whenever the Midland Railway Company shall require to widen lengthen strengthen reconstruct alter or repair such

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bridges or approaches and they shall find it necessary for effecting any of such purposes that the working and user of the tramroad shall be wholly or partially stopped or delayed or that such tramroad shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Company seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramroad shall be stopped or delayed or the tramroad shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of their engineer but only for so long as the Midland Railway Company may find to be absolutely necessary for effecting such purposes and so that all works executed by them under this enactment shall be completed with the utmost reasonable expedition and the Midland Railway Company shall not be liable for any compensation claims demands costs or expenses for or in respect of such stoppage or delay or in any way relating thereto And in case the principal engineer of the Midland Railway Company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or vehicles on such tramroad being or being intended to be moved by steam or any mechanical power such strengthening shall be effected in all things at the expense of the Company who shall also pay to the Midland Railway Company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of the tramroad so passing or any of the works connected therewith the amounts of such expenditure to be recoverable as aforesaid by the Midland Railway Company with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

6. Whenever such tramroad on either side of such bridge or approaches is a single line there shall only be a single line over such bridge or approaches and no turn-outs or passing places shall be constructed thereon.
7. All works which may be necessary in constructing and maintaining the tramroad over or under such bridges or approaches shall be constructed and maintained in all things at the expense of the Company under the superintendence and to the reasonable satisfaction of the principal engineer of the

Midland Railway Company and according to plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing and in case of difference between the Company and such engineer by an engineer to be appointed by the Board of Trade on the application of the Midland Railway Company or the Company.

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8. The Company shall not acquire any estate or interest in the lands and property of the Midland Railway Company other than an easement or right of constructing or maintaining therein the works by this Act authorised.

9. Nothing contained in this Act shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the Midland Railway Company otherwise than is hereby expressly provided.

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

Further powers to Board of Trade as to level crossings.

13. The Company in constructing any portion of the tramroads which will not be laid in across or along the carriageway of any public street or road may deviate from the lines and levels thereof shown on the deposited plans and sections to the extent and subject to the conditions prescribed in the case of a railway by sections 11 12 14 and 15 of the Railways Clauses Consolidation Act 1845 and those sections shall apply to any such portion of the tramroads as if the same were a railway within the meaning of that Act Provided always that nothing herein contained shall authorise the Company in constructing any portion of the tramroads which will be laid upon waste land by the side of any road to deviate from the centre line thereof shown on the deposited plans beyond such waste land or so as to bring the centre line nearer to the carriageway of such road or to deviate from the levels thereof as shown on the deposited sections to any extent exceeding two feet.

Power to deviate.

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Power to
cross roads
&c.

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

As to accom-
modation
works.

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

Period for
compulsory
purchase of
lands.

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

Period for
completion
of works.

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

Deposit
money not
to be repaid
except so
far as tram-
roads are
opened.

18. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of two thousand two hundred and thirteen pounds seventeen shillings and sevenpence Two and three-quarters per centum Consolidated Stock being equal in value to five per centum upon the amount of the estimate in respect of the tramroads by this Act authorised has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Therefore 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 or the executors or administrators of such survivor (which persons survivors or survivor and the executors or administrators of such survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramroads complete and open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramroads for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramroads opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramroads so opened bears to the entire length of the tramroads the High Court 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.

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19. If the Company do not previously to the expiration of the period limited for the completion of the tramroads complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramroads or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities for the expense incurred by them in taking up any part of the tramroads or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramroads and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to

Application
of deposit.

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Purchase of
lands by
agreement.

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

Restrictions
on displacing
persons of
labouring
class.

21. (1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(a) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local

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Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to

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the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under

this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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

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

Power to take easements &c. by agreement.

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

Gauge and mode of formation of tramroads.

24. The Company may lay down an additional rail upon the Tramroad No. 2 authorised by the Act of 1889 and upon so much of Tramroad No. 1 authorised by the same Act as extends from its junction with the said Tramroad No. 2 to its termination and upon so much of Tramroad No. 1 authorised by this Act as extends from its commencement to the distance of 1 furlong and 9·70 chains therefrom and upon Tramroad No. 5 authorised by this Act so as to fit and adapt the same to railway traffic on the gauge of four feet eight and a half inches and may run on the said tramroads and portions of tramroads carriages or trucks adapted for use on railways.

Power to lay additional rail on certain tramroads.

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As to rails of tramroads.

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

Company to adopt improvements if required by Board of Trade.

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

Further provisions as to construction of tramroads.

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

Inspection by Board of Trade.

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

Penalty for not maintaining rails &c. in proper order.

29. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramroads where laid along or across the carriageway of any street or road and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not

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exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which such tramroads or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed. Provided always that as regards so much of any street or road within the district of the Wellingborough Local Board as the Company are required to maintain and repair under section 28 of the Tramways Act 1870 whether used for tramroads authorised by the Act of 1889 or this Act the said local board may if they think fit from time to time repair the same as agents for and on behalf of the Company and the cost of such repairs shall be from time to time charged to and paid by the Company to the said local board on demand.

30. The provisions of sections 24 to 28 of this Act with respect to tramroads and rails shall apply to all poles wires supports conductors and apparatus which may at any time be used in connexion with any overhead system of electric motive power.

Provisions
as to poles
wires &c.

31. If and whenever after the passing of this Act any road authority alters the level of any street or road along or across which any part of the tramroads is laid or authorised to be laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the street or road as altered.

Tramroads
to be kept
on level of
surface of
roads.

32. Any paving metalling or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the street or road and the maintenance for six months after completion of any of the tramroads within the district of such road authority of so much of the roadway on either side of such tramroads as the

Application
of road
materials ex-
cavated in
construction
of tramroads.

A.D. 1890. — 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 by the Company such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Power to
make
additional
crossings &c.

33. The Company may subject to the provisions of this Act with the consent of the local and road authority from time to time make maintain alter and remove in any street or road such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramroads or for providing access to any railway stations at Wellingborough and Irchester and to any carriage or engine-houses warehouses goods sheds stables or works of the Company. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the street or road at any point where houses shops or other buildings abut thereon or at any other point if the owner or owners or occupier or occupiers of premises abutting on the street or road at such last-mentioned point shall by writing under their hand addressed to the Company express their objection thereto.

Temporary
tramroads
may be made
when
necessary.

34. When by reason of the execution of any work affecting the surface or soil of any street or road along or across the carriageway of which any tramroad or part of a tramroad is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramroad or any part thereof the Company shall within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor discontinue or take up such tramroad or part of the tramroad for such term as may be necessary for the execution of the said works

Provided that the Company may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent street or road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramroad in lieu of the part of the tramroad so removed or discontinued. If any difference arises between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramroad under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

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

Sanitary
authority to
have access
to sewers.

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

Agreements
between the
Company and
road
authorities.

37. The carriages and trucks used on the tramroads may be moved by animal power and subject to the provisions of the Act of 1889 and of this Act by steam power as herein-before defined to include electricity and any other mechanical power and the provisions of sections 47 to 54 both included of the Act of 1889 shall extend and apply to the tramroads by this Act authorised and to the use of steam power as so defined as if they had been expressly re-enacted in this Act. Provided always that the powers by this Act conferred upon the Company for the use of steam power upon the Tramroads No. 2 and No. 6 by this Act authorised shall only be exercised during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to

Use of steam
power.

A.D. 1890. — time specify in any order to be signed by a secretary or an assistant secretary to the said Board.

As to contracts with road authorities where steam power is to be used.

38. Where the Company or any other company or person intend to use steam power under the authority of this Act on Tramroads No. 2 and No. 6 by this Act authorised or any part thereof respectively they or he shall give two months previous notice of such intention to every road authority within whose district the said tramroads or any part thereof upon which they or he intend to use such power are or is situate :

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 the said tramroads or such part of the said tramroads 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 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 steam power upon such tramroads or such part thereof be determined and of no effect :

Before using steam power on the said tramroads 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 tramroads or such part of such tramroads 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 which they may think fit and the Board of Trade may approve :

In case any difference arises between any such road authority and the Company or such other company or person as to the determination

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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 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 power shall be used on the said tramroads to which such appeal relates :

No steam power shall be used on the said tramroads or any portion of the said tramroads unless there is in force in relation to the said tramroads or such portion of the said tramroads 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 said tramroads are laid.

39. Where steam power is used by the Company or any other company or person on the said tramroads or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam 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 tramroads or such part of such tramroads are or is laid or with

Where steam power is used contract with road authority not to be for longer than two years at a time.

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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 power as aforesaid or the making of such contract agreement or arrangement. Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

As to supports &c. for overhead wires.

40. No poles wires supports conductors or other apparatus used or intended to be used in connexion with any overhead system of electric motive power shall be placed nearer to the centre of any road than shall be from time to time sanctioned by the Board of Trade.

Provisions for protection of the Postmaster-General.

41. Section 53 of the Act of 1889 is hereby repealed and in the event of any of the tramroads of the Company being worked by electricity the following provisions shall have effect:—

1. The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.
2. (a.) Before any electric line is laid down or any act or work for working the tramroads by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen

days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work : A.D. 1890.

- (b.) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration.
3. In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
4. Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.
5. For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.
6. For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the

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provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section.

7. The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
8. Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act.
9. Nothing in this section contained shall be held to deprive the Postmaster-General of any of his existing rights to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

For the protection of the works of the South of England Telephone Company Limited.

42. For the protection of the South of England Telephone Company Limited its successors and assigns (in this section called "the Telephone Company") the following provisions shall have effect in the event of any tramways of the Company being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say) :—

- (1.) The Company shall so construct their electric circuits and other works of all descriptions and shall so work the tramway in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the Telephone Company for the purpose of telephonic communication or with the currents in such circuits. Provided that this sub-section shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such last-mentioned circuits to insulate and protect them from external electrical influences and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Company. The reasonable cost of alterations in existing works of the Telephone Company so as to make them comply with this proviso shall if required by the Telephone Company be borne by the Company and in case of dispute the amount of such cost shall be settled by arbitration as herein-after provided.
- (2.) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any

wires or lines belonging to the Telephone Company and lawfully laid down or placed in any position by them may be injuriously affected the Company shall unless otherwise agreed with the Telephone Company give to that company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Company shall conform with such reasonable requirements as may from time to time be made by the Telephone Company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

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- (3.) If any difference arises between the Company and the Telephone Company with respect to anything in this section contained such difference shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company and the Telephone Company were companies within the meaning of that Act.
- (4.) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

43. The Company at all times after the opening of the tramroads for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday and bank holidays always excepted) at such hours not being later than six in the morning or earlier than six in the evening respectively as the Company think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile the Company nevertheless not being required to take any fare less than one penny and the Company shall be liable to a penalty not exceeding twenty shillings for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section unless prevented by circumstances over which they have no control Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Cheap fares for labouring classes.

44. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the

Provisions as to arbitration.

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Common Law Procedure Act 1854 or of any Act or rules whereby the same has been or may be modified or superseded shall apply in every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

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

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

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

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

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

Recovery and application of penalties &c.

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

For securing offenders whose names and places of abode are unknown.

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

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

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Carrying
mails by
Company.

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

50. The Company and any company or persons for the time being working or using the tramroads of the Company or any part thereof may run over and use with their engines carriages and waggons and officers and servants whether in charge of engines and carriages and waggons or for any purpose whatsoever and for the purposes of their traffic of every description the tramways authorised by the Newport Pagnell and District Tramways Order 1887 (in this Act called the Newport Pagnell tramways) together with all offices warehouses sidings junctions machinery works and conveniences of and connected with the said tramways and as regards traffic conveyed by the Company and any such company or persons as aforesaid they may demand tolls and charges upon and in respect of the Newport Pagnell tramways not exceeding the tolls and charges from time to time authorised to be demanded in respect thereof under the said Order or otherwise.

Running
powers.

51. The terms conditions and regulations in respect of the said use and the tolls or other consideration to be paid for the same shall (if not agreed upon between the Company and the owners for the time being of the Newport Pagnell tramways) be from time to time determined in manner provided by the Railway and Canal Traffic Acts 1873 and 1888 with respect to differences between railway companies and for the purposes of any such settlement the parties in difference shall be deemed to be railway companies.

Terms of
such use.

52. In running over and using the Newport Pagnell tramways and in using any stations and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on that undertaking shall be at all times observed so far as such byelaws shall be applicable.

Byelaws to be
observed.

53. The Company on the one hand and the owners of the Newport Pagnell tramways on the other hand may from time to

Power to
enter into
contracts as
to junctions

A.D. 1890. — time subject to the provisions of this Act and the approval of the Board of Trade enter into and carry into effect contracts agreements and arrangements with respect to the following purposes or any of them (that is to say):—

The point at which the mode in which and the terms and conditions upon which any junction or junctions of any of the tramroads with any tramway of the said owners shall be made:

The alteration reconstruction use management and maintenance in connexion with any such junction of any of the stations platforms sidings works and conveniences of the Company and the said owners respectively:

The construction use management and maintenance in connexion with any such junction of new stations platforms sidings works and conveniences of the Company and the said owners respectively.

Power to Company and owners to make working agreements.

54. The Company on the one hand and the said owners on the other hand may from time to time with the approval of the Board of Trade enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

The working use management and maintenance by the contracting parties of their respective tramroads tramways and works or any part or parts thereof:

The management regulation interchange collection transmission and delivery of traffic:

The supply and maintenance of engines stock and plant for the purposes and during the continuance of any agreement for the working and use by any of the contracting parties of their respective tramroads tramways and works or any part or parts thereof as aforesaid:

The fixing collection payment appropriation apportionment and distribution of the tolls rates income and profits arising from the respective undertakings of the contracting parties:

The employment of officers and servants.

Tolls for traffic conveyed partly on tramroads and partly on other undertakings.

55. Where under the provisions of this Act traffic is conveyed partly on the tramroads and partly on the tramway of the said owners the tramroads and such tramway shall for the purpose of short distance tolls and charges be considered as one undertaking and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the tramroads and partly on such tramway for a less distance than three miles tolls and charges may 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 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 tramroads and partly on such tramway.

A.D. 1890.

56. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole eighty-eight thousand pounds by the issue of new ordinary shares but the Company shall not issue any share of less nominal value than ten pounds nor shall any 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 shall have been paid in respect thereof.

Power to
raise additional
capital.

57. The capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the capital of the Company authorised by the Act of 1889 and the new shares were shares in that capital. The capital in new shares so created shall form part of the capital of the Company.

New shares
to be subject
to the same
incidents as
other shares.

58. 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 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.

Power to
divide shares.

59. 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

Dividends on
half shares.

A.D. 1890. — 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 the profits of the year only.

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

Half shares to be registered and certificates issued.

61. 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.

Terms of issue to be stated in certificates.

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

Forfeiture of preferred shares.

63. 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.

Preferred shares not to be cancelled or surrendered.

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

65. 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.

A.D. 1890.

Half shares
to be half
shares in
capital.

66. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Dividends on
new shares.

67. The Company may from time to time borrow on mortgage of their undertaking in respect of the additional capital of eighty-eight thousand pounds which they are by this Act authorised to raise any further sum or sums not exceeding in the whole the sum of twenty-two thousand pounds and of that sum they may borrow in respect of each forty-four thousand pounds of the said additional capital any sum not exceeding eleven thousand pounds but no part of any such sum of eleven thousand pounds shall be borrowed until the whole of the portion of additional capital in respect of which it is borrowed 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 the said portion of 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 portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued accepted and paid up 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.

Power to
borrow in
respect of
additional
capital.

68. Section 12 of the Act of 1889 with reference to the appointment of a receiver is hereby repealed and the mortgagees of the undertaking may enforce payment of arrears of interest or principal

For appoint-
ment of a
receiver.

A.D. 1890. — 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 in respect of each instalment.

Debenture stock. **69.** The Company may create and issue debenture stock subject to the provisions of section 13 of the Act of 1889.

Receipt clause in case of persons not sui juris. **70.** If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of moneys. **71.** All moneys raised under this Act whether by shares or debenture stock or borrowing shall be applied only to the purposes of the Company to which capital is properly applicable.

Interest not to be paid on calls paid up. **72.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

Deposits for future Bills not to be paid out of capital. **73.** The Company shall not out of any money by this Act authorised to be raised by them 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 them to construct any other tramroad or to execute any other work or undertaking.

Saving rights of the Duchy of Lancaster. **74.** Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or

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authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said duchy. A.D. 1890.

75. Nothing in this Act contained shall exempt the Company or their tramroads from the provisions of any general Act relating to tramroads now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges authorised to be taken by the Company. Provision as to general Tramroad Acts.

76. 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. Costs of Act.

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