

[61 & 62 VICT.] *Bristol Tramways (Electrical Power &c.) Act, 1898.* [Ch. clxvii.]



CHAPTER clxvii.

An Act to authorise the use of Electrical Power on the Tramways of the Bristol Tramways and Carriage Company Limited and for other purposes. A.D. 1898.

[25th July 1898.]

WHEREAS the tramways and undertakings authorised by—

- The Bristol Corporation Tramways Order 1872 ;
- The Bristol and Eastern District Tramways Order 1875 ;
- The Bristol Tramways (Extension) Order 1876 ;
- The Bristol Tramways (Extensions) Order 1877 ;
- The Bristol Tramways (Extensions) Order 1879 ;
- The Bristol Tramways (Extensions) Order 1880 ;
- The Bristol Tramways (Extensions) Order 1881 ;
- The Bristol Tramways (Extensions) Order 1882 ;
- The Bristol Tramways Order 1887 ;
- The Bristol Tramways (Extension) Order 1891 ;
- The Bristol Tramways Act 1894 ;
- The Bristol Tramways Order 1896 ; and
- The Bristol Tramways Act 1897 ;

are vested in the Bristol Tramways and Carriage Company Limited (in this Act called "the Company") :

And whereas by the said Act of 1894 the Company were authorised to construct and work as an electric tramway their tramways commencing at the western end of Old Market Street in the city and county of Bristol (in this Act called "the said city") and terminating at Kingswood Hill in the county of Gloucester and such tramway was on the 14th day of October 1895 opened for public traffic and has since that date been continuously worked :

And whereas by the said Order of 1896 the Company were also authorised to construct and work as an electric tramway Tramway No. 6 thereby authorised forming a continuation of the said electric tramway to Kingswood and also to work as an electric tramway their tramway commencing at the western end of Old Market

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A.D. 1898. Street in the said city and terminating at the junction of Stapleton Road and Fishponds Road in the county of Gloucester :

And whereas by the said Act of 1897 the Company were further authorised to construct and work as electric tramways Tramways Nos. 1 2 3 and 4 thereby authorised forming a continuation of the last-mentioned electric tramway and extending to Staple Hill in the parish of Mangotsfield :

And whereas the whole of such electric tramways (in this Act called "the existing electric tramways") traverse about eight and a half miles of streets and roads in the said city and the adjacent districts and have been opened for public traffic and continuously worked :

And whereas the Company are owners in addition of tramways in the said city having a route length of about eleven and a half miles which have been and are now being worked by animal power :

And whereas the Company are applying to Parliament in the present session for power to construct additional tramways in the said city and the neighbourhood thereof :

And whereas it is expedient for the convenience and accommodation of the inhabitants of the said city and the adjacent districts and it would be of great public advantage if the Company were authorised to work the said tramways now being worked by animal power and any tramways which the Company may be authorised to construct by Act of Parliament passed or to be passed in the present session by electrical power in substitution for animal power :

And whereas it is expedient that the Company should be empowered to acquire certain lands in the said city for the purposes of their undertaking :

And whereas plans of the lands required or which may be taken under the powers of this Act and a book of reference thereto have been deposited with the clerk of the peace for the said city and are in this Act respectively referred to as the deposited plans and book of reference :

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

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

Short title. 1. This Act may be cited as the Bristol Tramways (Electrical Power &c.) Act 1898.

2. The Lands Clauses Acts and section 3 (Interpretation of terms) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act. Provided that for the purposes of this Act where any of the tramways are or is situate within the district of a parish council the rural district council comprising the parish of such parish council shall be deemed the local authority in lieu of such parish council anything in section 3 and Part I. of Schedule A. of the Tramways Act 1870 to the contrary notwithstanding.

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Incorporation of
general Acts.

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

Interpretation.

The expression "the tramways" means the tramways of the Company including any tramways which the Company may be authorised to construct by Act of Parliament passed or to be passed in the present session;

The expression "the corporation" means the mayor aldermen and burgesses of the said city;

The expression "engine" includes motor.

4. The carriages used on the tramways shall as soon as the tramways shall have been adapted to be worked by electrical power be moved by electrical power applied on the overhead trolley or other system at the option of the Company subject to the following provisions (that is to say):—

Provisions
as to motive
power.

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

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

(3) The Company or any other company or person using electrical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

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

(a) That the Company or such other company or person have or has made default in complying with the provisions of

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this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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

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

Provided that when and so soon as the tramways shall have been adapted to be worked by electrical power the Company shall in conducting their traffic abandon the use of animal power on the tramways except in case of emergency.

Alteration of system of traction in certain events.

5. The Company shall if required by the corporation and subject to the provisions of this Act adopt in lieu of the overhead trolley system of electric traction any other system of electric traction specified by the corporation provided that such other system shall have been adopted and worked in substitution for the overhead trolley system on the tramways in five or more towns in the United Kingdom of a population exceeding 100,000 (any district in the county of London under the control of a vestry being regarded for the purposes of this section as a town) at a profit of five pounds per centum per annum on the capital employed on such last-mentioned tramways and provided that the mileage of such last-mentioned tramways shall be approximately the same as the mileage of the tramways as defined by this Act and provided that the requirement shall be reasonable having regard to the date at which the corporation may exercise their power of purchasing the tramways.

Any difference which may arise between the Company and the corporation as to the approximation of mileage or as to the reasonableness of any requirement of the corporation shall be deemed to be a matter in difference within the meaning of section 33 of the Tramways Act 1870.

Penalty in default of execution of work &c.

6. If the Company shall execute or do any work contrary to the provisions of this Act or shall fail to execute or do any work required by the provisions of this Act or shall neglect to cause the carriages used upon the tramways to be moved by electrical power as required by the provisions of this Act they shall for every such offence be liable to a penalty not exceeding ten pounds and also

in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction thereof. A.D. 1898.

7. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :—

Special provisions as to use of electrical power.

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (5) If any difference arises between the Company and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of

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the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

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

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

Byelaws.

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

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

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

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

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

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

Amendment
of Tramways
Act 1870 as
to byelaws
by local
authority.

9. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations at which carriages are to be driven or

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propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised. A.D. 1898.
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10. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant-secretary of the Board. Orders &c.
of Board
of Trade.

11. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts and proceedings to recover any such penalty may be taken by the corporation. Recovery of
penalties.

12. Subject to the provisions of this Act the Company may from time to time enter upon take and use for the purpose of constructing a station for generating electrical power the lands hereinafter described and delineated on the deposited plans and described in the deposited book of reference relating thereto together with all water and other rights and easements appurtenant to or used or enjoyed with the said lands and may exercise the powers hereinafter mentioned (that is to say):— Power to
acquire and
use lands for
generating
station.

Certain lands and warehouses formerly known as the Counterslip Sugar Refinery situate in the parish of Central Bristol in the said city and bounded on or towards the north and east by the Floating Harbour and on or towards the south partly by Counterslip otherwise East Tucker Street and partly by Philip Street.

13. The powers granted by this Act to the Company for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act. Period for com-
pulsory pur-
chase of lands
by Company.

14. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been and shall be subsequently so occupied. Restriction
on taking
houses of
labouring
class.

For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except

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A.D. 1898. 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.

Power to grant easements &c. by agreement.

15. 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 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 easements rights and privileges as aforesaid respectively.

Works for generating and using electrical power and adaptation of tramways for working thereby.

16. The Company may on the lands mentioned in the section the marginal note whereof is "Power to acquire and use lands for generating station" but not under the powers of this Act elsewhere than on such lands and premises construct a station for generating electrical power and may thereon provide and use dynamos engines boilers and other apparatus and things necessary or proper for the generation of electricity and the working of tramways thereby and they shall forthwith after the passing of this Act make such alterations of the tramways and may execute all such works on or in connexion therewith and in over or under the streets roads or places in which the same are laid as may be necessary or expedient for adapting the same to be worked by electrical power under the provisions of this Act and may also lay down construct erect and maintain on in under or over the surface of any street road or place in which any of the tramways are situate and with the consent of the local authority any other street or road in the said city or in any district in which the tramways or any of them are or may be situate and may with the consent of the owner and occupier thereof attach to any house or building in any of such streets roads places or districts such posts conductors wires tubes mains plates brackets electric cables and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the tramways or for providing access to or forming connexions with any of the Company's generating stations engines machinery or apparatus and for those purposes may raise alter remove and interfere with telegraphic telephonic and electric wires posts and apparatus Provided always that the Company shall make compensation to any person being the owner lessee or occupier of any telegraphic telephonic or electric wires posts or apparatus which may be raised altered or removed who shall sustain injury

by reason of such raising alteration or removal the amount of such compensation to be determined in default of agreement by arbitration in manner prescribed by section 33 of the Tramways Act 1870 and in the case of any such person as if such person had been named or referred to in that section :

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Provided also that Part II. of the Tramways Act 1870 shall apply to the alterations of the tramways by this section authorised
Provided also that the Company in exercising the powers conferred upon them by this section with respect to tramways within the said city shall not except with the consent of the corporation deviate from the lines and levels of the said tramways as existing at the times of making such alterations
Provided also that the Company shall not exercise the powers conferred on them by this section with respect to tramways streets roads or places within the said city except under and subject to the provisions set forth in the schedule to this Act
Provided also that when and so soon as the tramways shall be so adapted as aforesaid the provisions in this Act contained with regard to the use of electrical power on the tramways shall be deemed to operate and have effect in lieu of the provisions relating to motive power contained in the several Provisional Orders and Acts of Parliament relating to the undertaking of the Company :

Provided further that the provisions of section 30 of the Tramways Act 1870 shall apply in relation to any alteration of or interference with any telegraphic line of the Postmaster-General subject to the following condition (that is to say) That all works to be executed by the Company in pursuance of that section in relation to any lowering or alteration of the telegraphic lines of the Postmaster-General or to the provision of telegraphic lines for the use of the Postmaster-General shall if the Postmaster-General so desire be executed by the Postmaster-General or his officers at the expense of the Company
The expression "telegraphic line" in this section has the same meaning as in the Telegraph Act 1878
Provided also that any difference arising between the Postmaster-General and the Company in regard to any such alteration or interference or proposed alteration or interference shall be deemed a matter of difference within the meaning of section 33 of the Tramways Act 1870.

17. All posts and wires erected by the Company under the powers of this Act above the level of the surface of any street or road shall be erected in such position and at such height and shall be of such design as shall be reasonably approved by the road authority or in the event of such approval being withheld for the period of one month after notice in writing shall have been given

Above-ground posts &c. to be subject to approval of road authority or Board of Trade.

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to the road authority by the Company stating the position in which and the height at which such posts and wires are proposed to be erected and accompanied by drawings showing the design of such posts such posts and wires shall be erected in such position and at such height and shall be of such design as may be approved by the Board of Trade Provided that this section shall not apply to posts and wires erected within the said city.

User of posts and brackets for lighting purposes.

18. The corporation may from time to time use any posts or brackets erected by the Company within the said city under the provisions of this Act for supporting public electric lamps and any apparatus required for supplying the same with electrical energy but any such user by the corporation shall not impede or interfere with the working of the tramways and the corporation shall indemnify the Company in respect of such impediment or interference and any works executed by the corporation in connexion with such user shall be carried out under the superintendence and to the reasonable satisfaction of the Company's engineer.

Company cannot require Corporation to supply electrical energy.

19. The Company shall not be entitled to require the corporation to supply electrical energy to the Company.

Company not to supply others with electrical energy in city.

20. The Company shall not supply electrical energy to any other company or to any body or person for use within the said city for any purpose whatsoever.

For protection of Bristol Waterworks Company and Bristol Gas Company.

21. If the Company desire under the authority of this Act to do any act which shall or may render necessary the removal displacement or duplication of any of the then existing mains or pipes valves syphons plugs or apparatus or other works belonging to or controlled by the Bristol Waterworks Company or the Bristol Gas Company the Company shall give to the company to be affected by such act fourteen days notice in writing of such desire and such company shall forthwith (without prejudice nevertheless to the protection afforded them by the Tramways Act 1870 and subject to the proviso in this section herein-after contained) make such removal displacement or duplication as may be necessary and do all works incident thereto and all expenses to be thereby incurred shall be defrayed by the Company Provided always that if the Company are of opinion that such act does not render necessary any such duplication the question as to the necessity thereof shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party and such arbitrator shall also determine as to whether the whole or if not the whole what proportion of the costs of such duplication shall be paid by the Company but without prejudice to any existing rights of the

Company or of either of the said companies to refer any question other than the necessity of such duplication to arbitration under the provisions of the Tramways Act 1870. Nothing contained in this Act shall interfere with the exercise by either of the said companies of the powers and privileges conferred upon them respectively by any Acts or Act of Parliament of laying down and maintaining and as occasion may require of repairing and altering any mains or pipes in and under any of the roads upon which the tramways may be laid or works executed under the authority of this Act. And the provisions of the Tramways Act 1870 shall extend and apply to all works by this Act authorised and to the Company in respect thereof and the provisions of that Act in favour of the local authority or the road authority shall be extended to and include each of the said companies.

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22. If the Company shall discontinue the use of any posts brackets or overhead wires placed or maintained in or over any street or road for supplying electrical motive power to the carriages used upon the tramways or if the right of the Company to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Company shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such streets and roads to the satisfaction of the road authority and in case of default the road authority may do all things necessary for that purpose and recover the costs and expenses thereof from the Company.

Posts &c. to be removed if user discontinued.

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

Form and delivery of notices.

- (1) Every notice shall be in writing and if given by the Company or by any local authority or any road authority shall be signed by their chairman secretary or clerk :
- (2) Any notice to be delivered by or to the Company to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of such authority body or company or of the Company as the case may be or by being sent by post addressed to their respective clerk or secretary at such principal office.

24. The Company shall deposit with the registrar of joint stock companies a printed copy of this Act and it shall be recorded by him and if such copy is not so deposited within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those

Copy of Act to be registered.

A.D. 1898. three months during which the copy is omitted to be deposited and every director and manager of the Company who knowingly and wilfully authorises or permits such default shall incur the like penalty and every penalty under this Act shall be recoverable summarily.

For protection of Postmaster-General.

25. In the event of the tramways 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 subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3)—(a) Before any electric line is laid down or any act or work for working the tramways 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. 1898.

(b) Any difference which arises between the Postmaster General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having 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 :
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 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 provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the

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application of either party whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

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

Provision as to general Tramway Acts.

26. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways 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 tolls or charges authorised to be taken by the Company on their tramways.

Costs of Act.

27. 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.

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The SCHEDULE referred to in the foregoing Act. A.D. 1898.

One month before laying or placing any pipe or wire or erecting any post or bracket or executing any work which is subject to the provisions of this schedule the Company shall submit to the corporation a plan showing the mode and position in which the same is intended to be executed and placed.

Every pipe wire post or bracket shall be placed in such a position as the corporation shall approve.

Every post and bracket and every overhead wire shall be of such a pattern material and strength and shall be securely fixed in such manner as the corporation shall approve.

Every post and bracket shall be painted at least once in every year with good oil paint of a colour or colours to be approved by the corporation.

No post or bracket shall be used for the display of advertisements.

If any post bracket or overhead wire after it has been erected shall in the opinion of the corporation be an obstruction the Company shall alter the position thereof in such manner as the corporation shall approve.

The Company shall in executing any work take such precautions and do such acts as the corporation may require for preventing injury to or interference with any sewer pipe electric wire lamp post or other property belonging to the corporation or with the supply of electricity through any such wire.

The corporation may appoint an electrical engineer to superintend the construction of any work by the Company and the Company shall comply with all reasonable requirements of such engineer as to the mode of executing such work and the Company shall pay to the corporation the reasonable expenses of such superintendence Provided always that any difference which may arise between the corporation and the Company as to the reasonableness of any requirement of such engineer shall be deemed to be a matter in difference within the meaning of section 33 of the Tramways Act 1870.

Any officer of the corporation may at any time if necessary so to do remove any overhead wire to allow of the passage or use of any fire engine or fire escape.

The decision of the corporation upon any matter or thing as to which their approval is necessary or as to which they are authorised to make a requirement under the provisions of this schedule shall (notwithstanding anything contained in the Tramways Act 1870) be final and conclusive and binding on the Company.

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