CHAPTER cxcix.

An Act to incorporate and confer powers on the Birmingham Compressed-Air Power Company and for other purposes. [28th July 1884.] A.D. 1884.

WHEREAS the application of compressed air at Birmingham for distributing motive power from one or more centres to manufactories furnaces and works and the supply of air for ventilating refrigerating or blowing furnaces and for various other purposes would be of local and public advantage:

And whereas the persons hereinafter named (with others) are willing to undertake such application and supply and it is expedient that they be incorporated into a company and that powers be conferred on them for the purpose:

And whereas the objects of this Act cannot be obtained 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 Birmingham Compressed-Air Power Company's Act 1884.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I (relating to cancellation and surrender of shares) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 and the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and with respect to small portions of intersected lands) are (except where varied by this Act) incor-

A.D. 1884.

porated with and form part of this Act and in construing the enactments so incorporated this Act is to be deemed the special Act:

Interpretation.

3. In this Act unless the context otherwise requires:

"The Company" means the Company incorporated by this Act;

"The undertaking" means the undertaking authorized by this Act:

"Person" includes a corporation:

"The corporation" means the mayor aldermen and burgesses of the municipal borough of Birmingham in the county of Warwick:

"The borough" means the municipal borough of Birmingham:

"Street" includes any road bridge lane alley footway square court or passage being a highway whether a thoroughfare or not:

"Borough surveyor" means the borough surveyor for the time being of the corporation or such other officer as shall be specially appointed by the corporation to exercise and discharge the powers and duties of the borough surveyor under this Act:

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings Provided that the expression "superior court" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of Company.

4. Arthur Joseph Capel, Ernest Ibbetson, David George Sandeman and John Cumming Macdona and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes of this Act and for those purposes shall be incorporated by the name of the "Birmingham Compressed-Air Power Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to acquire take hold and dispose of lands and other property for the purposes of this Act.

Capital.

5. The capital of the Company shall be three hundred thousand pounds in thirty thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

6. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

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

Receipt clause in case of persons not sui juris.

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

Power to borrow.

9. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole seventy-five thousand pounds and of such sum the Company may borrow any sum not exceeding twenty-five thousand pounds in respect of every one hundred thousand pounds of such capital but no part of any such several sums of twenty-five thousand pounds shall be borrowed until shares for so much of the portion of capital in respect of which the borrowing powers are to be exercised are issued and accepted and one-half of such portion of capital 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 shares for the whole of that portion of capital in respect of which the borrowing power is proposed to be exercised have been issued and accepted and that one-half of such capital 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 the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns who 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 certificate shall be sufficient evidence thereof.

For appointment of a receiver.

10. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to

A.D. 1884.

authorize 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 two thousand pounds in the whole.

Debenture stock.

11. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorized) and shall have priority over all principal moneys secured by such mortgages.

First ordinary meeting.

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

Application of moneys.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

16. The quorum of a meeting of directors shall be two.

Election of directors.

17. Arthur Joseph Capel, Ernest Ibbetson, David George Sandeman, and John Cumming Macdona with one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act: At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the

Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Power to acquire lands by agreement.

18. The Company may from time to time acquire but only by agreement and may hold and use any lands (not exceeding twenty acres in the whole) which they may think requisite for any of the purposes of the undertaking.

District of Company.

19. The district of the Company for the purposes of this Act (hereinafter referred to as "the district") comprises the following municipal wards of the borough of Birmingham (namely) Saint Bartholomew Saint Martin Deritend and Bordesley in the parishes of Birmingham Aston-juxta-Birmingham and Edgbaston all in the borough and the powers of the Company under this Act shall be limited to the district.

General powers of Company.

20. Subject to the provisions of this Act the Company are hereby empowered within the district—

To erect and use works engines plant and machinery of every description and to do all acts and things requisite and proper for the compression of air and for the employment and distribution of compressed air as a motive power and for supplying air for purposes of ventilation or for any other purpose:

To supply motive power for any purpose by means of compressed air and to supply air for purposes of ventilation or any other purpose:

To acquire hold and work any patent rights or licenses of any description which relate to the compression of air or the supply or distribution of air or to sell let or grant licenses to use the same.

In furtherance of any of the above objects to supply fix or sell or let on hire to any person engines machinery and apparatus of every description and to enter into and carry into effect contracts and agreements and generally to do all things necessary incidental or proper to carrying into effect the objects of the Company.

Power to lay pipes &c. and to open streets.

21. Subject to the restrictions and provisions of this Act and to the provisions of the Electric Lighting Act 1882 and to any license or Provisional Order granted thereunder the Company may from time to time lay down maintain alter and remove mains pipes and other apparatus in or under any street within the district and may (so far as necessary for the purposes of this section) open break up and interfere with any such street or any sewer drain gas or water pipes or telegraph telephone electric or pneumatic pipes tubes wires lines or apparatus Provided always that the Company shall

A.D. 1884.

not remove alter or in any way interfere with any telegraph telephone electric or pneumatic pipes tubes wires lines or apparatus belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Restriction on interference with wires &c.

22. In the exercise of the powers of interference with telegraph wires tubes lines and apparatus (not belonging to Her Majesty's Postmaster-General) conferred by this Act the Company shall be subject to the following restrictions:—

(i) They shall cause as little detriment or inconvenience as circumstances admit to the body or person to or by whom any such wire tube line or apparatus belongs or is used:

(ii) Before they alter the position of any such wire tube line or apparatus they shall give to the body or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration:

(iii) Such work shall not be executed except under the superintendence of the body or person to whom such wire tube line or apparatus belongs unless such body or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work or discontinues the same during the work and such work shall be executed to the reasonable satisfaction of such body or person:

(iv) The Company shall pay all reasonable expenses to which such body or person may be put on account of such superintendence:

(v) The Company shall make good all damage done to the property of the corporation or any other body or person by the interference therewith and shall make full compensation to all parties for any loss sustained by them in consequence of any such interference:

(vi) Provided that nothing in this section shall be deemed to affect or modify the provisions of the Electric Lighting Act 1882 or of any license or Provisional Order granted thereunder.

Subscription of capital.

23. The Company shall not break up any street or execute any work within the district unless and until they have obtained a certificate under the hands of two justices (who before granting the same shall give to the corporation an opportunity of being heard upon the application) that at least one hundred thousand pounds of the authorized capital of the Company 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 (forming part of such capital so issued) has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and also in so far as the said capital is raised by shares that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

As to breaking up and reinstatement of streets.

24. (1) Seven days before commencing the execution of any work involving the breaking up or interference with any street vested in or under the control of the corporation the Company shall serve a notice upon the corporation describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street should be interfered with and shall upon being required to do so by the corporation from time to time give them any such further information in relation thereto as they may desire:

(2) The corporation may by notice to the Company prescribe the street or part of a street to be broken up or interfered with at one and the same time and may lay down conditions to be complied with by the Company as to fencing lighting and temporary works and otherwise for securing the safety of passengers and the temporary accommodation of traffic and also as to the reinstatement and making good of any street or part of a street and as to the time within which any work is to be executed in any street or any street is to be reinstated by the Company:

(3) All mains pipes and other apparatus to be laid down by the Company in or under any street shall be made of such description of iron or other material and shall be of such minimum strength and shall be subject to such minimum proof as the corporation may from time to time approve of:

(4) The Company shall complete all works in or interfering with any street with all reasonable speed and in all cases where the corporation have prescribed a period for the execution of any works within such period and they shall with all reasonable speed or within the period (if any) prescribed fill in the ground make good the

A.D. 1884.

surface reinstate the street and clear away all superfluous materials and refuse :

(5) The Company shall pay to the corporation the expense of repairing and maintaining all streets or parts of streets opened or broken up by or for the Company for a period of twelve months from the reinstatement of the same respectively :

(6) All work in or interfering with any street shall be executed and all streets reinstated by the Company under the superintendence and to the satisfaction of the borough surveyor and the Company shall pay to the corporation the expense of such superintendence :

(7) Before the Company open or break up any street they shall if required by the corporation deposit with them a sum of money sufficient in the opinion of the borough surveyor to defray the expense of reinstating such street and keeping the same in repair for a period of twelve months and the corporation may from time to time apply any of such moneys in payment of such expense and any deficiency shall on demand be paid to the corporation and at the expiration of such period the surplus (if any) shall be returned to the Company.

Provision as to gas and water mains and as to sewers.

25. It shall not be lawful for the Company in any way to interfere with any gas or water main or any sewer or drain belonging to or under the control of the corporation without in every case the consent of the corporation and then only subject and according to such terms and conditions as they may prescribe.

The corporation may elect to execute works in any street.

26. The corporation may if they think fit elect themselves to execute for and on behalf of the Company in or under any street any works and to exercise any powers which the Company are desirous to execute or exercise in or under such street and the corporation may require the Company to deposit a sum of money sufficient in the opinion of the borough surveyor to defray the estimated expenses to be incurred by the corporation under this section and the surplus (if any) shall be returned to the Company but in case such expenses shall exceed the amount of the deposit the Company shall on demand pay to the corporation the deficiency.

Not to place works under River Rea except in manner approved by corporation.

27. It shall not be lawful for the Company to place any main pipe or apparatus in over or under the River Rea except in accordance with plans sections and specifications to be first submitted to and approved of by the borough surveyor.

Site of compressing works to be subject to the

28. It shall not be lawful for the Company to erect or maintain any engines plant or machinery for the purpose of compressing air except upon lands approved of by the corporation such approval to

be testified by writing under the hand of the town clerk of the borough.

approval of the corporation.

29. From and after the time when the Company commence to supply compressed air through any main they shall maintain in such main compressed air sufficient for the use of all persons entitled to demand a supply of the same and such supply shall be constantly maintained day and night and whether any supply is being drawn from the main or not at a pressure not less than forty-three pounds to the square inch above atmosphere or at such other minimum pressure above atmosphere as the corporation and the Company from time to time may determine and such pressure is hereinafter in this Act referred to as "the prescribed pressure."

Constant supply of compressed air.

30. (1) The Company shall upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of the Company give and continue to give a supply of compressed air under the prescribed pressure. And the provisions of section eleven of the Gasworks Clauses Act 1871 are hereby incorporated with this Act and in the construction of those provisions "gas" shall be deemed to mean "compressed air" and "Undertakers" "Company":

Company bound to give a supply to persons within twenty-five yards of any main.

(2) Whenever the Company make default in supplying compressed air of the prescribed pressure to any person to whom they may be and are required to supply compressed air under this Act (except such default is caused by circumstances beyond the control of the Company) they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day upon which any such default shall occur.

31. Unless otherwise agreed the Company shall supply compressed air by a meter of a kind and construction to be approved of by the borough surveyor and the accuracy of which shall be certified by him Such meter shall be supplied to the consumer by the Company who shall be entitled to such reasonable rent for the use of the same as shall be agreed upon or failing agreement settled by the borough surveyor and the provisions of sections fifteen nineteen twenty twenty-one and twenty-two of the Gasworks Clauses Act 1871 are hereby incorporated with this Act and in the construction of those provisions "gas" shall be deemed to mean "compressed air" and "Undertakers" "Company."

Supply to be given by meter.

32. The Company shall fix and maintain at suitable points in connection with their mains instruments which shall record at all times the pressure in those mains and the description of instrument and its situation shall in each case be subject to the approval of the

Company to fix instrument for showing the pressure in mains.

A.D. 1884.

borough surveyor and every such instrument and its records shall at all times be open to the examination of the borough surveyor.

Profits beyond ten per cent. to be divided between shareholders and consumers.

33. (1) All profits of the Company beyond the amount necessary to pay a dividend of ten pounds per centum per annum on the share capital for the time being of the Company shall be applied as to one-half of such surplus as the Company shall direct and as to the other half of such surplus in a rateable reduction of the charges for compressed air supplied to consumers in the year in which such surplus profits shall be earned and the amount of the reduction to which each consumer is so entitled is hereinafter referred to as a rebate :

(2) The amount of any rebate may be recovered in any court of competent jurisdiction and such court may appoint an accountant or other proper person to examine the books and accounts of the Company and to report to the court what in his opinion is the proper amount of any such rebate and the costs of such accountant or person shall be paid as the court may order.

Company to furnish annual accounts.

34. (1) The Company shall fill up and forward to the corporation on or before the twenty-fifth day of March in each year an annual statement of accounts distinguishing capital from revenue made up to the thirty-first day of December then next preceding in such form and containing such particulars as the corporation may prescribe :

(2) The Company shall keep copies of such annual statement at their office in the borough and sell the same to any applicant at a price not exceeding one shilling per copy.

Not to take up any main without consent of corporation and if not used for a year to become property of corporation.

35. The Company shall not take up any main pipe or apparatus except for the purpose of necessary repair or renewal without the consent of the corporation And if the Company shall abandon or for twelve consecutive months cease to use any main pipe or apparatus laid in or under any street such main pipe or apparatus shall become the property of the corporation.

Corporation may purchase at the end of twenty-one years.

36. (1) At any time after the expiration of twenty-one years from the passing of this Act and after having obtained from Parliament or any competent Government department power to purchase the undertaking of the Company and to raise the necessary purchase money the corporation may by notice in writing require the Company to sell and thereupon the Company shall sell to the corporation their undertaking upon terms of paying the then value of all lands buildings works materials and plant of such Company as a going concern suitable to and used by them for the purposes of their undertaking such value to be determined in case of difference

by arbitration Provided that the value of such lands buildings works materials and plant shall be deemed to be their fair market value as a going concern at the time of the purchase due regard being had to the nature and then condition of such buildings works materials and plant and to the state of repair thereof and the suitability of the same to the purposes of the undertaking but without any addition in respect of compulsory purchase or of goodwill or of any profits which may or might have been or be made from the undertaking or of any similar considerations Provided also that the Company will if required by the corporation support any application to Parliament or to a Government department for the necessary powers to purchase the undertaking in accordance with the provisions of this section :

(2) The provisions of the Common Law Procedure Act 1854 and of any Act amending the same shall apply to an arbitration under this Act and the costs of the arbitration shall be in the discretion of the arbitrators or umpire.

Company to be responsible for all damages.

37. The Company shall be answerable for all accidents damages and injuries happening through the act or default of the Company their contractors or servants and whether in the execution of works authorized or exercise of powers conferred by this Act and shall save harmless all corporations companies and persons their officers and servants from all damages and costs in respect of such accidents damages and injuries.

Company not exempted from proceedings for nuisance.

38. 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.

The corporation may make bye-laws.

39. The corporation may from time to time make rescind alter or repeal bye-laws for securing the safety of the public and for the protection of the streets tramways sewers drains gas and water mains pipes and other property Provided always that the operation of such bye-laws shall be limited to acts and defaults of the Company their agents and servants and to any matter or thing arising from such acts or defaults provided also that the provisions contained in sections 182 183 and 184 of the Public Health Act 1875 shall so far as applicable extend and apply to such bye-laws.

No monopoly to be created.

40. Nothing in this Act contained shall be construed as entitling the Company to any monopoly or exclusive right to supply compressed air within the borough or any part thereof.

Costs of the corporation to be paid by

41. The Company shall pay to the corporation all costs charges and expenses incurred by them in relation to the preparation and

A.D. 1884.

the Company.

insertion of clauses in this Act for the protection and benefit of the corporation including the fees and expenses of engineers for advice and professional services in relation thereto.

Penalty on contravention of Act.

42. For every act or omission other than that occasioned by inevitable accident in contravention of this Act or of the requirements of any notice lawfully given to the Company by the corporation for which no other penalty is provided the Company shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding two pounds for every day during which the contravention continues after written notice in that behalf from the corporation.

Recovery of expenses &c.

43. All expenses penalties damages and sums for the payment of which the Company may be or may become liable under this Act or any bye-laws made under this Act may (without prejudice to any other remedy) be recovered summarily or by action in any court of competent jurisdiction All penalties recovered by the corporation shall be paid to their treasurer and shall by him be carried to the credit of the borough fund.

General saving for powers of corporation in relation to streets.

44. Nothing in this Act shall be deemed or taken in any way to abridge or affect any powers which the corporation possessed at the passing of this Act of breaking up or otherwise dealing with streets for the purpose of laying and maintaining gas or water mains sewers or drains or for any other purpose and all such powers may be exercised as if this Act had not been passed.

For the protection of the London and North Western and Great Western Railway Companies.

45. In laying down or executing or in effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the lands or property now or hereafter belonging to or used or occupied by the London and North Western Railway Company or the Great Western Railway Company (in this section referred to respectively as "the Railway Company") or the bridges approaches viaducts stations or other works of the Railway Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Railway Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him and by and at the expense of the Company who also shall restore and make good the roads over any bridges and approaches which the Railway Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works and operations and

all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railways bridges approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or in any way be owing to any of the works operations and matters aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation to the Railway Company in respect thereof the amount of such compensation together with full costs to be recoverable by the Railway Company from the Company by all and the same means as any simple contract debt is recoverable provided always that the Company shall not without the previous consent in writing of the principal engineer of the Railway Company lay down under the powers of this Act any mains pipes or other apparatus in any street within the district of the Company within a distance of ten yards from the point where such street may be crossed on the level by any railway or siding of the Railway Company.

For the protection of the Birmingham Canal Company.

46. If and as often as the Company of Proprietors of the Birmingham Canal Navigations (hereinafter called the "Canal Company") shall have occasion to repair raise rebuild or alter any existing bridge belonging to them and situate within the district of the Company or to erect any new bridge within such district upon over under through across or by the side of which any pipes mains or other apparatus of the Company may be carried or laid under the powers of this Act the Canal Company shall give to the Company seven days' previous notice in writing of their intention to execute any such works as aforesaid which may necessitate any alterations of such pipes mains or other apparatus and such alteration shall be made and the pipes mains and other apparatus shall be replaced by and at the expense of the Company and whenever the Company shall require to lay down alter or replace any pipes mains or other apparatus upon across or under or to construct any work upon any lands of the Canal Company such pipes mains and other apparatus shall be laid altered or replaced and such work constructed to the reasonable satisfaction of the engineer for the time being of the Canal Company and (except in cases of accident or other sudden emergency) according to plans previously approved by such engineer and any question or difference arising between the Canal Company and the Company touching the matters aforesaid or any of them shall be settled by arbitration in manner provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

A.D. 1884.

For the protection of tramways.

47. The following provisions for the protection of tramways including the rails pavement and substructure thereof shall apply and have effect, viz. :—

(*a*) If and whenever the Company desire to lay down alter replace or remove any pipe main or other apparatus under or across any tramway authorized at the passing of this Act the property of or in lease to any tramway company or to execute any other works which shall in any way interfere with such tramway or the traffic thereon the Company shall give seven days previous notice in writing to the tramway company of their intention to do any such works as aforesaid and the same shall be done by and at the expense of the Company to the satisfaction of the borough surveyor:

(*b*) Any removal or alteration of such tramway whether permanent or temporary which may in the opinion of the borough surveyor be necessitated by the execution of such works as aforesaid shall be done by and at the expense of the Company and to the satisfaction of the borough surveyor:

(*c*) The Company shall at all times be liable for all damage injury or interference which may be caused to such tramway or to the traffic thereon by the execution existence or maintenance of any such works of the Company as aforesaid:

(*d*) All such damages costs and expenses shall be assessed by arbitration and shall be paid by the Company on demand to the tramway company to whom the same are owing and the same may be recovered from the Company by such tramway company by all and the same means as any simple contract debt may be recovered.

Agreements with corporation.

48. The Company and the corporation may from time to time enter into and carry into effect agreements with respect to the execution of any works affecting the public streets or any property of the corporation or for varying the prescribed pressure of compressed air and any such agreement may contain such terms and conditions as the contracting parties may agree on and shall be valid and effectual to all intents.

Charges by Company.

49. The Company may take and receive in respect of motive power supplied by them and of the supply of air for ventilation or any other purpose and in respect of the use of any engine plant machinery or apparatus and of any patent or other rights and of any other services rendered such charges and sums as may be from time to time agreed on:

Provided that every person entitled to demand a supply of compressed air shall be entitled to such supply on the same terms

as any other person is entitled under similar circumstances to a corresponding supply and the Company shall not in making any agreements for a supply of compressed air show any undue preference to any person.

Bye-laws by Company.

50. The Company may from time to time make alter and repeal bye-laws for preventing the abstraction waste or misuse of compressed air supplied by them and may attach to the breach of any such bye-laws penalties not exceeding five pounds for any single offence but such bye-laws shall not be of any force until they have received the approval of the Board of Trade.

Entry for examination of machinery &c.

51. The Company may by their agents officers servants and workmen at all reasonable hours enter any lands or buildings supplied with compressed air for the purpose of examining repairing or replacing any engines machinery meters or other apparatus supplied or let by them making reasonable compensation to all persons injured by the exercise of the powers of this section.

Recovery of charges &c.

52. All charges rates and sums payable to the Company and all penalties under this Act or any bye-law made under this Act may be recovered either before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts or by action in any court of competent jurisdiction.

Company not exempt from pro-

53. Nothing in this Act shall exempt the Company from the provisions of any general Act for the improvement of the sanitary condition of towns or the abatement of nuisances now in force or which may hereafter pass or from any enactments which may be hereafter from time to time made by Parliament for limiting the maximum dividends to be declared and paid by the Company and for restricting the powers of the Company to convert borrowed money into capital and for fixing and revising the rates and tolls to be received by the Company and for giving all persons and corporations the right to avail themselves of the several works and appliances of the Company on payment of such rates and tolls without preference or favour.

Expenses of Act.

54. The 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.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884.