CHAPTER clxxxix.

An Act for incorporating the Chesham Boxmoor and Hemel Hempsted Steam Tramways Company and empowering them to construct tramways; and for other purposes. A.D. 1888.

[7th August 1888.]

WHEREAS the construction of the tramways by this Act authorised in the parish of Chesham in the county of Buckingham and the parishes of Northchurch Bovingdon and Hemel Hempsted in the county of Hertford would be attended with public and local advantage:

And whereas it is expedient that the persons hereinafter named with others should be incorporated into a Company and should be empowered to lay down and maintain the said tramways and construct the other works in this Act mentioned and that the powers hereinafter contained should be conferred upon them for those purposes:

And whereas it is expedient that the Company so to be incorporated (in this Act called "the Company") should be empowered to use steam as a motive power on the tramways by this Act authorised in addition to or in substitution for animal power:

And whereas plans and sections showing the lines and levels of the tramways 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 Buckingham and Hertford and are hereinafter referred to respectively as the deposited plans sections and books of reference:

And whereas it has been found desirable to construct Tramway No. 3 by this Act authorised upon different lines and levels from those shown upon the deposited plans and sections and further

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plans and sections (in this Act referred to as the amended plans and sections) showing the altered lines and levels of the said Tramway No. 3 and also a book of reference (in this Act referred to as the amended book of reference) containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands through which the tramway as altered will pass have been deposited with the said clerks of the peace respectively:

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 Chesham Boxmoor and Hemel Hempsted Steam Tramways Act 1888.

Incorporation of general Acts.

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

The Companies Clauses Consolidation Act 1845;

Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869;

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883;

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 the railway;

Section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) 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 tramways and works of the Company shall be deemed to be railways and the Company shall be deemed to be a railway company.

Interpretation.

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:—

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

The expression "the tramway" or "the tramways" means the tramways by this Act authorised;

The expression "the undertaking" means the undertaking of the Company;

"Steam power" includes any 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; and

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

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 clerk 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 clerk 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.

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Company incorporated.

5. Malcolm Ross Samuel Cash Shewell Charles Herbert Wilkinson John William Williamson William Lowndes and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making maintaining and working the tramways and for other the purposes of this Act and for those purposes shall be incorporated by the name of the Chesham Boxmoor and Hemel Hempsted Steam Tramways Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make tramways.

6. 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 tramways hereinafter described with all proper rails plates chairs sleepers tubes stables engines engine-houses carriage-houses weigh-bridges 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 take 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 tramways hereinbefore referred to and authorised by this Act are:—

Tramway No. 1 commencing in High Street Chesham at a point 3 chains or thereabouts measured in a southerly direction from the building known as the Congregational Chapel passing in a northerly direction along High Street past Townsend Road and the Lodge to the Cemetery and terminating at a point 3 chains and 25 links measured in a northerly direction from the New Inn public house situate in New Town Chesham: Provided always that the Company shall construct Tramway No. 1 in Chesham between the points marked A and B on the deposited plans with a double line of rails so laid as to be worked as a single line;

Tramway No. 1 will be four furlongs and three chains in length and will be a single line throughout;

Tramway No. 1A commencing by a junction with Tramway No. 1 at a point 1 chain from the commencement thereof thence passing in a north-westerly direction along the road known as the Broad-

way and terminating at a point 70 links or thereabouts measured in an easterly direction from the north-east corner of the Star public-house;

Tramway No. 1A will be three chains and twenty links in length and will be a single line throughout;

Tramway No. 1B commencing by a junction with Tramway No. 1A at a point 1 chain from the termination thereof thence passing in a north-easterly direction along the road known as the Broadway and terminating by a junction with Tramway No. 1 at a point 3 chains and 90 links or thereabouts from the commencement thereof;

Tramway No. 1B will be two chains and sixty links in length and will be a single line throughout;

Tramway No. 2 commencing at the termination of Tramway No. 1 and terminating in the main road leading from Berkhampstead to Boxmoor at a point 1 chain and 40 links from the Fox and Hounds public-house in Bourne End;

Tramway No. 2 will be four miles six furlongs and three chains in length and will be a single line throughout;

Tramway No. 3 as shown upon the amended plan and section commencing at or near the termination of Tramway No. 2 and terminating in the road leading from Boxmoor to Hemel Hempsted at a point 80 links westward from the Railway Tavern at Boxmoor Station;

Tramway No 3 will be one mile four furlongs two chains and fifty links in length of which seven chains will be double line and one mile three furlongs five chains and fifty links will be single line;

Tramway No. 4 commencing at the termination of Tramway No. 3 and passing in an easterly direction along the main road from Boxmoor towards Hemel Hempsted passing over the canal bridge and under the Hemel Hempsted branch of the Midland Railway and thence in a north-easterly direction towards Hemel Hempsted past the Plough Inn and thence in a northerly direction under the Hemel Hempsted branch of the Midland Railway and along the Lower Marlowes and thence along the Marlowes passing Bridge Street Infirmary Lane Bath Street Alma Road and Bury Road thence in a north-easterly direction towards the High Street and terminating at a point 1 chain and 40 links measured in a south-westerly direction from Alexandra Road;

Tramway No. 4 will be one mile four furlongs seven chains and thirty-five links in length of which six chains will be double line

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and one mile four furlongs one chain and thirty-five links will be single line;

Tramway No. 4c commencing at the termination of Tramway No. 4 thence passing in a north-easterly direction along High Street thence in a south-easterly direction along Alexandra Road thence in an easterly direction along the Midland Road and terminating at a point opposite the entrance to the Hemel Hempsted Station on the Hemel Hempsted branch of the Midland Railway: Provided always that the Company shall not construct the portion of Tramway No. 4c at the junction of Alexandra Road and Bury Road until they have widened the said roads at the corner known as Ambler's Corner so as to allow of the tramway being constructed on a curve to be approved by the Board of Trade;

Tramway No. 4c will be two furlongs six chains and twenty links in length and will be a single line throughout.

Capital.

7. The capital of the Company shall be seventy-two thousand pounds in seven thousand two hundred shares of ten pounds each.

Shares not to issue until one-fifth part thereof shall have been paid up.

8. The Company shall not issue any share created under the authority of this Act nor shall any 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 shall have been paid in respect thereof.

Calls.

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

Receipt in case of persons not sui juris.

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

Power to borrow.

11. The Company may in respect of the capital of seventy-two thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole eighteen thousand pounds or they may if and when they have completed and opened for public traffic either so much of the tramways as lies between Chesham and Boxmoor or so much as lies between Boxmoor and Hemel Hempsted borrow on mortgage as aforesaid in respect of each thirty-six thousand pounds of the said capital any sum not exceeding nine thousand pounds: Provided always that no part of any such sum of eighteen thousand pounds or nine thousand pounds (as the case may be) shall be borrowed until the whole of the capital or of the portion of capital

in respect of which the same 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 such capital or portion of capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth of the amount of each separate share in such capital or portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital or portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

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

Debenture stock not to be created.

13. The Company shall not create debenture stock.

Short title of Act to be marked on mortgage.

14. Every mortgage granted by the Company shall be marked with the short title of the Act under which the same is granted.

Mortgage to comprise purchase-money paid on compulsory sale.

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

Indorsement of notice of power of future purchase by local authorities.

16. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramway or the tramway undertaking or any part thereof in the event of purchase by a local authority under the forty-third section of the Tramways Act 1870.

Priority of mortgages.

17. All moneys borrowed on mortgage under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts

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incurred or to be incurred or engagements entered into or to be entered into by them.

Application of moneys.

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

First ordinary meeting.

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

Quorum for general meetings.

20. The quorum for general meetings of the Company shall be ten shareholders present in person or by proxy holding in the aggregate not less than twelve thousand pounds in the capital of the Company.

Number of directors.

21. The number of directors shall be seven but the Company may from time to time alter the number provided that the number be never less than three nor more than seven.

Qualification of directors.

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

Quorum for meeting of directors.

23. The quorum for a meeting of directors shall be three.

First directors.

24. Malcolm Ross Samuel Cash Shewell Charles Herbert Wilkinson John William Williamson William Lowndes and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

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 altering the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained 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.

As to provision of further siding and

25. (1) The Company shall not open for public traffic any part of the tramways to the north of a point one chain northward of the passing place at Lower Marlowes shown upon the deposited

plans unless and until they shall have constructed to the reasonable satisfaction of the Hemel Hempsted Highway Board a passing place sufficient for the safe and proper working of the traffic at or near the northern terminus of the line.

passing place.

(2) The Company shall not by means of the carriages wagons or trucks used on the tramways convey any traffic between the tramways and the goods yard of the Midland Railway Company at Coterell's Road unless and until they shall have constructed to the reasonable satisfaction of the said highway board a siding between the tramways and the said goods yard.

(3) If any difference arises between the Company and the said highway board under the provisions of this section the matter in difference shall be 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 the reference shall be borne and paid as the referee directs.

As to crossings of certain roads by Tramway No. 2.

26. Instead of constructing Tramway No. 2 on the level across the roads numbered respectively on the deposited plans 48 in the parish of Chesham and 5 in the parish of Northchurch in the manner shown on the deposited plans and sections the Company shall carry the said roads over the tramway by bridges which shall have a clear width between the parapets of not less than twenty feet and with approaches having inclinations not steeper than 1 in 16.

As to crossing public road &c.

27. With respect to the crossing on the level of the public road numbered on the amended plans and in the amended books of reference 1 in the parish of Northchurch the following provisions shall have effect (that is to say) :—

(1) The Company shall erect and maintain at all times gates across the tramway at each side of the said road 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 ;

(2) Such gates shall be kept constantly closed across the tramway except during the time when engines carriages or trucks passing along the tramway shall have occasion to cross the said road and shall be of such dimensions and so constructed as when closed to fence in the tramway and prevent cattle or horses passing along the said road from entering upon the tramway ;

(3) The conductors of any engines carriages or trucks passing along the tramway 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

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passed through the same and shall be liable to a penalty of not exceeding forty shillings for every default in so doing;

(4) The tramway 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;

(5) Section 5 of the Railways Clauses Act 1863 shall apply to the said level crossing as if the tramway were a railway within the meaning of that Act.

Power to deviate.

28. The Company in constructing any portion of the tramway which will not be laid in or upon any public street road or place 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 tramway as if the same were a railway within the meaning of that Act.

Power to cross roads &c.

29. The Company shall for the purposes of constructing any portion of the tramway 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 tramway as if the same were a railway within the meaning of that Act.

As to accommodation works.

30. The Company shall fence off the tramways 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 tramways as shall be necessary for making good the interruption caused by the tramways to the use or drainage of or access to 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 tramways 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.

Power to Company to widen streets.

31. Subject to the provisions of this Act the Company may in accordance with the deposited plans and sections execute the following works and may enter upon take and use such of the lands

delineated on the deposited plans and described in the deposited books of reference as are required for that purpose (that is to say):—

The widening of the High Street New Town Chesham on the east side thereof from a point 2 chains in a northerly direction from opposite the New Inn public-house for a distance of 1 chain and 25 links measured in a northerly direction;

and the Company shall not lay down the tramways at any point in the before-mentioned portion of street where the width thereof is less than twenty-five feet until the same shall have been widened as aforesaid.

Period for compulsory purchase of lands.

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

For the protection of the London and North Western Railway Company.

33. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the North Western Company") shall have full force and effect and be binding upon the Company and their assigns:—

(1) Where the Tramway No. 3 as shown on the amended plan shall pass under the London and North Western Railway the same shall be constructed by and in all things at the expense of the Company and according to plans and sections to be previously submitted to and reasonably approved by the principal engineer for the time being of the North Western Company and shall be executed under the superintendence and to the reasonable satisfaction of the said principal engineer;

(2) The Company shall not in any way vary alter or interfere with the structure of the bridge carrying the said railway of the North Western Company over the occupation road at the proposed crossing of the said railway by Tramway No. 3 and they shall so construct and maintain the said tramway under such bridge as not injuriously to affect the same;

(3) The Company shall not (except with the previous consent of the North Western Company under their common seal) purchase or acquire any lands or property of the North Western Company but the Company may purchase and take and the North Western Company shall subject to the rights and interests of the owners lessees and occupiers of the adjoining houses sell and grant accordingly an easement or right of using so much of the lands of the North Western Company as may be necessary for the construction and use of the said portion of tramway in accordance with the provisions of this section;

(4) During the construction of the said portion of tramway under across and adjoining and near to or affecting the railways

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property and works of the North Western Company the Company shall bear and on demand pay to that company all expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching their railways and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise;

(5) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North Western Company all costs losses damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of the Company's tramway and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission;

(6) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the North Western Company otherwise than is herein expressly provided;

(7) If any difference arise between the Company or their engineer and the said railway company or their principal engineer respecting anything referred to in this section such difference may be referred to and determined by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers at the request of either party.

For protection of Midland Railway Company.

34. All works which may be necessary in constructing and maintaining the Tramway No. 4 where the same will pass under bridges carrying the Hemel Hempsted branch of the Midland Railway over public roads shall be constructed 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.

In constructing using and maintaining Tramway No. 4c along the Midland Road the Company shall not obstruct or interfere with the free access for passengers and vehicles to the Hemel Hempsted Station of the Midland Railway Company and the termination of the said tramway shall be at such a point in the said road as may be agreed on between the Company and the Midland Railway Company and in case of difference between them the point of termination of the said tramway shall be settled by an engineer to be appointed as aforesaid.

For the protection of the Grand Junction Canal Company.

35. The following provisions unless otherwise agreed between the Company and the company of proprietors of the Grand Junction Canal (hereinafter called "the Canal Company") by writing under the common seals of such companies respectively shall apply and have effect for the protection of the Canal Company (that is to say):—

(1) The Company shall not commence to construct Tramway No. 4 or any works in connection therewith over the bridge carrying the main road from Hemel Hempsted to Boxmoor across the canal of the Canal Company until after fourteen days' previous notice in writing shall have been given by the Company to the Canal Company of their intention to commence such tramway or works and the Company shall so construct such tramway and works as not to interfere with the permanent structure or masonry of the said bridge or otherwise injuriously to affect such bridge or the approaches thereto: Provided that if in the opinion of the Canal Company or their engineer for the time being such bridge shall at the time of the commencement of such tramway or works be or shall at any time thereafter become of insufficient strength for the use or continued use of the tramway over the same the Canal Company may give notice to the Company to that effect and thereupon (subject to the provision hereinafter contained) if the said tramway be not then completed the Company shall before commencing to work such tramway on or over such bridge or if such tramway shall have been completed then forthwith upon the receipt of such notice strengthen or rebuild such bridge at the cost of the Company in such manner as may be required by the Canal Company;

(2) In the event of any such interference or injury as aforesaid being occasioned to the said bridge by reason of the construction of the said tramway or the maintenance renewal or use of the

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same or any act or default of the Company their contractors agents or servants the Canal Company may at the expense of the Company (notwithstanding the proviso to the last preceding sub-section) restore the said bridge to the same or as good a state and condition as it was in before such interference or injury was occasioned and the Company shall from time to time repay to the Canal Company and indemnify them against all costs damages and expenses which they may sustain or be put to in consequence of such interference or injury or in restoring the said bridge in manner aforesaid. The Company shall also from time to time repay to and indemnify the Canal Company against all additional costs and expenses incurred by them from time to time in consequence of such tramway and works in maintaining and repairing the said bridge or in repairing the roadway over the said bridge or such part thereof (if any) as the Canal Company are liable to maintain and the Canal Company may recover from the Company all such costs damages and expenses together with full costs of suit in like manner as any simple contract debt of the like amount may be recovered;

(3) The Company shall not in the construction maintenance or repair of any works by this Act authorised alter the line or levels of the said canal or the towing-path thereof or contract the width of the same respectively or obstruct impede or interfere with the navigation of the said canal or the use of the towing-path thereof or interfere with or injure any of the works thereof;

(4) It shall be lawful for the Canal Company at their own expense at any time and from time to time hereafter after giving three months' notice in writing thereof to the Company to remove alter or renew such bridge (including any bridge which may be strengthened or rebuilt by the Company under the provisions hereinbefore contained) in the same manner as they might have removed altered or renewed the same if this Act had not been passed (and in the case of any strengthened or new bridge as if the same had been strengthened or rebuilt by the Canal Company) without making any compensation to the Company for injury or interference to the tramway thereon or for loss or interruption of traffic or any other damage to be occasioned to the Company by any such removal alteration or renewal and in the event of such bridge being altered or renewed as aforesaid the Company shall at their own expense take up the said tramway and reconstruct the same upon such altered or

renewed bridge in the same manner and subject to the same provisions so far as applicable as are herein provided for constructing the said tramway over the original bridge but such alteration or renewal shall be conducted with all reasonable despatch and with as little injury to or interference with the tramway and loss and interruption of the traffic and other damage to the Company as possible and the Canal Company shall afford to the Company all reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or renewal;

(5) All works connected with the construction of any such tramway by this Act authorised over the existing bridge crossing the said canal or over any altered or new bridge and all works connected with the strengthening or rebuilding of any such bridge shall be executed according to plans previously submitted to and approved by and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Canal Company whose reasonable expenses shall be paid by the Company;

(6) If any difference shall arise between the Company or their engineer and the Canal Company or their engineer with respect to the mode of execution of any work relating to such bridge tramway or works or with respect to the necessity or expediency of strengthening or rebuilding the said bridge or the manner design and material in and with which the same shall be executed such difference shall be settled by an engineer or other fit person to be nominated as referee by the Board of Trade on the application of either the Company or the Canal Company and the decision of such referee shall be final and the costs of such reference shall be borne and paid as the referee shall direct;

(7) Except as herein otherwise expressly provided nothing in this Act contained shall take away lessen prejudice or alter any of the estates rights powers or authorities of the Canal Company under any Act of Parliament or otherwise.

For the protection of the Hemel Hempsted Highway Board.

36. For the protection of the Hemel Hempsted Highway Board (in this section referred to as "the board") the following provisions shall have effect:—

(1) The Company shall on demand repay to the board all reasonable charges and expenses incurred by them for the supervision and inspection of any work done or to be done by the Company in connection with the tramways and the board is hereby

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authorised to order such supervision aud inspection of the works as they may deem proper;

(2) Where at any point within the district of the board the carriageway of any road or roads upon which the tramways are authorised to be laid shall be of less width than 22 feet 6 inches exclusive of the footways and unless any less width is by this section authorised or provided for the Company before commencing to lay any portion of the tramways along such portion of road shall if practicable acquire sufficient land for and widen such road so as to make it of the width aforesaid exclusive of the footways: Provided always that the Company shall not be required to purchase any lands for the purposes of this subsection unless such land can be purchased by agreement at a reasonable price and in case of difference between the Company and the board as to whether the price demanded for any such land is reasonable the same shall be determined by a land valuer or surveyor to be agreed upon for that purpose by the Company and the board or failing agreement to be appointed on the application of either party by the president for the time being of the Surveyors' Institution;

(3) Simultaneously with the commencement by the Company to construct any part of the Tramway No. 4 within the district of the board they thall execute the following works:—

(A) They shall widen the bridge by which the Boxmoor and Hemel Hempsted Road is carried over the river Bulbourne so as to make the roadway over the same of not less width than 28 feet between the parapets or fences thereof;

(B) They shall subject to the consent of the company of proprietors of the Grand Junction Canal alter and widen the bridge by which the said road is carried over the Grand Junction Canal so as to provide a carriageway not less than 20 feet in width with a footway of 4 feet in width on each side or of 8 feet in width on one side of such carriageway;

(c) They shall take down and reconstruct the bridge by which the said road is carried over the river Gade at Moor End so as to make the roadway over the same of not less width than 28 feet between the parapets or fences thereof;

(4) The Company shall not commence the alteration of any road or bridge under the provisions of this section until they have submitted to the board for their approval detailed drawings and specifications of the proposed works and until the board shall have approved of the same in writing under the hand of their

surveyor or engineer for the time being or (in the case of any difference between the Company and the board) until the same shall have been approved by an arbitrator to be appointed as hereinafter provided: Provided that if for the space of fourteen days after such drawings and specifications have been submitted as aforesaid the board shall fail to signify their approval or disapproval in manner aforesaid or to submit any such difference to arbitration they shall be deemed to have approved of the same;

(5) All works to be executed by the Company under the foregoing provisions of this section shall be executed in accordance in all respects with such drawings and specifications (subject to any modifications thereof which may from time to time be approved by the board or an arbitrator in manner aforesaid) and under the superintendence and to the reasonable satisfaction of the surveyor of the board for the time being and the reasonable expenses of such surveyor in connection with such superintendence shall be paid by the Company;

(6) The Company shall if required by the board pave the roadways along which the tramways are laid within the district of the board with a single serrated row of granite sets on each side of each rail of the tramways;

(7) The roads and bridges to be altered or reconstructed under the provisions of this section shall when altered and completed from time to time be repaired and maintained by and at the expense of the board in the same manner and to the same extent (subject to the provisions of the Tramways Act 1870) as other roads and bridges within the district of the board are from time to time liable to be repaired and maintained. The new bridges shall vest in and be the property of the same persons as the existing bridges for which such new bridges are respectively substituted under the provisions of this section;

(8) The Company shall not in the construction alteration or relaying of any tramway within the district of the board stop up or interfere with any road so as to prevent the passage of traffic along the same;

(9) Any dispute or difference arising between the Company and the board under this section shall be settled by an engineer to be agreed upon by the Company and the board or failing agreement to be appointed by the Board of Trade on the application of either party in the manner provided by section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned;

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(10) Nothing in this Act contained shall take away alter or lessen any right power or authority now vested in the board for repairing altering or rebuilding any of the said bridges which are repairable by them but all such rights powers and authorities shall remain of as full force as if this Act had not passed.

For protection of works of Hemel Hempsted District Gas Company and Hemel Hempsted Waterworks and Laundry Company Limited.

37. If the Company desire under the authority of this Act to do any act which shall or may render necessary the removal or displacement of any of the mains pipes valves syphons or plugs belonging to or controlled by the Hemel Hempsted District Gas Company or the Hemel Hempsted Waterworks and Laundry Company Limited the Company shall give to the said Gas Company or to the said Waterworks Company as the case may be seven days' notice in writing of such desire and if the said Gas Company or the said Waterworks Company as the case may be by notice in writing to the Company within seven days after the receipt by them of such notice so require the said Gas Company or Waterworks Company may forthwith (without prejudice nevertheless to the protection afforded them by the Tramways Act 1870 the provisions and enactments of which Act are hereby made applicable to the said Waterworks Company) make such removal or displacement as may be necessary and do all works incident thereto and all reasonable expenses to be thereby incurred shall be defrayed by the Company.

Saving rights of said Gas Company and Waterworks Company.

38. Nothing contained in this Act shall interfere with the exercise by the said Gas Company of the powers and privileges conferred upon them by the Hemel Hempsted District Gas Act 1878 of laying down and maintaining and as occasion may require of repairing and altering any mains or pipes in or under any of the roads upon which the tramways may be laid under the authority of this Act nor in any way interfere with the rights and privileges of the said Waterworks Company in the occupation by their mains of any of the roads in which the same are laid and upon which the tramways may be laid as aforesaid.

Period for completion of works.

39. So much of the tramways by this Act authorised as lies to the eastward of the termination of Tramway No. 3 shall be completed within three years from the passing of this Act and so much thereof as lies to the westward of that point shall be completed within five years from the passing of this Act and on the expiration of these periods respectively the powers of this Act granted to the Company for constructing the said respective portions of the tramways or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as shall be then completed: Provided always that as regards so much of the tramways as lies

to the westward of the point aforesaid the Company shall not commence the construction of any part thereof situate in any public street road or place until the portions of such tramways which are not so situate are completed up to the formation level thereof.

Deposit money not to be repaid except so far as tramway is opened.

40. 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 three hundred and sixty pounds fourteen shillings and seven pence Three pounds per centum Consolidated Bank Annuities (since converted into a like sum of New Consols) being equal in value to five per centum upon the amount of the estimate in respect of the tramways as originally proposed to be authorised by the Bill for this Act has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act: And whereas the said sum of two thousand three hundred and sixty pounds fourteen shillings and seven pence New Consols exceeds by two hundred and thirteen pounds the sum of two thousand one hundred and forty-seven pounds fourteen shillings and seven pence New Consols which last-mentioned sum is equal in value to five per centum upon the amount of the estimate in respect of the tramways as authorised by this Act: Be it enacted that notwithstanding anything contained in the said Act the said sum of two thousand one hundred and forty-seven pounds fourteen shillings and seven pence New Consols (hereinafter called the said deposit fund) shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them 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 tramway 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 tramway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramway so opened bears to the entire length of the tramway hereby authorised the High Court of Justice in England shall on the application of the depositors order the portion of the deposit fund specified in the

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certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

41. If the Company do not previously to the expiration of the period limited for the completion of the tramway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities for the expense incurred by them in taking up any part of the tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court think fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time

to time and as often as the same shall become payable be paid to or on the application of the depositors.

Providing for release of part of deposit money.

42. On the application of the depositors at any time after the passing of this Act the High Court of Justice in England may and shall order that the said sum of two hundred and thirteen pounds New Consols the remainder of the said sum of two thousand three hundred and sixty pounds fourteen shillings and seven pence New Consols so deposited as aforesaid over and above the said deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or as they shall direct.

Purchase of lands by agreement.

43. 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 stables offices buildings and other conveniences in connection 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.

Restriction on displacing persons of the labouring class.

44. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in 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:

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.

Power to take easements &c. by agreement.

45. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege required for the purposes of this Act (not being an easement of water) in over or affecting any such

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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.

Gauge and mode of formation of tramways.

46. The tramways shall be constructed with two rails on the gauge of three feet six inches and shall where laid in or across a 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 the street and notwithstanding anything in the Tramways Act 1870 contained to the contrary the carriages trucks or engines used on the tramways may extend for but shall not extend beyond the outer edge of the rail of the tramway on either side more than twelve inches in the case of carriages or trucks or more than fourteen inches in the case of engines.

As to rails of tramways.

47. The rails of the tramways where laid in or across a street or road shall be such as the Board of Trade may approve.

Company to adopt improvements if required by Board of Trade.

48. 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 tramways so far as the same are laid in 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 dispatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Further provisions as to construction of tramways.

49. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintianing or renewing such tramways 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 the tramways or any part of the tramways 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.

50. The tramways 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.

Inspection by Board of Trade.

51. The Company shall at all time 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 tramways where laid in 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 exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways 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.

Penalty for not maintaining rails in proper order.

52. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways 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 road as altered.

Tramways to to be kept on level of surface of roads.

53. 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 road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority

Application of road materials excavated in construction of tramways.

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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.

54. 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 such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables carriage or engine houses or works of the Company: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road 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 road at such last-mentioned point shall by writing under their hand addressed to the Company express their objection thereto.

Temporary tramways may be made when necessary.

55. When by reason of the execution of any work affecting the surface or soil of any street or road along which any tramway or part of a tramway is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company shall within 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 tramway or part of the tramway 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 road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway in lieu of the part of the tramway so removed or discon-

tinued. 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 tramway 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.

Sanitary authority to have access to sewers.

56. 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.

Agreements between the Company and road authorities.

57. 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 tramways 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.

Use of steam power to be subject to regulations of Board of Trade.

58. The carriages and trucks used on the tramways may be moved by animal power and subject to the provisions of this Act during a period of seven years from 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 that Board may from time to time specify in any order may be moved by steam power: Provided always that in the exercise of the powers by this Act conferred with respect to the use of steam power the Company shall be subject to the regulations set forth in the schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam power on the tramways.

Penalty for using steam power contrary to Act or regulations.

59. The Company or any other company or person using steam power on the tramways contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and

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also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof: Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the said schedule or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

By-laws.

60. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to by-laws with regard to the use of steam power upon the tramways for all or any of the following purposes (that is to say):—

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

For regulating the emission of smoke or steam from engines used in working the tramways;

For providing that engines carriages and trucks 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 regulations and by-laws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Penalty for breach of by-laws.

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

As to recovery of penalties.

62. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any by-law made by the Board of Trade under the authority of this Act.

Amendment of the Tramways Act 1870 as to by-laws by local authority.

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

Orders and by-laws to be signed.

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

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

65. Before the Company or any other company or person shall use steam power under the authority of this Act on any part of the tramways which is situate in any street or road they or he shall give two months' previous notice of such intention to every road authority within whose district such part of the tramways 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 such part of the tramways 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 any part of the tramways which is so situate in a street or road be determined and of no effect:

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Before using steam power on any such part of the tramways 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 part of such tramways is used 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 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 part of the tramways to which such appeal relates:

No steam power shall be used on any portion of the tramways which is situate in any street or road unless there is in force in relation to such portion of the tramways 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 tramways are laid.

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

66. Where steam power is used by the Company or any other company or person on any part of the tramways which is situate in any street or road 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 part of the tramways is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam 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.

Provision for protection of Postmaster-General.

67. In the event of the tramways being worked by electricity the following provisions shall have effect:—

(1) It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work 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 such work shall give written notice to the Postmaster-General specifying the course of the line or rail 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;

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(2) 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 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 or their agents were a company within the meaning of that Act;

(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 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.

Tolls for passengers.

68. The Company may demand and take for every passenger travelling upon the tramways or any part thereof including the use of the tramways and of the carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding two pence per mile in the case of first-class passengers and one penny per mile in the case of second-class passengers and for the purposes of this section the fraction of a mile beyond an integral number of miles shall be deemed a mile.

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Passengers' luggage.

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

List of tolls to be exhibited.

70. A list of the tolls and charges by this Act authorised to be taken in respect of the tramways for passengers including therein the cheap fares for the labouring classes and which shall be charged by the Company from time to time shall be exhibited in a conspicuous place inside each of the carriages used upon the tramways and the provisions of sections 94 and 95 of the Railways Clauses Consolidation Act 1845 shall extend and apply to the tramways and tolls by this Act authorised as if the tramways were a railway.

Company may carry animals goods and other things

71. The tramways may be used for the carriage of passengers animals goods minerals articles and things but the Company shall not be bound to carry animals goods minerals articles or things other than personal luggage as aforesaid carried by passengers and not exceeding twenty-eight pounds in weight.

Tolls for animals goods &c.

72. The Company may demand and take in respect of any animals goods minerals parcels articles or things conveyed by them on the tramways including the use of the tramways waggons and trucks and motive power and every other expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company) any tolls or charges not exceeding the rates per mile following :—

Animals.

In respect of animals conveyed on the tramways—

For every horse mule or other beast of draught or burden four pence;

For every ox cow bull or head of cattle three pence;

For every calf pig or sheep one penny halfpenny;

For every lamb or other small animal three farthings:

Goods.

In respect of goods conveyed on the tramways—

For all coals culm cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton two pence;

For all timber deals staves iron ironstone iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled-iron bricks slag and stone stone for building

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pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway or tramway chairs and plates per ton two pence halfpenny;

For all sugar grain corn flour hides dye-woods and metals (except iron) nails anvils vices and chains and for light iron castings per ton three pence;

For cotton wools drugs manufactured goods earthenware and all other wares coke charcoal merchandise fish vegetables and all other articles matters or things not otherwise specially classed herein per ton four pence;

For every carriage of whatever description having two wheels six pence;

For every carriage of whatever description having four wheels one shilling.

Tolls for small parcels and single articles of great weight.

73. With respect to small parcels not exceeding in weight one hundredweight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls and charges not exceeding the following (that is to say):—

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

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight five pence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight seven pence;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight nine pence;

For any parcel exceeding fifty-six pounds and not exceeding one hundredweight such sum as the Company may think fit:

Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet: Provided also that articles sent in large aggregate quantities although made up in separate parcels (such as bags of sugar coffee meal and the like) shall not be deemed small parcels but that term shall apply only to single parcels in separate packages:

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile;

For the carriage of any single piece of timber stone or machinery or other single article the weight of which including the carriage exceeds eight tons such sum as the Company may think fit.

Regulations as to tolls on tramways.

74. For animals goods minerals articles or things conveyed on the tramways for a less distance than two miles the Company may demand tolls and charges as for two miles:

A fraction of a mile beyond an integral number of miles shall be deemed a mile;

For a fraction of a ton (except in the case of small parcels) the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

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

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

With respect to bulky articles or goods the Company shall have the option of charging per ton measurement reckoning at the rate of fifty cubic feet to the ton.

As to mode of payment &c. of tramway tolls.

75. The tolls and charges by this Act authorised to be demanded and taken by the Company in respect of the tramways shall be paid at such times and places and to such persons upon or near to the tramways and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of tolls appoint.

Periodical revision of tramway tolls.

76. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or any portion thereof are or is wholly or partly situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion thereof should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion thereof in such manner

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as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised: Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Cheap fares for labouring classes.

77. The Company at all times after the opening of the tramways 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.

Provisions as to arbitration.

78. 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 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.

79. 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. A.D. 1888.

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

80. 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 non-payment thereof or any dispute respecting the same shall be ascertained and determined by two justices.

Recovery and application of penalties &c.

81. 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.

82. 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.

Carrying of mails by Company.

83.—(1) The Company if required by the Postmaster-General shall perform with respect to the tramways all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires: Provided as follows—

(A) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Company in or upon any carriage (that is to say):—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default

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of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

(b) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(c) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger:

(d) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the company were a railway company and the tramway were a railway.

(2) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3) For the purposes of this section the expression "mails" 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.

(4) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant-secretary of the Post Office or the inspector-general of mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Railway and Canal Traffic Act 1854 and Regulation of Railways Acts 1873 and 1874 to apply to Company.

84. The provisions of the Railway and Canal Traffic Act 1854 and of the Regulation of Railways Acts 1873 and 1874 shall apply to the Company as if they were a railway or canal company and to the tramways authorised by this Act as if those tramways were railways or canals.

Interest not to be paid on calls paid up.

85. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always that 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.

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

Provision as to general tramway Acts.

87. Nothing herein contained shall be deemed or construed to exempt 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 by this Act.

Costs of Act.

88. All costs charges and expenses of and preliminary 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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SCHEDULE referred to in the foregoing Act.

Break Power of Engines.

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

As to Fittings of Engines &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to Carriages.

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

Inspection of Engines and Carriages.

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

As to Speed.

The speed at which engines trucks and carriages may be driven or propelled along any portion of the tramways which may be situate in any street or road shall not exceed the rate of eight miles an hour.

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

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