CHAP. clxxi.

An Act to authorise the construction of Street Tramways in certain parts of the Metropolis; and for other purposes. A.D. 1870.

[10th August 1870.]

WHEREAS the laying down in certain streets in this Act mentioned in the Metropolis of tramways to be worked by animal power only, and constructed so as not to impede or injure the ordinary traffic of the streets, would be of great local and public advantage:

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a Company, and should be empowered to lay down and maintain the several street tramways in this Act particularly described:

And whereas it is expedient that the Company incorporated by this Act and the Metropolitan Street Tramway Company and the Pimlico, Peckham, and Greenwich Street Tramways Company should be empowered to enter into agreements as by this Act provided:

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised to be made, and the lands to be taken for the purposes thereof, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the respective clerks of the peace for the counties of Middlesex and Surrey, and the City of London, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act 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:

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Short title.

1. This Act may be cited for all purposes as "The London Street Tramways Act, 1870."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," and "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," are incorporated with and form part of this Act, save where the same are expressly varied or excepted by this Act, and except as to the following provisions; namely,

(1.) With respect to the purchase and taking of lands otherwise than by agreement:

(2.) With respect to the entry upon lands by the promoters of the undertaking.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Act authorised, or any part thereof; the expressions "street" and "road" mean respectively any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same; and the expression "local authority" shall mean the Metropolitan Board of Works; and the expression "road authority" shall mean the vestry, district board, or other body having the control of the roads referred to; the expression "district" in relation to a road authority means the area within the jurisdiction of such road authority; and in this Act, and in any Act wholly or in part incorporated herewith, the expression "superior courts" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute; and the word "contingencies" in "The Companies Clauses Act, 1845," (section 122) as incorporated with this Act, shall include the contingency of the undertaking being sold to the Metropolitan Board of Works at a sum less than the aggregate amount of the capital and debts of the Company.

Company incorporated.

4. John Humphreys, William White, William Morris, William Sheldon, and Elias De Pass, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and

assigns respectively, shall be united into a company for the purpose of making and maintaining the tramways and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The London Street 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 according to deposited plans.

5. Subject to the provisions of this Act, the Company may make, form, lay down, and maintain in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with the deposited plans and sections, the street tramways herein-after described, with all proper rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The tramways herein-before referred to and authorised by this Act are—

A tramway (No. 9.), and a tramway (No. 9A.), (being respectively two miles five furlongs and two chains in length,) commencing respectively in the Holloway Road, in the parish of St. Mary, Islington, aforesaid, at a point about one chain from and north-west of the junction of Camden Road with Holloway Road, passing thence into and along Camden Road, High Street, Camden Town, and Hampstead Road, and terminating respectively in the parish of St. Pancras, at the south end of Hampstead Road:

A tramway (No. 14.) (one mile six furlongs and five chains in length) commencing in the Kentish Town Road, otherwise High Street, Kentish Town, in the parish of St. Pancras aforesaid, at or near the centre of the bridge carrying that road over the Midland Railway, passing thence in a southerly direction along the Kentish Town Road, Chesnut Row, Monte Video Place, College Terrace, Great College Street North, Great College Street, the north side of Goldington Crescent, Old St. Pancras Road, and Battle Bridge, and terminating in Pentonville Road, in the parish of Saint Mary, Islington, opposite the main entrance to the King's Cross Station of the Metropolitan Railway:

A tramway (No. 15.) (two furlongs and eight and a half chains in length) wholly in the Kentish Town Road, otherwise High Street, Kentish Town, in the parish of Saint Pancras aforesaid, commencing in the centre of the bridge carrying that road over the Midland Railway, and terminating at or about the

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point of intersection of Bartholomew Road and Kentish Town Road:

A tramway (No. 16.) (one mile and three furlongs in length) commencing in the parish of Saint Pancras aforesaid, at a point in Monte Video Place two chains north of the junction of Alpha Place with Monte Video Place, and running thence southwards along Monte Video Place, College Terrace, Great College Street North, Great College Street, the north side of Goldington Crescent, Old Saint Pancras Road, and Battle Bridge, and terminating in Pentonville Road, in the parish of Saint Pancras, opposite the main entrance to the King's Cross Station of the Metropolitan Railway:

A short junction tramway (No. 17.) (one and a half chains in length) wholly in the parish of Saint Pancras aforesaid, commencing by a junction with tramway No. 14. at a point two chains south of the junction of Alpha Place with Monte Video Place, thence running southward for the length of one and a half chains, and terminating by a junction with tramway No. 16.

Mode of formation of tramways.

6. Every tramway to be made, formed, or laid down under this Act shall be constructed with two rails to be laid at a distance (reckoning from the inside edge of each rail) of four feet eight inches and half an inch from each other, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic, in the manner (if any) prescribed by the Board of Trade, by any rules for the time being in force made by them under the powers of any Act of Parliament enabling them in that behalf.

Passing places to be constructed where less than a certain width left between footway and tramway.

7. Where in any street or road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches, the Company shall and they are hereby required to construct a passing place or places connecting the one tramway with the other, and by means of such passing place or places the traffic shall, when necessary, be diverted from the one tramway to the other.

Reserving power to road authorities to alter level of roads.

8. If any road authority shall hereafter alter the level of any road along or across which any tramway by this Act authorised is laid or authorised to be laid, the Company shall 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 so altered.

Power to break up streets, &c.

9. The Company from time to time, for the purpose of making, forming, laying down, maintaining, and renewing the tramways by this Act authorised, or any part or parts thereof respectively, may open and break up any road, subject to the following regulations:

1. They shall give to the road authority notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work:

2. They shall not open or break up or alter the level of any road except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the Company's notice, or discontinues the same during the work:

3. They shall pay all reasonable expenses to which the road authority is put on account of such superintendence:

4. The Company shall not, without the consent of the road authority, open or break up at any one time a greater length than one hundred yards of any road which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length the Company shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than one hundred yards:

5. Where the carriageway over any bridge forms part of or is a road within the jurisdiction of a road authority, but such bridge is vested in some person or persons, corporation, or company distinct from such road authority, any work which the Company may be empowered to construct, and which affects or in anywise interferes with the structural works of such bridge, shall be constructed under the superintendence (at the cost of the Company) and to the reasonable satisfaction of such person, persons, corporation, or company, unless after notice to be given by the Company seven days at least before the commencement of such work such superintendence is refused or withheld.

Roads in St. Mary, Islington, not to be blocked up for carriage traffic.

10. Notwithstanding anything in this Act contained the Company shall not in any case, without the consent in writing of the vestry of the parish of St. Mary, Islington, block up for carriage traffic any road in that parish.

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Completion of work and reinstatement of roads.

11. When the Company have opened or broken up any portion of any road they shall be under the following further obligations; namely,

1. They shall with all convenient speed, and in all cases within four weeks at the most, (unless the road authority otherwise consents in writing,) complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the tramway) fill in the ground and make good the surface, and to the satisfaction of the road authority restore the portion of the road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby:
2. They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night:
3. They shall bear or pay all reasonable expenses of the repair of the road for six months after the same is restored, as far as those expenses are increased by the opening or breaking up.

If the Company fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act, or to any other remedy against them,) be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred, and any such penalty shall (notwithstanding anything in any Act relating to the Metropolitan Police Force or in any other Act) go and belong to the street authority, and shall form part of the funds applicable to the maintenance of the street.

Repair of part of road where tramway is laid.

12. The Company shall, at their own expense, at all times maintain and keep in good condition and repair, and (as to any particular road, or part of a road, if required by the road authority,) pave and keep paved with such materials and in such manner as the road authority shall direct, and to their satisfaction, so much of any road whereon any tramway of the Company is laid as lies between the rails of the tramway and (where two tramways of the Company are laid in any road at a distance of not more than four feet from each other) the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of, and on each side of, any tramway of the Company. If the Company abandon their undertaking

or any part of the same, and take up any tramway or part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most, (unless the road authority otherwise consents in writing,) fill in the ground and make good the surface, and to the satisfaction of the road authority restore the portion of road upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work; and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always, that if the Company fail to comply with the provisions of this section, the road authority, if they think fit, may themselves at any time after seven days notice to the Company open and break up the road and do the works necessary for the repair and maintenance or restoration of the road, to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be repaid to them by the Company.

Road authority and Company may contract for paving roads on which tramways are laid.

13. The road authority on the one hand, and the Company on the other hand, may from time to time enter into and carry into effect, and from time to time alter, renew, or vary contracts, agreements, or arrangements with respect to the paving and keeping in repair of the whole or any portion of the roadway of any road on which the Company shall lay any tramway, and the proportion to be paid by either of them of the expense of such paving and keeping in repair.

Granite pavements temporarily taken up to be relaid.

14. Wherever the Company lay down any tramway upon any paved road in the parish of Saint Pancras, the Company shall repave the road with all the granite sets temporarily removed by them, if suitable for the purpose.

As to refuges or resting places in St. Pancras.

15. Whenever the said vestry shall at any time desire to construct or shall have constructed any refuge or resting place in any road along which any tramway is laid or authorised to be laid under the powers of this Act, the Company shall, upon demand of the said vestry or the said chief surveyor, make such alterations as may be necessary in the line and direction of the tramway to allow of the construction or maintenance of any such refuge or resting place.

When works cause a diversion of traffic in St. Pancras, diversion to

16. Before the Company shall commence any works which shall require the stopping up temporarily or the diversion of any thoroughfare within the said parish of Saint Pancras, or shall cause any obstruction to the passing of passenger or other traffic along any

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be approved by surveyor.

such thoroughfare, every such stopping up, diversion, or obstruction shall be subject to the approval of the chief surveyor of the said vestry; and the Company shall, before commencing such works, at their own expense make all such temporary bridges or accommodation for the passage of such traffic as the said chief surveyor shall in writing require, and it shall be lawful for the said vestry to employ a sufficient number of officers or servants to regulate the course of all such traffic as may be diverted by reason of any of the works of the Company within the said parish, and all reasonable costs and charges occasioned by and incident to the employment of such officers or servants shall be paid on demand by the Company to the said vestry.

Mode of recovering money from the Company.

17. Any sum of money which may be expended, or costs, charges, and expenses which may be incurred by the said vestry in paving, diverting, altering, or making good any road, street, footway, sewer, drain, or gully, or otherwise by reason of the same or any of them having been broken up, opened, or damaged by or for the purposes of the Company, or any other sum of money recoverable or to be recovered by the vestry under this Act, may be recoverable, with all costs, charges, and expenses attending the proceedings for the recovery of the same, by summons before and adjudication of any justice of the peace acting for the county of Middlesex; and any damages which may be sustained by the vestry by reason of the non-observance by the Company of any of the provisions of this Act in relation to the said vestry shall be assessed by any such justice, and may be recoverable, with all costs, charges, and expenses attending the proceedings for the recovery of the same, in like manner as such charges and expenses are by this section made recoverable.

As to settlement of differences with vestry of St. Pancras.

18. Excepting as herein otherwise provided, any difference which may arise under the provisions of this Act between the Company and the chief surveyor of the said vestry of Saint Pancras shall be from time to time referred to and determined at the expense of the Company by an engineer to be agreed upon between the said chief surveyor and the Company, or, failing any such agreement, by an engineer to be appointed on the application of either party by the Board of Trade.

Limiting time for completing tramways in St. Pancras.

19. All the tramways by this Act authorised to be made in the said parish shall be completed and opened to the public not later than the first of January one thousand eight hundred and seventy-two, and any part of the tramways which shall be commenced by the Company shall be completed within twelve months from the commencement of the work, and no dividend shall be paid by the

Company to any of their shareholders until the whole of the said authorised tramways in Saint Pancras shall have been made and opened.

Right of user only.

20. Notwithstanding anything in this Act contained, the Company shall not acquire or be deemed to acquire any right other than that of user of any road along or across which they lay any tramway.

Reserving powers of road authorities to widen, &c. roads.

21. Nothing in this Act shall take away or affect any power which any road authority may have by law to widen, alter, divert, or improve any road.

Provision as to gas and water companies.

22. For the purpose of making, forming, laying down, maintaining, repairing, or renewing any of their tramways, the Company may from time to time, where and as far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connexion with the same, alter the position of any mains or pipes for the supply of gas or water, or any tube, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Act, and also subject to the following restrictions; (that is to say,)

1. Before laying down a tramway in a road in which any mains or pipes, tubes, wires, or apparatus may be laid, the Company shall, whether they contemplate altering the position of any such mains or pipes, wires, or apparatus, or not, give seven days notice to the company, persons, or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such company or person that the construction of the tramway, as proposed, would endanger any such main, pipes, tube, wire, or apparatus, or interfere with or impede the supply of water or gas, or the telegraphic or other communication, such company or person (as the case may be) may give notice to the Company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus in such manner as may be considered necessary; and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences between the Company and other companies or persons; and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company or person to whom such mains or pipes, tubes, wires, or apparatus may belong,

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or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such company or person, or of their surveyor or engineer, if they or he think fit to attend, after receiving not less than forty-eight hours notice for that purpose, which notice the Company are hereby required to give:

2. The Company shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, or apparatus or other works belonging to or controlled by any such company or person, or do anything to impede the passage of water or gas or the telegraphic or other communication into or through such mains or pipes, without the consent of such company or person, or in any other manner than such company or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced, shall, at the expense of the Company, have been first made and laid down in lieu thereof, and ready for use, and to the satisfaction of the surveyor or engineer of such water or gas or other company, or of such person, or, in case of disagreement between such surveyor or engineer and the Company, as an engineer appointed by the Board of Trade shall direct:

3. The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas or other company, or relating to telegraphs:

4. The Company shall make good all damage done by them to property belonging to or controlled by any such company or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property, or with the private service pipes of any person supplied by any such company or person with water or gas:

5. If by any such operations as aforesaid the Company interrupt the supply of water or gas in or through any main or main pipe, they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted.

For protection of sewers, &c.

23. Where any of the tramways or any work connected therewith interferes with any sewer, drain, watercourse, subway, defence, or

work under the jurisdiction or control of the Metropolitan Board of Works, or of any vestry or district board constituted under "The Metropolis Local Management Act, 1855," and "The Metropolis Management Amendment Act, 1862," or in any way affects the sewerage or drainage of the districts under their or any of their control, the Company shall not commence any tramway or work until they shall have given to the said Metropolitan Board, district board, or vestry, as the case may be, fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such respective board or vestry, as the case may be, with all necessary particulars relating thereto, nor until such board or vestry respectively shall have signified their approval of the same, unless such board or vestry respectively, as the case may be, do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid, and the Company shall comply with and conform to all reasonable directions and regulations of the said board or vestry, as the case may be, in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as the respective board or vestry shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by or by reason of the tramways, and shall save harmless the respective board and vestry against all and every the expense to be occasioned thereby, and all such works shall be done under the direction, superintendence, and control of the engineer or other officer or officers of the board or vestry, as the case may be, at the reasonable costs, charges, and expenses in all respects of the Company; and when any new, altered, or substituted work as aforesaid, or any work or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said Metropolitan Board, district boards, and vestries respectively, and be maintained by them, as the case may be, as any sewers or works.

Saving rights of road authorities to open roads.

24. Nothing in this Act shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in the local authority or any road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power

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every such local authority, road authority, company, body, or person shall be subject to the following restrictions; (that is to say,)

1. They shall cause as little detriment or inconvenience to the Company as circumstances will admit:
2. Before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary,) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work:
3. They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid:
4. Whenever, for the purpose of enabling them to execute such work, the local authority or the road authority shall so require, the Company shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the local authority or the road authority, as the case may be, with all reasonable expedition:
5. Any company, body, or person shall not execute such work, so far as it immediately affects the tramway, except under the superintendence of the Company, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work, and they shall execute such work at their own expense, and to the reasonable satisfaction of the Company: Provided that any additional expense imposed upon them by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such tramway shall be borne by the Company.

Protecting bridge over railways.

25. Wheresoever the tramway shall be constructed upon a bridge carrying a road over a railway the following provision shall apply:

(A.) The Company shall give fourteen days notice in writing to the railway company whose railway is crossed of the

intention to commence the construction of the tramway, and shall, at the same time, send sufficient specifications or other information to show the nature of the interference with the bridge:

(B.) If the engineer of the railway company shall be of opinion that the mode proposed of constructing the tramway will render the bridge insecure or injure it, and no method is agreed on of constructing the tramway to the satisfaction of the said engineer, the matter shall be referred to some engineer to be agreed upon between the parties, or, if they cannot agree, to be appointed by the Board of Trade, and the award of such referee shall be binding on both companies:

(C.) The works on the bridge shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the railway company:

(D.) Any additional expense in the maintenance of the bridge, or of the roadway on the same, or of the approaches thereto, occasioned by the construction, use, and maintenance of the tramway shall be borne by the Company.

Form and delivery of notices.

26. With respect to the notices aforesaid, and to the delivery thereof by or to the Company, the following provisions shall have effect; namely,

1. Every notice shall be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated, if given by the Metropolitan Board of Works, by being signed by the engineer or by the clerk of the Board, and if given by any other road authority by being signed by their clerk or secretary:

2. Any notice to be delivered by or to the Company to or by any road authority or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, 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 secretary at their principal office, and every such letter shall be deemed to be received by the authority, body, or company, 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.

Difference between Company and road

27. If any difference arises between the Company on the one hand, and any local authority or road authority, or any gas or water company, or any company, body, or person to whom any

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authority, &c.

sewer, drain, tube, wires, or apparatus for telegraphic or other purposes may belong, or any other company, on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf, or by the Company, by virtue of this Act, in relation to any of the Company's tramways or works, or in relation to any work or proceeding of the local authority, road authority, body, company, or person, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the local authority, road authority, body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) 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.

Penalty for obstruction of Company in laying out tramway.

28. If any person wilfully obstructs any person acting under the authority of the Company in the lawful exercise of their powers in setting out, or making, forming, laying down, repairing, or renewing a tramway, or defaces or destroys any mark made for the purpose of setting out the line of the tramway, or damages or destroys any property of the Company, he shall for every such offence be liable to a penalty not exceeding five pounds.

Power for Company to use tramways with flange-wheeled carriages, &c.

29. The Company may use on their tramways carriages with flange wheels, or wheels suitable only to run on a grooved rail, and, subject to the provisions of this Act, the Company shall have the exclusive use of their tramways for carriages with flange wheels, or other wheels suitable only to run on a grooved rail. All carriages used on any tramway shall be moved by animal power only. No carriage used on any tramway of the Company shall extend beyond the outer edge of the wheels of such carriage more than eleven inches on each side.

Licenses to use the tramway may in certain events be granted to third parties by the Board of Trade.

30. If at any time after any tramway or part of any tramway by this Act authorised shall have been for three years opened for public traffic it shall be represented in writing to the Board of Trade by the local authority or by the road authority of any road in which such tramway or part of a tramway is laid, or by the Commissioners of Police of the Metropolis, or by twenty inhabitant ratepayers of any parish in which any tramway or part of any tramway of the Company is laid, that the public are deprived of the

full benefit of the tramway, the Board of Trade may (if they consider that primâ facie the case is one for inquiry) direct an inquiry by a referee under this Act into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction, the Board may from time to time grant licenses to any company or person to use such tramways, in addition to the Company or their lessees, for similar traffic to that conveyed by the Company, with carriages to be approved by the Board, subject to the following provisions, conditions, and restrictions; that is to say,

1. The license shall be for any period not less than one year nor more than three years from the date of the license, but shall be renewable by the Board if they upon inquiry think fit:
2. The license shall be to use the whole of the tramways by this Act authorised for the time being opened for public traffic, or such part or parts of the tramways as the Board, having reference to the cause for granting the license, shall think right:
3. The license shall direct the number of carriages which the licensee or licensees shall run upon the tramways, and the mode in which and times at which such carriages shall be run:
4. The licenses shall specify the tolls to be paid to the Company by the licensee or licensees for the use of the tramway:
5. The licensee or licensees, and their officers and servants, shall permit one person, duly authorised for that purpose by the Company, to ride free of charge in or upon each carriage of the licensee or licensees run upon the tramways, for the whole or any part of the journey:
6. The Board of Trade may, at any time after the granting of any license, revoke, alter, or modify the same for good cause shown to them.

In default of payment of tolls Company may detain and sell licensee's carriages.

31. If on demand any licensee fail to pay the tolls due in respect of any passengers carried in any carriage, it shall be lawful for the Company to detain and sell such carriage, or, if the same shall have been removed from the tramways or premises of the Company, to detain and sell any other carriages on such tramways or premises belonging to such licensee, and out of the moneys arising from such sale to retain the tolls payable as aforesaid and all charges and expenses of such detention and sale, rendering the overplus (if any) of such moneys, and such of the carriages as shall remain unsold, to the person entitled thereto.

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Licensees to give account of passengers carried by them.

32. Every licensee shall on demand give to an officer or servant authorised in that behalf by the Company an exact account in writing signed by such licensee of the number of passengers conveyed by and every carriage used by him on the tramways.

Licensees not giving account of passengers carried liable to penalty.

33. If any such licensee fail to give such account to such officer or servant demanding the same as aforesaid, or if any such licensee, with intent to avoid the payment of any tolls, give a false account, he shall for every such offence forfeit to the Company a sum not exceeding five pounds, and such penalty shall be in addition to any tolls payable in respect of the passengers carried by any such carriage.

Disputes as to amount of tolls to be settled by justice.

34. If any dispute arise concerning the amount of the tolls due to the Company from any licensee, or concerning the charges occasioned by any detention or sale of any carriage under the provisions herein contained, the same shall be settled by a justice, and it shall be lawful for the Company in the meanwhile to detain the carriage or (if the case so require) the proceeds of the sale thereof.

Owners of carriages liable for damage done by their servants.

35. Every licensee shall be answerable for any trespass or damage done by his carriages or horses, or by any of the servants or persons employed by him, to or upon the tramway, or to or upon the property of any other person, and, without prejudice to the right of action against the licensee or any other person, every such servant or other person may lawfully be convicted of such trespass or damage before a justice of the peace, either by the confession of the party offending or by the oath of some credible witness, and upon such conviction every such licensee shall pay to the Company or persons injured, as the case may be, the damage to be ascertained by such justice, so that the same do not exceed fifty pounds.

Persons using tramways with carriages with flange wheels, &c. to forfeit twenty pounds on each occasion to the Company.

36. If any person or any other corporation than the Company (except under a lease from or by agreement with the Company or under license from the Board of Trade as by this Act provided) use the tramways or any of them, or any part thereof, with carriages having flange wheels, or other wheels suitable only to run on a grooved rail, such person or corporation shall for every such offence be liable to a penalty not exceeding twenty pounds.

Authorising agreements for use of tramways.

37. The Company on the one hand, and any other company or any corporation or person on the other hand, from time to time may enter into and carry into effect contracts, agreements, and arrangements for or with reference to the use by such other company or by such corporation or person of the tramways, or any of them, or any part or parts thereof respectively, and the tolls, rates, and

charges to be paid for such use, and the terms and conditions of such user, and all incidental matters.

Penalties for wilful injury or obstruction to tramways, &c.

38. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things; (namely,)

Interferes with, removes, or alters any part of a tramway of the Company or of the works connected therewith;

Places or throws any stones, dirt, wood, refuse, or other material on any part of the tramway;

Does or causes to be done anything in such manner as to obstruct any carriage using a tramway, or to endanger the lives of persons therein or thereon;

Or knowingly aids or assists in the doing of any such thing;

he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding five pounds.

Company to be responsible for all damages.

39. The Company or their lessees, as the case may be, shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of any of their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Power for police authorities to regulate traffic in streets.

40. Nothing in this Act shall limit the power of the Commissioners of Police of the Metropolis to regulate the passage of any traffic along or across any road along or across which any of the Company's tramways are laid down, and the said Commissioners may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Company or their lessees as to the traffic of other persons.

Reservation of right of public to use streets.

41. Nothing in this Act, or in any byelaw made under this Act, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway of the Company is laid, whether on or off the tramway, with carriages not having flange wheels, or wheels suitable only to run on the rail of the tramways.

Tramways if discontinued to be removed.

42. If at any time after the opening of any tramway for traffic, the Company shall discontinue the working of such tramway, or of any part thereof, for the space of three calendar months, (such discontinuance not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control,)

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and such discontinuance is proved to the satisfaction of the Board of Trade, the said Board, if they think fit, may by order declare that the powers of the Company in respect of the tramway, or the part thereof so discontinued, shall from the date of such order be at an end, and thereupon the said powers of the Company shall cease and determine, unless the same are purchased by the local authority in manner by this Act provided. Where any such order has been made the road authority may at any time after the expiration of two months from the date of such order, and under the authority of a certificate to that effect by the Board of Trade, remove the tramway or part of the tramway so discontinued, and the Company shall pay to the road authority the cost of such removal and of the making good of the road by the road authority, such cost to be certified by the clerk for the time being or by some other authorised officer of the road authority, whose certificate shall be final and conclusive; and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate, or a copy thereof, the road authority may, without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private sale, and for such sum or sums and to such person or persons as the road authority may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost certified as aforesaid, and of the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the Company.

Proceedings in case of insolvency of Company.

43. If at any time after the opening of any tramway for traffic it shall appear to the Metropolitan Board of Works or to the road authority that the Company are insolvent, so that they are unable to maintain such tramway or work the same with advantage to the public, and the Board or such road authority shall make a representation to that effect to the Board of Trade, the Board of Trade may direct an inquiry by a referee into the truth of the representation, and if the referee shall find that the Company are so insolvent as aforesaid, the Board of Trade may by order declare that the powers of the Company shall at the expiration of six calendar months from the making of the order be at an end, and the powers of the Company shall cease and determine at the expiration of the said period, unless the same are purchased by the Metropolitan Board of Works in manner by this Act provided, and thereupon the said Metropolitan Board or road authority may remove the tramway in like manner and subject to the same provisions as to the payment

of the costs of such removal, and to the same remedy for recovery of such costs, in every respect, as in cases of removal under the next preceding section.

Future purchase of undertaking by Metropolitan Board of Works.

44. The Metropolitan Board of Works may, if by resolution passed at a special meeting they so decide, within six months after the expiration of a period of twenty-one years from the passing of this Act, and within six months after the expiration of every subsequent period of seven years, or within three months after any order made by the Board of Trade under either of the two next preceding sections, with the approval of the Board of Trade, by notice in writing require the Company to sell, and thereupon the Company shall sell to them their undertaking, upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking, or any compensation for compulsory sale, or other consideration whatsoever,) of the tramway, and all lands, buildings, works, materials, and plant of the Company suitable to and used by them for the purposes of their undertaking, such value to be, in case of difference, determined 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 to be borne and paid as the referee directs; and when any such sale has been made, all the rights, powers, and authorities of the Company in respect to the undertaking sold, or, where any order has been made by the Board of Trade under either of the next preceding sections, all the rights, powers, and authorities of the Company previous to the making of such order in respect of the undertaking sold, shall be transferred to, vested in, and may be exercised by the Metropolitan Board of Works in like manner as if that Board had been authorised by this Act to construct the tramways, and had been named in this Act instead of the Company. No such resolution shall be valid unless a month's previous notice of the meeting and of the purpose thereof has been given in manner in which notices of meetings of such Board are usually given, nor unless two thirds of the members constituting such Board are present and vote at the meeting, and a majority of those present and voting concur in the resolution; and it shall be lawful for the chairman of any such meeting, with the consent of a majority of the members present, to adjourn the same from time to time, and the Metropolitan Board of Works may, in order to raise money for the purpose of carrying this section into effect, create additional stock, not exceeding in the whole three hundred thousand pounds, under "The Metropolitan Board of Works (Loans) Act, 1869," in like manner and with the like sanction in and with which they may create stock in order to raise money for the purposes of the Acts mentioned in the first

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schedule to that Act, and all the provisions of that Act shall apply as if that money were raised and that stock were created for the purposes of the last-mentioned Acts, with the exception that the money required for the purposes of this section may be borrowed by them in addition to the sum limited by section thirty-eight of "The Metropolitan Board of Works (Loans) Act, 1869:" Provided always, that the Metropolitan Board of Works shall not, under the powers of this Act and of any other Act passed in the present session for the construction of tramways in the Metropolis, and of the Tramways Act, 1870, create additional stock exceeding in the whole three hundred thousand pounds.

As to winding up the affairs of the Company, &c.

45. After the expiration of six calendar months from the making of any such order as in this Act above provided by the Board of Trade declaring that the powers of the Company shall cease, the Court of Chancery may at any time, upon the petition of the Company or of creditors of the Company representing not less than one thousand pounds of the debts owing by the Company, make an order for the winding up of the affairs of the Company, and for the dissolution of the Company; and "The Companies Act, 1862," and "The Companies Act, 1867," in reference to the winding up the affairs and to the dissolution of a company by the Court, may, so far as the said Court shall think it convenient and expedient so to do, be applied to the winding up the affairs of the Company, under an order made for that purpose, or the said Court may otherwise regulate and conduct the winding up the affairs of the Company, as to the said Court may seem most convenient or expedient.

Power of sale after tramways opened for six months.

46. When the tramways by this Act authorised have been opened for traffic for a period of six months the Company may, with the consent of the Board of Trade, sell their undertaking to any person, persons, corporation, or company, and when any such sale has been made all the rights, powers, authorities, obligations, and liabilities of the Company in respect to their undertaking shall be transferred to, vested in, and may be exercised by and shall attach to the person, persons, corporation, company, or local authority to whom the same has been sold, in like manner as if such person, persons, corporation, or company had been authorised to construct the tramways of the Company instead of the Company.

Regulating inquiries before referee appointed by the Board of Trade.

47. Every inquiry which by this Act the Board of Trade are empowered to make or direct shall be made in accordance with the following provisions:

1. The inquiry shall be held in public before an officer to be appointed in that behalf by the Board, herein-after called

the referee, and whose appointment shall be by writing, which shall specify all the matters referred to him:

2. Ten days notice at the least shall be given by the referee to the Company, and to the parties upon whose representation the Board of Trade shall have directed the inquiry, of the time and place at which the inquiry is to be commenced:

3. The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time, as may be necessary, to such time and place as he may think fit:

4. The referee, by summons, shall, on the application of any party interested in the inquiry, require the attendance before himself, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him, and every person summoned shall attend the referee and answer all questions touching the matter to be inquired into, and any person who wilfully disobeys any such summons, or refuses to answer any question put to him by such referee for the purposes of the said inquiry, shall be liable to a penalty not exceeding five pounds: Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him, and no person shall be required in any case, in obedience to any such summons, to travel more than ten miles from his place of abode:

5. The referee may and shall administer an oath, or an affirmation where an affirmation in lieu of an oath would be admitted in a court of justice, to any person tendered or summoned as a witness on the inquiry:

6. Any person who, upon oath or affirmation, wilfully gives false evidence before the referee shall be deemed guilty of perjury:

7. The referee shall make his report to the Board of Trade in writing, and shall deliver copies of the report, upon request, to all or any of the parties to the inquiry.

Capital.

48. The capital of the Company shall be one hundred thousand pounds in ten thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

49. 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.

50. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval

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between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

Power to divide shares.

51. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present, in person or by proxy, at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

52. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

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

Half shares to be registered and certificates issued.

54. Forthwith after the creation of any half shares, the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof:

Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

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

Forfeiture of preferred shares.

56. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

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

Half shares to be half shares in capital.

58. The several half shares under this Act shall be half shares in the capital of the Company, and every two preferred or deferred half shares held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions hereinbefore contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents, as attach and are incident to an entire share.

Receipts on behalf of incapacitated persons.

59. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of his guardian or committee, as the case may be, shall be a sufficient discharge to the Company for the same.

Power to borrow on mortgage.

60. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole twenty-five thousand pounds, and of that sum they may borrow from time to time not exceeding five thousand pounds in respect of every twenty thousand pounds of their capital, but no part of any such sum of five thousand pounds shall be borrowed until the whole of the respective twenty thousand pounds of capital in respect of which it is to be borrowed is subscribed for, 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

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Act, 1845," (before he so certifies) that the whole of the respective twenty thousand pounds of capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such twenty thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective twenty thousand pounds of capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their 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.

Arrears may be enforced by appointment of a receiver.

61. 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, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less in the whole than one tenth part of the sum for the time being borrowed by the Company.

Moneys borrowed on mortgage to have priority.

62. All moneys to be borrowed on mortgage under this Act, from the time when the same shall be advanced, and the interest for the time being due thereon, shall have priority against the Company, and all the property from time to time of the Company, over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them, but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act, or injuriously affected by the construction of the tramway, or by the exercise of any of the powers conferred upon the Company.

Debenture stock.

63. The Company may create and issue debenture stock.

Application of moneys.

64. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Number of directors.

66. The number of directors shall be six, but the Company may from time to time reduce the number of directors, so that the number be not less than three.

Qualification of directors.

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

Quorum.

68. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three the quorum shall be two.

First directors.

69. John Humphreys, William White, William Morris, William Sheldon, and Elias De Pass, and such one other duly qualified person as they or the majority of them shall nominate in this behalf, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or 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 being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Period for completion of works.

70. Subject to the provisions of this Act, the tramways shall be completed within two years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Land by agreement.

71. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking, not exceeding in the whole four acres.

Tolls for Passengers.

72. The Company may demand and take for every passenger travelling upon any or either of the tramways, or any part or parts thereof respectively, including tolls for the use of the tramway and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile), but the Company may charge for any less distance than three miles any

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sum not exceeding threepence: Provided always, that if at any time after three years from the opening for public traffic of any of the tramways by this Act authorised it shall be represented in writing to the Board of Trade by the street authority, or by twenty inhabitant ratepayers of any parish in which any tramway or part of any tramway of the Company is laid, that the Company are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee under this Act into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction, the Board may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Company for the conveyance of passengers for distances not exceeding two miles to twopence, and the Company shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time after making such order revoke or modify the same, for good cause shown to them.

Passengers luggage.

73. 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.

Cheap fares for labouring classes.

74. The Company shall and they are hereby required at all times after the opening of their tramways for public traffic to run carriages each way every morning in the week and every evening in the week, Sundays, Christmas Day, and Good Friday always excepted, at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient, for artisans, mechanics, and daily labourers, at such fares as may be from time to time fixed by the Board of Trade: 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 or the number of such carriages, or if complaint be made by the Company or any person interested in the matter as belonging to the labouring class as to the before-mentioned fares, the said Board shall have power from time to time to inquire into any such complaint and to make such order thereon as they see fit, which order shall be carried into effect accordingly.

Company not bound to carry goods.

75. The Company shall not be bound to carry, unless they think fit, any parcel, goods, articles, or things other than passengers luggage not exceeding the weight in this Act in that behalf mentioned.

Lists of tolls, &c. to be exhibited in carriages.

76. A list of all the tolls and charges authorised by this Act to be taken, and which shall be exacted by the Company, shall be exhibited in a conspicuous place inside and outside each of the carriages used by the Company upon any of their tramways.

Tolls to be paid as directed by the Company.

77. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways, and in such manner and under such regulations, as the Company shall by notice to be annexed to the list of tolls appoint.

Penalty on passengers practising frauds on the Company.

78. If any person travelling or having travelled in any carriage of the Company avoids or attempts to avoid payment of his fare, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence be liable to a penalty not exceeding forty shillings.

Transient offenders.

79. It shall be lawful for any officer or servant of the Company, and all persons called by him to his assistance, to seize and detain any person who shall be discovered either in or after committing or attempting to commit any such offence as in the next preceding section mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a justice, or until he be otherwise discharged by due course of law.

Penalty for bringing dangerous goods on the tramway.

80. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous nature; and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the bookkeeper or other servant of the Company with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding twenty pounds for every such offence; and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Byelaws.

81. Subject to the provisions of this Act, the Metropolitan Board of Works may from time to time make regulations as to the following matters:

The rate of speed to be observed in travelling upon the tramway:

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The distances at which carriages using the tramway shall be allowed to follow one after the other:

The stopping of carriages using the tramway:

The traffic on the road in which the tramway is laid.

The Company may from time to time make regulations,—

For preventing the commission of any nuisance in or upon any carriage or in or against any premises belonging to them:

For regulating the travelling in or upon any carriage belonging to them.

And for better enforcing the observance of all or any of such regulations, it shall be lawful for the said Board and the Company respectively to make byelaws for all or any of the aforesaid purposes, and from time to time repeal or alter such byelaws and make new byelaws, provided that such byelaws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect. Notice of the making of any byelaw under the provisions of this Act shall be published by the local authority or the Company making the same, by advertisement, according to the regulations contained in Part II. of the Schedule (C.) to the Tramways Act, 1870, annexed, and unless such notice is published in manner aforesaid such byelaw shall be disallowed by the Board of Trade. No such byelaw shall have any force or effect which shall be disallowed by the Board of Trade within two calendar months after a true copy of such byelaw shall have been laid before the Board, and a true copy of every such proposed byelaw shall, not less than two calendar months before such byelaw shall come into operation, be sent to the Board of Trade, and shall be delivered to the Company if the same was made by the Metropolitan Board of Works, and to such Board if made by the Company.

Penalties in byelaws.

82. Any such byelaw may impose reasonable penalties for offences against the same, not exceeding forty shillings for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence ten shillings for every day during which the offence continues, but all byelaws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Proof of byelaws.

83. The production of a written or printed copy of any byelaws made under the authority of this Act, authenticated by the signature of any secretary or assistant secretary of the Board of Trade, shall, without proof of the signature of such secretary or assistant secretary, be evidence of the existence of such byelaws, and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled.

Power to Police Commissioners to license drivers, conductors, &c.

84. The Commissioners of Police of the Metropolis shall have the like power of making and enforcing rules and regulations and of granting licenses with respect to all carriages using the tramways, and to all drivers, conductors, and other persons having charge of or using the same, and to the standings for the same, as they are for the time being entitled to make, enforce, and grant with respect to hackney carriages, and the drivers and other persons having the charge thereof, and to the standings for the same in the streets and district of or under their control.

Recovery of tolls, penalties, &c.

85. All tolls, penalties, and charges under this Act or under any byelaw made in pursuance of this Act may be recovered and enforced before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to "facilitate the performance of the duties of justices of the peace "out of sessions within England and Wales with respect to "summary convictions and orders," and any Act amending the same.

Power to enter into traffic arrangements with Metropolitan and Pimlico, &c. Street Tramways Companies.

86. The Company on the one hand, and the Metropolitan Street Tramways Company and the Pimlico, Peckham, and Greenwich Street Tramways Company, or either of them, on the other hand, may from time to time enter into and carry into effect contracts or arrangements with respect to the following purposes or any of them; (that is to say,)

The user, working, maintenance, and management of their respective undertakings, or some part or parts thereof respectively;

The providing of rolling and working stock;

The appointment, removal, and payment of officers and servants;

The interchange, transmission, collection, and delivery of traffic coming from or destined for the undertakings of the respective companies;

The fixing, collection, division, apportionment, and appropriation by and between the companies of the rates, tolls, and charges upon their respective undertakings;

And all incidental matters.

Tolls on traffic conveyed partly on the tramways of the one company and partly on

87. During the continuance of any such agreement the tramways of the companies parties to the agreement shall, for the purposes of tolls and charges, be considered as one tramway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the tramways of the one company and partly on the tramways of the other company for a less distance than three miles, tolls and

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the tramways of one of the other companies.

charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and no other short-distance charges shall be made for the conveyance of passengers partly on the tramways of the one company and partly on the tramways of the other company.

Saving rights and protecting works of the Regent's Canal Company.

88. Nothing in this Act or in the Acts wholly or partially incorporated with this Act contained shall take away, diminish, or affect any of the rights, privileges, or powers vested in the Company of Proprietors of the Regent's Canal (herein-after called "the Canal Company"), and the Company shall not, without the consent in writing of the Canal Company under their common seal first had and obtained, take, use, or in any manner interfere with any part of the Regent's Canal, or of the towing-paths, locks, lay-byes, wharves, bridges, or works connected with the canal, or any land belonging to the Canal Company or in which the Canal Company is interested, save that the Company may nevertheless lay their tramways over any bridge by which any public road is carried over the canal, and the works necessary for the same shall be executed according to plans and specifications to be submitted to and previously approved by the engineer for the time being of the Canal Company, or (in the event of his not approving the same for one calendar month after the plans and specifications have been delivered to him) according to plans and specifications to be approved by an engineer to be appointed by the Board of Trade on the application of either party, and the same works shall be commenced, carried on, and completed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Canal Company, and at the expense of the Company, and the Company shall from time to time pay to the Canal Company, within fourteen days after demand, all costs and expenses which may be incurred by them in and about such superintendence.

Interest not to be paid on calls paid up.

89. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him: Provided always, that this Act shall not 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."

Deposit for future Bills not to be

90. 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.

paid out of capital.

91. 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.

Tramways not exempt from provisions of general Acts.

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

Expenses of Act.

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