CHAP. ci.

An Act to authorize the construction of Street Tramways in certain parts of the Metropolis North of the River Thames; and for other purposes. [12th July 1869.] A.D. 1869.

WHEREAS the laying down in certain streets in the metropolis north of the river Thames in this Act mentioned 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 plans and sections showing the lines and levels of the tramways and works by this Act authorized 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 Essex, 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:

1. This Act may be cited for all purposes as "The North Metropolitan Tramways Act, 1869." Short title.

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," 8 & 9 Vict. cc. 16. & 18., 23 & 24 Vict. c. 106., and

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26 & 27 Vict. c. 118. incorporated.

"The Lands Clauses Consolidation Act, 1845," (except the provisions thereof with respect to the purchase of lands otherwise than by agreement,) and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are (except where expressly varied by this Act) incorporated with and form part of this Act.

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 authorized or any part thereof, 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; the expression "street" shall mean the carriageway of any street, road, thoroughfare, or place along or across which any tramway authorized by this Act is intended to be laid, and includes the surface, pavement, soil, and subsoil of a street, and any bridge forming part of a street, and includes drains and gullies for keeping the street dry and being under the control of the street authority; and the expression "street authority" shall mean the board, vestry, district board, commissioners of sewers, or other commissioners, trustees, or other body having the control of the street referred to.

Company incorporated.

4. James Fraser, John Thomson Pagan, Charles Francis Macdonald, 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 North Metropolitan 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 authorized by this Act are,—

A tramway on the deposited plans and sections called tramway (No. 5) and a tramway on the deposited plans and sections called tramway (No. 5a) (being respectively two miles four furlongs and four chains in length), commencing respectively in Whitechapel Road in the parish of Saint Mary Whitechapel in the county of Middlesex at a point about two and a quarter chains from and north-east of the junction with that road of Church Lane, thence passing respectively along Whitechapel Road, Mile End Road, Bow Road, and High Street, Bow, (tramway No. 5 passing to the north and tramway No. 5a passing to the south of Bow Church), and terminating respectively in High Street, Bow, at a point about seven chains from and north-east of the north-east end of Bow Churchyard:

A tramway on the deposited plans and sections called tramway (No. 6) (one mile and three chains in length), commencing in the parish of Saint Mary Stratford-le-Bow in the county of Middlesex by a junction with tramways (No. 5 and No. 5a), or one of them, at the termination of those tramways respectively, thence passing along High Street Bow, Bow Bridge, High Street, Stratford, and Stratford Broadway, and terminating in Stratford Broadway, in the parish of West Ham in the county of Essex, at or near the Gurney memorial fountain, and about three chains west of the west end of Stratford Churchyard:

A tramway on the deposited plans and sections called tramway (No. 6a) (three chains in length), wholly in High Street, Stratford, in the parish of West Ham aforesaid, commencing by a junction with tramway (No. 6) at a point about twelve chains (measuring along High Street Bow, Bow Bridge, and High Street, Stratford,) from the commencement of that tramway, and terminating by a junction with the same tramway (No. 6) at a point three chains from and north-east of the commencement of the tramway (No. 6a) now describing:

A tramway on the deposited plans and sections called tramway (No. 6b) (three chains in length), wholly in High Street, Stratford, in the parish of West Ham aforesaid, commencing by a junction with tramway (No. 6) at a point about one chain and a half from and west of the point where High Street, Stratford, is carried over the northern outfall sewer of the Metropolitan Board of Works, and terminating by a junction with the same tramway (No. 6) at a point about one chain and a half from and east of the said point where the said street crosses the said sewer:

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A tramway on the deposited plans and sections called tramway (No. 6c) (three chains in length), wholly in High Street, Stratford, in the parish of West Ham aforesaid, commencing by a junction with tramway (No. 6) at a point about midway between East Street and the bridge by which High Street, Stratford, is carried over Channelsea River, and terminating by a junction with the same tramway (No. 6) at a point three chains from and north-east of the point of commencement of the tramway (No. 6c):

A tramway on the deposited plans and sections called tramway (No. 6d) (six chains in length), wholly in the parish of West Ham aforesaid, commencing by a junction with tramway (No. 6) at a point six chains from and south-west of the termination of the said tramway (No. 6), and passing thence into and along Stratford Broadway, and terminating by a junction with the same tramway (No. 6) at its termination.

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 outer edge of each rail) of five feet and three inches from each other, and to be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the street.

Power to break up streets, &c.

7. Subject to the provisions of this Act, the Company from time to time, for the purpose of making, forming, laying down, maintaining, and renewing the tramways by this Act authorized, or any part or parts thereof respectively, may open and break up any street.

Restrictions as to breaking up of streets for laying down tramways.

8. Where the Company proceed to open or break up a street for the laying down and making of a tramway, the following provisions shall have effect; namely,

1. They shall give to the street authority notice of their intention, specifying the time at which they will begin to do so, and the portion of street 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 any street except under the superintendence and to the reasonable satisfaction of the street 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 street authority is put on account of such superintendence.

Size of and intervals between openings in streets.

9. The Company shall not, without the consent of the street authority, open or break up at any one time a greater length than one hundred yards of any street which does not exceed a quarter of a mile in length, and in the case of any street 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 street, and they shall not open or break up at any such place a greater length than one hundred yards.

Completion of works and reinstatement of streets.

10. After the Company have opened or broken up any portion of any street they shall be under the following further obligations; namely,

1. They shall with all convenient speed, and in all cases within six weeks at the most (unless the street 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 generally restore the portion of the street 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 street is opened or broken up to be fenced and watched, and to be properly lighted at night:
3. They shall pay all reasonable expenses of the repair of the street 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 street where tramway is laid.

11. The Company shall at their own expense at all times pave and keep paved in good condition and repair, with such materials and in such manner as the street authority shall direct, so much of any street whereon any tramway of the Company is laid as lies between the rails of the tramway and (where two tramways of the

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Company are laid in any street at a distance of not more than four feet from each other) the portion of the street between the tramways, and in every case so much of the street as extends eighteen inches beyond the rails of and on each side of any tramway of the Company: Provided always, that if the Company fail to comply with the provisions of this section, the street authority, if they think fit, may themselves at any time after seven days notice to the Company open and break up the street and do the works necessary for the paving, repair, and maintenance of the street, to the extent in this section above mentioned, instead of the Company, and the expense incurred by the street authority in so doing shall be repaid to them by the Company.

Paving of High Street and Broadway, Stratford.

12. The Company shall, before using their tramway in the said parish of West Ham, pave with granite such part of the High Street and Broadway, Stratford, as shall lie between the tramway and the granite paving now by the side of the road.

Right of user only.

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

Reserving powers of street authorities to widen, &c. streets.

14. Nothing in this Act shall take away or affect any power which any street authority now has by law to widen, alter, or improve any street.

Provision as to gas and water companies.

15. 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, 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,)

Company may alter position of gas and water pipes.

1. Before laying down a tramway in a street in which any such mains or pipes, tubes, wires, or apparatus may be laid the Company shall give seven days notice to the company or companies to whom such mains or pipes, tubes, wires, or apparatus may belong of their intention to lay down the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to the company to whom such mains or pipes, tubes, wires, or apparatus belong that the construction of the tramway as proposed would endanger the same, or interfere with or impede the supply of water or gas, or the telegraphic or other communication, the water or gas or other company (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 they may consider 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; and all alterations to be made under this section shall be done with as little detriment and inconvenience to the company to whom such mains or pipes, tubes, wires, or apparatus may belong, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such company or of their surveyor, 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:

Company not to disturb pipes until they have laid down others for continuing the supply of water or gas.

2. Provided always, that it shall not be lawful for the Company to remove or displace any of the mains or pipes (other than private service pipes), valves, syphons, plugs, tubes, wires, or apparatus or other works belonging to any such company, or to 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 in any other manner than such company 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, in case of disagreement between such surveyor or engineer and the Company, as an engineer appointed by the Board of Trade shall direct:

Pipes not to be laid contrary to Acts.

3. It shall not be lawful for the Company to lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas or other company:

Company to make good all damage done to property of water or gas company.

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

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If Company obstruct supply of water or gas, to forfeit 20*l.* per day.

5. If by any such operations as aforesaid the Company shall interrupt the supply of any water or gas in or through any main or main pipe, they shall forfeit to the company or party injured by the interruption twenty pounds for every day upon which such supply shall be so interrupted.

Rights of other companies, &c. to open streets.

16. Nothing in this Act shall take away or abridge any power for the time being vested in any company or body to open or break up any street along or across which any tramway of the Company is laid, 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 every such company or other body 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 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 execute such work so far as it immediately affects the tramway except under the superintendence of the Company, unless the Company 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 street 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:
4. 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.

For protection of sewers of Metropolitan and other boards, &c.

17. Where any of the tramways shall or may pass over, under, or by the side of, or so as to interfere with, any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Metropolitan Board of Works, or of any vestry or district board

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constituted under "The Metropolis Local Management Act, 1855," and "The Metropolis Management Amendment Act, 1862," or of the West Ham local board of health, or with any sewers or works to be made or executed by the said boards or vestry, or any of them, or shall or may in any way affect the sewerage or drainage of the districts under their or any of their control, the Company shall not commence such work until they shall have given to the said Metropolitan Board, district board, vestry, or local board of health, 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, for the time being, 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 Metropolitan Board and of the respective boards or vestries in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as such boards or vestries shall reasonably require for the proper protection of, and for preventing injury or impediment to, the sewers and works herein-before referred to, or by reason of the tramways, and shall save harmless the said Metropolitan Board, district board, vestry, and local board of health respectively 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 said Metropolitan Board, district board, vestry, or local board of health, 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 works 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, vestries, and local board of health respectively, and be maintained by them, as the case may be, as any sewers or works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested or to be vested in the said Metropolitan Board, district boards, vestries, and local board of health, or any or either of them, or of their successors, with respect to any such sewer, drain, watercourse, defence, or work as aforesaid,

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but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

Saving rights of street authorities to open streets for repair of sewers, &c.

18. Nothing in this Act contained shall take away or abridge any power for the time being vested in the Metropolitan Board of Works or the street authority to open or break up any street along which any tramway is laid for any necessary purpose of laying down, repairing, altering, removing, examining, or inspecting any sewer, gully, drain, watercourse, defence, or work, but in the exercise of any such power such board or street authority 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, or whereby the safety of any persons using such tramway may be endangered, 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 twenty-four hours at least before 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. If and whenever by such last-mentioned notice the respective board or street authority for the purpose of enabling them to execute such work shall so require, the Company shall either stop their traffic on the respective 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 respective board or street authority with all reasonable expedition.

Saving rights of East London Railway Company.

19. Nothing in this Act contained shall in any way alter, abridge, or repeal the powers and provisions granted to the East London Railway Company under "The East London Railway Company's Act, 1865," "The East London Railway (Additional Powers) Act, 1866," or "The East London Railway (Various Powers) Act, 1868," or the Act or Acts incorporated therewith.

Form and delivery of notices.

20. 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 if given by the Metropolitan Board of Works shall be sufficiently authenticated by being signed by the engineer or by the clerk of the Board, and if given by the trustees of any turnpike road shall be sufficiently authenticated by being signed by any three of them, or by their clerk or secretary, and if given by any other street authority by being signed by their clerk or secretary:

2. Any notice to be delivered by or to the Company to or by any street 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 street authority, &c.

21. If any difference arises between the Company on the one hand and any street authority, or any gas or water company, or any company, body, or person to whom any 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 street authority, body, company, or person, or with respect to the necessity or propriety of or the mode of execution of any tramway or work, 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 street 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.

22. 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 purposes of setting out the line of the tramway, or wilfully damages or

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destroys any property of the Company, he shall for every such offence forfeit to the Company a sum not exceeding five pounds.

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

23. The Company may use on their tramways carriages with flange wheels, or wheels specially or particularly adapted to run on a grooved rail, but all such carriages, and all carriages used on the tramways by persons other than the Company, shall be moved by animal power only.

Company to have exclusive use of tramways for flange wheels.

24. 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 specially or particularly adapted to run on a grooved rail.

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

25. If at any time after any tramway or part of any tramway by this Act authorized shall have been for three years opened for public traffic it shall be represented in writing to the Board of Trade by the street authority of any street 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 such tramway or part of a tramway 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 licences to any company or person other than and in addition to the Company to use the tramways by this Act authorized for the conveyance only of passengers and their personal luggage, with carriages to be approved by the Board, subject to the following provisions, conditions, and restrictions; that is to say,

1. The licence shall be for any period not less than one year nor more than three years from the date of the licence, but shall be renewable by the Board, if they upon inquiry think fit:
2. The licence shall be to use the whole of the tramways by this Act authorized, or 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 licence, shall think right:
3. The licence shall direct the number of cars which the licensee or licensees shall run upon the tramways, and the mode in which and times at which such cars shall be run:
4. The licences shall specify the tolls to be paid to the Company by the licensee or licensees for the use of the tramways, such tolls to be not less than one farthing nor more than one halfpenny per mile for each passenger carried by the licensee or licensees on the tramways:

5. The licensee or licensees, and their officers and servants, shall permit one person holding an order for that purpose, purporting to be signed by the secretary of the Company, to ride free of charge in or upon each car 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 licence 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.

26. 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 monies 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 monies and such of the carriages as shall remain unsold to the person entitled thereto.

Licensees to give account of passengers carried by them.

27. Every licensee shall on demand give to an officer or servant authorized in that behalf by the Company an exact account in writing signed by such licensee of the number of passengers conveyed by any and every carriage used by him on the tramways, and of the point on the tramways at which each passenger so conveyed entered such carriage, and of the point where each such passenger left such carriage.

Licensees not giving account of passengers carried liable to penalty.

28. 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, or shall have taken up or set down any passenger at any other places than shall be mentioned in such 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.

29. 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

30. Every licensee shall be answerable for any trespass or damage done by his carriages or horses, or by any of the servants

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damage done by their 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 justices, so that the same do not exceed fifty pounds.

Persons using tramways with carriages with flange wheels, &c. to forfeit 20*l.* on each occasion to the Company.

31. If any person or any other corporation than the Company (except by agreement with the Company or under licence 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 specially or particularly adapted to run on an edge rail or on a grooved rail, such person or corporation shall forfeit and pay to the Company (over and beyond any tolls which may be payable by them or him to the Company under this Act) the sum of twenty pounds for every such carriage using and for every time that it uses the tramways or any of them or any part thereof.

Authorizing agreements for use of tramways.

32. 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.

33. 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 a 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 (in addition to any proceedings by way of indictment or otherwise to which he may be liable) be liable to a penalty not exceeding twenty pounds.

Company to be responsible for all damages.

34. The Company shall be answerable for all accident, damages, and injuries happening through the act or default of the Company or of any person in their employment by reason or in consequence

of any of the Company's works, and shall save harmless all street 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.

35. Nothing in this Act shall limit or affect the power of the Commissioners of Police of the metropolis to regulate the passage of any traffic along or across any street 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 as to the traffic of other persons.

Reservation of right of public to use streets.

36. Save as in this Act provided, nothing in this Act shall take away or abridge the right of the public to pass along or across every or any part of any street along or across which any tramway of the Company is laid, whether on or off the tramway, with carriages having ordinary wheels.

Removal or modification of tramway in certain cases.

37. If at any time after the expiration of three years after the opening for public traffic of any tramway by this Act authorized, the street authority of any street in which such tramway or any part thereof is situate shall give notice in writing to the Company, and if the street be within the metropolis as defined by section 250 of the Metropolis Local Management Act, 1855, also to the Metropolitan Board of Works, that in the opinion of the street authority the tramway or any part thereof specified in the notice is dangerous or inconvenient to the public, and ought to be removed or modified, the following provisions shall have effect:

(A.) The Metropolitan Board of Works with respect to any street within the metropolis as defined as aforesaid, or the street authority in any case, may by notice under their common seal require the Company to remove or modify the tramway or such part or parts thereof as shall be specified in the notice:

(B.) If the Company within one calendar month after the service upon them of such last-mentioned notice give notice in writing under their common seal or under the hand of their secretary for the time being to the Metropolitan Board of Works or the street authority respectively giving the notice to the Company that the Company desire that the question as to the necessity or expediency of the removal or modification of the tramway or any part or parts thereof shall be referred to the decision of an arbitrator to be appointed by the Board of Trade, the question shall be referred accordingly, and upon the application either of the

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Company or of the Metropolitan Board of Works or the street authority respectively giving such notice to the Company, the Board of Trade may and shall appoint some impartial person as arbitrator, and the award of the arbitrator with reference to the question so referred to him shall be final and conclusive as against all parties, and the costs of the reference shall be in his discretion, and the arbitrator by his award (whether the question referred to him be the necessity or expediency of the removal of the tramway or any part or parts thereof, or any other question) may if he thinks fit direct the modification of the tramway or any part or parts thereof:

(C.) Within six calendar months after service upon the Company of notice as aforesaid by the Metropolitan Board of Works or a street authority under the provisions of paragraph (A.) above contained, or, as the case may be, the publication of the award of an arbitrator appointed by the Board of Trade directing the removal or modification of any tramway or any part or parts of any tramway, the Company shall remove or modify the same accordingly; and if the tramway be modified the modification shall be in accordance with any direction with reference thereto contained in the notice or award, as the case may be; and the Company shall in either case make good the street in which the tramway or such part or parts thereof as aforesaid is or are situate to the satisfaction of the principal engineer of the Metropolitan Board of Works or of the street authority giving the notice under the said paragraph (A.): Provided always, that if any modification which the Company may be required or directed to make in any tramway by any such notice or award shall be beyond their then existing powers, the Company shall as soon as may be apply to Parliament for the necessary powers to make such modification, and the provision contained in the paragraph (D.) next following shall not have effect unless and until the bill to be introduced into Parliament by the Company in compliance with the above enactment be rejected by Parliament or withdrawn:

(D.) If the Company fail to remove or modify the tramway in accordance with the notice or award (as the case may be), or to make good the street in manner aforesaid, the removal, modification, or making good may be effected by the Metropolitan Board of Works or street authority giving the notice under the said paragraph (A.), and the

amount of the cost thereof, certified by the principal engineer for the time being of the Board or street authority (whose certificate shall be final and conclusive with reference thereto), shall be repaid to the Board or street authority by the Company :

(E.) If the Company fail to pay the amount so certified within one calendar month after delivery to them of the certificate, or a copy of the certificate, of the engineer of the Board or street authority, the Board or street authority may (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any materials of the tramway removed or modified which may remain in their hands, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the Board or street 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 such sale shall be paid over by the Board or street authority to the Company.

Tramways if discontinued to be removed.

38. 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 six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company), it shall be lawful for the street authority, without any previous notice to the Company, to remove the tramway or part of the tramway so discontinued, and the Company shall pay to the street authority the cost of such removal and of the making good of the street by the street authority, such cost to be certified by the clerk for the time being of the street 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 street 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 tramway removed, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the street 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 street authority to the Company.

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Proceedings in case of insolvency of Company.

39. If at any time hereafter it shall appear to the Metropolitan Board of Works that the Company are insolvent, so that they are unable to carry out the undertaking with advantage to the public, and the Board shall make a representation to that effect to the Board of Trade, the Board of Trade may direct an inquiry 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 under their common seal declare that the powers of the Company under this Act shall, at the expiration of fifteen calendar months from the making of the order, be at an end, and (unless Parliament shall in the meantime otherwise declare) the powers of the Company shall cease and determine at the expiration of the said period of fifteen calendar months accordingly, except so far as may be necessary for winding up their affairs; and it shall be lawful for each street authority to remove the tramways in the streets under their control, and to restore the streets to their original state and condition, and to sell and dispose of the materials of the tramways, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the street authority may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost (to be certified by the clerk of the street authority) of the removal of the tramway and restoration of the street and the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the street authority to the Company.

Regulating inquiries before referee appointed by the Board of Trade.

40. 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 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 street authority, body, or person 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 either of the Company or of the street authority, body, or person aforesaid, 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:

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:

8. The referee shall have power to direct by and to whom the costs or any part of the costs of the inquiry shall be paid:

9. The referee shall for all purposes be deemed to be an arbitrator, and his appointment shall be deemed to be a submission to arbitration between the parties to the inquiry in respect of the matters thereby referred to him, and his report shall be deemed to be and shall have the effect of and be dealt with as an award made upon the submission, and each such submission may be made upon the application of any party interested in the inquiry a rule of any of Her Majesty's superior courts of law at Westminster.

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

41. 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 the plans and specifications to be approved by an engineer to be appointed by the Board of Trade, on the application of either party,

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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.

Capital.

42. The capital of the Company shall be ninety thousand pounds, in nine thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

43. 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.

44. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

Power to divide shares.

45. 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.

46. 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.

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

47. 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.

48. 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 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.

49. 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.

50. The provisions of "The Companies Clauses Act, 1845," with respect to the forfeiture of shares for nonpayment 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.

51. 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.

52. 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.

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Receipts on behalf of incapacitated persons.

53. 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.

54. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole twenty-two thousand five hundred pounds, and of that sum they may borrow from time to time not exceeding seven thousand five hundred pounds in respect of every thirty thousand pounds of their capital, but no part of any such sum of seven thousand five hundred pounds shall be borrowed until the whole of the respective thirty 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 Act, 1845," (before he so certifies,) that the whole of the respective thirty 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 thirty thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective thirty 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.

For appointment of a receiver.

55. 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 authorize 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.

Monies borrowed on mortgage to have priority.

56. All monies 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.

57. The Company may create and issue debenture stock.

Application of monies.

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

First ordinary meeting.

59. 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.

Quorum of general meetings.

60. The quorum of a general meeting of the Company, whether ordinary or extraordinary, shall be ten shareholders holding in the aggregate not less than three thousand pounds of the capital of the Company.

Number of directors.

61. 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.

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

Quorum.

63. 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.

64. James Fraser, John Thomson Pagan, and Charles Francis Macdonald, and such three other duly qualified persons 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 herein-before 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 or 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.

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Period for completion of works.

65. The tramways shall be completed within three 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.

66. 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 fifteen acres.

Tolls for passengers.

67. 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 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 authorized it shall be represented in writing to the Board of Trade by any street authority or by twenty inhabitant ratepayers of any parish in which any of the tramways are 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 any such order, revoke or modify the same for good cause shown to them.

Passengers luggage.

68. 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.

69. The Company shall and they are hereby required at all times after the opening of the tramways for public traffic 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 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 artizans, 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): 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.

Company not bound to carry goods.

70. 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.

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

71. A list of all the tolls and charges authorized by this Act to be taken and which shall be exacted by the Company shall be exhibited in some conspicuous place on the inside of each of the carriages used by the Company upon any of their tramways.

Tolls to be paid as directed by the Company.

72. The tolls and charges by this Act authorized 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.

73. If any person travelling or having travelled in any carriage of the Company avoid or attempt to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceed in any such carriage beyond such distance, and shall not pay the additional fare for the additional distance, or shall attempt 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 forfeit to the Company a sum not exceeding forty shillings.

Transient offenders.

74. 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 preceding enactment mentioned, and whose name or residence shall be 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.

75. No person shall be entitled to carry or to require the Company to carry on the tramways any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which in the judgment of the Company may be of a dangerous nature, and if any person send by the tramway any such goods without distinctly marking

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their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the Company with whom the same are left at the time of such sending, he shall forfeit to the Company 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.

Company to regulate the use of the tramway.

76. It shall be lawful for the Company from time to time, subject to the provisions and restrictions in this Act contained, to make regulations for preventing the commission of any nuisance in or upon any carriages or in any of the premises of the Company, and for regulating the travelling upon or using and working of the tramways; and for better enforcing the observance of all or any of such regulations it shall be lawful for the Company to make byelaws, and from time to time to repeal or alter such byelaws and make others, provided that such byelaws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this Act, and such byelaws shall be reduced into writing and shall have affixed thereto the common seal of the Company; and any person offending against any such byelaw shall forfeit for every such offence any sum not exceeding five pounds, to be imposed by the Company in such byelaws as a penalty for any such offence; and if the infraction or non-observance of any such byelaw or other such regulation as aforesaid be attended with danger or annoyance to the public or hindrance to the Company in the lawful use of the tramways, it shall be lawful for the Company summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such byelaw.

Byelaws not to be valid until two calendar months after they have been laid before a Secretary of State.

77. No byelaw or regulation made by the Company under the powers of this Act shall have any force or effect until two calendar months after a true copy of such byelaws or regulation shall have been laid before one of Her Majesty's Principal Secretaries of State, unless such Secretary shall before such period signify his approbation thereof.

Secretary of State may disallow byelaws.

78. It shall be lawful for such Secretary of State at any time, either before or after any byelaw or regulation which shall have been laid before him as aforesaid shall have come into operation, to notify to the Company his disallowance thereof, and in case the same shall be in force at the time of such disallowance the time at which the same shall cease to be in force, and no byelaw or regulation which shall be so disallowed shall have any force or effect whatsoever; or if it shall be in force at the time of the disallowance

it shall cease to have any force or effect at the time limited in the notice of such disallowance, saving in so far as any penalty may have been then already incurred under the same.

Secretary of State may make additional byelaws.

79. Any of Her Majesty's Principal Secretaries of State may from time to time, either in addition to or in substitution for any byelaws or regulations which shall have been laid before him by the Company as aforesaid, make any byelaws and regulations which in his judgment may be necessary for the protection or convenience of the public, and every such byelaw or regulation shall have effect against the Company and every licensee of the Board of Trade under this Act, and every other person, from the time to be notified in that behalf by such Secretary of State to the Company, or if no time be so notified, from and after the expiration of one week from the delivery to the Company of a copy of such byelaw or regulation under the hand of such Secretary of State.

Recovery of tolls, penalties, &c.

80. All tolls, charges, penalties, and other monies which under this Act may become payable to or by the Company may be recovered in any court of competent jurisdiction, or (at the option of the party claiming the payment, or, as the case may be, of the Company) in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the recovery of damages not specially provided for and penalties.

Future purchase of undertaking by street authority.

81. If at any time after the expiration of twenty-one years after the passing of this Act the street authorities of all the streets in which the tramways of the Company shall be laid shall apply to Parliament for power to purchase the undertaking of the Company upon terms of paying the full value of the tramways, and of the works and materials connected therewith, and of the lands and buildings, and all other the property of the Company, and of the goodwill of the business of the Company and its prospective value, if any, such value to be, in case of difference, determined by arbitration in manner provided by the Railways Clauses Consolidation Act, 1845, with reference to the settlement of disputes by arbitration, the Company shall not object to or oppose such application.

Interest not to be paid on calls paid up.

82. The Company shall not, out of any money by this Act authorized to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the 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."

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Deposit for future bills not to be paid out of capital.

83. The Company shall not, out of any money by this Act authorized 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 authorizing the Company to construct any other tramway, or to execute any other work or undertaking.

Tramways not exempt from provisions as to general Acts.

84. 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.

Expenses of Act.

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

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