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An Act to empower the North Metropolitan Tramways Company to construct New Street Tramways; and for other purposes. [10th August 1870.]

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WHEREAS by "The North Metropolitan Tramways Act, 1869," the North Metropolitan Tramways Company (herein-after called "the Company") were incorporated and empowered to lay down in certain streets in the Metropolis north of the river Thames tramways to be worked by animal power only, and to be constructed as in that Act mentioned: 32 & 33 Vict. c. ci.

And whereas it is expedient that the Company should be empowered to lay down and maintain the several additional street tramways, and to abandon the portions of their authorised undertaking, in this Act particularly described:

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 Essex, 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 respectively:

And whereas it is expedient that certain of the provisions of "The North Metropolitan Tramways Act, 1869," should be altered and amended, and that for the sake of uniformity certain of the corresponding provisions applicable to the tramways by this Act authorised should also be made applicable to the tramways authorised by the said Act of 1869:

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

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the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

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

Provisions of general Acts herein named incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (except the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of lands otherwise than by agreement,) the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;
The transfer or transmission of shares;
The payment of subscriptions and the means of enforcing the payment of calls;
The forfeiture of shares for nonpayment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of borrowed money into capital;
The consolidation of shares into stock;
The provision to be made for affording access to the special Act;

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," 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 Company" shall mean the North Metropolitan Tramways Company; the expression "tramway" or "tramways" shall mean the street tramways and works by this Act authorised, or any of them, or any part thereof; the expression "the undertaking" shall mean the undertaking of the Company as authorised by the Act of 1869 and this Act; the expression "the Act of 1869" shall mean "The North Metropolitan Tramways Act, 1869;" 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 expressions "local authority" and "local rate" shall mean respectively the bodies of persons and rates named in the table in Part I. of the Schedule A. to this Act annexed; the expression "road" shall mean any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same; and the expression "road authority" shall mean the board, vestry, district board, commissioners of sewers, or other commissioners, trustees, or other body having the control of the road referred to; and the term "two justices" shall, in addition to its ordinary signification, mean one stipendiary or police magistrate acting in any police court for the district.

Power to make tramways according to deposited plans.

4. 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 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. 1, and a tramway, No. 1A, each one mile four furlongs four and a half chains or thereabouts in length, wholly in the parish of Saint Mary, Islington, in the county of Middlesex, commencing respectively in the Highgate Archway Road at a point distant eight chains or thereabouts, measuring along the said Highgate Archway Road, from the junction or intersection of Holloway Road, Junction Road, and Saint John's Road, thence passing respectively along the said Highgate Archway Road and Holloway Road, and terminating respectively in the Holloway Road, at or near the end of Liverpool Road;

A tramway, No. 2, one mile three furlongs and three and a quarter chains or thereabouts in length, wholly in the parish of Saint Mary, Islington, aforesaid, commencing in Holloway Road by a junction with tramway No. 1, at the point of termination thereof as above described, thence passing along the Holloway Road, Upper Street, Islington, and High Street, and terminating in High Street, at or near the end of White Lion Street;

A tramway, No. 2A, six furlongs four and a half chains or thereabouts in length, wholly in the parish of Saint Mary, Islington, aforesaid, commencing in Holloway Road by a junction with tramway No. 1A at the termination thereof as above described, thence passing along Holloway Road and Upper Street, Islington, and terminating by a junction with tramway No. 2

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in Upper Street aforesaid, at or near the end of Barnsbury Street;

A tramway, No. 2B, four chains or thereabouts in length, wholly in Upper Street in the parish of Saint Mary, Islington, aforesaid, commencing by a junction with tramway No. 2 at a point three and a half chains from and south of the junction of Cross Street with Upper Street, and terminating by a junction with the same tramway at a point seven and a half chains from and south of the said junction of Cross Street with Upper Street;

A tramway, No. 2C, two furlongs and four chains or thereabouts in length, wholly in the parish of Saint Mary, Islington, commencing in Upper Street aforesaid by a junction with tramway No. 2 at the north end of Islington Green, and passing thence along Upper Street into and terminating in High Street at or near the end of White Lion Street;

A tramway, No. 3, and a tramway, No. 3A, each one mile two furlongs six and a quarter chains or thereabouts in length, commencing respectively in the parish of Saint Mary, Islington, in Holloway Road, as regards No. 3 by a junction with tramway No. 1, and as regards No. 3A by a junction with tramway No. 1A, at the terminations thereof respectively, and thence passing into and along Liverpool Road and High Street, and terminating respectively in the same parish in High Street, as regards No. 3 by a junction with tramway No. 2, and as regards No. 3A by a junction with tramway No. 2C, at the terminations thereof respectively as herein-before described;

A tramway, No. 4, and a tramway, No. 4A, each one mile three furlongs and five and a quarter chains or thereabouts in length, commencing respectively in the parish of Saint Mary, Islington, in High Street, as regards No. 4 by a junction with tramway No. 2, and as regards No. 4A by a junction with tramway No. 2C, at the terminations thereof respectively, thence passing respectively along High Street into and along City Road and the western side of Finsbury Square and along Finsbury Place, and terminating respectively in the parish of Saint Luke, Middlesex, in Finsbury Place aforesaid, at or near the south end thereof;

A tramway, No. 5, two furlongs seven and a half chains or thereabouts in length, and a tramway, No. 5A, two furlongs five and a half chains or thereabouts in length, respectively commencing in the parish of Saint Luke, Middlesex, in Finsbury Place, as regards No. 5 by a junction with tramway No. 4, at a point thereon two chains from the termination thereof, and as regards No. 5A by a junction with tramway No. 4A at the termination thereof, thence passing respectively along Finsbury Place into and along Finsbury Place South, Finsbury Pavement, Moorgate,

and Moorgate Street, and terminating respectively in the parish of Saint Margaret, Lothbury, in the city of London, in Moorgate Street, at or near the south end thereof;

A tramway, No. 6, and a tramway, No. 6A, each six furlongs three and a half chains or thereabouts in length, wholly in the parish of Saint Mary, Islington, aforesaid, commencing in the Seven Sisters Road at the junction of Stroud Green Lane with that road, thence passing along Seven Sisters Road into Holloway Road, and terminating in the last-mentioned road at a point about half a chain from and south of the junction of Seven Sisters Road with Holloway Road, as regards No. 6 by a junction with tramway No. 1A, and as regards No. 6A by a junction with tramway No. 1;

A tramway, No. 7, three furlongs and three chains or thereabouts in length, and a tramway, No. 7A, three furlongs and three chains or thereabouts in length, wholly in the parish of Saint Mary, Islington, commencing respectively in Seven Sisters Road at or near the junction of that road with Holloway Road, and as regards No. 7 by a junction with tramway No. 6, and as regards No. 7A by a junction with tramway No. 6A, thence passing respectively into and along Park Road, and terminating at or near the junction of the last-mentioned road with Camden Road;

A tramway, No. 9, and a tramway, No. 9A, each two furlongs nine chains or thereabouts in length, respectively commencing in Whitechapel Road, in the parish of Saint Mary, Whitechapel, in the county of Middlesex, at a point about three and a quarter chains from and north-east of the junction of that road and Church Lane, and as regards No. 9 by a junction with the tramway No. 5, and as regards No. 9A by a junction with the tramway No. 5A, respectively authorised by the Act of 1869, at a point thereon in each case one chain from the commencement of those tramways respectively, thence passing along Whitechapel Road into and along Whitechapel High Street and Aldgate High Street, and terminating respectively in Aldgate High Street, in the parish of Saint Botolph, Aldgate, in the city of London, at or near the end of the Minories;

A tramway, No. 9B, being a short junction two chains in length, wholly in Whitechapel High Street, in the parish of Saint Mary, Whitechapel, commencing by a junction with tramway No. 9 at a point thereon two chains west of the end of Osborn Street, and terminating by a junction with tramway No. 9A at a point thereon opposite the end of Osborn Street;

A tramway, No. 10, and a tramway, No. 10A, each one mile one

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and three quarter chains or thereabouts in length (being in substitution for the tramways No. 6, No. 6A, No. 6B, No. 6C, and No. 6D respectively authorised by the Act of 1869), respectively commencing in the parish of Saint Mary, Stratford-le-Bow, in the county of Middlesex, in High Street, Bow, at a point about six chains from and north-east of the north-east end of Bow Churchyard, and as regards No. 10 by a junction with the tramway No. 5, and as regards No. 10A by a junction with the tramway No. 5A, respectively authorised by the Act of 1869, at a point thereon in each case one chain from the termination thereof respectively, and thence passing along High Street, Bow, over and along Bow Bridge into and along High Street, Stratford, and Stratford Broadway, and terminating respectively in the parish of West Ham, in the county of Essex, in Stratford Broadway, at a point about two and a half chains west of the Gurney Memorial Fountain;

A tramway, No. 10B, being a short junction two chains in length, wholly in Stratford Broadway, in the parish of West Ham, commencing by a junction with tramway No. 10 at a point two chains from its termination, and terminating by a junction with tramway No. 10A at the termination thereof;

A tramway, No. 11, and a tramway, No. 11A, each one mile two furlongs or thereabouts in length, respectively commencing in the said parish of West Ham in Stratford Broadway, as regards No. 11 by a junction with tramway No. 10 at the termination thereof, and as regards No. 11A by a junction with tramway No. 10A at the termination thereof, and thence passing along Stratford Broadway into and along High Street, Stratford (keeping on the north side of Stratford Church), The Grove, Maryland Point, and Leytonstone Road, and terminating respectively in the parish of Low Leyton in the county of Essex, at a point in Leytonstone Road opposite or nearly opposite the Plough and Harrow Inn;

A tramway, No. 12, and a tramway, 12A, each one mile one furlong and one and a half chains or thereabouts in length, wholly in the said parish of West Ham, respectively commencing in Stratford Broadway, as regards No. 12 by a junction with tramway No. 10 at the termination thereof, and as regards No. 12A by a junction with tramway No. 10A at the termination thereof, and thence passing along Stratford Broadway into and along High Street, Stratford (keeping on the south side of Stratford Church), and into and along Romford Road, and terminating in that road opposite or nearly opposite the Princess Alice Inn at the end of Wood Grange Road;

A tramway, No. 13, two furlongs and two chains or thereabouts in length, wholly in the parish of Low Leyton, commencing in Leytonstone Road by a junction with tramway No. 11 at or near the end of Union Lane, and passing thence into and for a distance of about twenty-one chains along Union Lane, and passing thence into and terminating in the land on the north-east side of that part of Union Lane called or intended to be called Mornington Terrace, at a point about one chain from Union Lane;

A tramway, No. 13A, six and a half chains or thereabouts in length, wholly in the parish of Low Leyton, commencing in Union Lane by a junction with tramway No. 13, at or near the end of Birkbeck Road, and passing thence into and for a distance of about five chains along Birkbeck Road, and passing thence into and terminating in the land on the north-west side of Birkbeck Road, at a point about one chain from that road;

A tramway, No. 13B, being a short junction and curve two chains in length, wholly in the said parish of Low Leyton, commencing in Leytonstone Road by a junction with tramway No. 11A at a point two chains south of the end of Union Lane, and passing thence to and forming a junction with tramway No. 11, and curving thence to and terminating in Union Lane by a junction with tramway No. 13 at or near the end of that lane;

and the tramways by this Act authorised shall, for the purposes of tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking of the Company: Provided nevertheless, that the Company shall not have power to construct more than one of the two tramways numbered 10 and 10A upon such part of the High Street, Stratford, as lies between the Yorkshire Grey on the west side and Martin Street on the east side, without the consent of the West Ham Local Board of Health being first given to the construction of the second line in writing signed by the clerk for the time being of the said local board, and in case only one of such lines be laid down between the points aforesaid the same shall be laid in such part of the road as may be determined by the Board of Trade: Provided also, that the Company shall not without the consent of the Commissioners of Sewers of the City of London make, form, or lay down any tramway in the city of London or the liberties thereof.

For protection of the Board of Works for the Whitechapel district.

5. The following provisions shall be in force with respect to the works by this Act and the Act of 1869 respectively authorised within the district or any part of the district of the Board of Works for the Whitechapel district:

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1. Notwithstanding anything in the said Acts or either of them contained to the contrary, all the tramways of the Company and the works connected therewith within the said district shall be constructed and from time to time repaired and maintained, and all interference with roads and restoration thereof shall be done under the superintendence and to the entire satisfaction of the surveyor for the time being of the said District Board of Works, and at the cost in all respects of the Company:

2. The Company shall not make, form, or lay down the tramways, or any or either of the tramways numbered respectively 9, 9A, and 9B in Whitechapel High Street in the lines shown on the deposited plans and sections, but the same shall be made, formed, laid down, and maintained by the Company along such parts of the said street, and only in the direction and manner shown upon the plan signed by Allen Alexander Bathurst, Esquire, the chairman of the committee to whom this Act was as a Bill referred in the House of Commons:

3. The Company shall, when required by the said surveyor whilst the works are in course of construction, within any part of the said district, remove all earth, materials, and other obstructions, and temporarily restore the roadway so as to enable carts and carriages to pass along the same, and in the construction, maintenance, or repair of any of the tramways there shall be no interference with the carrying on of the hay and straw market:

4. In addition to the obligations imposed upon the Company as to the future repair of parts of High Street along which the tramways are laid, and a certain distance beyond and between the rails, they shall restore, and from time to time maintain in good order and condition, so much of the roadway of the said High Street as will be situate between each of the rails of the tramways nearest the footway and the footway:

5. Any part of the roads within the said district which may be disturbed by or in consequence of the works of the Company, and for the repair whereof the Company are not or will not be permanently liable, shall be repaired and made good by them, and be kept by them in good repair for six months after the completion of the said works to the entire satisfaction of the said surveyor.

For protecting the traffic over Bow Bridge.

6. Provided always, that the Company shall not, without the consent in writing of the Board of Works for the Poplar district, under the seal of the said board, run more than one tramway car at

one and the same time over Bow Bridge, nor, except in cases of emergency, shall the Company without the like consent repair more than one tramway on Bow Bridge at one and the same time, and if the Company fail to conform to the requirements of this section they shall for each offence forfeit and pay any sum not exceeding twenty pounds: Provided also, that if the consent of the said board be at any time granted under this section, the same may be revoked on giving one month's notice in writing to the Company.

Mode of formation of tramways.

7. Every tramway to be made, formed, or laid down under this Act shall be constructed with two rails, on the gauge of four feet eight and a half inches, and so laid as not to occupy a width (reckoning from the outer edge of each rail) of more than five feet and three inches, 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 road; and no such tramway shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic by an officer to be appointed for that purpose by the Board of Trade.

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

8. 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.

Certain sections of recited Act repealed.

9. The sections of the Act of 1869 which are enumerated and referred to in Part I. of the Schedule B. to this Act are hereby repealed, and in lieu thereof the provisions of this Act relating to the matters mentioned or referred to in those sections respectively shall extend and apply as well to the tramways by this Act authorised as to the tramways of the Company authorised by and constructed under the Act of 1869.

General saving of rights under repealed sections.

10. Notwithstanding the repeal of the said sections of the Act of 1869, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed by or under the repealed sections, or any of them, shall be as valid as if the repeal had not happened, and the repeal and the operation of this Act shall accordingly be subject and without prejudice to everything so done, suffered, or confirmed, and to all rights, liabilities, claims, and demands, both present and future, which if the repeal had not happened would be incident to or con-

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sequent on any and every thing so done, suffered, and confirmed: Provided always, that the generality of this provision shall not be restricted by any of the other provisions of this Act.

Extending certain sections of Act of 1869 to this Act.

11. The sections of the Act of 1869 which are enumerated and referred to in Part II. of the Schedule B. to this Act are incorporated with and form part of this Act, and shall extend and apply to the tramways by this Act authorised, the roads along or across which the same are to be laid, and the road authorities having the control of such roads, as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto.

Power to break up streets, &c.

12. The Company from time to time, for the purpose of making, forming, laying down, maintaining, and renewing any tramway by this Act or the Act of 1869 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 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. They 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. They shall not in any case, without the consent in writing of the road authority, block up for carriage traffic any road in the parish of Saint Mary, Islington:
6. 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.

Completion of works and reinstatement of road.

13. 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 road where tramway is laid.

14. The Company shall, at their own expense, at all times maintain and keep in good condition and repair, and as to any particular

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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 belonging to the Company is laid as lies between the rails of the tramway and (where two tramways are laid by the Company 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 such tramway. If the Company abandon their undertaking, or any part of the same, and take up any tramway or any 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 the 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.

As to paving of certain roads in parish of St. Mary, Islington.

15. The Company shall, before using their tramways in the parish of Saint Mary, Islington, pave with granite the whole of the carriage-way of all roads in that parish in which the tramways shall be laid where those roads do not exceed thirty feet in width between the kerbs of the footways.

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

16. 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.

Provision as to gas and water companies.

17. For the purpose of making, forming, and laying down the tramways by this Act authorised, and of 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 or pipe, 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, 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

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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.

18. Where in any district any tramway or any work connected therewith interferes with any sewer, drain, watercourse, subway, defence, or work in such district, or in any way affects the sewerage or drainage of such district, the Company shall not commence any tramway or work until they shall have given to the proper authority fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such authority, with all necessary particulars relating thereto, nor until such authority shall have signified their approval of the same, unless such authority 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 authority in the execution of the said works, and shall provide by

new, altered, or substituted works, in such manner as such authority shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the tramways, and shall save harmless the said authority 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 authority, 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 authority, and be maintained by them, as any sewers or works.

Rights of authorities and companies, &c. to open roads.

19. 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 any local authority or 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 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 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

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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.

Difference between Company and road authorities, &c.

20. If any difference arises between the Company on the one hand, and any local authority, road authority, or any gas or water company, or any company, body, or person to whom any sewer, drain, main, pipe, 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 tramway or work, 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.

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

21. The Company may use on their tramways carriages with flange wheels, or wheels suitable only to run on the tramway, 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 the tramway. All carriages used on any tramway shall be moved by animal power only, and no carriage used on any tramway 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.

22. If at any time after any tramway or part of any tramway 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 twenty inhabitant ratepayers of any district 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 licenses to any company or person to use such tramway in addition to the Company, for the conveyance of 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 such tramway for the time being opened for public traffic, or such part or parts of such tramway 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 such tramway, 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 tramways:
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 licen-

23. 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

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see's carriages may be detained and sold.

Company to detain and sell such carriage, or, if the same shall have been removed from the tramway or premises of the Company, to detain and sell any other carriages on such tramway 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.

Licensees to give account of passengers carried by them.

24. 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 any and every carriage used by him on the tramways.

Licensees not giving account of passengers carried liable to penalty.

25. If any such licensee fails 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, gives 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 toll to be settled by justices.

26. 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 two justices, and it shall be lawful for the Company in the meanwhile to detain the carriage or (if the case so requires) the proceeds of the sale thereof.

Owners of carriages liable for damage done by their servants.

27. 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 two justices, 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.

Tramways to be removed in certain cases.

28. If at any time after the opening of any tramway in any district for traffic the Company 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, for which purpose the want of sufficient

funds shall not be considered a circumstance beyond their control), 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 such 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 of such district may at any time after the expiration of two months from the date of such order, under the authority of a certificate to that effect by the said Board, 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 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.

29. If at any time after the opening of any tramway in any district for traffic it appears to the local authority or the road authority of such district that the Company are insolvent, so that they are unable to maintain such tramway or work the same with advantage to the public, and such local authority or road authority makes 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 local authority in manner by this Act provided, and thereupon such road authority may remove the tramway in like manner and subject to

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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.

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

30. After the expiration of such period of six calendar months from the making of any such order as in this Act above mentioned 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.

Future purchase of undertaking by local authority.

31. The local authority of any district, if by resolution passed at a special meeting of the members constituting such local authority they so decide, may within six months after the expiration of a period of twenty-eight 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, or so much of the same as is within such district, 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 within such district, 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 to the undertaking sold, shall be transferred to, vested in, and may be

exercised by the authority to whom the same has been sold in like manner as if such tramway was constructed by such authority under the powers of this Act, and in reference to the same they shall be deemed to be 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 local authority are usually given, nor unless two thirds of the members constituting such local authority 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. The local authority in any district may pay the purchase money and all expenses incurred by them in the purchase of any undertaking, under the authority of this section, out of the local rate, and may for that purpose borrow and take up at interest, on the credit of such local rate, any sums of money necessary for such purpose, and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, such local authority may mortgage to the persons by or on behalf of whom such sums are advanced such local rate, but the exercise of the above power shall be subject to the following regulations:

(1.) The money so borrowed shall not exceed such sum as may be sanctioned by the Board of Trade:

(2.) The money may be borrowed for such time not exceeding thirty years as such local authority, with the sanction of the Board of Trade, determine, and, subject as aforesaid, such local authority may either pay off the moneys so borrowed by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest, by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will be sufficient to pay off the moneys so borrowed, or a part thereof, at such times as the local authority may determine:

(3.) The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall apply to any mortgage executed under the foregoing provisions of this section, and for the purposes of such application the said provisions shall be incorporated with this Act:

(4.) For the purpose of such incorporation the terms "the special Act" and "the Commissioners" shall be construed to mean respectively this Act and the local authority:

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(5.) Such local authority shall keep separate accounts of all moneys paid by them in exercise of the powers of this Act, and in the repayment of moneys borrowed:

(6.) The Metropolitan Board of Works may for the purposes of this section create additional stock 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 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 the said Board of Works in addition to the sum limited by section thirty-eight of "The Metropolitan Board of Works (Loans) Act, 1869."

Power of sale.

32. Where any tramway in any district has been opened for traffic for a period of six months the Company may, with the consent of the Board of Trade, sell their undertaking in such district to any person, persons, corporation, or company, or to the local authority of such district; and when any such sale has been made all the rights, powers, authorities, obligations, and liabilities of the Company in respect to the undertaking sold 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 tramway was constructed by such person, persons, corporation, company, or local authority under the powers conferred upon them by this Act, and in reference to the same they shall be deemed to be the Company: Provided always, that a local authority shall not purchase the undertaking under the provisions of this section unless they shall decide to make such purchase by resolution passed at a special meeting of the members constituting such local authority, which resolution shall be made in the same manner and shall be subject to the same conditions as to validity as resolutions made in regard to the purchases by the next preceding section authorised. When any purchase is made by any local authority under the provisions of this section, such local authority may pay the purchase money, and all expenses incurred by them in making such purchase, out of the like funds, and for such purposes shall have all and the like powers, and be subject to all the like conditions, as if such purchase were made under the authority of the next preceding section.

Extending sections 67, 68, 70, 71, and 72 of recited Act to this Act.

33. The Company may demand and take in respect of the tramways the tolls and charges which they are by the Act of 1869 authorised to demand and take with respect to the tramways by that Act authorised, as if the tramways had formed part of the tramways by that Act authorised, and sections sixty-seven, sixty-eight, seventy, seventy-one, and seventy-two of the Act of 1869 are incorporated with and form part of this Act, and shall extend and apply to the tramways by this Act authorised, and the passengers using the same, and the tolls to be taken for the use of the same, as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto: Provided always, that a list of the tolls and charges to be taken by the Company shall be exhibited in a conspicuous place outside as well as inside of each of the carriages used upon the tramways.

Cheap fares for labouring classes.

34. 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 artizans, 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.

Byelaws by local authority.

35. Subject to the provisions of this Act—

The local authority of any district in which the same is laid down may from time to time make regulations as to the following matters:

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

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.

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Byelaws by Company.

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 such local authority and 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 (A.) to this Act 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 local authority, and to such local authority if made by the Company.

Penalties in byelaws.

36. 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.

Power to local authority to license drivers, conductors, &c.

37. The local authority 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 the control of the local authority: Provided always, that in any district in which any of the powers aforesaid in relation to hackney carriages, and the matters aforesaid in connexion therewith, are vested in any

authority other than the local authority of such district, such authority shall have and may exercise the powers by this section conferred upon the local authority.

Penalty for obstruction of Company in laying out tramway.

38. 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 damages or destroys any property of the Company or their licensees, he shall for every such offence be liable to a penalty not exceeding five pounds.

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

39. 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 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 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.

Penalty on passengers practising frauds on the Company.

40. If any person travelling or having travelled in any carriage on any tramway 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 refuses or neglects 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.

41. 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 discovered either in or after committing or attempting to commit any such offence as in the next preceding section is 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.

42. 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

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book-keeper or other servant 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.

Penalty for persons using tramways with carriages with flange wheels, &c.

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

Company to be responsible for all damages.

44. The Company 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.

Recovery of tolls, penalties, &c.

45. 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.

Right of user only.

46. Notwithstanding anything in this Act or in the Act of 1869 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 street authorities to widen, &c. roads.

47. Nothing in this Act shall take away or affect any power which any road authority, or the owners, commissioners, undertakers, or lessees of any railway, tramway, or inland navigation, may have by law to widen, alter, or improve any road, railway, tramway, or inland navigation.

Power for local or police authorities to regulate traffic in roads.

48. Nothing in this Act shall limit the powers of the local authority or police in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such authority or police 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 roads.

49. 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 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 tramway.

Regulating inquiries before referee appointed by the Board of Trade.

50. 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 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:

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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.

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

51. 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, tunnels, 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 or tunnel 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.

Power to raise new capital.

52. The Company may from time to time raise by the creation and issue of new shares such sums of money as they shall think necessary, not exceeding in the whole two hundred and forty thousand pounds, in addition to the moneys which they are by the Act of 1869 authorised to raise by shares, and those new shares, to such an amount, not exceeding one hundred and twenty thousand pounds, as the Company think fit, may be preference shares.

Shares not to issue until one fifth paid up.

53. 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.

54. 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.

55. 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 ordinary 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.

56. 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 profits of the year only.

57. 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.

58. 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

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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.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

64. The Company may from time to time borrow on mortgage, in addition to the sums which they are by the Act of 1869 authorised to borrow, any sum or sums not exceeding in the whole sixty thousand pounds, and of that sum they may borrow from time to time not exceeding fifteen thousand pounds in respect of every sixty thousand pounds of the said capital of two hundred and forty thousand pounds by this Act authorised to be raised by shares, but no part of any such sum of fifteen thousand pounds shall be borrowed until the whole of the respective sixty 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 sixty 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 sixty thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective sixty 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 certificate shall be sufficient evidence thereof.

For appointment of a receiver.

65. 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 five thousand pounds.

Moneys borrowed on mortgage to have priority.

66. All moneys to be borrowed on mortgage under the Act of 1869 or 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.

Existing mortgages to have priority.

67. All mortgages granted by the Company under the authority of the Act of 1869, which shall be subsisting at the passing of this Act, shall during the continuance thereof have priority over all mortgages granted under the authority of this Act.

Debenture stock.

68. The Company may create and issue debenture stock.

Application of moneys.

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

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Period for completion of works.

70. 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.

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 six acres.

Abandonment of portion of authorised undertaking.

72. The Company shall abandon and relinquish the construction of the several following portions of their authorised undertaking, and all or any works and conveniences connected therewith respectively; (that is to say,)

So much and such parts of the tramways Nos. 5 and 5A authorised by the Act of 1869 as extend respectively for a distance of one chain from the commencements and terminations of those tramways respectively:

The whole of the tramways Nos. 6, 6A, 6B, 6C, and 6D, respectively authorised by the Act of 1869.

Interest not to be paid on calls paid up.

73. 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 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."

Deposits for future Bills not to be paid out of capital.

74. 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.

Tramways not exempt from provisions of general Acts.

75. 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.

76. 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.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Part I.

Districts of local authorities.	Description of local authority of district set opposite its name.	The local rate.
The city of London and the liberties thereof.	The mayor, aldermen, and commons of the city of London.	The Consolidated Sewers Rate.
The Metropolis (1.) -	The Metropolitan Board of Works.	The Metropolitan Consolidated Rate.
The parish of West Ham.	The West Ham Local Board of Health.	The General District Rate.
The parish of Low Leyton.	The vestry of the parish.	The Poor Rate.
The parish of Wanstead	The local board for the district of Wanstead.	The General District Rate.

Note.

(1.) "The Metropolis" shall include all parishes and places in which the Metropolitan Board of Works have power to levy a main-drainage rate, except the city of London and the liberties thereof.

Part II.

Notice of Byelaws.

Within one month after the making of any byelaw notice of the making of the same, and a copy of such byelaw, shall be published by advertisement in manner following:

(1.) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the district affected by such byelaw, or if there be no such newspaper, then in some one and the same newspaper published in the county in which such district, or some part thereof, is situate, or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(2.) The advertisement is also, in every case, to be inserted once at least in the London Gazette.

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SCHEDULE B.

Part I.

Sections of the Act of 1869 *which are repealed by this Act.*

No. of section repealed.	Marginal note of section repealed.
7.	Power to break up streets.
8.	Restrictions as to breaking up of streets for laying down tramways.
9.	Size of and intervals between openings in streets.
10.	Completion of works and reinstatement of streets.
11.	Repair of part of street where tramway is laid.
13.	Right of user only.
14.	Reserving powers of street authorities to widen, &c. streets.
15.	Provision as to gas and water companies.
16.	Rights of other companies, &c. to open streets.
21.	Difference between Company and street authority, &c.
22.	Penalty for obstruction of Company in laying out tramway.
23.	Power for Company to use tramway with flange-wheeled carriages, &c.
24.	Company to have exclusive use of tramways for flange wheels.
25.	Licenses to use tramway may in certain events be granted to third parties by the Board of Trade.
26.	In default of payment of tolls Company may detain and sell licensee's carriages.
27.	Licensees to give account of passengers carried by them.
28.	Licensees not giving account of passengers carried liable to penalty.
29.	Disputes as to amount of tolls to be settled by justice.
30.	Owners of carriages liable for damage done by their servants.
31.	Persons using tramways with carriages with flange wheels, &c. to forfeit twenty pounds on each occasion to the Company.
33.	Penalties for wilful injury or obstruction to tramways, &c.
34.	Company to be responsible for all damages.
35.	Power for police authorities to regulate traffic in streets.
36.	Reservation of right of public to use streets.
37.	Removal or modification of tramway in certain cases.
38.	Tramways if discontinued to be removed.
39.	Proceedings in case of insolvency of Company.
40.	Regulating inquiries before referee appointed by the Board of Trade.
69.	Cheap fares for labouring classes.
73.	Penalty on passengers practising frauds on the Company.
74.	Transient offenders.
75.	Penalty for bringing dangerous goods on the tramway.
76.	Company to regulate the use of tramways.
77.	Byelaws not to be valid until two calendar months after they have been laid before the Secretary of State.
78.	Secretary of State may disallow byelaws.
79.	Secretary of State may make additional byelaws.
80.	Recovery of tolls, penalties, &c.
81.	Future purchase of undertaking by street authority.

Part II.

Sections of the Act of 1869 *which are extended to this Act.*

No. of section extended.	Marginal note of section extended.
12.	Paving of High Street and Broadway, Stratford.
17.	For protection of sewers of Metropolitan and other boards, &c.
18.	Saving rights of street authorities to open streets for repair of sewers, &c.
19.	Saving rights of East London Railway Company.
20.	Form of delivery of notices.
32.	Authorising agreements for use of tramways.

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