CHAP. clxx.

An Act to authorise the construction of Street Tramways in the Borough of Portsmouth; and for other purposes. A.D. 1870.

[10th August 1870.]

WHEREAS the laying down of the street tramways in the borough of Portsmouth herein-after particularly described (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 authorised to be made, and the lands to be taken for the purposes thereof, and a book 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 clerk of the peace for the county of Southampton, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and book 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:

Short title.

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

Provisions of general Acts herein

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III.

A.D. 1870.

named incorporated.

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

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

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

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Act authorised, or any part thereof; the word "road" shall mean any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same, and being under the control of the road authority; the expression "the local authority" shall mean the mayor, aldermen, and burgesses of the borough of Portsmouth acting by their town council as a municipal corporation; and the expression "the road authority" shall mean the mayor, aldermen, and burgesses of the borough of Portsmouth acting as the local government board for the district of Portsmouth; and in this Act, and in any Act wholly or in part incorporated herewith, the expression "superior courts," or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the word "contingencies" in the Companies Clauses Act, 1845, (section 122) as incorporated with this Act, shall include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company.

Company incorporated.

4. William Bingham Newland, Henry Threadingham, William Henry Ford, and Andrew Nance the younger, 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 Portsmouth Street Tramways Company," and by that name shall be a body corporate, with

perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make tramways according to deposited plans.

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

A tramway (No. 1.) (seven furlongs and three chains or thereabouts in length), commencing at the point at the northern end of Broad Street in Portsmouth, and passing along Broad Street, High Street, Cambridge Road, and Landport Road, otherwise Commercial Road, and terminating in the last-mentioned road by a junction with the Landport and Southsea Tramway at or about the point where Grigg Street joins the Landport Road, otherwise Commercial Road:

A tramway (No. 2.) (one mile two furlongs and six chains or thereabouts in length), commencing in the Landport Road, otherwise Commercial Road, by a junction with the Landport and Southsea Tramway at a point one chain or thereabouts to the northward of the junction of Greetham Street with the Landport Road, otherwise the Commercial Road, and passing along that road and Kingston Crescent, and terminating at or near the Blue Anchor public-house at the junction of Kingston Crescent with the London Road:

A tramway or passing place (No. 3.) (one and a half chains or thereabouts in length), wholly in Broad Street, commencing by a junction with the proposed tramway (No. 1.) at the junction of West Street with Broad Street, and terminating by a junction with the same tramway (No. 1.) at a point one chain and a half or thereabouts to the southward of the said junction of West Street with Broad Street:

A tramway or passing place (No. 4.) (one and a half chains or thereabouts in length), wholly in High Street, commencing by a junction with the proposed tramway (No. 1.) opposite or nearly opposite to the Victoria Pier, and terminating by a junction with the same tramway (No. 1.) at a point about one chain and a half eastward of the Victoria Pier:

A.D. 1870.

A tramway or passing place (No. 5.) (one and a half chains or thereabouts in length), wholly in the Cambridge Road, commencing by a junction with the proposed tramway (No. 1.) at or near the intersection of the High Street Road and Cambridge Road, and terminating by a junction with the same tramway (No. 1.) at the distance of one chain and a half northward from such intersection:

A tramway or passing place (No. 6.) (two and a half chains or thereabouts in length), commencing by a junction with the proposed tramway (No. 2.) at a point in Landport Road, otherwise Commercial Road, distant one chain or thereabouts to the south of the southern carriage entrance to the railway station of the London and South-western Railway Company and the London, Brighton, and South Coast Railway Company (in this Act called the Railway Companies), and passing through the enclosed ground in front of the station, and terminating by a junction with the same tramway (No. 1.) in Landport Road, otherwise Commercial Road, at a point distant one chain or thereabouts to the north of the northern carriage entrance to the said station:

A tramway or passing place (No. 7.) (one and a half chains or thereabouts in length), wholly in the Landport Road, otherwise Commercial Road, commencing by a junction with the proposed tramway (No. 2.) at or near the point where Surrey Street joins that road, and terminating by a junction with the same tramway (No. 2.) at a point distant one chain and a half or thereabouts to the northward of the said point where Surrey Street joins the said road:

A tramway or passing place (No. 8.) (one and a half chains or thereabouts in length), wholly in Commercial Road, commencing by a junction with the proposed tramway (No. 2.) at or near the point where Charlotte Street joins that road, and terminating by a junction with the same tramway (No. 2.) at a point distant one chain and a half or thereabouts to the northward of the said point where Charlotte Street joins the said road:

A tramway or passing place (No. 9.) (one and a half chains or thereabouts in length), wholly in Commercial Road, commencing by a junction with the proposed tramway (No. 2.) at or near the point where Albert Street joins that road, and terminating by a junction with the same tramway (No. 2.) at a point distant one chain and a half or thereabouts to the

northward of the point where Albert Street joins the said road:

A tramway or passing place (No. 10.) (one and a half chains or thereabouts in length), wholly in Commercial Road, commencing by a junction with the proposed tramway (No. 2.) at or near the point where Rudmore Road joins Commercial Road, and terminating by a junction with the same tramway (No. 2.) at a point distant one chain and a half or thereabouts to the north-eastward of the same point where Rudmore Road joins the Commercial Road:

A tramway or passing place (No. 11.) (one chain or thereabouts in length), wholly in Kingston Crescent, or otherwise Commercial Road, commencing by a junction with the proposed tramway (No. 2.) at a point distant one chain or thereabouts from the termination of that tramway (No. 2.), as herein-before described, and terminating at a point ten yards or thereabouts from the south-westward corner of the Blue Anchor public-house:

Provided that the Company shall not, without the consent in writing of the Railway Companies under their respective common seals, make, form, or lay down the tramway or passing place No. 6., nor any part thereof, nor without the like consent enter upon any land or property of the Railway Companies or either of them for that purpose.

Postponing construction of part of lines.

6. Provided that so much of tramway No. 2. as lies between the Napier monument at the end of Lion Gate Road and the termination as herein-before described of that tramway shall not, nor shall any of the tramways or passing places Nos. 8, 9, 10, and 11, be commenced until tramway No. 1. shall have been used for traffic for twelve months at least, nor without the previous consent for the purpose of the local authority under their corporate seal, and the road authority under their common seal, and the consent of either of those bodies may be given at one time, and as to the whole of the said works, or at one time as to any part thereof and at other times as to other parts thereof.

Mode of formation of tramways.

7. Every tramway to be made, formed, or laid down under this Act shall be constructed on a gauge of four feet eight inches and half an inch, and with two grooved rails, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the street, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic, in such manner as the Board of Trade shall prescribe.

A.D. 1870.

Power to break up streets, &c.

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

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

(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 road authority refuses or neglects to give such superintendence at the time specified in the Company's notice, or discontinues the same during the work:

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

Size of and intervals between openings in streets.

(4.) The Company shall not, without the consent of the road authority, open or break up at any one time a greater length than one hundred yards of any road which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length the Company shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than one hundred yards. Where the carriageway over any bridge forms part of or is a road within the jurisdiction of the 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. Where the carriageway in or upon which any tramway is proposed to be formed or laid down is crossed by any railway or tramway on the level, any work which the Company may be empowered to construct, and which affects or in anywise interferes with such railway or tramway, or the traffic thereon, shall be constructed and

maintained under the superintendence (at the cost of the Company) and to the reasonable satisfaction of the person, corporation, or company owning such railway or tramway, 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 roads.

9. 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.

Repair of part of road where tramway is laid.

10. The Company shall, at their own expense, and at all times, maintain and keep in good condition and repair, with such materials and in such manner as the road authority shall direct and to their satisfaction, so much of any road whereon any tramway of the Company is laid as lies between the rails of the tramway and (where two tramways of the Company are laid in any road, at whatever distance from each other) the portion of the road between the tramways, and in every case so much of the road as extends

A.D. 1870.

eighteen inches beyond the rails of, and on each side of, any tramway of the Company. If the Company abandon their undertaking or any part of the same, and take up any tramway or part of any tramway belonging to them, they shall, with all convenient speed, and in all cases within six weeks at the most, (unless the road authority otherwise consents in writing,) fill in the ground and make good the surface, and to the satisfaction of the road authority restore the portion of road upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work; and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided 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 paving, repair, and maintenance, or restoration of the road, to the extent in this section above mentioned, instead of the Company, and the expense incurred by the road authority in so doing shall be repaid to them by the Company.

Company to pay costs of altering street crossings.

11. The Company shall pay to the road authority all reasonable expenses of taking up the gutter plates of any street crossing, or of otherwise altering any street crossing which, in the opinion of the surveyor for the time being of the road authority, may require to be taken up or altered on account of the Company's works.

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

12. 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.

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 of any road along or across which they lay any tramway.

Reserving powers of road authorities to

14. 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, divert, or improve any road, railway, tramway, or inland navigation.

widen, &c. streets.

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 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,)

Provision as to gas and water pipes.

(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, persons, or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom they 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:

Company may alter position of gas and water pipes.

A.D. 1870.

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

(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 any such company or person, or do anything to impede the passage of water or gas or the telegraphic or other communication into or through such mains or pipes, without the consent of such company or person, or in any other manner than such company or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas or the 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:

Pipes not to be laid contrary to Acts.

(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:

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

(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:

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 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 of local board, &c.

16. Where any of the tramways or any work connected therewith interferes with any sewer, drain, watercourse, subway, defence, or work under the jurisdiction or control of the road authority, or in any way affects the sewerage or drainage of the district under their control, the Company shall not commence such work until they shall have given to the road 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.

Saving rights of road authorities to open roads.

17. 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 will admit:

(2.) Before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary,) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before 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

A.D. 1870.

of such work or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid:

(4.) Whenever, for the purpose of enabling them to execute such work, the local authority or the road authority shall so require, the Company shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the local authority or the road authority, as the case may be, with all reasonable care and 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.

Form and delivery of notices.

18. 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 road authority shall be sufficiently authenticated by being signed by their engineer or by their clerk:

(2.) Any notice to be delivered by or to the Company to or by the road authority or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company (as the case may be), or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office, and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be), on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Difference between Company and street authority, &c.

19. If any difference arises between the Company on the one hand, and any local authority or road authority, or any gas or water company, or any company, body, or person to whom any sewer or drain, tube, wires, or apparatus for telegraphic or other purposes may belong, or any other company, on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf, or by the Company, by virtue of this Act, in relation to any of the Company's tramways or works, or in relation to any work or proceeding of the local authority, road authority, body, company, or person, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the local authority, road authority, body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

Penalty for obstruction of Company in laying out tramway.

20. 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, he shall for every such offence be liable to a penalty not exceeding five pounds.

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

Restriction on stopping carriages near railway station.

22. Without the consent in writing of the Railway Companies under their respective common seals no carriage from time to time in use upon the tramway No. 2. shall be allowed to stop for the setting down or taking up of any traffic, or for any other purpose, within ten yards of any gate, gateway, or approach of the Railway Companies or either of them in connexion with their station or property.

A.D. 1870.

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

23. If at any time after any tramway or part of any tramway by this Act authorised shall have been for three years opened for public traffic it shall be represented in writing to the Board of Trade by the local authority or road authority, or by twenty inhabitant ratepayers of the borough of Portsmouth, 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 of Trade may from time to time grant licenses to any company or person to use the tramways by this Act authorised, in addition to the Company or their lessees, for the conveyance only of passengers and their personal luggage with carriages to be approved by the Board of Trade, 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 of Trade if they upon inquiry think fit:

(2.) The license shall be to use the whole of the tramways by this Act authorised for the time being opened for public traffic, or such part or parts of the tramways as the Board of Trade, having reference to the cause for granting the license, shall think right:

(3.) The license shall direct the number of carriages which the licensee or licensees shall run upon the tramways, and the mode in which and times at which such carriages shall be run:

(4.) The licenses shall specify the tolls to be paid to the Company by the licensee or licensees for the use of the 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 Company may

24. 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 in or on such tramways or premises belonging to such licensee, and out of the moneys arising from such sale to retain the tolls payable as aforesaid and all charges and expenses of such detention and sale, rendering the overplus (if any) of such moneys, and such of the carriages as shall remain unsold, to the person entitled thereto.

detain and sell licensee's carriages.

25. Every licensee shall on demand give to any 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 to give account of passengers carried by them.

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

Licensees not giving account of passengers carried liable to penalty.

27. 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 require) the proceeds of the sale thereof.

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

28. 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 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.

Owners of carriages liable for damage done by their servants.

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

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

A.D. 1870.

Authorising agreements for use of tramways.

30. 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.

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

Company to be responsible for all damages.

32. The Company shall be answerable for all accidents, 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 their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Power for police authorities to regulate traffic in streets.

33. Nothing in this Act shall limit the power of the local authority, or road authority, or police of the borough, to regulate the passage of any traffic along or across any road along or across which any of the Company's tramways are laid down, and 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 streets.

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

A.D. 1870.

Removal or modification of tramway in certain cases.

35. If at any time after the expiration of three years after the opening for public traffic of any tramway by this Act authorised, the road authority shall give notice in writing to the Company that in the opinion of the road 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 road authority 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 road authority that they 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 Company or of the road authority 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 removal or 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 road authority, 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 satis-

A.D. 1870.

faction of the principal surveyor of the road authority: 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 order (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 road authority, and the amount of the cost thereof, certified by the principal surveyor for the time being of the road authority (whose certificate shall be final and conclusive with reference thereto), shall be repaid to the road 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 surveyor of the road authority, the road 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, 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 such sale shall be paid over by the road authority to the Company.

Tramways to be removed in certain cases.

36. If at any time after the opening of any tramway by this Act authorised the Company discontinue the working of such tramway, or of any part thereof, for the space of three calendar months, (such discontinuance not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control,) 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 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 Board of Trade, remove the tramway or part of the tramway so discontinued, and the Company shall pay to the road authority the cost of such removal and of the making good of the road by the road authority, such cost to be certified by the clerk for the time being, or by some other authorised officer of the road authority, whose certificate shall be final and conclusive; and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate, or a copy thereof, the road authority may, without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of 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.

37. If at any time after the opening for traffic of any tramway by this Act authorised it appears to the local authority or the road authority that the Company are insolvent, so that they are unable to maintain such tramway, or work the same with advantage to the public, and 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 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.

A.D. 1870.

Future purchase of undertaking by local authority.

38. The local authority, 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-one years from the passing of this Act, and within six months after the expiration of every subsequent period of seven years, or within three months after any order made by the Board of Trade under either of the two next preceding sections, with the approval of the Board of Trade, by notice in writing require the Company to sell, and thereupon the Company shall sell to them their undertaking, upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking, or any compensation for compulsory sale, or other consideration whatsoever,) of the tramway, and all lands, buildings, works, materials, and plant of the Company suitable to and used by them for the purposes of their undertaking, such value to be, in case of difference, determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference to be borne and paid as the referee directs; and when any such sale has been made, all the rights, powers, and authorities of the Company in respect to the undertaking sold, or, where any order has been made by the Board of Trade under either of the next preceding sections, all the rights, powers, and authorities of the Company previous to the making of such order in respect of the undertaking sold, shall be transferred to, vested in, and may be exercised by the authority to whom the same has been sold, in like manner as if such tramway was constructed by such authority under the powers conferred upon them by provisional order under the "Tramways Act, 1870," and in reference to the same they shall be deemed to be the promoters. 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 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 like rate, and shall have the like powers to borrow on the security of the same, as if such expenses were incurred in applying for, obtaining, and carrying into effect any provisional order obtained by them under the "Tramways Act,

1870." Where the local rate is limited by law to a certain amount, and is by reason of such limitation insufficient for the payment of such purchase money and expenses, the Board of Trade may, by provisional order, extend the limit of such local rate to such amount as they shall think fit, and prescribe for the payment of such purchase money and expenses. Every such provisional order shall be confirmed in like manner as a provisional order under the authority of Part I. of the "Tramways Act, 1870," and until such confirmation such provisional order shall not have any operation.

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

39. 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.

Power of sale.

40. When any tramway by this Act authorised 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 to any person, persons, corporation, or company, or to the local authority, 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 special Act, and in reference to the same they shall be deemed to be the promoters: Provided always, that the local authority shall not purchase any 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

A.D. 1870.

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 the 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 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.

Regulating inquiries before referee appointed by the Board of Trade.

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

(1.) The inquiry shall be held in public before an officer to be appointed in that behalf by the Board (herein-after called the referee), and whose appointment shall be by writing, which shall specify all the matters referred to him:

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

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

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

(5.) The referee may and shall administer an oath, or an affirmation where an affirmation in lieu of an oath would be

admitted in a court of justice, to any person tendered or summoned as a witness on the inquiry:

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

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

Capital.

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

Shares not to be issued until one fifth part thereof shall have been 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 two months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

Receipts on behalf of incapacitated persons.

45. 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.

46. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole two thousand five hundred pounds, and of that sum they may borrow from time to time not exceeding one thousand two hundred and fifty pounds in respect of every five thousand pounds of their capital, but no part of any such sum of one thousand two hundred and fifty pounds shall be borrowed until the whole of the respective five 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 five 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 five thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective five 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

A.D. 1870.

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.

47. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less in the whole than one tenth part of the sum for the time being borrowed by the Company.

Moneys borrowed on mortgage to have priority.

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

Power to create debenture stock.

49. The Company may create and issue debenture stock.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

52. 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.

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

Quorum.

54. 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.

55. William Bingham Newland, Henry Threadingham, William Henry Ford, and Andrew Nance the younger, and such two other duly qualified persons as they or the majority of them shall

Election of directors.

nominate in this behalf, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for completion of works.

56. The tramway No. 1, and the tramways or passing places Nos. 3, 4, 5, and 7, shall be completed within three years from the passing of this Act, and the other works by this Act authorised shall be completed within three years from the time when the consents by the Act required are given thereto; and on the expiration of the respective period hereby limited for the completion of any work 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.

57. 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 one acre.

Tolls for Passengers.

58. 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 threepence for any distance not exceeding one mile, and for any greater distance not exceeding twopence per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile): Provided always, that if at any time after three years from the opening for public traffic of any of the tramways by this Act authorised it shall be represented in writing to the Board of Trade by the local board that the Company are charging

A.D. 1870.

greater sums than are reasonable, 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 of Trade 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.

59. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding fifty-six pounds in weight, without any charge being made for the carriage thereof.

Passengers additional luggage.

60. For passengers personal luggage, if exceeding fifty-six pounds and not exceeding one hundred and twenty pounds in weight, the Company may demand and take an additional toll not exceeding sixpence, and if exceeding one hundred and twenty pounds in weight the Company may demand and take any sum they think fit.

Company not bound to carry goods.

61. The Company shall not be bound to carry, unless they think fit, any parcel, goods, articles, or things, other than passengers luggage, not exceeding one hundred and twenty pounds in weight.

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

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

Tolls to be paid as directed by the Company.

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

Penalty on passengers practising frauds on the Company.

64. If any person travelling or having travelled in any carriage of the Company avoids or attempts to avoid payment of his fare, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully 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.

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

Penalty for bringing dangerous goods on the tramway.

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

Byelaws by local authority.

67. Subject to the provisions of this Act, the local authority 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.

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 the Company respectively to make byelaws for all or any of the aforesaid purposes, and from time to time repeal or alter such byelaws and make new byelaws, provided that such byelaws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect. Notice of the making of any byelaw under the provisions of this Act shall be published by the local authority or the Company making the same, by advertisement, according to the regulations contained in Part II. of the Schedule (C.) to the "Tramways Act, 1870," annexed, and unless such notice

A.D. 1870.

is published in manner aforesaid such byelaw shall be disallowed by the Board of Trade. No such byelaws 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.

68. 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 road authority to license drivers, conductors, &c.

69. The road 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 road authority.

Recovery of tolls, penalties, &c.

70. 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 43, intituled "An Act to facilitate "the performance of the duties of justices of the peace out of "sessions within England and Wales with respect to summary "convictions and orders," and any Act amending the same.

Power to unite tramways with Landport and Southsea Tramway.

71. The Company may unite the tramway (No. 1.) at its termination and the tramway (No. 2.) at its commencement with the tramway of the Landport and Southsea Tramway Company, and may alter and adapt the rails of the last-mentioned tramway from the termination of tramway (No. 1.) to the commencement of tramway (No. 2.) in such manner and to such extent as may be necessary for the user thereof by the Company as by this Act authorised, but subject to and in accordance with the provisions of section 7 of this Act; and the Company shall not alter the lines,

gauge, or direction of the rails, or raise them higher above or sink them lower beneath the surface of the ground than they now are.

Power to use Landport and Southsea Tramway.

72. When the tramway (No. 1.) is open for traffic, the Company may from time to time and at all times run over and use with their own carriages and servants so much of the tramway and works of the Landport and Southsea Tramway Company as lies between the termination of tramway (No. 1.) and the commencement of tramway (No. 2.), upon such terms and conditions as shall be agreed upon between the Company and the Landport and Southsea Tramway Company, or, failing such agreement, shall be determined by an arbitrator to be appointed by the Board of Trade on the application of the two Companies or either of them, and the costs of the arbitration shall be in his discretion, and his decisions shall be binding and conclusive on both Companies.

Restriction on user of other parts of Landport and Southsea Tramway.

73. Provided always, that the Company shall not at any time, without the consent in writing of the Railway Companies under their common seals, run over or use any part of the tramway or works of the Landport and Southsea Tramway Company lying to the northward or eastward of the point of junction between tramway No. 2. and the tramway of the Landport and Southsea Tramway Company, or run over or use any part of any tramway formed upon the lands or property of the Railway Companies or of either of them.

Tolls on traffic conveyed partly on that tramway and partly on Company's tramways.

74. So long as, under the provisions of this Act, the Company use any part of the tramway of the Landport and Southsea Tramway Company, that tramway and the tramways of the Company shall for the purposes of the tolls and charges to be taken by the Company be considered one tramway; and in estimating the amount of tolls and charges in respect of traffic conveyed by the Company partly on the tramways of the one Company and partly on the tramways of the other for a less distance than one mile, tolls and charges may only be charged as for one mile, and for every mile or fraction of a mile beyond one mile tolls and charges as for one mile only; and no other short-distance charge shall be made for the conveyance by the Company of traffic partly on the tramways of the one Company and partly on those of the other.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

75. And whereas it is necessary that the fortifications and works belonging to Her Majesty, and under the charge of Her Majesty's Principal Secretary of State for the War Department, should be preserved intact and free from all obstruction: Be it therefore enacted, that nothing in this Act contained shall authorise the Company to enter upon, use, or interfere with any land, soil, or water,

A.D. 1870.

or any right in respect thereof, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the said Principal Secretary for the time being, without his previous consent signified in writing under his hand, and which consent the said Principal Secretary for the time being is hereby authorised to give, subject to such special or other conditions (if any) as he shall see fit to impose on the Company.

Interest not to be paid on calls paid up.

76. 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."

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

77. 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.

Provisions as to general Acts.

78. 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.

Costs of Act.

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

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