CHAPTER lxxxix.

An Act for making a Carriage Road in Tunnel under part of the town of Scarborough to connect the south shore with the north shore and for other purposes. A.D. 1894.

[20th July 1894.]

WHEREAS the making and maintaining of a tunnel with a carriage road and footways therein under part of the town of Scarborough for the purpose of affording direct communication for carriages and passengers between the south shore and the north shore would be attended with public and local advantage:

And whereas the persons herein-after named with others are willing at their own expense to carry the undertaking into execution and it is expedient that they should be incorporated into a company and the requisite powers conferred upon them for that purpose:

And whereas it is expedient that provision should be made for such agreements between the Company and the Corporation of Scarborough as are herein-after expressed:

And whereas plans and sections showing the line and levels of the tunnel and other works to be made and maintained under the authority of this Act and the lands and other property which may be taken for the purposes thereof together with a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands and property have been deposited for public inspection with the clerk of the peace for the North Riding of the county of York at his office at Northallerton and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act cannot be effected 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

A.D. 1894.

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 Scarborough (Shore to Shore) Tunnel Act 1894.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 and the Lands Clauses Acts are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expression "the undertaking" means the tunnel carriage road and works authorised by this Act the expression "the Corporation" means the mayor aldermen and burgesses of the borough of Scarborough and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Thomas Harvey Walter Emden John Downing Wragg and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the tunnel carriage road and works and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Scarborough Tunnel 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 tunnel carriage road and works.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the tunnel and carriage road hereinafter described with all proper ventilating and other shafts abutments retaining and other walls approaches 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 book of reference as may be required for that purpose The tunnel herein-before referred to and authorised by this Act is—

A tunnel about two furlongs and five chains in length in the parish of Scarborough in the North Riding of the county of York with up and down roadways for horses and vehicles and up and down footways for pedestrians and entrances at each end of the tunnel and offices tollhouses and other buildings and shops :

The tunnel to commence on the south side at and on the level of the Foreshore Road at a point about twelve yards eastward of the south-east corner of the steps leading from the Foreshore Road to Merchants Row and proceeding thence in a straight line in a northerly direction under part of the town of Scarborough and to terminate at and on the level of the Royal Albert Drive on the North Bay at a point about one hundred yards west of the centre of the most easterly steps leading on to the beach from the Royal Albert Drive.

Ventilating shafts.

6. The Company shall not without the consent of the Corporation signified in writing under the hand of the town clerk construct in any street or public place any temporary or permanent ventilating shaft or any other shaft eye or work nor shall they interfere with the traffic along any such street except with such consent as aforesaid.

Further provisions as to shafts.

7. The Company shall as and when required by the Corporation signified under the hand of the town clerk remove any shaft eye or other works which they may have constructed in any street and well and sufficiently to the satisfaction of the Corporation restore the surface of such street and maintain in efficient repair the said surface so restored for the period of six months to the like satisfaction.

Gunpowder not to be used without consent.

8. The Company shall not without the consent of the Corporation under the hand of the town clerk use gunpowder or any other explosive substance in the construction of any portion of the works which are within fifty feet of the present surface of the ground as shown on the deposited sections and the Corporation are hereby authorised to give the required consent subject to such conditions as to them may seem expedient and subject to the payment and satisfaction by the Company of all damages costs and expenses to be sustained or incurred by any person or persons by the use of gunpowder or any other explosive substance such damages to be recovered by action in any court of competent jurisdiction.

A.D. 1894.

Company to restore the surface of streets interfered with.

9. Where the surface of any street road passage or public place other than such part of the public highway called the Staith as is comprised within the limits of deviation shown upon the deposited plans has been interfered with or disturbed by the Company in constructing the works or performing operations by this Act authorised the Company shall well and sufficiently and to the reasonable satisfaction of the Corporation restore the surface so interfered with or disturbed and so much of the surface of any other street court passage or public place adjoining such street as aforesaid as it shall be rendered necessary to alter by such interference and shall maintain in efficient repair the said surfaces respectively for six months to the like satisfaction.

Interference with sewers.

10. Whenever the Company desire to interrupt or interfere with any existing sewer or drain they shall before interrupting or interfering therewith construct at their own expense and according to a plan section and specification and in a manner to be approved of by the Corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be interrupted or interfered with and such new and substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewers or drains which were connected with the sewer or drain so interrupted or interfered with and in such manner as shall be approved of by the Corporation and when completed to their satisfaction shall in the case of public sewers and drains be vested in and be the property of the Corporation.

Company to pay costs of alteration of sewers.

11. If by reason of the construction of the tunnel the Corporation shall at any time reasonably incur any cost in altering any existing sewer or drain the Company shall repay to the Corporation such cost and the same may be recovered in default of payment in any court of competent jurisdiction.

Constables may enter tunnel.

12. The tunnel roadway footways shops buildings and works shall for police and all other purposes be deemed to be within the municipal borough and parish of Scarborough and the Watch Committee of the Council of the borough may from time to time direct any special or other constables belonging to the police force of the borough to enter the tunnel and there to exercise or perform all or any of the same duties which he or they might exercise or perform in any public street or place in the borough and every constable so directed shall have all the same powers and duties as in any such public street or place.

Application of certain provisions of

13. The provisions contained in the sections eighteen to twenty-three inclusive of the Railways Clauses Consolidation Act 1845

shall apply to the water pipes within the borough of Scarborough and whenever in those sections the words "Company" or "Society" are used the same shall for all the purposes of the said Act be held to extend to and include the Corporation. Railways Clauses Act 1845.

14. The capital of the Company shall be thirty-two thousand pounds in three thousand two hundred shares of ten pounds each. Capital and number and amount of shares.

15. The Company shall not issue any share created under the authority of this Act nor shall any such 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 is paid in respect thereof. Shares not to be issued until one-fifth part paid up.

16. One-fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall intervene between successive calls. Calls.

17. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

18. The Company may from time to time borrow on mortgage any sum or sums of money not exceeding in the whole eight thousand pounds but no part thereof shall be borrowed until the whole of the share capital of thirty-two thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof. Power to borrow.

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

A.D. 1894.

Application of moneys.

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

First meeting.

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

Number of directors.

22. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

23. The qualification of a director shall be the possession in his own right of thirty shares.

Quorum of directors.

24. The quorum of a meeting of directors shall be three.

First directors.

25. Thomas Harvey Walter Emden John Downing Wragg and two other duly qualified persons to be nominated by them and consenting to such nomination 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 nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue 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 personally or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Additional land may be purchased by agreement.

26. In addition to the lands herein-before authorised to be taken by the Company the Company may purchase by agreement in connection with the tunnel and roadway any quantity of land near or adjoining thereto not exceeding one acre Provided that the Company shall not create or permit any nuisance upon any such lands.

Period for compulsory purchase of lands.

27. The powers of the Company for the compulsory purchase of lands or for taking easements under or through lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Correction of errors in deposited

28. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of

reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the North Riding of the county of York for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said North Riding and a duplicate thereof shall also be deposited with the town clerk of the borough of Scarborough and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Company may take the lands and execute the works in accordance with such certificate.

plans and book of reference.

29. Copies of the deposited plans and sections and of the deposited book of reference or of any alteration or correction thereof or extract therefrom certified by the clerk of the peace for the North Riding of the county of York which certificate such clerk of the peace shall give to all parties interested when required shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents thereof.

Copies of plans &c. or alterations to be evidence.

30. Subject to the provisions of this Act in making the tunnel and roadway the Company may deviate from the line thereof shown on the deposited plans to any extent within the limits of deviation shown thereon Provided always that no such deviation shall extend into the lands of any person whose name is not mentioned in the deposited book of reference without his previous consent unless his name is omitted by mistake and the fact that the omission proceeded from mistake be certified as by this Act is provided for cases of unintentional errors in the book of reference.

Lateral deviations.

31. Subject to the provisions of this Act the Company in making the tunnel and roadway may deviate from the levels thereof as referred to the datum line shown on the deposited sections to any extent not exceeding five feet.

Vertical deviations.

32. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an

Persons authorised to convey lands may grant easements.

A.D. 1894.

interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may be required to grant easements only under certain properties.

33. With respect to the properties shown on the deposited plans which according to the deposited sections are thirty feet and upwards above the crown of the tunnel the Company shall not be required wholly to take the same or any part of the surface thereof but they may purchase take and use and the owners of and other persons interested in any such property shall sell and grant an easement or right of using the subsoil or under-surface thereof for the purposes for which but for this enactment they might have been required to sell such property and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such subsoil easement or right of user Provided that no such subsoil easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section ninety-two of the Lands Clauses Consolidation Act 1845 But nothing in this section contained nor any dealing with lands in pursuance of this section shall relieve the Company from liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 and every case of compensation under this section shall in case of dispute be ascertained according to the provisions of the Lands Clauses Acts.

Company empowered or may be required to underpin or otherwise strengthen houses near tunnel.

34. If in the execution and maintenance of any works authorised by this Act it shall be necessary in order to avoid injury to the houses and buildings within one hundred feet of the tunnel to underpin or otherwise strengthen the same the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

(1.) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2.) Each such notice if given by the Company shall be served in manner prescribed by section nineteen of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :

(3.) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade:

(4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building:

(5.) The cost of the reference shall be in the discretion of the referee:

(6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by means of the exercise of the powers granted by this enactment:

(7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act:

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:

A.D. 1894.

(10.) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

Restriction on taking houses of labouring class.

35. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Works not to be commenced until whole capital subscribed and certain portion paid up.

36. The Company shall not put in force any of the powers of this Act or any Act incorporated herewith with respect to the compulsory entering upon taking and using of land or easements or rights in or under land for the purposes of the undertaking nor shall any of the works authorised by this Act be commenced until the whole of the capital of the Company has been issued and accepted and not less than three pounds has been paid up upon each separate share in such capital and until the Company has obtained from a justice a certificate under his hand that the whole of such capital has been issued and accepted and that the sum of three pounds has been paid up upon each separate share in such capital and that such shares were issued bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given Not less than three clear days' notice in writing of the intention to apply to a justice to grant such certificate shall be given to the Corporation by the Company.

For the protection of the Corporation

37. For protection of the Corporation the following provisions shall have effect and be observed by the Company :—

(1.) The Company shall not acquire any land belonging to the Corporation abutting upon the north side of the South Foreshore Road beyond the existing line of buildings and if any other person or persons owns or own or have any interest in any land beyond the said existing line of buildings on the north side of the South Foreshore Road within the limits of deviation shown upon the deposited plans the same shall be acquired by the Company and given up by them to the Corporation free of cost to be added to and form part of the South Foreshore Road:

(2.) The Company shall not enter upon take or use any land northward of the northern end or mouth of the tunnel as shown upon the deposited plans and they shall not acquire any land at the north end of the tunnel beyond what is actually required for making the tunnel and the wing walls at the entrance to the tunnel but the Corporation shall at the request and expense of the Company construct and maintain an approach road with an even gradient from the Royal Albert Drive to the entrance to the tunnel in continuance of the roadway in the tunnel and such approach road shall be and remain the property of the Corporation but the Company shall at all times have the free use thereof for their traffic:

(3.) No buildings or erections of any kind shall be built or erected by the Company at the north end of the tunnel except wing walls at the mouth of the tunnel and drawings of the elevations of the north and south entrances to the tunnel shall be submitted for approval to and approved by the Corporation before the works are commenced:

(4.) The Company shall not exhibit or permit to be exhibited upon the entrances to the tunnel or upon any part of their premises outside the tunnel any placards notices or advertisements of any kind except the name and description of the tunnel and a table of tolls to be taken by the Company which may be painted or exhibited on wood iron glass or stone:

(5.) The Company shall not permit any fish traffic to be carried or conveyed through the tunnel except by agreement with the Corporation and during such hours (if any) and subject to such regulations as the Corporation may from time to time prescribe:

(6.) The Company shall not oppose any application which may hereafter be made by the Corporation to Parliament for extending or altering their powers to construct a marine drive or carriage road and promenade round the Castle Hill or otherwise in relation to that undertaking.

A.D. 1894.

(7.) The Company shall not in any way interfere with the public highway called the Staith unless and until they have acquired the whole of the properties numbered 1 to 19 both inclusive on the deposited plans.

Period for completion of works.

38. If the tunnel and roadway are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Tolls for passengers.

39. The Company may from time to time demand and take for each person passing through the tunnel any sum not exceeding two pence.

Tolls for other traffic.

40. The Company may from time to time demand and take the tolls specified and set forth in the schedule hereto in respect of all traffic passing through the tunnel other than passenger traffic.

Double tolls may be levied between eleven p.m. and five a.m.

41. Provided always that the Company may if they think fit demand and take double tolls for passengers and for other traffic of every description passing through the tunnel between the hours of eleven o'clock at night and five o'clock in the morning.

Exemptions from toll.

42. Provided always that no toll shall be demanded or taken in respect of—

(1.) Any person or horse or carriage or other vehicle employed in conveying or guarding postal packets under the authority of Her Majesty's Postmaster-General either when employed in conveying fetching or guarding such postal packets or in returning from conveying or guarding the same The term "postal packet" in this section has the same meaning as in the Post Office (Protection) Act 1884:

(2.) Any officers and persons employed in the service of the Customs or of the Board of Trade and being in the execution of their duty and all animals and vehicles used by any such officer or person for carrying or conveying goods under seizure by him:

(3.) Any officer of Inland Revenue or in respect of any horse or vehicle which may be used by him in the execution of his duty:

(4.) Any officer or person belonging to Her Majesty's naval military auxiliary or reserve forces while on duty and any horse or carriage employed by such officer or person.

Power to provide toll-gates and toll-houses.

43. The Company may from time to time set up toll-gates and turnstiles at or in the tunnel and remove the toll-gates and turnstiles

and set up others in lieu thereof as they think fit and may from time to time provide and maintain such toll-houses offices advertising stations and other conveniences in connection with their undertaking as may be necessary.

Tolls not to be taken till the Company have put up a list thereof.

44. The Company shall affix on the front of each of the toll-houses a board or boards containing a list of the tolls respectively payable thereat by virtue of this Act and the Company or any of their toll collectors shall not collect or receive any toll at any toll-house where such board or boards shall not for the time being be affixed.

Recovery of tolls.

45. The tolls shall be paid before any person animal or vehicle shall be entitled to pass or repass through any toll-gate or turnstile and if any person shall fail to pay any toll to the payment of which he is liable after demand made thereof by any collector appointed to receive the same such collector may by himself or taking such assistance as he thinks necessary prevent the passage of the person so failing and any person who without having paid or tendered the proper toll shall endeavour forcibly to pass or repass through any toll-gate or turnstile shall for every such offence be liable to a penalty not exceeding forty shillings.

Disputes as to tolls to be settled by justices.

46. If any dispute arise concerning any toll such dispute shall be determined by a court of summary jurisdiction and such court may make such order therein and may award such costs to either party as to the court shall seem proper.

Power to lease tolls &c.

47. The Company may from time to time lease the tolls by this Act authorised or any other portion of their undertaking to any corporation company or person willing to accept a lease thereof for such period and upon such terms as may be agreed on between the Company and such corporation company or person provided that no such lease shall be made for a period exceeding three years.

Power to compound the payment of tolls.

48. The Company may compound and agree for any term not exceeding one year at any one time with any person using the tunnel and roadway for the passage of any such person or of any traffic other than passenger traffic through the tunnel provided that such composition shall be paid in advance All such composition money shall be applied as part of the revenue of the Company Composition money shall be at all times charged at equal amounts to all persons in respect of the same description of traffic.

Penalty on taking a greater toll

49. Every person who shall demand or take greater tolls than those authorised to be taken under the provisions of this Act shall

than authorised by this Act.

for every such offence be liable to a penalty not exceeding forty shillings.

For protection of tunnel &c.

50. The tunnel and roadway shall be deemed public within the meaning and for the purposes of the Acts from time to time in force with respect to malicious injuries to public property.

Penalty for evading tolls damaging tunnel &c.

51. If any person wilfully commits any of the following offences (that is to say):—

Evades payment of any toll by this Act authorised;

Obstructs the passage through the tunnel;

Loiters without reasonable cause in the tunnel;

Commits any nuisance in or at the entrances to the tunnel;

Wilfully or carelessly breaks or damages any part of the tunnel and roadway or toll-houses or anything fixed thereto;

he shall for each offence incur a penalty not exceeding forty shillings.

Recovery of penalties.

52. Any penalty imposed by this Act or by any byelaw made in pursuance of this Act may be recovered by summary proceeding before any court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

As to byelaws.

53. The powers conferred on the Company for the making altering or repealing byelaws by the Companies Clauses Consolidation Act 1845 shall extend to and include all such byelaws as may be requisite or necessary for the regulation of traffic of every description passing through the tunnel and over the roadways and footways Provided always that no byelaws nor the alteration or repeal of any byelaw shall have effect unless confirmed by the Local Government Board and no such byelaw shall be repugnant to or be construed to override or interfere with any byelaw for the time being in force in the borough of Scarborough and made under the provisions of the Municipal Corporations Acts the Public Health Acts or any local Act.

Providing for agreements between Corporation and Company.

54. The Company on the one hand and the Corporation on the other hand may from time to time enter into and carry into effect contracts and arrangements with respect to the following matters (that is to say):—

The construction management and maintenance of the proposed works or any of them:

The acquisition and appropriation of lands and property:

And any incidental matters.

Costs of Act.

55. All the costs charges and expenses of and incident to the applying for preparing obtaining and passing this Act shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

Tolls for all Traffic passing through the Tunnel and over the Roadway other than Passenger Traffic.

	Not exceeding.
For every omnibus coach chariot phaeton or other such like carriage drawn by two horses including the occupants thereof	Sixpence.
For every gig or carriage drawn by one horse mule or ass including the occupants thereof	Fourpence.
For every four-wheeled cart van or other such like carriage laden or empty drawn by two horses mules or asses	Sixpence.
For every four-wheeled cart van or other such like carriage laden or empty drawn by one horse mule or ass	Fourpence.
For every two-wheeled cart van or other such like carriage laden or empty drawn by two horses mules or asses	Sixpence.
For every two-wheeled cart van or other such like carriage laden or empty drawn by one horse mule or ass	Threepence.
For each extra horse mule or ass drawing	Threepence.
For each horse mule or ass not drawing	Threepence.
For each bicycle or velocipede	Threepence.
For each boat or canoe if conveyed by hand including the persons carrying the same	Sixpence.
For each boat or canoe if conveyed on wheels including the persons drawing the same	One shilling.
For every hand-cart laden or empty including the person in charge thereof	Twopence.
For every wheelbarrow laden or empty including the person in charge thereof	Twopence.
For every case bale bag sack barrel or other package (except personal luggage not exceeding twenty-eight pounds in weight) not conveyed by cart or barrow	Twopence.
For every ox bull cow or bullock	Sixpence.
For every calf sheep lamb goat or pig	Twopence.
For every goose duck turkey or other fowl if driven along the tunnel	One halfpenny.
For every locomotive engine	Seven shillings and sixpence.

For traffic not specially enumerated in the foregoing schedule the Company may demand and take such tolls as shall be as nearly as may be equivalent to the tolls for the nearest similar description of traffic authorised by the schedule.

Printed by Eyre and Spottiswoode,

for

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C.; or
John Menzies & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
Hodges, Figgis, & Co., Limited, 104, Grafton Street, Dublin.