

**CHAPTER clxix.**

An Act for authorising the Tynemouth and District Electric Traction Company Limited to use mechanical power upon their tramways and for other purposes.

A.D. 1903.

[11th August 1903.]

**W**HEREAS the Tynemouth and District Electric Traction Company Limited (in this Act called "the Company") are the owners of the tramways in the borough of Tynemouth constructed under the powers contained in the Tynemouth and District Tramways Order 1879 and the North Shields and District Tramways (Extension) Order 1882 (in this Act respectively referred to as "the Order of 1879" and "the Order of 1882"):

And whereas it is expedient that the Company should be authorised to work the said tramways by means of mechanical power as provided by this Act and that further powers should be conferred upon the Company as provided by this Act:

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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Tynemouth and District Tramways Act 1903. Short title.

2. In this Act—

The expression "the tramways" means the tramways constructed under the powers of the Orders of 1879 and 1882:

Interpreta-  
tion.

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The expression "the corporation" means the mayor aldermen and burgesses of the borough of Tynemouth;

The expression "mechanical power" includes steam electric and every other motive power not being animal power;

The expression "engine" includes motor.

Power to make additional cross-overs and to double tramway lines.

**3.**—(1) The Company may subject to the provisions of this Act with the consent of the road authority (which shall not be unreasonably withheld) and of the Board of Trade make maintain alter and remove such cross-overs passing-places sidings junctions and other works as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Company or for forming junctions with any other tramways.

(2) The Company may also with the consent of the road authority (which shall not be unreasonably withheld) and of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which any tramway or part thereof is laid has been or shall be altered or widened the Company may with the like consents take up and reconstruct such tramway or part thereof in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such premises by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Overhang of tramway cars.

**4.** From and after the passing of this Act so much of section 34 of the Tramways Act 1870 and of section 8 of the Order of 1882 as prescribes the limits to which the carriages used on the tramways may extend on each side beyond the outer edge of the wheels of such carriages or the width of such carriages shall not apply to engines or carriages used on the tramways and notwithstanding anything contained in those sections the engines and carriages used

on the tramways or any of them may be of such widths as the Company may think fit not exceeding six feet six inches. A.D. 1903.

5. The Company may with the consent of the local authority (which consent shall not be unreasonably withheld) form junctions between the tramways and any other tramways tramroads or light railways which can be worked in connection therewith but only with the consent of the owners and lessees of such tramways tramroads or light railways as last aforesaid. Junctions with tramways which can be worked in connection with Company's tramways.

6. The construction of the tramways on a gauge of three feet six inches is hereby sanctioned and confirmed and the Orders of 1879 and 1882 shall be read and construed as if a gauge of three feet six inches had been thereby prescribed for the tramways. Sanctioning gauge of constructed tramways.

7.—(1) The Company may with the consent of the Corporation adapt the tramways for working by mechanical power either in substitution for or in addition to any motive power now or hereafter in use on such tramways and with the consent of the Corporation may make all such alterations in the tramways as may be necessary to adapt the same for the purpose of working by mechanical power. Power to adapt and alter tramways &c. for working by mechanical power.

(2) The Company may with the consent of the Corporation (which consent shall not be unreasonably withheld) for the purpose of working the tramways by mechanical power on the existing system or on any other system to which the Corporation may consent lay down construct erect and maintain in on under or over the surface of any road or street (including the footways thereof) or bridge in or on which the tramways are situate or in under or over which it may be necessary or convenient so to do such cables electric mains wires posts plates tubes apparatus and appliances and make and maintain such openings under any such surface as may be necessary or convenient either for the purpose aforesaid or for providing access to or forming connections with any generating station depôt car stand mains feeders machinery or apparatus and for those purposes the Company may alter remove and interfere with telegraphic telephonic and electric wires posts and apparatus.

(3) All works or operations already executed or acts done by the Company for adapting the tramways for working by mechanical power are hereby sanctioned and confirmed and may be maintained and renewed as if the same had been executed and done after the passing of this Act.

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Attachment  
of brackets to  
buildings.

8. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power :

Provided that--

- (1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power to allow the attachment subject to such terms as to compensation or rent or otherwise as they may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :
- (3) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

As to posts  
standards  
and brackets  
within  
borough of  
Tynemouth.

9.—(1) If any post standard bracket or overhead wire erected by the Company in the borough of Tynemouth becomes owing to the construction of any new road or otherwise in the opinion of the corporation an obstruction the Company shall alter the position thereof in such manner as the corporation direct but the Company may appeal against such direction to the Board of Trade and the decision of the Board shall be final.

(2) The corporation shall upon giving not less than twenty-eight days' notice to the Company of their desire to do so have the right to use any posts standards and brackets erected in the streets

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within the borough of Tynemouth for the support of any electric wires or lamps or any gas lamp belonging to the corporation or to any contractor with them for the lighting of street lamps. Provided that the said notice shall be accompanied by sufficient plans showing the method and position in which such wires or lamps are to be supported and that in placing maintaining or altering such wires or lamps no damage shall be caused to such posts standards or brackets and no obstruction shall be caused to the working by the Company of the undertaking.

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(3) Advertisements shall not be displayed upon any such posts standards or brackets without the consent in writing of the corporation.

10. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Company shall at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any road:

As to removal of snow &c.

Provided that any dirt or other matter removed by the Company from the grooves of the rails of the tramways shall not be allowed to remain on the road but shall be at once taken away by the Company.

11. Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade and of any byelaws for the time being in force with respect to the tramways the corporation may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning but so as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways use the tramways by carriages moved by horses or otherwise for the removal of nightsoil and house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of the corporation free of all tolls and charges in respect of such use. Subject as aforesaid the corporation may enter into agreements with the Company for the purposes of this section and the corporation shall have power to form connections between the tramways and any yards or works belonging to or in the occupation of the corporation. Provided that in the construction of any such connection no damage shall be done to the tramways and they shall have first submitted to the Company plans showing such connections or works and the mode

Corporation may use tramways for certain purposes.

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*Act, 1903.*

A.D. 1903. of constructing the same and if any question arises as to such plans  
--- or the mode of constructing such works that question shall be  
settled in manner provided by section 33 of the Tramways Act  
1870 Provided that the corporation shall not save by agreement  
with the Company be entitled to use or employ for such purposes  
any carriages trucks horses electric current or other motive power  
or officers and servants of the Company Provided also that such  
authority shall indemnify the Company against any damage done  
to the tramways by such use.

Apparatus used for mechanical power to be deemed part of tramway. **12.** The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus to be used by the Company for the purposes of mechanical power were parts of the tramway.

Provisions as to motive power. **13.** The provisions contained in the Schedule to the Order of 1882 and so much of that Order as relates to the said Schedule are hereby repealed and notwithstanding anything contained in the Orders of 1879 and 1882 or either of them the carriages used on the tramways may subject to the following provisions be moved by mechanical power :—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- (2) The Board of Trade shall make regulations (in this Act referred to as “ the Board of Trade regulations ”) for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on all or any of the said tramways and for regulating the use of electrical power :
- (3) The Company or any other company or person using any mechanical power on all or any of the said tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- (4) The Board of Trade if they are of opinion—
  - (A) That the Company or such other company or person have or has made default in complying with the provisions

of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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- (B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public; may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

**14.** The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :—

Special provisions as to use of electrical power.

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or

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such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Company and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) The expression " Company " in this section shall include licencees and any person owning working or running carriages over any tramway of the Company.

For protection of Postmaster General.

**15.**—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any of the tramways being worked by electricity or of electrical energy being supplied under the powers of this Act by the Company for any purpose the following provisions shall have effect:—

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's



Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity or for the supply of electrical energy is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the

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Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as

if the Company or their agents were a company within the meaning of that Act : A.D. 1903.

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :

(12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways.

16. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the tramways anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Company shall be liable to a penalty not exceeding twenty pounds. Penalty for malicious damage.

17. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any tramways upon which mechanical power may be used under the powers of this Act for all or any of the following purposes (that is to say) :— Byelaws.

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages :

For regulating the emission of smoke or steam from engines used on the tramways :

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

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A.D. 1903. — Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Recovery of penalties. **18.** Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Orders &c. of Board of Trade. **19.** All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Agreements with road authorities as to construction &c. of tramways. **20.** The Company on the one hand and the road authority on the other hand may enter into and carry into effect agreements and arrangements with respect to the forming laying down maintaining repairing and renewing of any of the tramways or of the rails plates sleepers tubes wires posts and brackets connected with the tramways and their working by mechanical power and the use of such power upon the tramways or any part thereof in or the alteration of the widths or levels of the roads or streets in which any of the tramways may be laid and in regard to facilitating the passage of carriages and traffic over and along the same or any parts thereof.

Traffic and other agreements with local authorities. **21.** Subject to the provisions of this Act the Company on the one hand and any local authority company or person owning or working any tramways tramroads or light railways which can be worked with any of the tramways owned by or leased to the Company on the other hand may enter into contracts and agreements for effecting the following or some of the following purposes (that is to say):—

The working running over use management and maintenance by the contracting parties of all or any of their respective tramways tramroads light railways and works or any part or parts thereof respectively and the making of all necessary junctions :

The supply and maintenance under and during the continuance of any such agreement as aforesaid for the tramways tramroads and light railways of the contracting parties or any part or parts thereof being worked and used by the other of them of rolling stock and plant necessary for the purposes of such agreement and the supply of machinery and electrical energy or power :

The appointment and removal of officers and servants :

The payments to be made and the conditions to be performed with respect to the matters aforesaid : A.D. 1903  
—

The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties :

The division and apportionment between the contracting parties of the rates incomes and profits levied taken or arising from the respective undertakings of the contracting parties or any part thereof and the payment of any fixed or contingent rent by either of the contracting parties to the other Provided that the amount of the rates fixed by any contract or agreement made in pursuance of this section shall not exceed the maximum rates and charges authorised in respect of the tramway with respect to which the contract or agreement is made.

**22.** The Company on the one hand and any local authority company or person having statutory powers to supply or use electrical energy on the other hand may enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say) :— Agreements with local authorities as to supply of electric power.

(1) The supply to the Company by any such local authority company or person of electrical energy for working any of such tramways whether such tramways are or are not partly situate beyond the district of such authority :

(2) The supply to any such local authority company or person by the Company of electrical power for any purpose for which such authority company or person are for the time being authorised to supply or use the same :

(3) The payments to be made or other considerations to be given in respect of any such supply of energy.

Provided that nothing in this section shall prejudice or affect any agreement now in force between the corporation and the Company as to the supply of electrical energy to the Company or the rights or liabilities of either party thereunder.

**23.** Notwithstanding anything contained in section 43 of the Tramways Act 1870 or in the Orders of 1879 and 1882 the said section shall as regards the tramways be read and construed as if the words "from the sixth day of March one thousand eight hundred and ninety-nine" were substituted therein for the words "from the time when such promoters were empowered to construct such tramways." As to purchase by corporation.

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Form and  
delivery of  
notices.

**24.** With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect (that is to say):—

(1) Every notice shall be in writing and if given by the Company or by any local authority shall be signed by their chairman secretary or clerk :

(2) Any notice to be delivered by or to the Company to or by any local authority or other body or any company may be delivered by being left at the principal office of such authority body or company or at the registered office of the Company (as the case may be) or by being sent by post addressed to their respective clerk or secretary at such principal office or registered office.

Consents of  
local or road  
authority.

**25.** If any difference arises between the Company and any local or road authority as to whether any consent or approval is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Act to be  
registered.

**26.** The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty and every penalty under this Act shall be recoverable summarily There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

As to convey-  
ance of mails.

**27.** Notwithstanding any provision in any Act or Provisional Order relating to the tramways the Conveyance of Mails Act 1893 shall extend and apply to the tramways as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Company as the body or person owning or working such tramways.

Fares on  
Sundays or  
public holi-  
days not to  
be raised.

**28.** It shall not be lawful for the Company or any person working or using the tramways to take or demand on Sundays or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary working days.

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29. Nothing in this Act contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised to be taken in respect of the tramways. A.D. 1903.  
Provision as to general Tramway Acts.

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

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