



CHAP. clxix.

An Act to authorise the construction of Tramways in the towns of Plymouth, Stonehouse, and Devonport, in the county of Devon ; and for other purposes. A.D. 1870.

[10th August 1870.]

WHEREAS the laying down, with the consent of the local authorities, of the tramways 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, with such consent as aforesaid, and to maintain the several 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 and lessees, or reputed owners and lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Devon, and 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 :

1. This Act may be cited for all purposes as "The Plymouth, Stonehouse, and Devonport Tramways Act, 1870." Short title.

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Provisions  
of general  
Acts herein  
named incor-  
porated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845" (except the provisions thereof with respect to the purchase of lands otherwise than by agreement), and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-  
tion 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 tramway," or "the tramways," or "the undertaking," shall mean the tramways and works and undertaking by this Act authorised, or any part thereof; and in this Act and in any Act wholly or in part incorporated herewith the expression "superior courts," or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; the expression "local rate" shall mean in the district of the local board of health of the borough of Plymouth the "general district rate," in the district of the local board of the borough of Devonport "the general district rate," or any rate leviable for the purpose of cleansing, paving, and maintaining the streets and highways within the district, and in the parish or township of East Stonehouse any rate made for the purpose of cleansing, paving, and maintaining the streets and highways within such parish or township; the expression "road" shall mean the carriageway of any street, road, thoroughfare, bridge, or place along or across which any tramway authorised by this Act is intended to be laid, and includes the surface, pavement, soil, and subsoil of a street, and any bridge forming part of a street, and includes drains and gullies for keeping the street dry, and being under the control of the local authority; and the expression "local authority" shall mean the corporation, board, local board, local board of health, vestry, district board, commissioners of sewers, or other commissioners, trustees, or other body or persons having the control of the road referred to.

Company  
incorpo-  
rated.

4. William White, Henry Gore, Henry Richard Smith, 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



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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 Plymouth, Stonehouse, and Devonport 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.

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, all or any of the tramways herein-after described, with all proper rails, plates, works, and conveniences connected therewith, and may maintain the same, 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: Provided always, that the Company shall not make, form, or lay down any tramway by this Act authorised, or any part thereof, without the previous consent in writing of the local authority or the respective local authorities of the district or districts in or through which any such tramway passes or is situate.

Power to make tramways according to deposited plans.

The tramways herein-before referred to and authorised by this Act are:

A tramway (No. 1) wholly situate in the parish of Saint Andrew, Plymouth, commencing in Bedford Street at a point distant thirty-eight links or thereabouts, measuring in an easterly direction along the said Bedford Street, from the junction or intersection of Bank Street with Bedford Street, thence passing along the said Bedford Street, George Street, and Bank of England Place, and terminating in Bank of England Place at a point immediately opposite the principal entrance of the Bank of England (Plymouth Branch):

A tramway (No. 2) commencing in the parish of Saint Andrew, Plymouth, by a junction with the proposed tramway (No. 1) at its point of termination as above described, thence passing along Bank of England Place and Union Street in the parish of Saint Andrew, Plymouth, and Union Street, Edgumbe Street, and Chapel Street in the parish of East Stonehouse, and terminating in Chapel Street aforesaid, at a point immediately opposite the principal entrance of the Prince George Hotel:

A tramway (No. 3) commencing in the parish of East Stonehouse by a junction with the proposed tramway (No. 2) at its point of termination as above described, thence passing along Chapel

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Street in the parish of East Stonehouse, Stonehouse Bridge, in the extra-parochial place of Stonehouse Bridge, Devonport Hill, Cumberland Road, and Ker Street-ope, across George Street and along Ker Street, all in the parish of Stoke Damerel, and terminating in the parish of Stoke Damerel in the open space formed by the junction of Duke or Drake Street and Ker Street, at a point distant one chain and a half from the imaginary centre line of George Street at its intersection or junction with Ker Street :

A tramway (No. 4) wholly situate in the parish of Saint Andrew, Plymouth, commencing by a junction with the proposed tramway (No. 2) at a point in Union Street, distant one chain and a half or thereabouts to the eastward of the point of intersection of the imaginary centre lines of Octagon Street and Union Street, passing along the northern roadway of the Octagon, and terminating by a junction with the proposed tramway (No. 2) at a point in Union Street, distant one chain and a half to the westward of the said point of intersection of the said imaginary centre lines :

A tramway (No. 5) wholly situate in the parish of Stoke Damerel, commencing in Devonport Hill by a junction with the proposed tramway (No. 3) at a point one chain or thereabouts to the east of the eastern face of the arches carrying the Government lines over Devonport Hill, and terminating on Devonport Hill by a junction with the proposed tramway (No. 3) at a point two chains or thereabouts to the west of the western face of the said arches.

Saving  
rights of  
Her Ma-  
jesty's Prin-  
cipal Secre-  
tary of State  
for the War  
Department.

6. 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, 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 as he shall see fit to impose upon the Company.

As to works  
affecting  
Stonehouse  
Bridge.

7. Provided always, that before the Company proceed to lay down any rails upon any portion of the Stonehouse Bridge, or the approaches thereto, under the control or jurisdiction of the owners



for the time being of that bridge, they shall comply with the following conditions: A.D. 1870.

They shall not commence any of the works until they have given to the engineer for the time being to the bridge and its approaches fourteen days notice of their intention so to do, and such notice shall be accompanied by a plan and section showing the line of the intended tramway as proposed to be laid, and be subject to the approval of the engineer to the said bridge and its approaches, and until such approval has been signified in writing the Company shall not commence any of the works affecting the said bridge or its approaches:

If at any time the owners of the bridge shall require the removal of the footway and parapet wall at the northern side of the said bridge, and that an iron or other railing shall be substituted for the said parapet, or that the present toll-house at the south-eastern end of the said bridge shall be removed to such a position as under the altered circumstances of the case the engineer to the bridge may direct, all such works (unless otherwise agreed) shall be constructed under the superintendence of the engineer to the bridge at the expense of the Company:

If at any time after such notice and approval shall have been respectively given and obtained any difference shall arise between the Company and the engineer for the time being to the said bridge, the matter in dispute shall (notwithstanding anything in this Act or in the recited Acts contained) be settled (unless otherwise agreed) by a referee to be appointed by the Board of Trade, in the same manner as a referee may be appointed by that Board for the settlement of differences between the Company and any local authority under the provisions of this Act.

8. The tramways shall be constructed on the gauge of four feet eight inches and half an inch, 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 road, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic in the manner herein-after prescribed.

Mode of  
formation of  
tramways.

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

Power to  
break up  
streets, &c.

1. They shall give to the local authority notice of their intention, specifying the time at which they will begin to do so, and

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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 local authority; unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work :
3. They shall pay all reasonable expenses to which the local authority is put on account of such superintendence :
4. They shall not without the consent of the local 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.

Completion  
of works and  
reinstatement  
of road.

10. 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 six weeks at the most (unless the local 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 local 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.

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**11.** The Company shall, at their own expense, at all times maintain and keep in good condition and repair, with such materials and in such manner as the local authority shall direct, and to their satisfaction, so much of any road whereon any tramway belonging to them is laid as lies between the rails of the tramway and (where two tramways are laid in any road at a distance of not more than four feet from each other) the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway. If the promoters 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 the road upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work, and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always, that if they fail to comply with the provisions of this section, the local authority, if they think fit, may themselves at any time, after seven days notice to the Company, open and break up the road and do the works necessary for the repair and maintenance or restoration of the road, to the extent in this section above mentioned, and the expense incurred by the local authority in so doing shall be repaid to them by the Company.

Repair of  
part of road  
where tram-  
way is laid.

**12.** The local 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.

The local  
authority  
and Com-  
pany may  
contract for  
paving roads  
on which  
tramways  
are laid.

**13.** For the purpose of making, forming, laying down, maintaining, repairing, or renewing any of the tramways, the Company may from time to time, where and as far as it is necessary, alter the position of any mains or pipes for the supply of gas or water, or

Provision as  
to gas and  
water com-  
panies.

A.D. 1870. any tube, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Act, and also subject to the following restrictions; (that is to say,)

(1.) Before laying down a tramway in a road in which any mains or pipes, tubes, wires, or apparatus may be laid, the Company shall, whether they contemplate altering the position of any such mains or pipes, wires, or apparatus, or not, give seven days notice to the Company, persons, or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such company or person that the construction of the tramway as proposed would endanger the same, or interfere with or impede the supply of water or gas, or the telegraphic or other communication, such company or person (as the case may be) may give notice to the Company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus in such manner as may be considered necessary; and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences between the Company and other companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such company or person, or of their surveyor or engineer, if they or he shall think fit to attend, after receiving not less than forty-eight hours notice for that purpose, which notice the Company are hereby required to give:

(2.) The Company shall not remove or displace any of the mains or pipes (other than private service pipes), valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to or controlled by any such company or person, or do anything to impede the passage of water or gas, or the telegraphic or other communication, into or through such mains or pipes, without the consent of such company or person, or in any other manner than such company or person shall approve, until good and sufficient mains,



pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas, or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced, shall, at the expense of the Company, have been first made and laid down in lieu thereof and be 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 two local justices having jurisdiction in the district within which the tramway or work as to which the matter in difference shall arise is situate shall direct :

- (3.) The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas or other company, or relating to telegraphs :
- (4.) The Company shall make good all damage done by them to property belonging to or controlled by any such company or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes of any person supplied by any such company or person with water or gas :
- (5.) If by any such operations as aforesaid the Company interrupt the supply of water or gas in or through any main or main pipe, they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted.

14. Where in any district the tramways or any work connected therewith interfere with any sewer, drain, watercourse, subway, defence, or work in such district, or in any way affect the sewerage or drainage of such district, the Company shall not commence the tramways or work until they shall have given to the proper authority fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such authority, with all necessary particulars relating thereto, nor until such authority shall have signified their approval of the same, unless such authority do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid, and the Company shall comply with and conform to all reasonable directions and regulations of the said authority in the execution of the said works, and shall provide by

For protection of  
sewers, &c.



A.D. 1870. new, altered, or substituted works in such manner as such authority shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the tramways, and shall save harmless the said authority against all and every the expense to be occasioned thereby; and all such works shall be done under the direction, superintendence, and control of the engineer or other officer or officers of the said authority at the reasonable costs, charges, and expenses in all respects of the Company; and when any new, altered, or substituted work as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said authority, and be maintained by them, as any sewers or works.

Rights of  
authorities  
and com-  
panies, &c.  
to open  
roads.

**15.** 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 for any of the purposes for which such authority is 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, company, body, or person shall be subject to the following restrictions; (that is to say,)

1. They shall cause as little detriment or inconvenience to the Company as circumstances admit:
2. Before they commence any work whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Company, if there be any, notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work:
3. They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers vested in them as aforesaid:
4. Whenever for the purpose of enabling them to execute such work the local 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 with all reasonable expedition: A.D. 1870.

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.

16. If any difference arises between the Company on the one hand, and any local authority, or any gas or water company, or any company, body, or person to whom any sewer, drain, tube, wires, or apparatus for telegraphic or other purposes may belong, or any other company, on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf, or by the Company, by virtue of this Act, in relation to the tramways or work, or in relation to any work or proceeding of the local 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, 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 two local justices of the peace sitting in petty sessions, and having jurisdiction in the district within which the tramway or work as to which the matter in difference shall arise is situate, on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs. Difference between Company and local authority.

17. The capital of the Company shall be twenty-four thousand pounds, in two thousand four hundred shares of ten pounds each. Capital.

18. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting Shares not to issue until one fifth paid up.



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Calls.

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

Receipts on behalf of incapacitated persons.

20. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of his guardian or committee, as the case may be, shall be a sufficient discharge to the Company for the same.

Power to borrow on mortgage.

21. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole six thousand pounds, and of that sum they may borrow from time to time not exceeding two thousand pounds in respect of every eight thousand pounds of their capital, but no part of any such sum of two thousand pounds shall be borrowed until the whole of the respective eight 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 eight 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 eight thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective eight thousand pounds of capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same, and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

22. 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

23. 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.

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have priority.

24. The Company may create and issue debenture stock.

Debenture stock.

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

Application of moneys.

26. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act.

First ordinary meeting.

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

Quorum of general meeting.

28. 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.

Number of directors.

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

Qualification of directors.

30. The quorum of a meeting of directors shall be three so long as the number of directors shall be more than three, but if the number be three, then a quorum of a meeting of directors shall be two.

Quorum.

31. William White, Henry Gore, Henry Richard Smith, and such two other duly qualified persons as they or the majority of them shall nominate in this behalf, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolida-

First directors.

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tion 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.

**32.** The tramways shall be completed and opened for public traffic within two years from the passing of this Act, and if they shall not be completed and opened for public traffic within that period, then on the expiration thereof 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.

Power to cease in event of non-commencement or suspension of works.

**33.** If the Company do not substantially commence the works on such of the tramways as they shall obtain the consent of the respective local authorities to construct within six months after obtaining such consent; or if such works, having been commenced, are suspended without a reason sufficient in the opinion of the Board of Trade to warrant such suspension, the powers given by this Act to the Company for constructing such tramways, executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to such of the same as shall be then completed, unless the time be prolonged by the special direction of the Board of Trade.

Company to restore roads in event aforesaid.

**34.** A statement in writing by the Board of Trade to the effect that any tramway has not been completed and opened for public traffic, or that the said works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this and the preceding section of such non-completion, non-commencement, or suspension, and the Company shall thereupon forthwith fill in the ground and make good the surface of any road in which they shall have commenced their works, and to the satisfaction of the respective local authorities restore such road and every part thereof to as good a condition as it was in before being opened or broken up, and shall clear away all surplus paving, metalling material or rubble occasioned by their works, and if the Company shall fail or neglect so to do for forty-two days, then the local authority may exercise all the powers of removal and sale vested in them by this Act on the discontinuance of the tramways.

The whole of the tramways to be opened together and

**35.** The Company shall not open or use for public traffic a part only of the tramways by this Act authorised, and for the construction of which the Company shall obtain the consent of the respective local authorities, but the whole of such tramways shall be opened



simultaneously for public traffic; and the Company shall from time to time bonâ fide work the whole of such tramways when so opened as one connected system, and if any local authority shall at any time complain to the Board of Trade that the Company are not carrying out this provision according to its true intent and meaning, that Board may direct an inquiry in the manner by this Act prescribed, and upon the report of the referee may make such order as to them may seem fit, having regard to the provisions of this section, and the Company shall abide by and carry into effect every order to be so made.

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worked by  
the Com-  
pany.

**36.** 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 ten acres.

Land by  
agreement.

**37.** The Company may use on the tramways carriages with flange wheels, or wheels suitable only to run on the rail prescribed by this Act, and, subject to the provisions of this Act, the Company shall have the exclusive use of the tramways for carriages with flange wheels, or other wheels suitable only to run on the prescribed rail.

Power to  
Company to  
use tram-  
ways with  
flanged-  
wheeled car-  
riages, &c.

**38.** All carriages used on the tramways shall be moved by animal power only.

Carriages to  
be moved by  
animal  
power only.

**39.** If at any time after the tramways or any part thereof shall have been for two years opened for public traffic it shall be represented in writing to the Board of Trade by the local authority of any road in which the tramway or part thereof is laid, or by twenty inhabitant ratepayers of any district in which the tramway or part thereof is laid, that the public are deprived of the full benefit of the tramway, the Board of Trade may (if they consider that primâ facie the case is one for inquiry) direct an inquiry by a referee under this Act into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction, the Board may from time to time grant licenses to any company or person to use such tramway, in addition to the Company, for the conveyance only of passengers and their personal luggage, with carriages to be approved by the Board, subject to the following provisions, conditions, and restrictions; (that is to say,)

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

1. The license shall be for any period not less than one year nor more than three years from the date of the license, but shall be renewable by the Board if they upon inquiry think fit:
2. The license shall be to use the whole of such tramway for the time being opened for public traffic, or such part or parts of



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such tramway as the Board, having reference to the cause for granting the license, shall think right :

3. The license shall direct the number of carriages which the licensee or licensees shall run upon such tramway, and the mode in which and times at which such carriages shall be run :
4. The licenses shall specify the tolls to be paid to the Company by the licensee or licensees for the use of the tramways :
5. The licensee or licensees and their officers and servants shall permit one person duly authorised for that purpose by the Company to ride free of charge in or upon each carriage of the licensee or licensees run upon the tramways for the whole or any part of the journey :
6. The Board of Trade may at any time after the granting of any license revoke, alter, or modify the same for good cause shown to them.

In default of payment of tolls, licensees carriages may be detained and sold.

**40.** If on demand any licensee fails 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 tramway or premises of the Company, to detain and sell any other carriages on such tramway or premises belonging to such licensee, and out of the moneys arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus (if any) of such moneys, and such of the carriages as shall remain unsold, to the person entitled thereto.

Licensees to give account of passengers carried by them.

**41.** Every licensee shall on demand give to an officer or servant authorised in that behalf by the Company an exact account in writing signed by such licensee of the number of passengers conveyed by any and every carriage used by him on the tramways.

Licensees not giving account of passengers carried liable to penalty.

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

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

**43.** If any dispute arise concerning the amount of the tolls due to the Company from any licensee, or concerning the charges occasioned by any detention or sale of any carriage under the provisions herein contained, the same shall be settled by a justice of the peace,



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. A.D. 1870.

44. 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 a justice of the peace either by the confession of the party offending or by the oath of some credible witness, and upon such conviction every such licensee shall pay to the company or persons injured, as the case may be, the damage to be ascertained by such justice of the peace, so that the same do not exceed fifty pounds.

Owners of carriages liable for damage done by their servants.

45. When the tramways by this Act authorised have 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 authorities of the districts in which the tramways of the Company are situate, and when any such sale has been made all the rights, powers, authorities, obligations, and liabilities of the Company in respect to their undertaking shall be transferred to, vested in, and may be exercised by and shall attach to the person, persons, corporation, company, or local authorities to whom the same has been sold, in like manner as if such person, persons, corporation, company, or local authorities had been authorised to construct the tramways in lieu of the Company.

Power of sale after tramways opened for six months.

46. 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, with the approval of the Board of Trade, by notice in writing require the Company to sell, and thereupon the Company shall sell, to them their undertaking, or so much of the same as is within such district, upon terms of paying the then value (exclusive of any allowance for goodwill or prospective increase in value, or any compensation for compulsory sale, or other consideration whatsoever) of the tramway, and all lands, buildings, works, materials, and plant of the Company suitable to and used by them for the purposes of their undertaking within such district, such value to be in case of

Future purchase of undertaking by local authority.

A.D. 1870. 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 shall be transferred to, vested in, and may be exercised by the local authority to whom the same has been sold, in like manner as if such tramway was constructed by such authority under the powers of this Act. 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 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 day to day. The local authority in any district may pay the purchase money and all expenses incurred by them in the purchase of any undertaking under the authority of this section out of the local rate, and may for that purpose borrow and take up at interest, on the credit of such local rate, any sums of money necessary for such purpose, and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, such local authority may mortgage to the persons by or on behalf of whom such sums are advanced such local rate, but the exercise of the above power shall be subject to the following regulations:

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

The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall apply to any mortgage executed under the foregoing provisions of



this section, and for the purposes of such application the said provisions shall be incorporated with this Act. A.D. 1870.

For the purpose of such incorporation the terms "the special Act" and "the commissioners" shall be construed to mean respectively this Act and the local authority:

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

47. If at any time after the opening of any tramway in any district for traffic the Company discontinue the working of such tramway, or of any part thereof, for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company), it shall be lawful for the local authority of such district, on proof of such discontinuance to the satisfaction of the Board of Trade, and under the authority of a certificate to that effect by the said Board, to remove the tramway or part of the tramway so discontinued, and the Company shall pay to the local authority the cost of such removal and of the making good of the road by the local authority, such cost to be certified by the clerk for the time being, or by some other authorised officer of the local authority, whose certificate shall be final and conclusive, and if the Company fail to pay the amount so certified within one calendar month after the delivery to them of such certificate or a copy thereof, the local authority may, without any previous notice to the Company (but without prejudice to any other remedy they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the local 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 local authority to the Company.

Tramways  
to be re-  
moved in  
certain  
cases.

48. After the expiration of such period of six calendar months from the making of any such certificate 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

As to wind-  
ing up the  
affairs of the  
Company, &c.

A.D. 1870. — 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.

Proceedings  
in case of  
insolvency of  
Company.

**49.** If at any time after the opening of any tramway in any district for traffic it appears to the local authority of such district that the Company are insolvent, so that they are unable to work the tramway with advantage to the public, and such local 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 local 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.

Byelaws by  
local autho-  
rity.

**50.** 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 on 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 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 law.

Notice of the making of any byelaw under the provisions of this Act shall be published by the local authority making the same by



advertisement according to the regulations contained in the schedule to this Act annexed, and unless such notice is published in manner aforesaid such byelaw shall be disallowed by the Board of Trade. A.D. 1870.

No such byelaw shall have any force or effect which shall be disallowed by the Board of Trade within two calendar months after a true copy of such byelaw shall have been laid before the Board, and a true copy of every such proposed byelaw shall, not less than two calendar months before such byelaw shall come into operation, be sent to the Board of Trade, and shall be delivered to the Company if the same be made by the local authority, and to the local authority if made by the Company.

**51.** 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. Penalties in byelaws.

**52.** 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 the tramways, or defaces or destroys any mark made for the purpose of setting out the line of the tramways, or wilfully damages or destroys any property of the Company or their licensees, he shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for obstruction of Company in laying out tramway.

**53.** If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things; (namely,) Penalties for wilful injury or obstruction to tramways, &c.

- Interferes with, removes, or alters any part of the tramways, or of the works connected therewith;
- Places or throws any stones, dirt, wood, refuse, or other material on any part of the tramways;
- Does or causes to be done anything in such manner as to obstruct any carriage using the tramways, or to endanger the lives of persons therein or thereon;
- Or knowingly aids or assists in the doing of any such thing;

he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding five pounds.

**54.** If any person travelling or having travelled in any carriage on the tramways avoids or attempts to avoid payment of his fare, Penalty on passengers practising

A.D. 1870. 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.

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

Penalty for bringing dangerous goods on the tramway.

**56.** No person shall be entitled to carry or to require to be carried on the tramways any goods which may be of a dangerous nature, and if any person send by the tramways 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 book-keeper or other servant with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding twenty pounds for every such offence, and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

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

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

Company to be responsible for all damages.

**58.** The Company shall be answerable for all accident, damages, and injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of any of their works or carriages, and shall save harmless all local 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, or injuries.

Recovery of tolls, penalties, &c.

**59.** All tolls, penalties, and charges under this Act, or under any byelaw made in pursuance of this Act, may be recovered and



enforced before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same.

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**60.** 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.

Right of user only.

**61.** Nothing in this Act shall take away or affect any power which any local authority may have by law to widen, alter, or improve any road, railway, tramway, or inland navigation.

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

**62.** Nothing in this Act shall limit the powers of the local authority or police in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Company or of their lessees as to the traffic of other persons.

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

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

Reservation of right of public to use roads.

**64.** 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:

Regulating inquiries before referee appointed by the Board of Trade.

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

(2.) Ten days notice at the least shall be given by the referee to the 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:

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(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 :

(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.

Form and  
delivery of  
notices.

**65.** With respect to any notices to be given under this Act, 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 :

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 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.

Removal or  
modification  
of tramway  
in certain  
cases.

**66.** If at any time after the expiration of two years after the opening for public traffic of any tramway by this Act authorised the local authority of the district in which such tramway, or any part thereof, is situate shall give notice in writing to the Company that in the opinion of such local 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 local authority may, by notice in writing, 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 local 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 local 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 four calendar months after service upon the Company of notice as aforesaid by the local 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 satisfaction of the surveyor or engineer of the local 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 provisions 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:

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(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 local authority, and the amount of the cost thereof, certified by the surveyor or engineer for the time being of the local authority (whose certificate shall be final and conclusive with reference thereto), shall be repaid to the local 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 or engineer of the local authority, the local authority may (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any materials of the tramway removed or modified which may remain in their hands, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the local 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 local authority to the Company.

Local authority to have power to grant licenses.

**67.** The local authority shall have all the powers 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 are contained in "The Towns Police Clauses Act, 1847," with respect to hackney carriages.

Tolls for passengers.

**68.** 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 the following; (that is to say,)

For every inside passenger travelling between Plymouth and Devonport the sum of threepence, and for every outside passenger travelling between those towns the sum of twopence;

For every inside or outside passenger travelling from Plymouth to Stonehouse, or from Stonehouse to Plymouth, the sum of twopence;



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For every inside or outside passenger travelling from Stonehouse to Devonport, or from Devonport to Stonehouse, the sum of twopence ;

For every inside or outside passenger travelling from point to point within Plymouth or Devonport or Stonehouse the sum of one penny :

Provided always, that if at any time after the opening for public traffic of any of the tramways constructed under the authority of this Act it shall be represented in writing to the Board of Trade by the Company that the toll of twopence for every outside passenger travelling between Plymouth and Devonport is unreasonable under circumstances then existing, the Board of Trade may, if they think fit, direct an inquiry by a referee under the provisions of this Act into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction, the Board may make an order in writing increasing the amount of the toll to be thenceforth chargeable by the Company for every outside passenger travelling between Plymouth and Devonport to the sum of threepence : Provided always, that the Board of Trade may from time to time after making any such order revoke or modify the same upon good cause shown to them.

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

Passengers luggage.

**70.** The Company shall not be bound to carry, unless they think fit, any parcel, goods, articles, or things other than passengers luggage, not exceeding the weight in this Act in that behalf mentioned.

Company not bound to carry goods.

**71.** 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 some conspicuous place on the inside of each compartment of the carriages used by the Company upon any of their tramways.

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

**72.** 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.

Tolls to be paid as directed by the Company.

**73.** No justice of the peace shall be deemed incapable of acting in cases under this Act by reason of his being a member of any local authority, or by reason of his being a contributor or liable to contribute to the local rate.

Justices not disqualified.

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Interest not  
to be paid  
on calls paid  
up.

**74.** The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

**75.** The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Tramways  
not exempt  
from pro-  
vision as to  
general Acts.

**76.** Nothing herein contained shall be deemed or construed to exempt the tramways by this Act authorised to be made from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament.

Expenses of  
Act.

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