



CHAP. clxxiii.

An Act to authorise the Metropolitan Street Tramways Company to extend their Tramways ; and for other purposes. A.D. 1870.

[10th August 1870.]

WHEREAS by "The Metropolitan Street Tramways Act, 1869" (in this Act called "the Act of 1869"), the Metropolitan Street Tramways Company (in this Act called "the Company") were incorporated for the purpose of making and maintaining certain street tramways : 32 & 33 Vict. c. xciv.

And whereas the construction of the additional tramways by this Act authorised would be of public advantage, and it is expedient that the Company be authorised to construct the same, and to raise further moneys for that purpose :

And whereas it is expedient that the Company and the Pimlico, Peckham, and Greenwich Street Tramways Company be authorised to enter into and carry into effect agreements as by this Act provided :

And whereas plans and sections, showing the lines and levels of the works by this Act authorised and the lands to be taken for the purposes thereof, and books of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the respective clerks of the peace for the county of Surrey, and those plans, sections, and books of reference are in this Act referred as the plans, sections, and books of reference deposited for this Act :

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 Metropolitan Street Tramways Act, 1870." Short title.

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Provisions
of general
Acts herein
named in-
corporated.

2. "The Lands Clauses Consolidation Acts, 1845 (except the provisions thereof with respect to the purchase of lands otherwise than by agreement), 1860, and 1869," and the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the distribution of the capital of the Company into shares, with respect to the transfer or transmission of shares, with respect to the payment of subscriptions and the means of enforcing the payment of calls, with respect to the forfeiture of shares for nonpayment of calls, with respect to the remedies of creditors of the Company against the shareholders, with respect to the borrowing of money by the Company on mortgage or bond, with respect to the conversion of borrowed money into capital, with respect to the consolidation of the shares into stock, and with respect provision to be made for affording access to the special Act by all parties interested, and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," 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 have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the plans deposited for the Act of 1869" means the plans deposited with the clerk of the peace for the county of Surrey with respect to the application to Parliament for and mentioned or referred to in the Act of 1869, and where any authorised tramway is in this Act referred to under a number or number and letter, the tramway authorised by the Act of 1869 and distinguished on the plans deposited for the Act of 1869 by the same number or number and letter is intended; the expressions "street" and "road" mean respectively any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same; the expression "local authority" shall mean "the Metropolitan Board of Works;" and the expression "road authority" means the board, vestry, district board, or other body having the control of the street or road referred to; the term "district," in relation to a road authority, means the area within the jurisdiction of such road authority; the expressions "the tramways," "the tramway," or any expression referring to any tramways or tramway of the Company, shall mean and include (unless the contrary appear by the context) as well the tramways authorised by the Act of 1869 as the tramways by this Act authorised; and in

this Act, and in any Act wholly or in part incorporated herewith, the expression "superior court" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the word "contingencies" in the Companies Clauses Act, 1845 (section 122), as incorporated with this Act, shall include the contingency of the undertaking being sold to the Metropolitan Board of Works at a sum less than the aggregate amount of the capital and debts of the Company.

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

Power to make tramways according to deposited plans.

A tramway (No. 1) (two furlongs and nine chains in length) wholly in the parish of Saint Mary, Lambeth, and county of Surrey, commencing in the Kennington Road by a junction with the tramway No. 4, authorised by the Act of 1869, at a point about two chains from and south of its termination, passing thence in a northerly direction along the Kennington Road into and along the Westminster Bridge Road, and terminating in the last-mentioned road at or near the junction therewith of Stangate and Belvedere Road:

A tramway (No. 2) (two furlongs and seven chains in length) wholly in the parish of Saint Mary, Lambeth, aforesaid, commencing in the Kennington Road by a junction with the tramway No. 4A, authorised by the Act of 1869, at its termination, and running thence in a northerly direction along Kennington Road into and along Westminster Bridge Road, and terminating in that road at or near the junction therewith of Stangate and Belvedere Road:

A tramway (No. 5) (one mile and three and a half chains in length) commencing in the Clapham Road in the parish of Saint Mary, Lambeth, aforesaid, by a junction with tramway No. 1, authorised by the Act of 1869, at a point about one chain from and northward of its commencement, running thence in a southerly direction along the Clapham Road, Clapham Rise, and High

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Street, and terminating in that street, in the parish of Clapham, in the county of Surrey, opposite the end of Park Road :

A tramway (No. 6) (one mile and three and a half chains in length) commencing in the Clapham Road in the parish of Saint Mary, Lambeth, aforesaid, by a junction with tramway No. 1A, authorised by the Act of 1869, at a point about one chain from and northward of its commencement, running thence in a southerly direction along the Clapham Road, Clapham Rise, and High Street, and terminating in that street, in the parish of Clapham aforesaid, opposite the end of Park Road :

A short junction tramway (No. 7) (two chains in length) wholly in the parish of Saint Mary, Lambeth, aforesaid, commencing by a junction with the tramway No. 3, authorised by the Act of 1869, at a point in the Stockwell Road two and a half chains from its commencement, and thence running into the Clapham Road, and terminating in that road, opposite South Lambeth Road, by a junction with the tramway No. 1, authorised by the Act of 1869, at its commencement :

A tramway (No. 8) (two furlongs and six chains in length) wholly in the parish of St. Mary, Lambeth, aforesaid, commencing in Brixton Road by a junction with the tramway No. 2, authorised by the Act of 1869, at a point about one chain north from its commencement, running thence in a southerly direction along Brixton Road and into and along Brixton Rise, and terminating in that road at a point about three chains from and north of the junction of Acre Lane with Brixton Rise, nearly opposite Christ Church Road :

A tramway (No. 9) (two furlongs and six chains in length) commencing in the Brixton Road by a junction with the tramway No. 2A, authorised by the Act of 1869, at a point about one chain north from its commencement, running thence in a southerly direction along Brixton Road and into and along Brixton Rise, and terminating in that road at the point of termination of tramway No. 8, by this Act authorised :

A tramway (No. 9A) (one and a half chains in length) commencing in the Stockwell Road by a junction with the tramway No. 3, authorised by the Act of 1869, at or near the eastern end of the said road, and running thence into and in a northerly direction along Brixton Road, and terminating in that road by a junction with the tramway No. 2A, authorised by the Act of 1869, at its commencement :

A tramway (No. 10) (two furlongs and eight chains in length) wholly situate in Brixton Rise, in the parish of Saint Mary,

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Lambeth, aforesaid, commencing by a junction with tramways No. 8 and No. 9, by this Act authorised, or one of them, at their termination, and terminating at a point about one chain north of the junction of Water Lane with Brixton Rise :

A tramway (No. 11) (three furlongs in length) wholly in Brixton Rise, commencing by a junction with tramway No. 9, by this Act authorised, at a point about two chains north of its termination, and terminating at the point of termination of tramway No. 10, by this Act authorised :

A tramway (No. 12) (two furlongs and five and a half chains in length) wholly in the parish of Saint Mary, Lambeth, aforesaid, commencing in Brixton Rise by a junction with tramways No. 10 and No. 11, by this Act authorised, at their terminations, passing thence into and along Water Lane, and terminating in that lane at a point about six chains from and east of the junction of that lane with Lower Tulse Hill :

A tramway (No. 13) (one furlong and seven and a half chains in length) wholly in Water Lane, in the parish of Saint Mary, Lambeth, aforesaid, commencing and terminating by junctions with tramway (No. 12), by this Act authorised, the point of commencement being at or near the west end of Water Lane, at its junction with Brixton Rise, and the point of termination being at or near the west corner of Lower Tulse Hill, at its junction with Water Lane :

A tramway (No. 14) (three furlongs and four chains in length) wholly in the parish of Saint Mary, Lambeth, aforesaid, commencing by a junction with the tramway (No. 8) by this Act authorised, opposite the west end of Cold Harbour Lane, passing thence into and along Effra Road and into Water Lane, and terminating in that lane by a junction with tramway (No. 12), by this Act authorised, opposite the east corner of Lower Tulse Hill, at its junction with Water Lane :

A tramway (No. 15) (three furlongs and three and three-quarter chains in length) wholly in the parish of Saint Mary, Lambeth, aforesaid, commencing in the Brixton Road by a junction with tramway (No. 9), by this Act authorised, opposite the west end of Cold Harbour Lane, passing thence into and along Cold Harbour Lane, and terminating on the north side of that lane, at a point about two and a half chains east of the junction of Barrington Road with that lane.

5. Every tramway to be made, formed, or laid down under this Act shall be constructed with two rails, to be laid at a distance (reckoning from the inside edge of each rail) of four feet eight inches and half an inch from each other, and shall be laid and main-

Mode of formation of tramways.

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

6. Where in any street or road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches, the Company shall and they are hereby required to construct a passing place or places connecting the one tramway with the other, and by means of such passing place or places the traffic shall, when necessary, be diverted from the one tramway to the other.

Tramways to be kept on level with surface of roads.

7. If any road authority shall hereafter alter the level of any road along or across which any tramway of the Company is laid or authorised to be laid, the Company may and shall, from time to time, alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Repair of part of street where tramway is laid.

8. The Company shall, at their own expense, at all times pave and keep paved, in good condition and repair, so much of any street whereon any tramway of the Company by this Act authorised is laid as lies between the rails of the tramway and (where two tramways of the Company are laid in any street at a distance of not more than four feet from each other) the portion of the street between the tramways, and, in every case, so much of the street as extends eighteen inches beyond the rails of and on each side of any tramway of the Company, and if, within fourteen days after delivery by the Company to the road authority of the notice by this Act required to be given of the intention of the Company to break open the street, the road authority shall give direction in writing to the Company as to the materials to be used in paving or as to the mode of paving any street or part of any street, such directions shall be followed by the Company in executing the works in the respective street or part of street to which the directions apply. If the Company abandon their undertaking or any part of the same, and take up any tramway or part of any tramway belonging to them, they shall, with all convenient speed, and in all cases within six weeks at the most (unless the road authority otherwise consents in writing), fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of road upon which such tram-

way was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving, or metalling material, or rubbish occasioned by such work, and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always, that if the Company fail to comply with the provisions of this section, the road authority, if they think fit, may themselves, at any time, after seven days notice to the Company, open and break up the road, and do the works necessary for the paving, repair, and maintenance or restoration of the road, to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be repaid to them by the Company: Provided also, that any difference between the Company and any road authority as to the reasonableness of any directions to be given as aforesaid shall be settled in manner by this Act provided with respect to other differences between the Company and any road authority.

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9. The tramways and works by this Act authorised shall be completed within eighteen months from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for completion of works.

10. The Company may from time to time apply towards any of the purposes of this Act any moneys which they have raised or may hereafter raise under the Act of 1869, and which may not be required for the purposes to which by that Act such moneys are made applicable.

Power to apply existing funds.

11. The Company may from time to time raise by the creation and issue of new ordinary shares or new ordinary stock, or by the creation and issue of new preference shares or new preference stock, or (at the option of the Company) by any or either of those modes, any further sum or sums of money not exceeding in the whole thirty thousand pounds.

Power to raise additional capital.

12. The provisions of the sections of the Act of 1869 numbered from 40 to 50 (both numbers inclusive) shall apply to the shares in the additional capital by this Act authorised to be raised: Provided always, that it shall not be lawful for the Company to divide into half shares any share to which they shall have under the powers of this Act attached a preference.

Sections 40 to 50 of Act of 1869 applied to new share capital.

13. The Company may from time to time borrow on mortgage, in addition to the sums which by the Act of 1869 they are autho-

Power to borrow on mortgage.

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rised to borrow, any sum or sums not exceeding in the whole seven thousand five hundred pounds, and of that sum they may borrow from time to time not exceeding two thousand five hundred pounds in respect of every ten thousand pounds of the additional capital of thirty thousand pounds by this Act authorised, but no part of any such sum of two thousand five hundred pounds shall be borrowed until the whole of the respective ten thousand pounds of additional 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 ten thousand pounds of additional 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 or portion of stock in such ten thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective ten thousand pounds of additional 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.

Existing mortgages to have priority.

14. All mortgages granted by the Company before the passing of this Act, in pursuance of the powers of the Act of 1869, and which shall be subsisting at the time of the passing of this Act, shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

Applying sect. 52 of Act of 1869.

15. Section 52 ("for appointment of a receiver") of the Act of 1869 shall apply to all mortgages under this Act.

Moneys borrowed on mortgage to have priority.

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

17. The Company may create and issue debenture stock.

Debenture stock.

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

Application of moneys.

19. The sections numbered 7 to 10 (both numbers inclusive), 12 to 38 (both numbers inclusive), and 66, and 70 to 78 (both numbers inclusive) of the Act of 1869 are by this Act repealed.

Repealing certain sections of the Act of 1869.

20. Notwithstanding the repeal of the said sections of the Act of 1869, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed by or under the repealed sections, or any of them, shall be as valid as if the repeal had not happened, and the repeal and the operation of this Act shall accordingly be subject and without prejudice to everything so done, suffered, or confirmed, and to all rights, liabilities, claims, and demands, both present and future, which, if the repeal had not happened, would be incident to or consequent on any and every thing so done, suffered, and confirmed: Provided always, that the generality of this provision shall not be restricted by any of the other provisions of this Act.

General saving of rights under repealed sections.

21. The Company from time to time, for the purpose of making, forming, laying down, maintaining, and renewing any tramway authorised by the Act of 1869 or by this Act, 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 road authority notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work:
2. They shall not open, or break up, or alter the level of any road except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work:
3. They shall pay all reasonable expenses to which the road authority is put on account of such superintendence:
4. They shall not, without the consent of the road authority, open or break up at any one time a greater length than one hundred yards of any road which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length the Company shall leave an

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interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than one hundred yards.

Where the carriageway over any bridge forms part of or is a road within the jurisdiction of a road authority, but such bridge is vested in some person or persons, corporation, or company distinct from such road authority, any work which the Company may be empowered to construct, and which affects or in anywise interferes with the structural works of such bridge, shall be constructed under the superintendence (at the cost of the Company) and to the reasonable satisfaction of such person, persons, corporation, or company, unless, after notice to be given by the Company seven days at least before the commencement of such work, such superintendence is refused or withheld.

Completion
of works
and rein-
statement
of road.

22. When the Company have opened or broken up any portion of any road, they shall be under the following further obligations; namely,

1. They shall with all convenient speed, and in all cases within four weeks at the most (unless the road authority otherwise consents in writing) complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the tramway) fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of the road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving, or metalling material, or rubbish occasioned thereby:
2. They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night:
3. They shall bear or pay all reasonable expenses of the repair of the road for six months after the same is restored, as far as those expenses are increased by the opening or breaking up.

If the Company fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act, or to any other remedy against them,) be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

23. The road authority on the one hand, and the Company on the other hand, may from time to time enter into and carry into effect, and from time to time alter, renew, or vary, contracts, agreements, or arrangements with respect to the paving and keeping in repair of the whole or any portion of the roadway of any road on which the Company shall lay any tramway, and the proportion to be paid by either of them of the expense of such paving and keeping in repair.

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

24. For the purpose of making, forming, laying down, maintaining, repairing, or renewing any of their tramways, the Company may from time to time, where and as far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connexion with the same, alter the position of any mains or pipes for the supply of gas or water, or any tube, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Act, and also subject to the following restrictions; (that is to say,)

Provisions as to gas and water companies.

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, tubes, wires, or apparatus, or not, give seven days notice to the company, persons, or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such company or person that the construction of the tramway as proposed would endanger any of the said mains or pipes, tubes, wires, or apparatus, or interfere with or impede the supply of water or gas or the telegraphic or other communication, such company or person (as the case may be) may give notice to the Company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus, in such manner as may be considered necessary; and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences between the Company and other companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company or person to whom such mains or pipes, tubes, wires, or apparatus may belong or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and

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under the superintendence of such company or person, or of their surveyor or engineer, if they or he think fit to attend, after receiving not less than forty-eight hours notice for that purpose, which notice the Company are hereby required to give :

2. The Company shall not remove or displace any of the mains or pipes (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, tubes, wires, or apparatus, without the consent of such company or person, or in any other manner than such company or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced shall, at the expense of the Company, have been first made and laid down in lieu thereof and ready for use, and to the satisfaction of the surveyor or engineer of such water or gas or other company, or of such person, or, in case of disagreement between such surveyor or engineer and the Company, as an engineer appointed by the Board of Trade shall direct :
3. The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water, or gas, or other company, or relating to telegraphs :
4. The Company shall make good all damage done by them to property belonging to or controlled by any such company or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property, or with the private service pipes of any person supplied by any such company or person with water or gas :
5. If by any such operations as aforesaid the Company interrupt the supply of water or gas in or through any main or main pipe, they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted.

For protection of sewers, &c.

25. Where any of the tramways shall or may pass over, under, or by the side of, or so as to interfere with any sewer, drain, water-

course, defence, or work under the jurisdiction or control of the Metropolitan Board of Works, or of any vestry or district board constituted under "The Metropolis Local Management Act, 1855," and "The Metropolis Management Amendment Act, 1862," or with any sewers or works to be made or executed by the said boards or vestry, or any of them, or shall or may in any way affect the sewerage or drainage of the districts under their or any of their control, the Company shall not commence such work until they shall have given to the said Metropolitan Board, district board, or vestry, as the case may be, fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such respective board or vestry, as the case may be, for the time being, with all necessary particulars relating thereto, nor until such board or vestry respectively shall have signified their approval of the same, unless such board or vestry respectively, as the case may be, 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 Metropolitan Board and of the respective boards or vestries in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such boards or vestries shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to, or by reason of the tramways, and shall save harmless the said Metropolitan Board, district board, and vestry respectively 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 Metropolitan Board, district board, and vestry, as the case may be, 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 Metropolitan Board, district boards, and vestries respectively, and be maintained by them, as the case may be, as any sewers or works now are or hereafter may be, and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested or to be vested in the said Metropolitan Board, district boards, and vestries, or any or either of them, or of their successors, with respect to any such sewer, drain, watercourse, defence, or work as

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

26. Nothing in the Act of 1869 or in this Act shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in any local authority or road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person, for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power every such local authority, road authority, company, body, or person shall be subject to the following restrictions; that is to say,

1. They shall cause as little detriment or inconvenience to the Company as circumstances admit:
2. Before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work:
3. They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid:
4. Whenever, for the purpose of enabling them to execute such work, the local authority or the road authority shall so require, the Company shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the local authority or the road authority, as the case may be, with all reasonable expedition:
5. Any company, body, or person shall not execute such work, so far as it immediately affects the tramway, except under the superintendence of the Company, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work, and they shall execute such work at their own expense and to the reasonable satisfaction of

the Company: Provided that any additional expense imposed upon them by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such tramway shall be borne by the Company.

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27. If any difference arises between the Company on the one hand, and any local authority or road authority, or any gas or water company, or any company, body, or person to whom any sewer, 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 the Act of 1869 or of this Act, in relation to any tramway or work, or in relation to any work or proceeding of the local authority, road authority, body, company, or person, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the local authority, road authority, body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in the Act of 1869 or this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person nominated as referee by the Board of Trade, on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

Difference between Company and road authority, &c.

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

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

29. If at any time after any tramway or part of any tramway shall have been for three years opened for public traffic it shall be represented in writing to the Board of Trade by the local authority, or by the road authority of any road in which such tramway or part of a tramway is laid, or by twenty inhabitant ratepayers of any district in which such tramway or part of a tramway is laid, that the public are deprived of the full benefit of the tramway, the Board of

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

A.D. 1870. Trade may (if they consider that *prima 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 similar traffic to that conveyed by the Company, with carriages to be approved by the Board, subject to the following provisions, conditions, and restrictions; that is to say,

1. The license shall be for any period not less than one year nor more than three years from the date of the license, but shall be renewable by the Board, if they, upon inquiry, think fit:
2. The license shall be to use the whole of such tramway for the time being opened for public traffic, or such part or parts of such tramway as the Board, having reference to the cause for granting the license, shall think right:
3. The license shall direct the number of carriages which the licensee or licensees shall run upon such tramway, and the mode in which and times at which such carriages shall be run:
4. The license 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, licensee's carriages may be detained and sold.

30. If, on demand, any licensee fail to pay the tolls due in respect of any passengers carried in any carriage, it shall be lawful for the Company to detain and sell such carriage, or if the same shall have been removed from the 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.

Licenseses to give account of

31. Every licensee shall, on demand, give to an officer or servant, authorised in that behalf by the Company, an exact account in

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writing, signed by such licensee, of the number of passengers conveyed by any and every carriage used by him on the tramways.

passengers carried by them.

32. 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.

Licenses not giving account of passengers carried liable to penalty.

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

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

34. Every licensee shall be answerable for any trespass or damage done by his carriage 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 to the persons injured, as the case may be, the damage to be ascertained by such justices, so that the same do not exceed fifty pounds.

Owners of carriages liable for damage done by their servants.

35. 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 three calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Board of Trade, the said Board, if they think fit, may by order declare that the powers of the Company in respect of the tramway, or the part thereof so discontinued, shall from the date of such order be at an end, and thereupon the said powers of the Company shall cease and determine, unless the same are purchased by the local authority in manner by this Act provided. Where any such order has been made, the road authority may, at any time after the

Tramways to be removed in certain cases.

A.D. 1870. expiration of two months from the date of such order, under the authority of a certificate to that effect by the Board of Trade, remove the tramway or part of the tramway so discontinued, and the Company shall pay to the road authority the cost of such removal, and of the making good of the road by the road authority, such cost to be certified by the clerk for the time being or by some other authorised officer of the road authority, whose certificate shall be final and conclusive; and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, the road authority may, without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of tramway removed, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the road authority may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost certified as aforesaid, and of the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the Company.

Proceedings
in case of
insolvency
of Company.

36. If at any time after the opening of any tramway in any district for traffic it appears to the local authority or the road authority of such district that the Company are insolvent, so that they are unable to maintain such tramway or work the same with advantage to the public, and such local authority or road authority makes a representation to that effect to the Board of Trade, the Board of Trade may direct an inquiry by a referee into the truth of the representation, and if the referee shall find that the Company are so insolvent as aforesaid the Board of Trade may, by order, declare that the powers of the Company shall at the expiration of six calendar months from the making of the order be at an end, and the powers of the Company shall cease and determine at the expiration of the said period, unless the same are purchased by the local authority in manner by this Act provided, and thereupon such local authority or road authority, as the case may be, 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.

Future purchase of
undertaking
by Metropolitan Board
of Works.

37. The Metropolitan Board of Works may, if by resolution passed at a special meeting they so decide, within six months after the expiration of a period of twenty-eight years from the passing of this Act, and within six months after the expiration of every subsequent period of seven years, or within three months after any

order made by the Board of Trade under either of the two next preceding sections, with the approval of the Board of Trade, by notice in writing require the Company to sell, and thereupon the Company shall sell to them their undertaking upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking, or any compensation for compulsory sale, or other consideration whatsoever,) of the tramway, and all lands, buildings, works, materials, and plant of the Company suitable to and used by them for the purposes of their undertaking, such value to be, in case of difference, determined by an engineer or other fit person nominated as referee by the Board of Trade, on the application of either party, and the expenses of the reference to be borne and paid as the referee directs. And when any such sale has been made, all the rights, powers, and authorities of the Company in respect to the undertaking sold, or, where any order has been made by the Board of Trade under either of the next preceding sections, all the rights, powers, and authorities of the Company previous to the making of such order in respect of the undertaking sold, shall be transferred to, vested in, and may be exercised by the Metropolitan Board of Works, in like manner as if that Board had been authorised by the Act of 1869 and this Act to construct the tramways, and had been named in the Act of 1869 and this Act instead of the Company. No such resolution shall be valid unless a month's previous notice of the meeting and of the purpose thereof has been given in manner in which notices of meetings, of such Board are usually given, nor unless two thirds of the members constituting such Board are present and vote at the meeting, and a majority of those present and voting concur in the resolution, and it shall be lawful for the chairman of any such meeting, with the consent of a majority of the members present, to adjourn the same from time to time. And the Metropolitan Board of Works may, in order to raise money for the purpose of carrying this section into effect, create additional stock, not exceeding in the whole three hundred thousand pounds, under "The Metropolitan Board of Works (Loans) Act, 1869," in like manner and with the like sanction in and with which they may create stock in order to raise money for the purposes of the Acts mentioned in the first schedule to that Act, and all the provisions of that Act shall apply as if that money were raised and that stock were created for the purposes of the last-mentioned Acts, with the exception that the money required for the purposes of this section may be borrowed by them in addition to the sum limited by section thirty-eight of "The Metropolitan Board of Works (Loans) Act, 1869:" Provided always, that the Metropolitan Board of Works shall not, under the powers of this Act and

A.D. 1870. of any other Act passed in the present session for the construction of tramways in the metropolis, and of "The Tramways Act, 1870," create additional stock exceeding in the whole three hundred thousand pounds.

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

38. After the expiration of such period of six calendar months from the making of any such order as in this Act above mentioned by the Board of Trade, declaring that the powers of the Company shall cease, the Court of Chancery may at any time, upon the petition of the Company, or of creditors of the Company representing not less than one thousand pounds of the debts owing by the Company, make an order for the winding up of the affairs of the Company and for the dissolution of the Company, and "The Companies Act, 1862," and "The Companies Act, 1867," in reference to the winding up the affairs and to the dissolution of a Company by the Court, may, so far as the said Court shall think it convenient and expedient so to do, be applied to the winding up the affairs of the Company under an order made for that purpose, or the said Court may otherwise regulate and conduct the winding up the affairs of the Company as to the said Court may seem most convenient or expedient.

Power of sale after tramways opened for six months.

39. When the tramways of the Company 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, 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 authority to whom the same has been sold, in like manner as if such person, persons, corporation, or company had been authorised to construct the tramways of the Company instead of the Company.

Tolls.

40. The Company may from time to time demand and take, in respect of the tramways by this Act authorised, tolls and charges not exceeding those which they are authorised to take, and for the time being may lawfully take, in respect of the tramways authorised by the Act of 1869.

Applying provisions of certain sections of Act of 1869.

41. The provisions of the sections of the Act of 1869 numbered 64, 65, 67, 68, and 69 shall apply to the tramways by this Act authorised, and the tolls to be taken in respect thereof: Provided always, that a list of the tolls and charges shall be exhibited in a conspicuous place outside as well as inside each of the carriages used upon the tramways.

42. The Company shall, and they are hereby required, at all times after the opening of their tramways for public traffic, to run carriages each way every morning in the week, and every evening in the week, Sundays, Christmas Day, and Good Friday always excepted, at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient, for artisans, mechanics, and daily labourers, at such fares as may be from time to time fixed by the Board of Trade: Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages, or the number of such carriages, or if complaint be made by the Company or any person interested in the matter as belonging to the labouring class as to the before-mentioned fares, the said Board shall have power from time to time to inquire into any such complaint, and to make such order thereon as they see fit, which order shall be carried into effect accordingly.

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Cheap fares
for labouring
classes.

43. Subject to the provisions of this Act, the Metropolitan Board of Works may from time to time make regulations as to the following matters: Byelaws.

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

The distances at which carriages using the tramway shall be allowed to follow one after the other:

The stopping of carriages using the tramway:

The traffic on the road in which the tramway is laid.

The Company may from time to time make regulations—

For preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them:

For regulating the travelling in or upon any carriage belonging to them.

And for better enforcing the observance of all or any of such regulations, it shall be lawful for the said Board and the Company respectively to make byelaws for all or any of the aforesaid purposes, and from time to time repeal or alter such byelaws and make new byelaws, provided that such byelaws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect. Notice of the making of any byelaw under the provisions of this Act shall be published by the local authority or the Company making the same by advertisement, according to the regulations contained in Part II. of the schedule C. to the Tramways Act, 1870, annexed, and unless such notice is published in manner aforesaid such byelaw shall be disallowed by the Board of Trade. No such byelaw shall have any force or effect which shall be disallowed by the Board of Trade within two calendar months after a

A.D. 1870. true copy of such byelaw shall have been laid before the Board, and a true copy of every such proposed byelaw shall, not less than two calendar months before such byelaw shall come into operation, be sent to the Board of Trade, and shall be delivered to the Company if the same was made by the Metropolitan Board of Works, and to the said Board if made by the Company.

Penalties in byelaws.

44. 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.

Proof of byelaws.

45. The production of a written or printed copy of any byelaws made under the authority of this Act, authenticated by the signature of any secretary or assistant secretary of the Board of Trade, shall, without proof of the signature of such secretary or assistant secretary, be evidence of the existence of such byelaws, and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled.

Penalty for obstruction of Company in laying out tramway.

46. If any person wilfully obstructs any person acting under the authority of the Company in the lawful exercise of their powers in setting out or making, forming, laying down, repairing, or renewing a tramway, or defaces or destroys any mark made for the purposes of setting out the line of the tramway, or wilfully damages or destroys any property of the Company, he shall for every such offence be liable to a penalty not exceeding five pounds.

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

47. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things; namely,

Interferes with, removes, or alters any part of a tramway or of the works connected therewith;

Places or throws any stones, dirt, wood, refuse, or other material on any part of a tramway;

Does or causes to be done anything in such manner as to obstruct any carriage using a tramway, or to endanger the lives of persons therein or thereon;

Or knowingly aids or assists in the doing of any such thing; he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding five pounds.

48. If any person travelling or having travelled in any carriage on any tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence be liable to a penalty not exceeding forty shillings.

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Penalty on passengers practising frauds on the Company.

49. 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.

Transient offenders.

50. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the 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 bringing dangerous goods on the tramway.

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

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

52. The Company or their lessees, as the case may be, 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 road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Company to be responsible for all damages.

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Recovery
of tolls,
penalties, &c.

53. All tolls, penalties, and charges under the Act of 1869 or this Act, or under any byelaw made in pursuance of the Act of 1869 or this Act, may be recovered and enforced before two justices of the peace, in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same.

Right of
user only.

54. Notwithstanding anything in the Act of 1869 or this Act contained, the Company shall not acquire or be deemed to acquire any right other than that of user of any road along or across which they lay any tramway.

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

55. Nothing in this Act or in the Act of 1869 shall take away or affect any power which any road authority may have by law to widen, alter, divert, or improve any road.

Power for
police
authorities
to regulate
traffic in
roads.

56. Nothing in this Act or in the Act of 1869 shall limit the powers of the Commissioners of Police in the metropolis to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and the said Commissioners may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Company or their lessees as to the traffic of other persons.

Reservation
of right of
public to
use roads.

57. Nothing in the Act of 1869 or in this Act, or in any byelaw made under this Act, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flanged wheels or wheels suitable only to run on the rail of the tramways.

Regulating
inquiries be-
fore referee
appointed by
the Board
of Trade.

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

1. The inquiry shall be held in public, before an officer to be appointed in that behalf by the Board, herein-after called the referee, and whose appointment shall be by writing, which shall specify all the matters referred to him:
2. Ten days notice at the least shall be given by the referee to the parties upon whose representation the Board of Trade shall have directed the inquiry of the time and place at which the inquiry is to be commenced:
3. The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from

time to time, as may be necessary, to such time and place as he may think fit:

4. The referee, by summons, shall, on the application of any party interested in the inquiry, require the attendance before himself, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him, and every person summoned shall attend the referee, and answer all questions touching the matter to be inquired into, and any person who wilfully disobeys any such summons, or refuses to answer any question put to him by such referee for the purposes of the said inquiry, shall be liable to a penalty not exceeding five pounds: Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him, and no person shall be required in any case, in obedience to any such summons, to travel more than ten miles from his place of abode:
5. The referee may and shall administer an oath, or an affirmation where an affirmation in lieu of an oath would be admitted in a court of justice, to any person tendered or summoned as a witness on the inquiry:
6. Any person who upon oath or affirmation wilfully gives false evidence before the referee shall be deemed guilty of perjury:
7. The referee shall make his report to the Board of Trade in writing, and shall deliver copies of the report, upon request, to all or any of the parties to the inquiry.

59. The Company and the Pimlico, Peckham, and Greenwich Street Tramways Company may from time to time enter into contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

Power to enter into traffic arrangements with Pimlico, Peckham, and Greenwich Street Tramways Company.

The user, working, maintenance, and management of their respective undertakings, or some part or parts thereof respectively:

The providing of rolling and working stock:

The appointment, removal, and payment of officers and servants:

The interchange, transmission, collection, and delivery of traffic coming from or destined for the undertakings of the respective companies:

The fixing, collection, division, apportionment, and appropriation by and between the companies of the rates, tolls, and charges upon their respective undertakings:

And all incidental matters.

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As to the construction of the tramways of the Company and other companies in same streets.

60. In any case in which any of the tramways of the Company are intended to be laid in any street or road along or upon which any other company have for the time being power to lay down a tramway or tramways, the works of the two companies shall be constructed in such manner and under such regulations and subject to such conditions as to ownership, use, maintenance, and management as shall be agreed upon between the two companies, or as shall, in case of difference between them, be determined by an arbitrator to be appointed, on the application of either company, by the Board of Trade, and the costs of any such arbitration shall be in the discretion of the arbitrator, and the arbitrator shall have power to make regulations with reference to the matters aforesaid, or any of them, and with reference to the future use, maintenance, and management of the tramways of both or either of the companies, and if either company fail to comply with any regulations so made they shall forfeit to the other company for every such failure the sum of one hundred pounds, and the further sum of fifty pounds for every day or part of a day during which the non-compliance shall continue to exist.

Tolls on traffic conveyed partly on the tramways of the Company and partly on the tramways of the Pimlico, Peckham, and Greenwich Street Tramways Company.

61. During the continuance of any such agreement, the tramways of the Company and of the Pimlico, Peckham, and Greenwich Street Tramways Company shall, for the purposes of tolls and charges, be considered as one tramway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the tramways of the Company and partly on the tramways of the Pimlico, Peckham, and Greenwich Street Tramways Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and no other short-distance charge shall be made for the conveyance of passengers partly on the tramways of the Company and partly on the tramways of the Pimlico, Peckham, and Greenwich Street Tramways Company.

Interest not to be paid on calls paid up.

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

Deposit for future Bills not to be

63. The Company shall not, out of any money out of this Act authorised to be raised, pay or deposit any sum which, by any

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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.

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paid out of capital.

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

Tramways not exempt from provisions of general Acts.

65. 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.

Expenses of Act.

