

**CHAPTER lii.**

An Act to incorporate the Plymouth and Devonport (Extension) Tramways Company and to authorise that Company to acquire and complete certain Tramways constructed under the Plymouth Devonport and District Tramways Act 1882 and to construct certain other Tramways in the county of Devon and for other purposes. A.D. 1886.
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[25th September 1886.]

WHEREAS by the Plymouth Devonport and District Tramways Acts 1882 and 1884 the Plymouth Devonport and District Tramways Company (herein-after called the old company) were authorised to construct certain tramways in Plymouth and Devonport and elsewhere in the county of Devon.

And whereas the authorised capital of the old company consists of 125,000*l.* divided into 12,500 shares of 10*l.* each.

And whereas the old company have constructed the tramways numbered 1 3 and 4 in the Act of 1882 as authorised by that Act and have raised by shares 47,910*l.* and expended for the purpose of the said tramways the sum of 50,000*l.* and upwards and did open the same for traffic until they were restrained by the order herein-after mentioned.

And whereas by an Order made in the Chancery Division of the High Court of Justice in an action (1884 D. 2347) wherein the mayor aldermen and burgesses of Devonport were plaintiffs and the old company were defendants and dated the 6th day of December 1884 the old company were restrained from using for public traffic without the consent of the plaintiffs the said mayor aldermen and burgesses of the borough of Devonport any one or more of the tramways numbered 1 3 5 6 and 7 mentioned in the said Act of 1882 until all such tramways should have been completed.

And whereas in consequence of such order the old company have been unable to use the tramways so constructed as aforesaid and they have become useless to the old company and the old company

A.D. 1886. have been unable to raise the further capital required for the purpose of constructing the other tramways authorised by the said Act of 1884 and the time granted by that Act has expired.

And whereas by an Order of the Chancery Division of the High Court of Justice dated the 2nd day of May 1885 the Court did order that the old company should be wound up under the provisions of the Companies Acts 1862 and 1867.

And whereas by another Order of the Chancery Division of the High Court of Justice made and dated the 22nd day of June 1885 the said Court did appoint Mr. Henry John Leslie official liquidator of the old company.

And whereas the persons in that behalf in this Act named with others are willing at their own expense to purchase maintain and work the tramways so constructed and to exercise the other powers vested in the old company and now subsisting under their said recited Acts and also to construct and maintain the several tramways numbered 1 2 and 3 in this Act mentioned on being incorporated into a company with adequate powers for the purpose.

And whereas it is expedient that the said Company so to be incorporated should acquire the tramways so constructed by the old company with the powers and subject to the liabilities by the Act of 1882 and the Act of 1884 conferred and imposed.

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act with a book of reference to those plans were duly deposited with the clerk of the peace for the county of Devon and are herein-after respectively referred to as the deposited plans sections and book of reference.

And whereas the purposes of this Act cannot be effected without the authority of Parliament.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows that is to say :—

Short title.

1. This Act may be cited for all purposes as the Plymouth and Devonport (Extension) Tramways Act 1886.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to the cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Act 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and the Lands Clauses

Consolidation Acts Amendment Act 1860 and section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 so far as the same respectively are applicable to and not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act. A.D. 1886.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation of terms.

The expression "the Company" means the Company incorporated by this Act.

The expression "purchased lines" means the lines of tramway and works as constructed and made by the old company and intended to be purchased worked and maintained by the Company.

The expression "the tramways" means the tramways and works and undertaking by this Act authorised and the expression "the undertaking" means the undertaking of the Company.

The expressions "Plymouth Corporation" and "Devonport Corporation" mean respectively the mayor aldermen and burgesses of the boroughs of Plymouth and Devonport.

The expression "the corporations" means the Plymouth Corporation and the Devonport Corporation and the expression "the corporation" means such one of such corporations as the context may require.

The expression "the boroughs" means the boroughs of Plymouth and Devonport and "the borough" means such one of such boroughs as the context may require.

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

The word "contingencies" in the Companies Clauses Consolidation Act 1845 (section 122) shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company.

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Company in-
corporated.

4. James Kirkwood and Charles Sanders Wright and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making working and maintaining the tramways and of acquiring working and maintaining the purchased lines and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Plymouth and Devonport (Extension) Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to
purchase.

5. The Company may purchase from the old company their successors or assigns or from the duly appointed liquidator for the time being of the said Company or his assigns and the said old company or its duly appointed liquidator for the time being their or his assigns may sell and assign to the Company such of the tramways and works as have been constructed under the provisions of the Acts of 1882 and 1884 with all material used in such construction and all the rights powers and privileges obligations and liabilities acquired and imposed by and upon the old company under or by virtue of the said recited Acts of 1882 and 1884 and the Tramways Act 1870 as now subsisting except powers of raising share or loan capital and powers relating to the constitution and administration of the old company.

Confirmation
of agreement.

6. The agreement made between John Lennox of the one part and Thomas Charlton and Charles Sanders Wright of the other part which is set forth in the First Schedule hereto is hereby confirmed and made binding on the said John Lennox and the said Thomas Charlton and Charles Sanders Wright respectively and full effect may and shall be given thereto.

Obligations
of old
company to
be performed
by Company.

7. Immediately on the exercise of the power of purchase hereinbefore contained all the conditions and obligations contained in the Act of 1882 and the Act of 1884 for the protection or benefit of the corporations or either of them or of any road authority shall be observed fulfilled and performed by the Company and those Acts shall be read and have effect as if the Company had been therein named instead of the old company except that with regard to section 7 of the Act of 1884 the obligations under sub-sections 2 and 8 shall be taken as fulfilled and the time prescribed by sub-section 3 for the purchase of the houses lands and premises

described in that sub-section shall be extended till the 1st day of A.D. 1886.
July 1887.

8. Any future purchase as herein-before mentioned shall be evidenced by a deed of conveyance duly stamped and the Company shall within three months from the date of transfer produce such deed to the Commissioners of Inland Revenue and failing the production of such deed within the time stated the ad valorem duty with interest at the rate of five pounds per centum per annum shall be recoverable from the Company with all the costs and charges attending the recovery of the same.

Future
purchases
to be by
deed of
conveyance
duly
stamped.

9. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may work and maintain the purchased lines and may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and with all proper rails plates works and conveniences connected therewith.

Power to
make tram-
ways.

The tramways herein-before referred to and authorised to be constructed by this Act are wholly situate in the county of Devon and are :—

A tramway (No. 1) of the total length of 1 mile 4 furlongs and 5.50 chains of which 1 mile 3 furlongs and 2.50 chains will be single line and 13 chains double line commencing by a junction with the existing Tramway No. 1 of the Plymouth Devonport and District Tramways Company in Belle-Vue Place at a distance of about 1 chain from the intersection of Belle-Vue Place and North Road and also at a distance of about one chain from the same point along the North Road and passes nearly along the centre line of Pennycombe Quick Hill and Alma Road and then along nearly the centres of Stuart Road Providence Place and Paradise Road and terminating in Fore Street at a point opposite the eastern boundary wall of the Devonport Public Hall.

A tramway (No. 2) of the total length of 5 furlongs 2 chains of which 4 furlongs and 3 chains will be single line and 9 chains double line commencing by a junction with Tramway No. 1 above described where it crosses Valletort Road and passes along Valletort Road and Portland Road until Portland Road crosses Trafalgar Road and then passes along Portland Road and Exmouth Road to Albert Road and terminating in Albert Road opposite the Railway Inn.

A tramway (No. 3) of the total length of 5 furlongs and 3 chains of which 4 furlongs 9 chains will be single line and 6 chains

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double line commencing by a junction with Tramway No. 1 above described in Paradise Road at the junction of Paradise Road with Trafalgar Road passing along Trafalgar Road and Tavistock Road and terminating in the centre of Molesworth Road about three chains from the north end of Molesworth Road.

For protection of
railway
companies.

10. In constructing and maintaining any tramway by this Act authorised where it crosses any bridge carrying any road over any railway belonging to the Great Western Railway Company or the Cornwall Railway Company or the London and South-western Railway Company or where it passes under any railway bridge belonging to those companies or any of them the Company shall be subject to the following conditions:—

- (1.) Every such tramway shall be constructed and maintained along the centre of the roadway :
- (2.) The Company shall not in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so construct and maintain such tramway over such bridge and the approaches thereto or under such bridge as the case may be as not to affect the same or the user of the road injuriously :
- (3.) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing user or removal of any such tramway the Great Western Railway Company or the Cornwall Railway Company or the London and South-western Railway Company as the case may be may at the expense of the Company restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the said Great Western Railway Company or the Cornwall Railway Company or the London and South-western Railway Company as the case may be against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Company are liable to maintain and repair under the 28th section of the Tramways Act 1870 and the said Great Western Railway Company or the Cornwall Railway Company or the London and South-western Railway Company may recover from the Company all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt may be recovered :

(4.) Whenever and so often as the said Great Western Railway Company or the said Cornwall Railway Company or the London and South-western Railway Company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways where a tramway passes under or over any railway bridge or to lift or support any such bridge or approaches owing to any subsidence thereof and they shall find it necessary for effecting any of such purposes that the working and user of such tramway over such bridge or approaches or under such bridge shall be wholly or partly stopped or delayed or that such tramway shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the promoters three clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the tramway shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of their engineer if such engineer should give such superintendence but only for so long a time as the said Great Western Railway Company or the Cornwall Railway Company or the London and South-western Railway Company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto: And in case the principal engineer of the Great Western Railway Company or of the Cornwall Railway Company or the London and South-western Railway Company as the case may be shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power or being or being intended to be of an unusual weight such strengthening shall be effected in all things at the expense of the Company who shall also pay to the Great Western Railway Company or to the Cornwall Railway Company or the London and South-western Railway Company as the case may be all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of any such tramway or any of the works connected therewith the amounts of such expenditure shall be recoverable as aforesaid by the said Great Western Railway Company or the Cornwall

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Railway Company or the London and South-western Railway Company as the case may be from the Company with full costs and charges by all and the same means as any simple contract debt is recoverable and in order to permit at any future time any alterations having for their object the widening of the span or openings of any railway bridge over which the said tramways are laid the Company shall so locate and lay the tramways upon such bridge or bridges as in the opinion of the respective railway companies owning the said bridge and railways shall cause the smallest amount of inconvenience and expense to the said railway companies by any such intended or projected widening :

(5.) Whenever any tramway on either side of any such bridge or approaches is a single line there shall only be a single line over such bridge and approaches and no turn-outs or passing-places shall be constructed thereon :

(6.) All works which may be necessary in constructing and maintaining any of the tramways as aforesaid over or under any bridge works or property of the Great Western Railway Company or of the Cornwall Railway Company or the London and South-western Railway Company shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the said Great Western Railway Company or of the Cornwall Railway Company or the London and South-western Railway Company or in case of difference of an engineer to be appointed by the Board of Trade on the application either of the Great Western Railway Company the Cornwall Railway Company or the London and South-western Railway Company or the Company :

(7.) No engine carriage or waggon using the tramway shall stop or stand on the space between the Great Western Railway Company's passenger station at Plymouth and the entrance to the Duke of Cornwall Hotel for a longer time than is absolutely necessary for passengers getting in or out of the said carriages under a penalty of not exceeding forty shillings for each offence and an additional sum of forty shillings for every hour during which the offence continues nor shall the Company have a turn-out or crossing-place in the said space.

Saving rights
of railway
companies.

11. Nothing contained in this Act shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the said Great Western Railway Company or of the Cornwall Railway Company or the London and South-western Railway Company otherwise than is hereby expressly provided.

12. The agreement made between the mayor aldermen and burgesses of the borough of Devonport of the one part and James Kirkwood and Charles Sanders Wright of the other part which is set forth in the Second Schedule to this Act is hereby confirmed and made binding on the Devonport Corporation and the Company respectively and full effect may and shall be given thereto.

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Confirmation
of agreement
with the
borough of
Devonport
scheduled
hereto.

13. The tramways shall be constructed on a gauge of three feet and six inches : Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage used on the tramways shall exceed five feet six inches in width.

Gauge of
tramways.

14. Before the Company break up or open any road for the purpose of any of the tramways by this Act authorised they shall in such case prove to the satisfaction of the corporation within whose borough it is proposed to construct the said tramway that capital to the amount of four fifths at least of the estimate of the expense of such tramway has been applied for issued and accepted and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same.

Four fifths
of capital to
be applied
for issued
and accepted
before works
commenced.

15. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of five hundred and forty pounds and ten shillings equal to five per centum upon the amount of the estimate in respect of the tramways has been deposited with the Paymaster General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") : Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers : Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the

Deposit fund.

A.D. 1886. — production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramway or tramways so opened bears to the entire length of the tramways hereby authorised the Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

16. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any corporation landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the

Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors. A.D. 1886.

17. No tramway hereby authorised to be constructed shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade. Inspection
by Board of
Trade.

18. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid the Company 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 but the Company shall in no case alter the level or gradient of any road where the said tramways are to be laid without the written consent of the road authority of such road being first obtained. Tramways
to be kept
on level of
surface of
road.

19. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade and the corporation respectively of Plymouth and Devonport in whose borough any such tramways are situate a plan showing the proposed mode of construction laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and the respective corporation and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by sections 26 and 27 of the said Act. Further
provisions
as to con-
struction of
tramways.

20. In regard to the tramway laid in Radford Road and Grand Parade the owners of those streets shall until the same have been taken over by the mayor aldermen and burgesses of the borough of Plymouth be deemed the road authority with all the rights powers and privileges of a road authority under the Tramways Act 1870 so far only as affects the tramway laid in those streets. Owners of
Radford
Road and
Grand
Parade to be
deemed road
authorities.

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Mode of
formation
of tramways.

21. Each line of tramway shall consist of a single pair of grooved rails and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road without loose or moveable points (except with the consent of the corporation within whose borough the line in question shall be situated) and in such other manner as regards construction rails sleepers fastenings width of groove foundation and in all other respects as the corporation may approve and in laying down the tramways the Company shall restore the level and surface of the roads and streets in all cases where the same are altered or disturbed: Provided that the Board of Trade may from time to time upon the application of any road authority require the Company to adopt and apply such improvements in the tramways including the rails thereof within the district of such road authority as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Road autho-
rities may
require
deviations in
tramways.

22. Either of the corporations in their absolute discretion may at any time either before the first construction of the tramways or any of them or afterwards by notice in writing given to the Company require the Company to deviate from the line of any tramway in their respective boroughs or the sidings thereof as shown by the deposited plans or as constructed in such places to such extent and in such manner as the corporations respectively may deem expedient: Provided always that no such deviation shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway if one third of the owners and occupiers of the houses shops or warehouses abutting upon the part of the road where such less space shall intervene shall within one month after written notice to them by the corporation of the borough within which it is proposed such deviation shall be made of the intention to make such deviation express their dissent in writing to the town clerk of such corporation: Provided also that if the Company do not within such reasonable time as shall be in that behalf specified in any such notice comply with the requirements of such notice the corporation from time to time may without prejudice to any other remedy against the Company carry out the requirements of such notice and all costs and expenses thereby incurred by them shall be paid to the corporation by the Company on demand and shall be recoverable from the Company by

proceedings in any court of competent jurisdiction: Provided that no such requisition shall be obligatory on the Company if it should prove to be necessary for the Company in order to comply with the same to obtain authority to do so by Act of Parliament or provisional order. A.D. 1886.
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23. If the Company commence the construction of the Tramway No. 3 by this Act authorised they shall whenever required by the corporation pay to the Devonport Corporation on three months' notice in writing so to do the cost of any works executed by the said corporation for widening and improving Tavistock Road between Stoke Villa and Park Lodge. Improve-
ment of
Tavistock
Road to be
borne by
the Company.

24. The Company shall at their own expense forthwith pave and at all times maintain and keep in good condition and repair with such materials and in such manner as the respective corporations 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 by the same company in any road at a distance of not more than six 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 also so much of the road as lies between either side of the road and the nearest rail of the tramway if the distance beyond these points does not exceed three feet: Provided that so far as regards the lines hereby authorised to be made and also the purchased lines within the borough of Plymouth the Company shall pave and repair two feet on each side of the rails. Repair of
part of road
where tram-
way is laid.

If the Company abandon their undertaking or any part of the same and take up any tramway or any 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 corporation or corporations as the case may be otherwise consent in writing) fill in the ground and make good the surface and to the satisfaction of the respective corporations 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 open 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 corporation or corporations as the case may be 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

A.D. 1886. — for the repair and maintenance or restoration of the road to the extent in this section above mentioned and the expense incurred by the corporation or corporations as the case may be in so doing shall on demand be repaid to them by the Company.

Penalty for
not maintain-
ing rails
and roads.

25. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and of all other tramways of the Company and the substructure upon which the same rest and if the Company at any time fail to comply with the provisions of this or the preceding section or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. The tramways of the Company for the purposes of this section shall include any tramways purchased by the Company or taken on lease by them during the continuance of any such lease. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Saving for
corporations
as to sewers.

38 & 39 Vict.
c. 55.

26. Nothing in this Act contained shall take away alter or diminish any of the powers rights or authorities of the corporations as the respective sewer authorities for the boroughs in which the tramways shall be laid and their officers and servants respectively either under the powers conferred on them by the Public Health Act 1875 or any other public local and private Act or Acts of Parliament affecting the boroughs already existing or which may hereafter be passed enabling the corporation to construct maintain or repair cleanse alter discontinue or otherwise deal with any sewers or drains manholes ventilating shafts and other works in connexion therewith or any lateral or private drains to communicate therewith or any gas or water mains or pipes belonging to the corporations

or over which they may from time to time have control or be empowered to construct and maintain or to break up any street within the boroughs for any other purpose for which they are authorised so to do. A.D. 1886.
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And the corporations respectively shall be entitled to require the Company to and the Company shall upon receiving twenty-four hours' notice in writing from the corporations so to do either stop the traffic upon the tramways in any street or road to which such notice shall refer or take up such tramway or shore up and secure the same at their own risk and cost to the satisfaction of the surveyor for the time being of the corporations during the construction of the works in any such street or road: Provided that all such work shall be done by the corporations with all reasonable despatch and with as little damage as reasonably may be to the tramways and the corporation shall not be responsible to the Company for any damage the Company may sustain by reason of their having to repair or relay their lines from time to time in consequence of the ground subsiding after the said sewer mains or other works shall have been completed and the ground above the same filled in but in the construction of such sewer mains and works and the filling in of the ground above and around the same the corporation shall proceed with all reasonable care and despatch: Provided further that the corporations shall not by reason of the execution of any such works incur any liability to the Company except for damage caused by the unreasonable or wilful act or neglect of the corporation or their servants.

When any tramway or passing-place is constructed or required to be constructed over any manhole or entrance into any sewer of the corporation or so close to any such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the corporation or their surveyor for the time being the Company shall if required by the corporation construct another manhole or entrance in lieu thereof in such a position and according to such plans as may be approved by the corporation.

27. Nothing in this Act contained shall obstruct hinder prejudice or prevent the respective corporations from breaking up any street or road in their respective boroughs for the purpose of laying down cleansing or repairing sewers drains mains pipes or for any other purpose for which they are authorised to break up any street within their respective districts and for that purpose to stop the traffic along the tramways respectively and any extra cost incurred by them in so doing and in restoring the surface of any street and any of the tramways by reason of such tramways being laid down shall be

Breaking up
streets by
corporations.

A.D. 1886. borne by the Company and be paid by them to the corporations and in default of such payment shall be recoverable in a court of summary jurisdiction under the Summary Jurisdiction Acts in the same way as if such cost had been a penalty incurred by the Company.

Traffic in
roads not to
be impeded.

28. During the construction of any works by this Act authorised in any roads the Company shall cause as little impediment as possible to the traffic along such roads and shall make such arrangements in the execution of such works as the corporations respectively may from time to time by writing require for preventing such traffic from being unnecessarily impeded.

Corporations
may suspend
tramway
traffic.

29. The corporations respectively may from time to time by notice in writing to the Company for the purpose of regulating and facilitating the traffic on market or fair days for the execution of any works by the corporation or any water company or during the time of any public meeting procession or demonstration or for any other purpose which the corporation having regard to the good government of the borough or the safety of the public may deem necessary stop delay and suspend the working of the tramways or any of them but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Company shall not be entitled to claim any compensation for damages in respect thereof.

Cleansing of
roads.

30. The control over the surface of every road in which any tramway is laid shall continue in the corporation of the borough in which such road is situated who may cleanse the same without reference to the tramways but whatever cleansing owing to snow or other matters impeding the traffic may be requisite for the proper working of the tramways shall be executed by the Company who shall in performing the same remove the snow or other matter from off the road forthwith and without first placing it on any other part of the road.

Superinten-
dence and
approval of
each road
authority
extended.

31. So much of section 26 of the Tramways Act 1870 as provides that the Company shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority unless that authority refuse and neglect to give such superintendence at the time specified in the notice or discontinue the same during the works and that the Company shall pay all reasonable expenses to which the said road authority is put on account of such superintendence shall extend and apply also to the works in the 27th and 28th sections of the said Act mentioned and to all other works of every description affecting any road sewer

or other works or property of or under the control or jurisdiction of the corporations respectively but no such supervision or inspection shall relieve the Company from any liability whatever. A.D. 1886.
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32. In the exercise of the powers conferred on the Company by this Act they shall do as little damage as may be and shall make compensation to the respective corporations for all damage sustained by them by reason or in consequence of the exercise of those powers or any of them. Company to do as little damage as possible and make compensation.

33. The sole responsibility of constructing maintaining and working the tramways free from damage or accident shall rest with the Company and they shall have no claim whatever for any interruption of traffic or for any damage (other than wilful damage) which may arise from any works executed or to be executed by the corporations respectively in or under or over any road on which any of the tramways may be laid or from the use of any implements or materials they may use in the maintenance thereof. Company to be solely responsible for maintaining tramways free from damage or accident.

34. If at any time hereafter any tramways or tramway extensions or additions are constructed within the boroughs or either of them by any company or person (other than the Company) the Company shall at the request of the corporations respectively permit all necessary and convenient junctions crossings and communications to be made and maintained between the tramways authorised by this Act and the tramways or tramway of any such other company or person as aforesaid and the Company shall if required by such other company or person give all such reasonable running powers (but not exceeding half a mile from any point of junction) and traffic facilities over and on their tramways upon such terms and conditions as to compensation and otherwise as may be agreed on between them or in case of difference as shall be settled in manner provided by section 33 of the Tramways Act 1870 and as the respective corporations shall require and as the Board of Trade shall approve. As to tramway extensions and running powers.

35. The Company may subject to the provisions of this Act with the consent of the local or road authority from time to time make maintain alter and remove such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised to be constructed and acquired by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage houses or works of the Company: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or Additional crossings passing-places &c. may be made where necessary

A.D. 1886. — occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Temporary
tramways
may be made
when
necessary.

36. Where by reason of the execution of any work affecting the surface or soil of the road along which any tramway is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company shall when required by the road authority and subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramways or part of the tramways so removed or discontinued. If any difference arises between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Application
of road |
materials
excavated in
construction
of works.

37. Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority (other than the corporations) may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit: Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined

in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority: Provided that as regards any roads within either borough such paving metalling or materials excavated by the Company shall remain the property of the corporation of such borough and shall be removed by and at the expense of the Company to any place within the borough not exceeding in distance one mile from the place of excavation as the corporation shall by notice in writing require and within such time as they may require. A.D. 1886.

38. The carriages to be used on the tramways shall subject to the provisions of the Tramways Act 1870 and of this Act be of such length width form and construction and the wheels of such carriages and the breaks attached thereto shall be of such construction form and dimensions as may from time to time be reasonably approved by the corporations in writing certified under the hands of their town clerks or in case of difference of opinion between the corporations as may be approved by the Board of Trade and it shall not be lawful for the Company to use on any of the tramways any carriage or wheel or break in contravention of the foregoing provisions. Carriages.

39. The carriages used upon the tramways authorised to be constructed under this Act may be moved by animal power but subject to the consent of the Board of Trade given prior to the opening of the same for public traffic the said carriages may for a period of seven years from the date of the said opening be worked by steam or other mechanical power: And for such other successive periods of seven years as the said Board of Trade may from time to time specify in any order signed by a secretary or assistant secretary to the said Board the said tramways may continue to be worked with steam or other mechanical power: Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Third Schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways: Provided also that the Company shall not use steam power or any mechanical power on the said tramways unless and until they shall have obtained the previous consent in writing of the corporations therefor and then for such time only and subject to Carriages may be moved by animal steam or mechanical power.

A.D. 1886. — such conditions and regulations as the corporation may from time to time prescribe.

Provisions
for protection
of the
Postmaster-
General.

40. In the event of the tramways of the Company being worked by electricity the following provisions shall have effect :

- (1.) It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.
- (2.) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act.
- (3.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
- (4.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and

that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

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(5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by any act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(6.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

41. (1.) The Company if required by the Postmaster-General shall perform with respect to any tramway owned by or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:

Carrying of
mails by
Company.

(a.) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Company in or upon any carriage that is to say:—

(1.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(2.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(3.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary

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parcels or for the luggage of ordinary passengers whichever is the greater.

- (b.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.
- (c.) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger.
- (d.) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office or the inspector general of mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Penalty for
using steam
or mechanical
power

42. The Company or any company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in

the Third Schedule to this Act or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam or any mechanical power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the Third Schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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contrary to
order or
regulations.

43. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes that is to say:—

Byelaws by
Board of
Trade.

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

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

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

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

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

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Penalty for
breach of
byelaws.As to re-
covery of
penalties.

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

45. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade and the corporations respectively under the authority of this Act.

Amendment
of 33 & 34
Vict. c. 78,
as to byelaws
by local
authority.

46. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

Byelaws by
corporations.

47. The powers of the respective corporations under the Tramways Act 1870 with respect to the making regulations and byelaws as to the matters and for the purposes therein mentioned and to repeal or alter such byelaws and make new byelaws shall extend and apply to the following matters and purposes (that is to say):—

- (1) Prohibiting the stopping of tramway carriages to take up and set down passengers or for any other purpose and the entry or leaving of any carriage in any place which the corporation having regard to the protection safety or convenience of the public may from time to time deem necessary:
- (2) Empowering the corporation to cause to be removed from the tramways any carriage or horse harness or fittings which shall be certified by an officer who may be appointed by the corporation to be unfit for use on the tramways:
- (3.) For enforcing good conduct attention and civility from the drivers and conductors of the tramway carriages.

Authentica-
tion of bye-
laws.

48. The Board of Trade shall be and they are hereby authorised to approve of byelaws made under the authority of section 46 of the Tramways Act 1870 and of this Act with respect to the undertaking authorised by this Act and no such byelaw made after the passing of this Act shall have any force or effect unless the same shall have been so approved and the production of a written or printed copy of any such byelaw signed by a secretary or an

assistant secretary of the Board of Trade shall be *prima facie* evidence of such byelaws in all courts of justice and in all legal proceedings whatsoever. A.D. 1886.

49. Section 68 (modification of tramways in certain cases) of the Act of 1882 shall extend and apply to the tramways within the borough of Plymouth by this Act authorised as well as to the purchased lines.

Section 68 of Act of 1882 to apply to new tramways in borough of Plymouth.

50. Where the Company or any other company or person intend to use steam or any mechanical power under the authority of this Act on the tramways or any part thereof they or he shall give two months' previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend to use such power are or is situated.

As to contracts with road authorities where steam or mechanical power is to be used.

Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other company or person to such

A.D. 1886. road authority of any annual or other sum in relation to such user paying and keeping in repair of such road which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Company or such other company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such other company or person or the Company or such other company or person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed: Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or such portion of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways are laid.

Where steam or mechanical power is used contract with road authority not to be for longer than two years at a time.

51. Where steam or any mechanical power is used by the Company or any other company or person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or any mechanical power as aforesaid with respect to the user by the Company or such

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other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of such contract agreement or arrangement: Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

52. The capital of the Company shall be seventy thousand pounds divided into seven thousand shares of ten pounds each. Capital.

53. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof. Shares not to issue till one fifth paid up.

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

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

56. The Company may in respect of the capital of seventy thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole seventeen thousand five hundred pounds in manner following that is to say in respect of each thirty-five thousand pounds of such capital of seventy thousand pounds any sum not exceeding in the whole eight thousand seven hundred and fifty pounds but no part of either such sum of eight thousand seven hundred and fifty pounds shall be borrowed until some portion of the tramways to be purchased or constructed under the powers of this Act is open for public traffic and until shares for so much of the respective portion of capital in respect of which the borrowing power is to be exercised are 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 Power to borrow.

A.D. 1886. Consolidation Act 1845 (before he so certifies) that shares for the whole of such respective portion of capital have been issued and accepted and that one half thereof has been paid up or credited as paid up and that not less than one fifth part of the amount of each separate share in such respective portion of capital has been paid up on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued *bonâ fide* and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

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

Company not to create debenture stock.

58. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

59. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by local authority.

60. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by the local authority under the 43rd section of the Tramways Act 1870 or under this Act.

Moneys borrowed on mortgage to have priority.

61. All moneys to be borrowed on mortgage under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the

Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages.

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62. When in any year the clear profits of the Company shall amount to more than sufficient to pay a dividend at the rate of seven pounds ten shillings per centum per annum on the amount paid up on the ordinary shares of the Company the Company shall thenceforth pay to each corporation within whose borough the tramways are laid an annual rent at the rate of twenty pounds per mile and so in proportion for less than a mile for the use of the roads or streets within the boroughs respectively and such rent shall be calculated according to the length of the tramways in the said road or street and shall be payable half-yearly by equal instalments on the first day of July and the first day of January in each year and the first payment of such rent shall be made on the first day of January next after the year in which such clear profits shall be sufficient to pay the dividend aforesaid. Any moneys which may from time to time be received by the corporations under this section shall be applied by them towards the expense of improving repairing and maintaining the highways within their respective borough having regard in the first instance to the highways upon which the tramways are constructed.

Corporations
to participate
in surplus
profits.

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

Application
of moneys.

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

First ordi-
nary meet-
ing.

65. 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.

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

Qualification
of directors.

67. The quorum of a meeting of directors shall be three but if the number of directors shall be reduced to three the quorum shall be two.

Quorum.

68. James Wright Charles Sanders Wright and George Wright and two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary

First
directors.

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Election of
directors.

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

Period for
completion
of works.

69. If the tramways by this Act authorised are not completed within two years after the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto respectively shall cease to be exercised except as to so much thereof as is then completed.

Powers to
cease in case
of non-com-
mencement
or suspension
of works :

70. If the Company do not substantially commence the works on the tramways within twelve months from the passing of this Act or if such of the 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 and 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.

And Com-
pany to
restore roads.

71. A statement in writing by the Board of Trade to the effect that the tramways have 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 the road on which they shall have commenced the works and to the satisfaction of the Devonport or Plymouth Corporation 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 the works and if the Company shall fail or

neglect so to do for the space of forty-two days then the corporations respectively may exercise all the powers of removal and sale vested in them by this Act on the discontinuance of the tramways.

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72. If the Company having commenced to work the traffic fail to continue working it on any of the tramways or any part thereof they shall be liable if such failure take place within either borough to pay to the corporation of the borough in which such failure shall occur a penalty for every day on which they so fail of not exceeding five pounds for each of the first three days and ten pounds per day afterwards to be recoverable in any court of summary jurisdiction: Provided always that the Company shall not be liable to any such penalty if the failure to work the tramway arises from any act of the corporation or their officers or from circumstances over which the Company have no control.

Penalty for
not working
tramway.

73. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
take ease-
ments, &c.
by agree-
ment.

74. The Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof including tolls for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile and in computing the said tolls and charges the fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than twopence and for the purpose of such tolls and charges the tramways by this Act authorised and the purchased lines if acquired shall be deemed one tramway.

Tolls for
passengers.

75. 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.

76. The Company at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage or more if required each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such

Cheap fares
for labouring
classes.

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hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think most convenient for artizans 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 the said Board shall have power to fix and regulate the same from time to time.

Company not
to carry
animals or
goods on
tramways.

77. The Company shall not carry on the tramways any goods animals or other things other than passengers and passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels.

Tolls for
parcels &c.

78. The Company may demand and take in respect of any materials articles or things in small parcels conveyed by them any tolls or charges not exceeding the rates following (that is to say):—

For any parcel not exceeding seven pounds in weight threepence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence:

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence:

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence:

For any parcel or thing exceeding fifty-six pounds in weight such sum as the Company may think fit.

As to pay-
ment of tolls.

79. 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 may by notice to be annexed to the list of tolls appoint.

List of tolls
to be ex-
hibited in
carriages.

80. A list of 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.

Periodical
revision of
tolls.

81. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the

tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

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82. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect (namely): Form and delivery of notices.

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

83. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or 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 vested in or exercised by the said Principal Secretary for the time being 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

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

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Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

Justices not
disqualified.

84. No justice of the peace shall be deemed incapable of acting in cases under this Act by reason of his being a member of the council of either corporation or by reason of his being a contributor or liable to contribute to the local rates.

Difference
between
Company
and road
authority.

85. If any difference arises between the Company on the one hand and either corporation on the other hand with respect to any interference or control exercised or claimed to be exercised by them or on their behalf or by the Company by virtue of this Act in relation to the tramways or works or in relation to any work or proceeding of the corporation 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 corporation or with respect to any other subject or thing regulated by or comprised in this Act the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference shall be borne and paid as the referee directs.

Saving
rights.

86. Except as is by this Act otherwise expressly provided nothing in this Act contained shall extend or be construed to extend to take away abridge lessen prejudice or in any way affect or alter any of the estates rights interests jurisdictions powers authorities immunities advantages or privileges of or belonging or appertaining to the Plymouth Corporation and the Devonport Corporation and save as aforesaid they respectively shall and may have use exercise and enjoy the same as fully freely and effectually in all respects as they could or might have done if this Act had not been made and confirmed.

Valuation of
undertaking
in a certain
event.

87. In the event of either corporation exercising the power of purchase conferred by section 43 of the Tramways Act 1870 that section shall apply and take effect for the purpose of such purchase as if instead of the words "exclusive of any allowance for past or future profits of the undertaking" were inserted the words "exclusive of any allowance for goodwill or prospective increase of value."

Interest not
to be paid on
calls paid up.

88. No interest or dividend shall be paid out of any loan or share capital which the Company are by this or any other Act

authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall 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. A.D. 1886.

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

90. Nothing in this Act contained shall exempt the Company or the corporation in the event of their purchasing the tramways or any part thereof or 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 or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act. Provision as to general Acts.

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

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

THIS AGREEMENT made this sixth day of September 1886 between John Lennox of Victoria Mansions Westminster engineer herein-after called the vendor of the one part and Thomas Charlton and Charles Sanders Wright the promoters and intending directors of a Company to be incorporated by a Bill now before Parliament and to be called the Plymouth and Devonport (Extension) Tramways Company herein-after called the purchasers of the other part.

WHEREAS the Plymouth Devonport and District Tramways Company now in liquidation under the powers of their Act of 1882 did construct and build certain tramway lines in the borough of Plymouth which said lines are set out in the schedule hereto AND WHEREAS the liquidator of the said Company by an agreement (dated 26th May 1886) between himself and James Wright agreed to sell the said constructed lines of tramway to the said James Wright which said agreement has been confirmed by the High Court of Justice AND WHEREAS the said James Wright by agreement made July 1886 between himself and the said John Lennox among other matters and for the consideration therein contained agreed to sell and transfer to the said John Lennox all his rights and powers of purchase under his said agreement with the said liquidator including the assignment and transfer of the said lines of tramway NOW THIS AGREEMENT WITNESSETH that provided the before-mentioned Bill is passed and becomes an Act of Parliament and provided the said Bill contains powers for the Company thereby to be incorporated to acquire purchase and work the said lines the said John Lennox has agreed to sell and the said Company (meaning the Plymouth and Devonport (Extension) Tramways Company) by its directors the said purchasers agrees to purchase the said lines of tramway but subject to all the conditions by the Acts of 1882 and 1884 and the Tramways Act 1870 imposed upon the Company now in liquidation AND the said purchasers hereby further agree that in consideration of the sale transfer and conveyance to them of the said lines of tramway they will pay to the said John Lennox his executors administrators or assigns the sum of twenty-six thousand pounds AND the said John Lennox agrees that he will sell transfer and convey to the said Plymouth and Devonport (Extension) Tramways Company the said tramway lines free of all claims costs and charges

for the said sum of twenty-six thousand pounds AND IT IS HEREBY AGREED by both parties hereto that should the said Bill fail to become an Act of Parliament or should it become an Act without any powers to purchase and acquire the said lines of tramway then this agreement shall be null and void and no liability shall attach to either party hereto AND furthermore should the said Company within 20 days from the day on which the said Bill obtains the Royal Assent fail to pay to the said John Lennox the said sum of twenty-six thousand pounds being the said purchase money then the said John Lennox shall be set free from all liability on his part to carry out the said sale and transfer.

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THIS agreement shall be scheduled to and confirmed by the said Bill but it is subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make any material alteration in this agreement it shall be competent to any party thereto to withdraw therefrom.

SCHEDULE ABOVE REFERRED TO.

PARTICULARS OF PROPERTY PROPOSED TO BE SOLD.

Tramways made.

The terminus of the tramroad is at West Hoe and thence it passes along the following route—Radford Road West Hoe Road Milbay Road Athenæum Terrace George Street Lockyer Street Princess Square through Westwell Street North Road Hundiscombe Road Mutley Plain Townsend Hill to Manimead Terminus.

Line inside dépôt.

The above lines constitute Tramways 1 and 3 and part of Tramway No. 4 authorised by the Plymouth Devonport and District Tramways Act 1882.

Signed by the said John Lennox in the
presence of

CHAS. F. W. SCRIVEN

Lorne Villa Sussex Road

Ealing Dean

Clerk.

} JOHN LENNOX.

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SECOND SCHEDULE.

ARTICLES OF AGREEMENT entered into this 23rd day of February 1886 between the mayor aldermen and burgesses of the borough of Devonport in the county of Devon (herein-after called "the Corporation") of the one part and James Kirkwood of 1 Crown Court Threadneedle Street in the City of London Exchange broker and Charles Sanders Wright of 16 Belsize Park Gardens South Hampstead in the county of Middlesex engineer the Promoters of a Bill styled "the Plymouth and Devonport (Extension) Tramways Bill" now passing through the present session of Parliament (herein-after called "the Promoters") of the other part whereby it is mutually agreed as follows:

1. The Promoters shall within six months after the passing of the Bill and before they commence any works or break up any road within the borough of Devonport deposit with the Corporation the sum of 1,000*l.* as a guarantee and security to the Corporation for the completion of the tramways within the period limited by the said Bill for that purpose.

2. In the event of the said Bill being passed and the said sum of 1,000*l.* being deposited as aforesaid the Corporation shall retain and pay to themselves the sum of 450*l.* in respect of the costs of this agreement and of certain costs charges and expenses of and incident to the proceedings of a company now in liquidation called "the Plymouth Devonport and District Tramways Company" including the costs and charges incurred by the Corporation in and about an action in the Chancery Division of the High Court of Justice between the Corporation and the said Plymouth Devonport and District Tramways Company and shall retain the sum of 550*l.* the balance of the said sum of 1,000*l.* until the expiration of the period limited by the said Bill for the completion of the tramways to be constructed under the said Bill.

3. In the event of the said tramways being duly completed within the aforesaid period the Corporation shall forthwith after such completion repay to the Promoters the said sum of 550*l.* together with interest thereon at the rate of 3*l.* per cent. (three pounds per centum per annum) from the date of deposit until the date of repayment.

4. In the event of the said tramways not being completed within the period so limited as aforesaid the said sum of 550*l.* shall be absolutely forfeited to the Corporation and the Promoters shall have no claim whatever for the repayment of the same or any portion thereof.

5. At any time after the Promoters shall have made the said deposit of 1,000*l.* with the Corporation as aforesaid the Corporation shall on the request of the Promoters provisionally consent to the using for public traffic of the tramways numbered 1 3 5 6 and 7 in the Plymouth Devonport and District Tramways Act 1882 or any one or more of them provided that if the tramways to be constructed under the said Bill shall not be begun within 12 months

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after the passing of the said Bill or shall not be completed and opened for traffic within the period so limited as aforesaid for completion the said consent of the Corporation for the user for public traffic shall cease to continue in operation.

6. This agreement shall be scheduled to and confirmed by the said Bill but it is subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make any material alteration in this agreement it shall be competent to any party thereto to withdraw therefrom.

Signed by the within-named JAMES
KIRKWOOD in the presence of
JAMES WRIGHT
84 Lombard Street
London.

JAMES KIRKWOOD.

L.S.

Signed by the within-named
CHARLES SANDERS WRIGHT
in the presence of
JAMES WRIGHT
84 Lombard Street
London.

CHARLES S. WRIGHT.

L.S.

In witness whereof the said Corporation
have caused their corporate seal to
be set the day and year first before
written.

J. BRICKWOOD HUTCHINGS.

The
Common Seal
of the Borough
of
Devonport.

The corporate seal of the Corporation of Devonport was hereunto affixed at a meeting of the town council of the said borough held on the 23rd day of February 1886 by

JAMES DAMERELL

Accountant.

THIRD SCHEDULE.

REGULATIONS WITH RESPECT TO USE OF MECHANICAL POWER ON TRAMWAYS.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

Break power
of engines.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted:—

As to
fittings of
engines, &c.

With an indicator by means of which the speed shall be shown:

With a suitable fender to push aside obstructions:

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With a special bell whistle or other apparatus to be sounded as a warning when necessary : and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to carriages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of
engines and
carriages.

The Board of Trade shall on the application of the local authority and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

As to speed.

The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.