



CHAPTER clxiv.

An Act for incorporating and conferring powers on the A.D. 1890.
Penzance and Newlyn Tramways Company and for other
purposes. [4th August 1890.]

WHEREAS the laying down of tramways in certain streets and roads in the county of Cornwall and parish of Madron Chapelry of St. Mary Penzance and borough of Penzance would be of local and public advantage :

And whereas it is expedient that the persons herein-after named with others should be incorporated into a company and empowered to lay down maintain and work the said tramways :

And whereas it is expedient that the new road and street widening herein-after specified should be authorised to be made and that the mayor aldermen and burgesses of the borough of Penzance (herein-after referred to as the corporation) should have power to contribute towards the cost of such new road and street widening :

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised and of the new road and street widening together with books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Cornwall and are in this Act referred to as the deposited plans sections and books of reference :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

[Ch. clxiv.] *Penzance and Newlyn Tramways* [53 & 54 VICT.]
Act, 1890.

A.D. 1890. Commons in this present Parliament assembled and by the authority of the same (as follows) :

Short title. 1. This Act may for all purposes be cited as the Penzance and Newlyn Tramways Act 1890.

Incorporation of Acts. 2. The following Acts and parts of Acts namely the Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts section 3 (interpretation of terms) section 19 (local authority may lease and take tolls) and Parts II. and III. of the Tramways Act 1870 so far as the same respectively are applicable to and are not varied by or inconsistent with the provisions of this Act are hereby incorporated with and form part of the provisions of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the tramway" or "the tramways" means the tramways by this Act authorised unless one of such tramways is expressly mentioned the expression "the street improvements" means the new road and street widening authorised by this Act the expression "the Company" means the Company incorporated by this Act the expression "the undertaking" means the undertaking by this Act authorised the expression "the borough" means the borough of Penzance in the county of Cornwall the expression "the corporation" means the mayor aldermen and burgesses of the borough acting by the council the expression "the Penzance Tramways" means such and so much of the tramways as are authorised to be constructed within the borough the expression "the local board" means the Madron Local Board and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute and 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 the Tramways Act 1870 (section 43) at a sum less than the aggregate amount of the capital and debts of the Company.

4. William Abbotts Frederick Arthur Darlington and Rowland A.D. 1890.
Wilkinson and all other persons and corporations who have already Company
subscribed to or shall hereafter become proprietors in the under- incorporated.
taking and their executors administrators successors and assigns
respectively shall be and are hereby united into a company for the
purpose of making and maintaining the tramways and for other the
purposes of this Act and for those purposes shall be and are hereby
incorporated by the name of "the Penzance and Newlyn Tramways
Company" and by that name shall be a body corporate with perpetual
succession and a common seal and with power to purchase take
hold and dispose of lands and other property for the purposes of
this Act.

5. Subject to the provisions of this Act and of Parts II. and III. Description
of the Tramways Act 1870 the Company may make form lay down of tramways.
work use and maintain in the lines and according to the levels shown
on the deposited plans and sections and in all respects in accordance
with those plans and sections the tramways herein-after described
with all proper rails plates works and conveniences connected
therewith (that is to say):—

A tramway (No. 1) 4 furlongs 2·15 chains or thereabouts in length
commencing in Newlyn Road twenty-five feet or thereabouts
eastward from the centre of Newlyn Bridge over the Tolcarne
River and proceeding thence in an easterly direction along the
said Newlyn Road crossing the Lariggan Bridge through
Wherrytown and terminating at the western boundary of the
borough of Penzance.

Tramway No. 1 will be a single line except between the following
points where it will be a double line viz. For a distance of
1·60 chains or thereabouts from its commencement for a
distance of 2 chains or thereabouts measured eastwards from
the east end of the house called Wesley Manse for a distance
of 1·40 chains or thereabouts measured eastwards from the
easterly fence of the third field eastwards from the said Wesley
Manse for a distance of 1·70 chains or thereabouts measured
westwards from the fence on the south-western side of the field
adjoining the south-western end of Alexandra Terrace for a
distance of 3·22 chains or thereabouts measured westwards
from a point thirty links or thereabouts westwards from the
centre of Lariggan Bridge and for a distance of 2·64 chains
measured westwards from the termination of Tramway No. 1.

A tramway (No. 2) 3 furlongs 3·20 chains or thereabouts in
length commencing on the Esplanade at the western boundary
of the borough of Penzance by a junction with Tramway No. 1

A.D. 1890.

at its termination and proceeding thence in an easterly direction along the Esplanade and terminating on the said Esplanade 1·60 chains or thereabouts eastwards from the east end of South Terrace.

Tramway No. 2 will be a single line except between the following points where it will be a double line viz. For a distance of 9·52 chains or thereabouts measured eastwards from the east end of a house called Dingley's Boarding House at the corner of Alexandra Road for a distance of 1·90 chains or thereabouts measured eastwards from a point 13 feet or thereabouts west of the easterly end of the Queen's Hotel and for a distance of 5·52 chains or thereabouts measured westwards from the termination of Tramway No. 2.

A tramway (No. 3) single line throughout 1 furlong 2·60 chains or thereabouts in length commencing on the Esplanade by a junction with the termination of Tramway No. 2 and proceeding thence in an easterly direction over a proposed new viaduct and road (intended to be constructed under the powers of this Act across the foreshore the south side of Batten's Wharf and Battery Square) thence along the quay and terminating thereon opposite the south side of the harbour office.

A tramway (No. 5) 3 furlongs 6·35 chains or thereabouts in length commencing on the quay by a junction with the termination of Tramway No. 3 passing thence in a northerly direction along the quay adjoining the dock across the Ross Swing Bridge and Viaduct thence along the quay adjoining the harbour as far as the Station Approach Road thence in a westerly direction along the Station Approach Road and terminating in the Station Approach Road at its junction with Market Jew Street.

Tramway No. 5 will be a single line except between the following points where it will be a double line viz. For a distance of 3·25 chains or thereabouts from its commencement for a distance of 2·40 chains or thereabouts measured northwards from a point 50 links or thereabouts south of the south end of the Ross Swing Bridge for a distance of 1·57 chains or thereabouts measured northwards from the north wall of the inner harbour for a distance of 3·18 chains or thereabouts measured southwards from the south end of the coal stores of the Penzance Gas Company for a distance of 2·73 chains or thereabouts measured northwards from the north end of the coal stores of the Penzance Gas Company and for a distance

[53 & 54 VICT.] *Penzance and Newlyn Tramways* [Ch. clxiv.]
Act, 1890.

of 2·60 chains or thereabouts measured northwards from the south side of Albert Street. A.D. 1890.

The tramways will be situate in the parish of Madron Chapelry of St. Mary Penzance and borough of Penzance in the county of Cornwall.

6. The tramway to be made formed or laid down under this Act shall be constructed on a gauge of three feet six inches and be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the street or road. Provided 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 motor or carriage used on the said tramways shall exceed five feet six inches in width. Mode of formation of tramways.

7. The tramway shall not 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 the Board of Trade.

8. If the road authority shall hereafter alter the level of any road along which the tramways are laid or authorised to be laid the Company may and shall from time to time at their own expense and to the satisfaction of the road authority 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. Tramways to be kept on a level with surface of roads.

9. The Board of Trade may from time to time upon the application of the road authority require the Company to adopt and apply such improvements in the tramways including the rails thereof 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 such improvements. Company to adopt improvements if required by Board of Trade.

10. 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 or renewing any of the tramways lay before the Board of Trade and as regards the Penzance Tramways also before the corporation a plan showing the proposed mode of constructing laying down maintaining or 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 or renewal of any of the tramways or part of any of the tramways respectively Further provisions as to construction of tramways.

A.D. 1890. — until such plan and statement have been approved by the Board of Trade and as regards the Penzance Tramways also by the 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 section 26 of the said Act.

Application of road materials excavated in construction of tramways.

11. Any paving metalling or material excavated by the Company in the construction of their works from any road 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 the tramways of so much of the roadway on either side of the 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 to that effect such surplus thereof as aforesaid is not removed by the surveyor or by some other person or persons 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 the road authority or their surveyor or other person appointed as aforesaid 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.

As to rails of tramway.

12. The rails of the tramway shall be such as the Board of Trade and as regards the Penzance Tramways the corporation may approve and the Penzance Tramways shall be constructed laid and maintained according to such general specification as to the kind of rail sleepers fastenings grooves foundations and manner of laying and repair thereof as shall be submitted to and be reasonably approved by the corporation and as the Board of Trade and the local board may approve. Provided that the approval of the corporation shall not be unreasonably withheld.

Penalty for not maintaining rails and roads.

13. 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 the substructure upon which the same rests and if the Company at any time fail to comply with this provision 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 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 of them 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 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.

A.D. 1890.

14. Every local and sewer authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of such local or sewer authority in the same manner as if the same were a pipe for the supply of gas or water.

Local and road authorities to have access to sewers.

15. The Company may subject to the provisions of this Act with the consent in writing of the local authority and road authority from time to time make maintain alter and remove such crossings passing places sidings junctions and other works as they may find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables sheds 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 the said rail and the outside of the footpath on either side of the road.

Power to make sidings and junctions where necessary.

16.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have

Restrictions on displacing persons of labouring class.

A.D. 1890. — been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United

Kingdom Provided that the court may if it think fit reduce such A.D. 1890.
penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of 25 years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be indorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(9) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under

A.D. 1890. — this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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

Power to
Company to
widen street
and to make
new road and
viaducts.

17. Subject to the provisions of this Act and in accordance with the deposited plans the Company may—

Construct a new road from the Esplanade across the foreshore Battens Wharf Battery Square and Lime Wharf to the Quay with all necessary viaducts sea walls drains and other works :

Widen the north-easterly end of the Esplanade on the north side thereof for a distance of sixty yards east of the east end of No. 19 South Terrace :

And for these purposes may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required therefor.

Owners may
be required
to sell parts
only of
certain lands
and build-
ings.

18. And whereas in the construction of the street improvements tramways and works hereby authorised or otherwise in the exercise of the powers of this section it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions might be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding the provisions of section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in Schedule C to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise.

19. The Company may enter into agreements with the corporation with respect to the acquisition of the land or property referred to in section 17 of this Act and the contribution or provision by the corporation and the Company respectively or either of them of the expenses incidental thereto or any part thereof or any of such matters and may carry the same into effect Provided that the purposes of such agreements shall so far as regards the corporation and subject to the approval of the Local Government Board be deemed to be purposes of the Public Health Act 1875 and any such agreements shall be carried into effect by the Corporation under and subject to the provisions of that Act.

A.D. 1890.

Company may enter into agreements with corporation as to the acquisition of land or property.

20. The corporation may subscribe any sum of money not exceeding in the whole the sum of six thousand pounds as a contribution towards the cost of the street improvements by this Act authorised or any of them.

Power to corporation to subscribe to new road street improvements &c.

21. The corporation may with the consent of the Local Government Board from time to time (in addition to any moneys which they are now authorised to borrow) borrow at interest for the purpose of contributing to the cost of the making by the Company of the street improvements by this Act authorised on the security of the borough fund borough rate general district rate or district fund or otherwise a sum not exceeding six thousand pounds.

Borrowing powers.

22. All moneys borrowed or re-borrowed by the corporation under the authority of this Act may be borrowed and re-borrowed for any term not exceeding sixty years from the date of first borrowing the same as shall be sanctioned by the Local Government Board and the corporation shall under such provisions as shall be sanctioned by the Local Government Board pay off within the term aforesaid all money borrowed by them under this Act either by half-yearly instalments or by means of a sinking fund from time to time set apart and invested in securities authorised by law for investment by trustees and with the produce or accumulations thereof applied in that behalf.

Power to corporation to reborrow.

23. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Cornwall for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same

Correction of errors in deposited plans and books of reference.

A.D. 1890.

— accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Cornwall and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to execute the works in accordance with such certificate.

Period for completion of new road street widenings &c.

24. If the street improvements by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making the said street improvements and for laying down and working tramways therein shall cease except as to so much of the said street improvements and tramways respectively as is then completed.

Period for compulsory purchase of lands.

25. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of tramways.

26. The tramways shall be completed within three years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but any portion of such tramways may with the consent of the Board of Trade and the Corporation or local board be opened for public traffic prior to the completion of the entirety thereof.

Company not to run carriages adapted for railways.

27. The Company shall not use upon the tramways carriages or trucks constructed for use upon railways for the conveyance of or convey upon the tramways animals goods minerals or merchandise other than passengers' luggage or parcels not exceeding two hundredweight.

Cable system and other apparatus may be used on tramways.

28. The carriages used upon the tramways may subject to the provisions of this Act and with the consent in writing of the Board of Trade during a period of seven years after the date of such consent being given and with the like consent during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or assistant secretary

of the said Board be moved by haulage with wire ropes cables chains electric apparatus or other appliances placed underground in connexion with stationary engines or by means of electric power compressed air or any mechanical power used under or applied to the rails other than steam locomotive power Provided always that the exercise of the powers hereby conferred with respect to the use of any electric or mechanical power shall be subject to the regulations set forth in the Schedule A to this Act and to any regulations that may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are 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 any electric or mechanical power on the tramways. A.D. 1890.

29. If the Company or any other company or person use any electric or mechanical power on any of the tramways contrary to the provisions of this Act or to any regulations ordered by the Board of Trade as aforesaid they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction thereof 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 any electric or 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 Schedule A to this Act or with any regulations which may have been made 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. Penalty for using mechanical power contrary to Act or regulations.

30. 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 all or any of the tramways upon which any electric or mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say) :— Byelaws for regulating user of mechanical power.

For regulating the use of the bell whistle or other warning apparatus fixed to the motors or carriages ;

A.D. 1890.

For providing that motors 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 motor used for drawing or propelling such carriages ;

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

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.

As to
recovery of
penalties.

31. 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 under the authority of this Act.

Amendment
of the
Tramways
Act 1870 as
to byelaws
by local
authority.

32. 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 byelaw 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 motors 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 said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and
byelaws.

33. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

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

34. Before the Company or any other company or person use any electric or 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 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 any electric or mechanical power upon such tramways or such part thereof be determined and of no effect. A.D. 1890.

Before using any electric or 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 road authority of any annual or other sum in relation to such user paving 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

A.D. 1890. — 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 promoters 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 electric or mechanical power shall be used on the tramways to which such appeal relates.

No electric 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 portions 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
mechanical
power is
used
contract
with road
authority
not to be
for longer
than two
years at a
time.

35. Where any electric or 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 any electric or mechanical power as aforesaid 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 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 any electric or mechanical power as aforesaid or the making of such contract agreement or arrangement Provided always that 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.

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

A.D. 1890.
—
Provisions
for protec-
tion of the
Postmaster-
General.

1. The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

2. (a) Before any electric line is laid down or any act or work for working the tramways by electricity 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 the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(b) 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 arbitration.

3. In the event of any contravention of or wilful noncompliance 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 contravention or noncompliance continues or if the telegraphic communication is wilfully interrupted

A.D. 1890.

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 cognizance 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.

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

41 & 42 Vict.
c. 76.

6. For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve 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 and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

7. The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

8. Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two 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.

31 & 32 Vict.
c. 119.

9. Nothing in this section contained shall be held to deprive the Postmaster-General of any of his existing rights to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

37. The powers hereby conferred so far as the same relate to the working of the tramways by means of haulage with wire ropes cables chains electric apparatus or other appliances placed underground shall not be exercised by the Company without the consent in writing of the road authority of the district and such road authority is hereby empowered to give such consent upon and subject to such terms and conditions as they may think fit so that such terms and conditions shall not be unreasonable or inconsistent with the provisions of this Act and they are hereby empowered on the giving of any such consent to make it a condition that such consent may be revoked at the expiration of three years from the laying down or alteration of such tramways respectively on such system in case at the expiration of such period the surveyor of the road authority certifies that such system is dangerous to the public.

A.D. 1890.
 Conditions
 of user by
 cable
 system &c.

38. If and whenever the Company shall have authority under the provisions of this Act to work the tramways or any of them by means of haulage with wire ropes cables chains electric apparatus or other appliances placed underground the Company may construct lay down and execute and maintain all such tubes openings passages grooves rails plates works apparatus and things as may be requisite for the purpose of so working the tramways or of providing access to or communication with any stationary engines or machinery Provided that no such works or things shall be constructed laid or placed above the level of the road and all powers restrictions and provisions relating to the construction and maintenance of the tramways respectively under or by virtue of this Act shall apply and have effect with regard to the construction execution and maintenance of such works and things as aforesaid.

Company
 may lay
 down and
 maintain
 works
 necessary
 for using
 cable
 system &c.

39. For the protection of the corporation the following provisions (in addition to all other provisions of this Act in which the corporation is referred to as the local or road authority or is mentioned by name) shall have effect (that is to say):—

Provisions
 for the
 protection
 of the
 corporation
 of Penzance.

(1.) If by reason of the construction maintenance or user of the tramways it shall in the opinion of the corporation be necessary to strengthen the fabric of the Ross Swing Bridge over the entrance from the inner to the outer harbour of Penzance or the viaducts connected therewith or to add any machinery thereto the corporation may execute such works and provide and add such machinery as their engineer may deem necessary but in all things at the expense of the Company and the corporation may recover from the Company all moneys expended by them in the execution of such works and providing and adding such machinery with full costs and charges

A.D. 1890.

by all and the same means as any simple contract debt of like amount is recoverable.

- (2.) If it shall become necessary for effecting such strengthening or for adding such machinery that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the corporation shall give the Company three clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly for so long as may be necessary for effecting such strengthening and adding such machinery and without any claim against the corporation for compensation loss damages costs or expenses for or in respect of such stoppage or delay.
- (3.) If in the construction of Tramway No. 3 or the street improvements by this Act authorised it shall be necessary for the Company to remove or interfere with any part of the pier wall or any wall abutting on the sea at high water spring tides the Company shall at their own expense construct and for ever after maintain to the satisfaction of the corporation and under the superintendence of their engineer and according to plans elevations and specifications to be previously submitted to and approved by the corporation a new or substituted sea wall affording at least equal protection against the sea to the portion of wall so removed or interfered with.
- (4.) If and whenever the corporation shall divert alter or widen either wholly or in part any road or wharf road or alter widen or rebuild any bridge or viaduct in upon or along which any of the tramways are laid the corporation may if they think fit (having given at least one month's previous notice in writing to the Company of their intention to do so) require the Company to remove or alter any such tramway or portion of tramway either temporarily or permanently to such position in upon or along such diverted altered widened or rebuilt road wharf road bridge or viaduct as the corporation may require and the Company shall with all reasonable despatch proceed to remove or alter such tramway or portion of tramway either temporarily or permanently according at their own expense and without any claim for compensation against the corporation in respect of such removal or alteration for any loss of traffic or otherwise consequent thereon But no alteration must be made which would bring the nearest rail within 9 ft. 6 in. of the outside of the foot pavement.
- (5.) Before the Company open or break up any road within the borough they shall prove to the satisfaction of the corporation

A.D. 1890.

that at least ten thousand pounds of the capital of the Company has been 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.

- (6.) One month at least before any roads are broken up for the purpose of constructing the Penzance Tramways the Company shall give notice to the corporation and such notice shall be accompanied by proper working plans and drawings and a specification showing the manner in which the Company propose to make form and pave the line of road and the materials which they propose to use and the work shall not be commenced until the corporation have approved of the mode in which it is to be done and of the materials to be used. Provided that unless the corporation give the Company notice in writing expressing their non-approval of such plans drawings and specification within one month from the delivery of such notice by the Company the Company shall be at liberty to assume that such approval is given and such approval shall in no case be unreasonably withheld and the Company shall carry out the works subject to the provisions of this Act in such manner and subject to such alterations (if any) in such plans drawings specification and materials as the corporation may reasonably require and the Board of Trade may approve.
- (7.) The Company shall not in the construction alteration or relaying of any of the Penzance Tramways stop up or interfere with any road so as to prevent the passage of traffic along the same or alter the level of the surface of any road except with the previous consent in writing of the corporation.
- (8.) As regards all roads within the borough whereon the Penzance Tramways are laid :—
- (a.) In every road in which a single line of tramway shall be laid so much of the roadway as lies between the rails and as extends three feet beyond the outer rails of and on each side of the tramways shall be paved by the Company at their own expense in such manner and with such paving materials and foundations as the corporation shall require.
- (b.) In every road in which a double line of tramway shall be laid the whole width of the roadway included between the two outer rails of the tramways and as extends three feet beyond each of such outer rails for the entire length of

A.D. 1890.

such double line shall be paved by the Company at their own expense in such manner and with such paving materials and foundations as the corporation shall require and every portion of such road paved by the Company shall be deemed to be the road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act 1870.

- (9.) If at any time during the construction of the tramways or thereafter the Company in the opinion of the corporation make any default in paving maintaining or keeping in good condition and repair any portion of any road in which any tramway is laid which under this Act and the Tramways Act 1870 the Company are bound to pave maintain and keep in good condition and repair the town clerk of the borough or other officer of the corporation may give notice in writing to the Company of such default and if at the expiration of 48 hours from the giving of such notice the Company fail to commence the necessary works to remedy such default or having so commenced shall not in the opinion of the corporation prosecute the same to completion with all reasonable despatch the corporation may execute such works at the same time as or forthwith after the tramway shall be laid on such road and the Company shall on demand repay to the corporation all costs and expenses incurred by them in so doing and the same shall be recoverable from the Company by the same means as any simple contract debt and it shall be lawful for the corporation to stop the traffic along any part of the tramways where any such part of any road is in the judgment of the corporation out of repair until such part of such road shall have been put in good condition and repair to the satisfaction of the corporation.
- (10.) Nothing in this Act shall obstruct hinder prejudice or prevent the corporation from repairing altering amending and maintaining from time to time and at all times any of their existing or laying any new or additional sewers mains drains pipes or other apparatus under across or near the tramways or breaking up any road or street for any of the aforesaid purposes or any other purpose for which they are or shall be authorised to break up the same and for any such purpose they may from time to time stop the traffic along any part of the tramways and shall not be liable for any damage to the tramways or loss of traffic thereon that may be caused by the execution of any of the aforesaid works at under across or near

to the tramways nor for the expense of taking up and relaying the parts of such tramways which may be thereby interfered with all of which shall be done at the expense of the Company who shall also bear and pay any extra cost occasioned by reason of the existence of the tramways and incurred by the corporation in the exercise of their powers and in restoring the surface of any such road or street. Provided that the aforesaid operations shall be carried on so as to interfere as little as possible with the traffic on or construction of the tramways. A.D. 1890.

- (11.) The several provisions in this Act contained for the protection of the corporation and of any sewers drains pipes and apparatus shall not be deemed to supersede or dispense with the provisions of sections 26 to 33 (both inclusive) of the Tramways Act 1870 but those provisions respectively (except in so far as they may be inconsistent with any of the special provisions in this Act contained) shall be and remain in full force and effect.
- (12.) If at any time it shall appear to the corporation desirable that any of the Penzance Tramways or any part thereof should be removed the corporation may remove the same at any time after the expiration of six months' notice given by the corporation to the Company upon paying or making proper compensation to the Company such compensation in case of difference between the parties to be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned. Provided that if the Company object to such removal the matter shall be referred to and settled by the Board of Trade and that after the Penzance Tramways shall have been opened for public traffic such tramways shall not nor shall any of the materials of which the same are constructed be removed except for the ordinary repairs of such tramways without the consent in writing of the corporation.
- (13.) No tramway car shall be allowed to remain stationary or stop for the purpose of taking up passengers or parcels or for any other purpose whatsoever in the line of any street or road crossing or joining the road or tramway on which such car is working nor at any point where a less distance than nine feet six inches shall intervene between the outside of the footpath or kerbstone and the nearest rail of the tramway nor stand opposite any church or place of public worship during Divine service and no siding turnout refuge or building shall be placed or constructed by the Company opposite to any church or place

A.D. 1890.
—

of public worship in the borough without the consent of the corporation.

(14.) Subject to the provisions of this Act the size and construction of all motors and carriages to be used on the Penzance Tramways and the wheels and brakes attached thereto shall be such as the corporation and the Board of Trade shall approve and shall be in accordance with plans designs sections and specifications to be previously submitted to and approved by the corporation and in case of difference between the corporation and the Company they shall be such as the Board of Trade shall determine.

(15.) All the motors and carriages to be used by the Company on the Penzance Tramways shall be kept in good repair and condition to the reasonable satisfaction of the corporation or their inspector for the time being.

(16.) Between sunset and sunrise the Company shall fix and maintain a sufficient light inside and one blue light at least in front of each carriage or the first of two or more carriages coupled together and one red light at least at the rear of such carriage or the last of such carriages motors being for the purposes of this section deemed carriages and in case the Company or their servants contrary to the provisions of this Act use on the tramways any carriage without lights as aforesaid the Company shall on information laid or complaint made be subject to a penalty of five pounds for every day on which they shall have so used such carriage and every such penalty may be recovered as by section 56 of the Tramways Act 1870 is provided.

(17.) The corporation may run over and use for the purpose of conveying goods and merchandise the portion of the tramways constructed on or over the quays belonging to the corporation free of all tolls and charges whatsoever and for this object may without any payment to the Company therefor connect branch lines with the lines of the Company at such points as the corporation may think fit Provided that such user shall be exercised so as not to interfere with the passenger traffic of the Company.

(18.) The corporation may at such times between the hours of eleven o'clock at night and five o'clock in the morning as they shall think fit use the tramways for the conveyance of night soil dung manure ashes rubbish filth and other refuse scavenging stuff coal cannel coke gas water and drain pipes and apparatus paving stones road metal and bricks stone

A.D. 1890.

lime mortar sand gravel and other materials required for their respective works free of all tolls and charges whatsoever and for this object may without payment to the Company therefor connect branch lines with the lines of the Company at such points as the corporation may from time to time deem expedient and may for such purposes subject to the provisions of this Act use any electric or mechanical power on the tramways Provided that the corporation shall when exercising the powers by this section conferred conform to the provisions of any byelaws for the time being in force made by the corporation under the authority of this Act.

(19.) The Corporation shall have power at any time and from time to time by giving twenty-four hours previous notice in writing to the Company to absolutely stop delay or suspend the working of the Penzance Tramways for the purpose of regulating and facilitating traffic on any public occasion procession or demonstration or for the execution of any works or repairs by the corporation or for or in the exercise of the powers of any local or general Acts or of this Act and for any purposes which the corporation in the exercise of their powers respectively for the good government of the borough or for the safety of the public deem necessary such stoppage delay or suspension to continue only as long as may be reasonably necessary for the purposes aforesaid or any of them and the Company shall not be entitled to claim nor shall the corporation be liable to pay any compensation or damages in respect thereof.

(20.) Nothing in this Act contained shall extend or be construed to extend to alter abridge take away or in any manner interfere with any of the rights powers and privileges of the corporation of opening the Ross Swing Bridge and the corporation may at any time open the said bridge and stop the traffic on the tramways over the same and the viaduct connected therewith for so long as may from time to time be reasonably necessary and the Company shall not have any claim for compensation in respect thereof.

(21.) The Penzance Tramways where the same shall be laid down on or over the wharves between the said Ross Swing Bridge and the termination of Tramway No. 3 shall be so laid down and maintained in such position within the limits of deviation as may be agreed on between the corporation and the Company or as in default of agreement between them shall be determined by the Board of Trade.

A.D. 1890.

- (22.) All works to be executed by the Company under the provisions of this Act and the Tramways Act 1870 in connexion with the Penzance Tramways shall be done under the superintendence of the corporation and all reasonable expenses to which the corporation is put on account of such superintendence shall be paid by the Company to the corporation on demand and in default may be recovered by the corporation in a summary manner as if such expenses were a penalty recoverable under section 56 of the Tramways Act 1870.
- (23.) The Company shall not apply to Parliament for any extension of the times by this Act limited for the completion of the tramways and the street improvements without the previous consent in writing of the corporation under their corporate seal.
- (24.) The powers of the corporation as the local authority under the Tramways Act 1870 or any Act amending the same or in substitution therefor with respect to the making regulations and byelaws as to the matters and for the purposes therein mentioned and with respect to the repeal and alteration of such regulations and byelaws shall extend and apply to the following matters and purposes (that is to say):—
- 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 or motor in any place which the corporation having regard to the protection safety or convenience of the public or the prevention of annoyance to persons in the vicinity may from time to time think necessary.
 - Prohibiting the stopping of more than a specified number of motors or carriages at any place for any purpose or the stopping of any motor or carriage at any place for more than a limited and specified time.
 - Prohibiting more than a specified number of carriages including the motor drawing the same to be coupled together.
 - Prohibiting any carriage or carriages and motor conveying the same beyond a specified weight being carried on the tramways in one train.
 - Preventing the overcrowding of any carriages used on the tramways.
 - Ensuring the sufficiency and fitness of the carriages used on such tramways and the horses animals or motors drawing the same.

A.D. 1890.

For enforcing good conduct attention and civility from the drivers guards checkers conductors and other servants of the Company employed in and about the tramways carriages and motors.

For the prevention of smoking inside the carriages used on the tramways.

For the removal of drunken dirty offensive or disorderly persons from the tramway carriages.

Empowering the corporation to cause to be removed from the tramways any motor carriage or horse which in their opinion is unfit for use on the tramways.

The numbering of the tramway carriages.

The wearing by drivers and conductors of tramway carriages of some conspicuous badge or distinguishing mark.

For providing that the tramways and the motors and carriages used thereon shall at all reasonable times be stopped for and open to the inspection of any inspector appointed by the corporation and every such inspector shall have power with the sanction of the corporation to institute proceedings for offences committed by the Company or their servants against the Tramways Act 1870 or this Act or any byelaws or regulations made thereunder.

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.

- (25.) The Board of Trade shall be and they are hereby authorised to approve byelaws made by the corporation under the authority of section 46 of the Tramways Act 1870 and this Act with respect to the undertaking authorised by this Act or any part thereof or other matters in respect whereof the corporation are by the said Tramways Act 1870 and this Act or either of them authorised to make byelaws and no such byelaws shall have any force or effect unless the same shall have been so approved and the production of a copy of any such byelaws in writing or in print (including lithograph) or partly in one and partly in the other signed by a secretary or assistant secretary of the Board of Trade or of a certified copy thereof under the hand of the town clerk shall be sufficient evidence of such byelaws in all courts of justice and legal proceedings.

A.D. 1890.

- (26.) As security to the corporation for the due completion of the Penzance Tramways and for the repair maintenance or restoration of the road rails and substructure as provided by the Tramways Act 1870 and this Act during the continuance of the tramways and as security for the payment by the Company of any additional expenses imposed upon the corporation by reason of the construction existence or user of the Penzance Tramways or of any expenses incurred by the corporation under the provisions of this section the Company shall within three months after the passing of this Act deposit with the corporation the sum of one thousand pounds and such sum shall be held by the corporation during the continuance of the tramways and in the event of any expense being incurred by the corporation under the provisions of this Act and the Tramways Act 1870 they shall be at liberty to provide for and pay such expenses out of the money so to be deposited so far as the same will extend until the amount of such expenses shall be recovered from the Company and upon recovery of such amount from the Company the corporation shall hold the same upon the same terms and for the same purposes as they held the money applied in payment of the said expenses and as if such amount so recovered had formed part of the original deposit Provided that during the continuance of such deposit the corporation shall pay to the Company such interest on the sum on deposit from time to time as the corporation shall receive for the same.
- (27.) If any difference arises between the corporation and the Company touching anything to be done or not to be done by the Company or the corporation and for the settlement of which no special provision is made in this Act the matter in difference shall (unless otherwise agreed on between the parties within ten days after such difference shall have arisen) be determined by a referee to be appointed by the Board of Trade upon the application of either of the parties under and according to the provisions of the Tramways Act 1870 for the settlement of differences between a road authority and the promoters.
- (28.) All costs and expenses incurred by the corporation in connexion with or incident to the negotiations between them and the Company and the agreement and arrangement in this Act contained or in anywise relating thereto or to the passing of this Act shall be paid by the Company to the corporation within three months from the passing of this Act.
- (29.) The provisions of this section shall be in addition to and not in diminution or derogation of the rights and privileges of the

corporation as local or road authority under any of the provisions of this or any other Act. A.D. 1890.

(30.) Notwithstanding anything in this Act contained it shall not be lawful for the Company to enter upon take or use any of the works lands or property of the corporation except with the previous consent in writing of the corporation under their common seal.

40. The capital of the Company shall be twenty-five thousand pounds in two thousand five hundred shares of ten pounds each. Capital.

41. The Company shall not issue any share created under the authority of this Act nor shall any 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 be issued until one fifth part paid up.

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

43. If any money be payable to any 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. Receipts on behalf of incapacitated persons.

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

A.D. 1890.

For appoint-
ment of a
receiver.

45. 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 in the whole than one thousand pounds.

Moneys
borrowed on
mortgage to
have priority.

46. All moneys to be borrowed on mortgage under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Company not
to create de-
benture stock.

47. The Company shall not create debenture stock.

Mortgages
to comprise
purchase
money paid
on compul-
sory sale.

48. 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 the forty-third section 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
on mortgages
of power of
purchase by
local autho-
rity.

49. Every mortgage deed to be granted or issued 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 forty-third section of the Tramways Act 1870.

Application
of moneys.

50. All moneys raised under this Act whether by shares or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First
ordinary
meeting.

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

Quorum of
general
meetings.

52. The quorum of a general meeting of the Company whether ordinary or extraordinary shall be five shareholders holding in the aggregate not less than one thousand pounds of the capital of the Company.

Number of
directors.

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

A.D. 1890.

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

Qualification
of directors.

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

Quorum.

56. William Abbotts Frederick Arthur Darlington and Rowland Wilkinson and two other persons 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 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 they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions contained in 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.

First
directors.

Election of
directors.

57. The auditors need not hold shares in the Company.

Auditors not
required to
hold shares.

58. The Company may from time to time purchase and acquire by agreement such land as they may require for the purposes of their undertaking not exceeding in the whole three acres and may at any time sell and dispose of any such land or any part thereof and in like manner acquire other land provided that the quantity of land to be purchased by the Company does not at any time exceed the said quantity Provided that nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any lands purchased under the powers of this section.

Power to
purchase
lands.

59. The Company may erect on any lands they may acquire under the powers of this Act any offices stables sheds workshops or other buildings for the purposes of their undertaking and may at any time sell let or dispose of the same or any part thereof.

Company
may erect or
lease offices
stabling &c.

60. Persons empowered by the Lands Clauses Acts to sell or convey and release lands may if they think fit subject to the pro-

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

A.D. 1890. — visions of those Acts 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 rent-charges 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.

Deposit
money not
to be repaid
except so far
as tramway
opened.

61. 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 nine hundred and twenty pounds being five per centum upon the amount of the estimate in respect of the tramways authorised by this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect to the application to Parliament for this Act (which sum is in this Act referred to 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 the 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 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 tramways so opened bears to the entire length of the tramways hereby authorised the High 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.

62. 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 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 or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and also in compensating all road authorities for the expenses incurred by them in taking up any tramways 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 tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court 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 court thinks fit to order on the application of the solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court 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. 1890.

63. 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 threehalfpence per mile and in computing the said tolls and charges the fraction of a mile shall be deemed a mile.

Tolls for passengers.

64. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds

Passengers' luggage.

A.D. 1890. in weight without any charge being made for the carriage thereof but such personal luggage shall not occupy any part of a seat and shall not be of a form or description to annoy or inconvenience other passengers.

Tolls for parcels.

65. The Company may demand and take in respect of any parcels conveyed by them on the tramways (except as is by this Act specially provided) including the tolls and charges for the use of the tramways and for waggons or trucks and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule B to this Act annexed.

Tolls to be paid as directed by the Company.

66. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Company shall by notice to be annexed to the list of tolls appoint.

Cheap fares for labouring classes.

67. The Company shall and they are hereby required at all times after the opening of the tramways for public traffic to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think most convenient for artisans mechanics and daily labourers at fares not exceeding one half-penny per mile (the Company nevertheless not being required to take any fare less than one penny) 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.

Periodical revision of tolls.

68. 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 local authority of any district in which the tramways or such portion of the tramways are or is wholly or partly 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. Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

A.D. 1890.

69.—(1.) The Company if required by the Postmaster-General shall perform with respect to any tramway owned 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):—

(i.) 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

(ii.) 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

(iii.) 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 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.

[Ch. clxiv.] *Penzance and Newlyn Tramways* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

(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.

36 & 37 Vict.
c. 48.
45 & 46 Vict.
c. 74.

(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.

For protec-
tion of
Western
Counties and
South Wales
Telephone
Company
Limited.

70. For the protection of the Western Counties and South Wales Telephone Company Limited its successors and assigns (in this section called "the telephone company") the following provisions shall have effect in the event of any tramways of the Company being worked by electricity otherwise than by electric power carried along with the carriages (that is to say):—

(1) The Company shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the telephone company for the purpose of telephonic communication or with the

currents in such circuits Provided that as regards electric circuits erected or laid down by the telephone company after the construction of the works of the Company this subsection shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such circuits and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Company: A.D. 1890.

- (2) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines belonging to the telephone company and lawfully laid down or placed in any position by them may be injuriously affected the Company shall unless otherwise agreed with the telephone company give to that company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Company shall conform with such reasonable requirements as may from time to time be made by the telephone company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid:
- (3) If any difference arises between the Company and the telephone company with respect to anything in this section contained such difference 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 and the telephone company were companies within the meaning of that Act:
- (4) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

71. The Company shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration

Works below high water mark not to be commenced without consent of Board of Trade.

A.D. 1890. — or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Survey of
works by
Board of
Trade.

72. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expenses of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement
of work
abandoned
or decayed.

73. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Form and
delivery of
notices.

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

- (1) Every notice shall be in writing or print or partly in writing and partly in print and if given by the local authority or the road authority may be signed by their clerk or secretary :
- (2) Any notice to be delivered by or to the Company to or by the local authority or 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.

Agreement
between the
Company
and local
or road
authorities.

75. The Company may subject to the provisions of this Act from time to time enter into an agreement with any local or road authority with respect to the construction maintaining removing

renewing repairing and using of the tramway within the district of such local or road authority and the rails plates chairs sleepers and works connected therewith and any alteration of the levels or width of the streets or roads and the facilitating of the traffic over the tramway. A.D. 1890.

76. No interest or dividend shall be paid out of any share or loan capital which the Company are by this 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. Interest not to be paid on calls paid up.

77. 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.

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

79. 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.

A.D. 1890.

SCHEDULE A.

Break power
of motors.

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

As to fittings,
of motors &c.

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

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

With a suitable fender to push aside obstructions ;

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 motor so placed in front of such motor as to command the fullest possible view of the road before him.

Every such motor shall be free from noise produced by machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails.

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 motor used for drawing or propelling such carriage.

Inspection of
motors and
carriages.

The Board of Trade shall on the application of the Corporation and may on complaint made by any person from time to time inspect any motor 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 motor or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

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

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

SCHEDULE B.

A.D. 1890.

LIST OF TOLLS.

PARCELS.

	Any distance.
For any parcel not exceeding seven pounds in weight each	- 3 pence.
For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight each	- 5 „
For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight each	- 7 „
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight each	- 9 „
For any parcel exceeding fifty-six pounds in weight such sum as the Company may think fit so that in no case shall any such parcel exceed two hundredweight.	

SCHEDULE C.

PROPERTIES OF WHICH PART ONLY IS PROPOSED TO BE TAKEN.

Tramway No. 3.—Parish of Madron chapelry of St. Mary Penzance in the county of Cornwall.

24. Wharf cranes and yard.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
 ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
 HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

