

Paupers Ordinance, 1881 : AND WHEREAS the said A.B. desires to enable the said J.S. to land in the Colony : NOW THESE PRESENTS WITNESS that in consideration of the said J.S. being permitted to land in the Colony HE the said A.B. DOTN HEREBY for himself, his heirs, executors and administrators COVENANT with Her Majesty the Queen, her heirs and successors, that he the said A.B. will on demand forthwith repay to the Receiver-General any pauper charges which within one year from the day of the date of these presents may be incurred in respect of the said J.S.

IN WITNESS, &c.

No. 8.—1882.

AN ORDINANCE to enable Joseph Brown Payne to lay down, work and maintain Tramways in the Borough of Port-of-Spain.

(L. S.) J. SCOTT BUSHE, *Administrator*.

7th July, 1882.

WHEREAS Joseph Brown Payne, of Port-of-Spain, a Merchant, is desirous of being allowed to lay down and work tramways in Port-of-Spain, and that the exclusive right of doing so should be granted to him for a limited term :

And whereas it is expedient that permission to lay down such tramways as aforesaid should be granted subject to the provisions hereinafter contained, but this cannot be done without the authority of the Governor and the Legislative Council :

And whereas plans and sections of the proposed lines and levels of such tramways have been deposited with the Director of Public Works and are hereinafter referred to as the deposited plans and sections, may it therefore please your Excellency to enact and be it enacted :—

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Title.

1. This Ordinance may be cited for all purposes as Short title.
“The Port of Spain Tramways Ordinance, 1882.”

Interpretation.

2. In this Ordinance, unless the context otherwise Interpreta-
tion.
requires:—

1. The term “The Tramways” means the tramways authorised by this Ordinance.
2. The term “The Undertaking” means the undertaking authorised by this Ordinance.
3. The term “Street” means a public way repaired at the expense of the mayor and burgesses, and includes the foot-paths of such way and any bridge forming part thereof.
4. The term “Road” means a public highway for carriages repaired at the public expense and not being a street, and any bridge forming part thereof and also any land by the side and forming part of any public highway.
5. The term “Road Authority,” as regards all streets, within the limits of the Borough of Port of Spain, means the Town Superintendent of Port of Spain, and as regards all roads, not being streets within the limits of the Borough of Port of Spain, means the Director of Public Works or any person appointed by him.
6. The name “Joseph Brown Payne” includes the executors, administrators and assigns of the said Joseph Brown Payne, his and their lessees and licensees, and any joint stock company, limited or unlimited, formed for laying down, maintaining and working “the Tramways,” and any joint stock company, limited or unlimited, and any other company and corporation which have become the purchasers thereof.
7. The term “The Mayor and Burgesses” means the mayor and burgesses of Port of Spain.

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Right to Construct "The Tramways."

Right to
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3. Subject to the provisions and restrictions contained in this Ordinance, the said Joseph Brown Payne shall have the right to lay down, make, work and maintain "the Tramways" with the necessary turnouts and switches for the conveyance of passengers and goods hereinafter described in the lines and according to the levels shown in the deposited plans and sections, and in all respects in accordance with those plans and sections and with the consent of the Governor and the Legislative Council to alter or remove any part of the said Tramways.

"The Tramways" hereinbefore referred to and authorised by this Ordinance are—

1. A line from a point or terminus at the corner of Lower Charlotte Street and the South Quay, in, upon and along the South Quay to the Almond Walk, and in, upon and along the Almond Walk, Frederick Street and St. James Street to the corner of St. James Street and Park Street, in, upon and along Park Street to the St. Ann's Road, and thence in, upon and along the St. Ann's Road to a point opposite the northern end of the Belmont Circular Road.
2. Another line from the said corner of Lower Charlotte Street and the South Quay, in, upon and along the South Quay to the corner of St. Vincent Wharf, next to the jetty, thence in, upon and along St. Vincent Wharf and St. Vincent Street to the corner of St. Vincent Street and Park Street, thence in, upon and along the Tragarete Road to the Tranquility Boulevard, thence in, upon and along the said Tranquility Boulevard to Wellington Terrace.
3. Another line from the corner of St. James Street aforesaid and Park Street, in, upon and along Park Street to its junction with the said Tragarete Road.
4. Before the said Joseph Brown Payne shall open or break up any street or road in which the lines of "the

Caution
money.

Tramways" are to be laid, he shall deposit with the Receiver-General a sum equal to one-twenty-fifth part of the estimated cost of the said Tramways. Such estimated cost shall be subject to the approval of the Director of Public Works.

The sum so deposited as caution money shall be repayable to the said Joseph Brown Payne on the certificate of the Director of Public Works in the following manner, that is to say:—

One-fourth part thereof on the completion of the first mile of "the Tramways."

One-fourth part thereof on the completion of the second mile of "The Tramways."

One-fourth part thereof on the completion of the third mile of "the Tramways," and the remaining

One-fourth part thereof on the completion of the whole undertaking.

The sum so deposited shall be lodged by the Receiver-General on interest at the Colonial Bank in Port of Spain, and the interest which may accrue thereon shall be paid to the said Joseph Brown Payne as the same shall become payable.

If the time or extended time limited for the completion of any part of or of all "the Tramways" expires before the same are opened for traffic then the money so deposited or such portion thereof as may not be paid out to the said Joseph Brown Payne in manner hereinbefore expressed shall immediately on the expiration of the time so limited be forfeited to Her Majesty, and the same shall be transferred by the Receiver General and paid into the public treasury to the credit of the mayor and burgesses, to be appropriated to the maintenance of the streets or roads on which "The Tramways" or any portion of them was intended to be laid.

Forfeiture of security.

The Right to make "the Tramways" is exclusive.

5. The right hereby given to the said Joseph Brown Payne to lay down and work "The Tramways" is hereby declared to be an exclusive right for the space of twenty years from the first day of January, One thousand eight hundred and eighty-three.

Right to make tramways is exclusive.

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Style of Construction.

Gauge.

6. "The Tramways" shall be constructed on a gauge of thirty-nine inches, and the carriages used thereon, measured from the most projecting part of the carriage or of any object attached thereto on one side to the most projecting part of the carriage or of any object attached thereto on the other side, shall not exceed in breadth six feet six inches, and no carriage shall extend beyond the outer edge of the wheels of such carriage more than twenty inches on each side.

Tramways to be maintained on level of street.

7. "The Tramways" shall be so laid that the uppermost surface of the rails shall be on a level with the surface of the street or road immediately adjoining thereto, and shall be at all times so maintained; and the said Joseph Brown Payne 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 which any of "the Tramways" for the time being consist and the sub-structure on which the same rest.

Distance between tramways and foot path.

8. No Tramway shall be so laid that a less space than nine feet and six inches shall intervene between the outside of the footpath and the nearest rail of the Tramway, except when there is a turnout or at the curve leading out of one street into another, unless the Governor shall consent to the Tramway being so laid, and no Tramway shall be so laid over any bridge that a less space than nine feet and six inches shall intervene between the rail or side of the bridge and the nearest rail of the Tramway, unless with the consent of the Governor.

Engines.

9. It shall be lawful for the said Joseph Brown Payne to use any motive power for the propulsion of the conveyances used by him on any of "the Tramways," but if the said Joseph Brown Payne shall use any engine worked by mechanical power for the propulsion of his conveyances, such engine shall be so constructed as to be smokeless and noiseless, and must be capable of being brought to a standstill, when travelling at the maximum speed allowed by this Ordinance, within thirty feet:

Provided always that the said Joseph Brown Payne may, with the permission of the Governor, use any form or description of engine or carriage which would at the time when such engine or carriage is used be permitted to be used on any public tramway in London or in any town in England.

10. No conveyance shall be driven or propelled on "the Tramways" at any greater rate of speed than eight miles an hour. Rate of speed.

Powers required for Construction.

11. The said Joseph Brown Payne may from time to time for the purpose of making, forming, laying down, maintaining and renewing any of "the Tramways," or any part or parts thereof respectively, open or break up any street or road, subject to the following regulations:— Power to break up streets.

1. The said Joseph Brown Payne shall give to the road authority notice of his intention, specifying the time at which he will begin to do so, and the portion of the street or road proposed to be opened or broken up, such notice to be given fourteen days at least before the commencement of the work.
2. The said Joseph Brown Payne shall not open or break up or alter the level of any street or road except under the superintendence, and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the work.
3. The said Joseph Brown Payne shall pay all reasonable expenses to which the road authority is put on account of such superintendence.
4. The said Joseph Brown Payne shall not without the consent of the road authority, open or break up at any one time, a greater length than one hundred yards of any street or road which does not exceed a quarter of a mile in length, and in the case of any street or road exceeding a quarter

of a mile in length, the said Joseph Brown Payne shall leave an interval of at least a quarter of a mile between any two places at which he may open or break up the street or road, and he shall not open or break up at any such place a greater length than one hundred yards.

5. When the street or road passes over any bridge, the said Joseph Brown Payne shall widen and strengthen such bridge as the road authority may direct.
6. When the street or road in or upon which any of "the Tramways" is proposed to be laid down is crossed by any railway or tramway on the level, any work which the said Joseph Brown Payne may be empowered to construct, and which affects or in any wise interferes with such railway or tramway, or the traffic thereon, shall be constructed and maintained at the cost of the said Joseph Brown Payne under the superintendence and to the reasonable satisfaction of the Chief Engineer of the railway or the person, corporation, or company owning such railway or tramway, unless after notice to be given by the said Joseph Brown Payne, seven days at least before the commencement of such work, such superintendence is refused or withheld.

Completion of
works and
re-instate-
ment of
roads

12. When the said Joseph Brown Payne has opened or broken up any portion of a street or road, he shall be under the following further obligations, namely :—

1. The said Joseph Brown Payne shall with all convenient speed and in all cases within four weeks at the most unless the road authority otherwise consents in writing, complete the works on account of which he opened or broke up the same, and subject to the formation, maintenance, or renewal of any of "the Tramways" fill in the ground and make good the surface, and to the satisfaction of the road authority, restore the portion of the street or road to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus

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2. The said Joseph Brown Payne shall in the mean-
time cause the place where the street or road is
opened or broken up, to be fenced and watched
and to be properly lighted at night.
3. The said Joseph Brown Payne shall bear or pay all
reasonable expenses of the repairs of the street
or road for three months after the same is
restored, so far as those expenses are increased
by the opening or breaking up. If the said
Joseph Brown Payne fails to comply in any
respect with the provisions of the present section,
he shall for every such offence without prejudice
to the enforcement of specific performance of
the requirements of this Ordinance, or to any
other remedy against him, be liable to a
penalty not exceeding twenty pounds, and to a
further penalty not exceeding five pounds for
each day during which any such failure con-
tinues after the first day on which such penalty
is incurred, and such penalty shall be sued for
and recovered by the road authority or by the
Inspector Commandant or any Inspector of
Police.

Water Works and Telegraphic Wires Protected.

13. For the purposes of making, forming, laying down, maintaining, repairing, or renewing any of "the Tramways" the said Joseph Brown Payne may from time to time, where and so far as it is necessary, or may appear expedient for the purpose of preventing frequent interruptions of the traffic by repairs or works in connexion with the same, alter the position of any mains or pipes for the supply of water or any wires or apparatus for telegraphic or other purposes, subject to the provisions of this Ordinance, and also subject to the following restrictions, that is to say :—

Provision
as to water-
works and
telegraph
wires.

1. Before laying down any of "the Tramways," or before altering the same in, upon, or along a street or road in which any mains or pipes, wires, or apparatus may be laid, the said Joseph Brown

Payne shall, whether he contemplates altering the position of any such mains or pipes, wires or apparatus, or not, give fourteen days notice as to such mains or pipes to the Director of Public Works, and as to such wires and apparatus to the Corporation or persons to whom such wires or apparatus may belong or by whom they are controlled, of his intention to lay down or alter any such tramway, and shall on such notice fully describe the work proposed to be done.

If it should appear to the Director of Public Works, or to any such corporation or persons respectively, that the construction or alteration of the tramway as proposed would endanger any such main pipe, wire, or apparatus, or interfere with or impede the supply of water, or the telegraphic or other communication, the Director of Public Works or such corporation, company, or persons as the case may be may give notice to the said Joseph Brown Payne to lower or otherwise alter the position of the said mains or pipes, wires, or apparatus in such manner as may be considered necessary, and any difference as to the necessity of any such lowering or alteration shall be settled in the manner provided by this Ordinance for the settlement of differences between the said Joseph Brown Payne and other corporations, companies, or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the corporation, company, or persons to whom such mains or pipes, wires, or apparatus may belong, or by whom the same are respectively controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of the Director of Public Works or of such corporation, company, or persons, or of their surveyor or engineer, if they or he think fit to attend, after receiving not less than ninety-six hours notice for that purpose, which notice the said Joseph Brown Payne is hereby required to give.

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2. The said Joseph Brown Payne shall not remove or re-place any of the mains or pipes, valves, syphons, plugs, wires, or apparatus, or other works belonging to or controlled by the Director of Public Works, or any such corporation, company, or persons, or do anything to impede the passage of water or the telegraphic or other communication into or through such mains or pipes, without the consent of the Director of Public Works, or of such corporation, company, or persons, or in any other manner than the Director of Public Works, or such corporation, company, or persons shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or telegraphic or other communication, as sufficiently as the same was supplied by the mains, pipes, wires, or apparatus, proposed to be removed or displaced, shall at the expense of the said Joseph Brown Payne have been first made and laid down in lieu thereof, and ready for use, and to the satisfaction of the Director of Public Works or of the surveyor or engineer of such corporation, company, or persons, or in case of disagreement between such Director of Public Works, surveyor, or engineer, and the said Joseph Brown Payne, as two arbitrators, or in case of disagreement between such arbitrators an umpire appointed by them shall direct.
3. The said Joseph Brown Payne shall not lay down any such pipes contrary to the regulations of any Ordinance relating to the Port-of-Spain Water Works, or relating to telegraphs.
4. The said Joseph Brown Payne shall make good all damage done by him to property belonging to or controlled by the Director of Public Works, or by any such corporation, company, or persons, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property, or with the private service pipes of any person

supplied from the Port-of-Spain Water Works with water.

5. If by any such operations as aforesaid, the said Joseph Brown Payne interrupts the supply of water in or through any mains or main pipes, he shall be liable to a penalty not exceeding ten pounds for every day upon which such supply shall be so interrupted.

Provided always that the said Joseph Brown Payne shall not be liable to any penalty for so interrupting the supply of water where the Director of Public Works shall have given him permission to do so.

Sewers and Drains Protected.

Provision for
protection of
sewers, &c.

14. Where in any district any of "the Tramways," or any work connected therewith interferes with any sewer, drain, water-course, subway, defence, or work in such district or in any way affects the sewerage or drainage of such district, the said Joseph Brown Payne shall not commence any such tramway or work until he shall have given to the Director of Public Works and to the road authority fourteen days previous notice in writing of his intention to commence the same, with all necessary particulars relating thereto, nor until such Director of Public Works or road authority shall have signified his approval of the same, unless such Director of Public Works and such road authority do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid; and the said Joseph Brown Payne on such approval being signified shall comply with and conform to all reasonable directions and regulations of the said Director of Public Works and road authority in the execution of the said works, in such manner as such Director of Public Works and road authority shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to, by or by reason of any such tramway, and shall save harmless the said Director of Public Works and road authority against all expense to be occasioned thereby; and all

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such works shall be done under the direction, superintendence, and control of the said Director of Public Works and road authority or any persons appointed by them, at the reasonable costs, charges, and expenses in all respects of the said Joseph Brown Payne; and when any new, altered, or substituted work as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the said Joseph Brown Payne, under the provisions of this Ordinance, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said Director of Public Works and road authority respectively, and be maintained by them as any sewers or works.

Streets and Roads on which "the Tramways" are laid to be kept in repair.

15. The said Joseph Brown Payne shall at his own expense at all times maintain and keep in good condition and repair with such material as may at the commencement of this Ordinance be used on the streets and roads generally and in such manner as the road authority may direct, and to his reasonable satisfaction, so much of any street or road whereon any of "the Tramways" is laid as lies between the rails of the tramway, and where two lines of tramway are laid at a distance not exceeding five feet from each other the portions of the street or road between "the Tramways," and in every case so much of the street or road as extends eighteen inches beyond the rails of and on each side of "the Tramways."

16. Any paving, metalling, or material excavated by the said Joseph Brown Payne in the construction of "the Tramways" may be applied by him so far as may be necessary in or towards the reinstating of the street or road, and the maintenance for six months after completion of any of "the Tramways" of so much of the roadway as the said Joseph Brown Payne is required to maintain, and he shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the road authority,

Repair of
part of road
where "the
Tramways"
are laid.

Disposal of
road metal
excavated by
J. B. Payne.

or to such persons as he may appoint; provided that if within seven days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid if not removed by some person named by him for that purpose such surplus paving, metalling or material shall absolutely vest in and belong to the said Joseph Brown Payne, and may be dealt with, removed, and disposed of by him in such manner as he may think fit.

Restrictions on opening or breaking up Streets or Roads.

Rights of
authorities,
companies,
&c., to open
roads.

17. Nothing in this Ordinance shall take away or abridge any power to open or break up any street or road along or across which any of "the Tramways" may be laid, or any other power vested in the Mayor and Burgesses, the Director of Public Works, or road authority, for any of the purposes for which such authority is respectively constituted, but in the exercise of such power the Mayor and Burgesses, the Director of Public Works or road authority, shall be subject to the following restrictions, that is to say:—

1. They shall cause as little detriment or inconvenience to the said Joseph Brown Payne as circumstances admit:
2. Before they commence any work whereby the traffic on any part of "the Tramways" will be interrupted, or whereby any part of "the Tramways" may be liable to injury, they shall, except in cases of urgency, in which cases no notice shall be necessary, give to the said Joseph Brown Payne notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given two days at least before the commencement of the work:
3. They shall not be liable to pay to the said Joseph Brown Payne compensation for any injury done to any part of "the Tramways" by the excavation of such work, nor for loss of traffic occasioned thereby, nor for reasonable exercise of the powers so vested in them as aforesaid:
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execute such work the road authority shall so require, the said Joseph Brown Payne shall either stop traffic on such part of "the Tramways" to which such notice shall refer, when it would otherwise interfere with such work, or shore up and secure the same at his own risk and cost during the execution of the work: Provided that such work shall always be completed with all reasonable expedition:

5. The Mayor and Burgesses, the Director of Public Works, or the road authority shall not execute such work so far as it immediately affects "the Tramways," or any part thereof except under the superintendence of the said Joseph Brown Payne or his manager for the time being, unless the said Joseph Brown Payne refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work or discontinues the same during the continuance of the work, and they shall execute such work at their own expense and to the reasonable satisfaction of the said Joseph Brown Payne or his manager for the time being: Provided always that any additional expense imposed upon them by reason of the existence of "the Tramways" in any street, road, or place where any such mains, pipes, wires or apparatus shall have been laid before the construction of "the Tramways" shall be borne by the said Joseph Brown Payne.

Arbitration.

18. If any difference or dispute shall arise between the said Joseph Brown Payne on the one hand, and the Mayor and Burgesses, the Director of Public Works, the road authority, or any company, body, or persons on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or any or either of them or on their or his behalf, or by the said Joseph Brown Payne in virtue of this Ordinance in relation to "the Tramways" or work, or in relation to any work or proceeding of the Mayor and Burgesses, the Director of Public Works, the road authority, or any

Difference
between
Joseph Brown
Payne and
road
authority.

company, body, or persons, or with respect to the property of or the mode of excavation of any work relating to "the Tramways," or with respect to the amount of any compensation to be made by or to the said Joseph Brown Payne or on the question whether any work is such as ought reasonably to satisfy the Mayor and Burgesses, the Director of Public Works, the road authority, company, body, or persons concerned, or the said Joseph Brown Payne, or with respect to any other subject or thing regulated by, or comprised in this Ordinance, the matter in difference shall be settled by two arbitrators, one appointed by the Governor and one by the said Joseph Brown Payne, and in case of a disagreement between such arbitrators by an umpire appointed by them, on the application of either party, and the expenses of the reference shall be paid as the arbitrators or umpire may direct.

*Power to Joseph Brown Payne to Sell, Lease, Farm
or Let.*

Joseph Brown
Payne may
sell under-
taking.

19. The said Joseph Brown Payne may at any time sell the concession made to him by this Ordinance, or the undertaking to make, maintain, and work "the Tramways" to any person or persons, company or corporation, and when any such sale has been made all the rights, powers, authorities, obligations, and liabilities of the said Joseph Brown Payne in respect to the concession or the undertaking sold, shall be transferred to, vested in, and may be exercised by, and shall attach to the person, persons, company or corporation to whom the same shall have been sold in like manner as if such concession had been made to or the undertaking had been promoted by or "the Tramways" had been constructed by such person, persons, company or corporation under the powers conferred upon him by this Ordinance.

Joseph Brown
Payne may
lease under-
taking.

20. The said Joseph Brown Payne may, after the opening of "the Tramways" for traffic, lease the undertaking or any part thereof for a term not exceeding five years to any person, persons, company or corporation, and all such rights, powers, authorities, obligations and liabilities in respect of the undertaking as may be

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agreed on, shall be transferred to, vested in, and may be exercised by the lessees in like manner, as by the said Joseph Brown Payne, and any such lease may from time to time be renewed.

21. The said Joseph Brown Payne may farm or let ^{Or let the traffic.} the traffic on the whole or any portion of "the Tramways."

Compliance with Provisions of the Ordinance by Joseph Brown Payne enforced.

22. If the said Joseph Brown Payne shall at any ^{Penalty on J. B. Payne for non-compliance with Ordinance.} time fail to comply with any of the provisions of this Ordinance for the breach of which no penalty is herein provided, he shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues, without prejudice to the enforcement of specific performance of any of the requirements of this Ordinance, or to any other remedy against him.

Tolls.

23. The said Joseph Brown Payne may demand and ^{Tolls.} take tolls and charges for every passenger travelling upon "the Tramways" or any part thereof, including tolls and charges for the use of "the Tramways" and the carriages, motive power, and every other expense incidental to such conveyance. Such tolls shall in no case exceed threepence per mile or portion of a mile for each passenger travelling in one direction between the hours of 6 a.m. and 8 p.m.; and sixpence per mile or portion of a mile between 8 p.m. and 6 a.m., and in computing the said tolls the fraction of a mile beyond an integral number of miles shall be deemed a mile.

24. Every passenger travelling upon "the Tram- ^{Luggage.} ways" may take in hand personal luggage not containing any offensive or objectionable article or exceeding fifteen pounds in weight or one cubic foot in bulk without any charge being made for the carrying thereof: Provided always that save as aforesaid the said Joseph Brown Payne shall not be bound to carry any parcel, article, or thing in the carriages set apart for passengers.

Bye-Laws.

Bye-laws.

25. The Governor may make and from time to time alter and revoke regulations as to the following matters :—

- (a.) The rate of speed to be observed when travelling upon “the Tramways” :
- (b.) The distances at which carriages using “the Tramways” shall be allowed to follow one after the other, and the distance at which a train of goods cars may follow a passenger car :
- (c.) The traffic of the streets or roads in which “the Tramways” are laid :
- (d.) The nature and manner of the warning to be given of the approach of a carriage of the said Joseph Brown Payne.

Joseph Brown
Payne may
make
regulations.

26. The said Joseph Brown Payne may make, and from time to time alter and revoke regulations as to the following matters :—

- (a.) For preventing the commission of any nuisance in or upon any carriage or in or against any premises belonging to him :
- (b.) For regulating the travelling in or upon any carriage belonging to him :
- (c.) For regulating the traffic of goods and parcels and the rates to be charged for the carriage thereof :
- (d.) For the exclusion of any person from the carriages whose condition from any cause may be considered objectionable :

And for better enforcing the observance of all or any of such regulations, it shall be lawful for the said Joseph Brown Payne to make bye-laws for all or any of the aforesaid purposes, and such bye-laws from time to time to repeal or alter and make new bye-laws: Provided that such bye-laws be not repugnant to the laws of this Colony :

And provided always that any regulations made by the Governor or any bye-laws made by the said Joseph Brown Payne shall not come into force until they shall

have been approved of by the Legislative Council, who shall have full power to alter or amend the same, and such regulations and bye-laws as finally settled by the Legislative Council shall be published in the *Royal Gazette* and shall be binding on all persons. If the said Joseph Brown Payne shall not cause the regulations made by the Governor and approved as aforesaid to be strictly enforced, the said Joseph Brown Payne shall be liable to a penalty not exceeding ten pounds for each breach of each of such regulations.

27. Any such bye-law may impose reasonable penalties for offences against the same, not exceeding two pounds for each offence, with or without further penalties for continuing offences not exceeding for any continuing offence ten shillings for every day during which the offence continues.

Penalty for not observing bye-law.

Drivers to be Licensed.

28. After "The Tramways" shall have been opened for traffic for the period of six months, all drivers having charge of and using the carriages or engines of the said Joseph Brown Payne shall be duly licensed by the Inspector-Commandant of Police, in the same manner as the drivers having the charge of Hackney carriages are licensed.

Drivers to be licensed.

Offences.

29. If any person wilfully and unlawfully obstructs any person acting under the authority of the said Joseph Brown Payne, or his manager, in the lawful exercise of his powers in setting out, making, forming, laying down, repairing, renewing or working "The Tramways," or any part of them, or defaces or destroys any mark made for the purpose of setting out any line of "The Tramways," or damages or destroys any property of the said Joseph Brown Payne, he shall for every such offence, in addition to his liability for the value of the property so damaged or destroyed, be liable to a penalty not exceeding ten pounds.

Obstructing officers of J. B. Payne.

Other offences.

30. If any person without lawful excuse, the proof whereof shall lie on him, wilfully does any of the following things, namely :—

- (a.) Interferes with, removes or alters any part of "The Tramways," or of the works connected therewith, or places or throws any stone, dirt, wood, refuse or other material in or upon any part of "The Tramways :"
- (b.) Does or causes to be done anything in such manner as to obstruct any carriage using "The Tramways," or to endanger the life of any person therein or thereon :
- (c.) Or knowingly aids or assists in the doing of any of such things, he shall for every such offence be liable, in addition to any proceedings by way of indictment or otherwise to which he may be subject, to a penalty not exceeding ten pounds.

Non-payment of fare.

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

Right of Arrest where Name or Residence is unknown.

Transient offenders.

32. It shall be lawful for any officer or servant of the said Joseph Brown Payne, and all persons called by him to his assistance, to seize and detain any person discovered either in or immediately after committing or attempting to commit any such offence as in the next preceding three sections is mentioned, and whose name or residence is unknown to such officer or servant until such person can be conveniently taken before a magistrate.

Miscellaneous Enactments.

33. No person shall be entitled to carry or to require to be carried on "The Tramways" anything which may be of a dangerous nature, and if any person shall send by "The Tramways" any such thing without distinctly marking its nature on the outside of the package containing the same, or otherwise giving notice to the book-keeper or other servant with whom the same is left at the time of such sending, he shall be liable to a penalty not exceeding fifty pounds for every such offence, and it shall be lawful for the said Joseph Brown Payne to refuse to take any parcel that he may suspect to contain anything of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for carrying or sending dangerous things on "The Tramways."

34. If any person except under lease from or by agreement with the said Joseph Brown Payne uses "The Tramways," or any part thereof, with a carriage having flange wheels or other wheels suitable to run on the rails of such Tramways, such person shall for every such offence be liable to a penalty not exceeding fifty pounds.

No person to use carriages with flange wheels on "The Tramways."

35. The said Joseph Brown Payne shall be answerable for all accidents, damages and injuries happening through his act or default, or through the act or default of any person in his employment, or by reason or in consequence of any of his works, engines or carriages.

Liability of J. B. Payne.

36. All tolls, penalties and charges under this Ordinance, or under any bye-law made in pursuance of this Ordinance, may be recovered and enforced before any Stipendiary Justice of the Peace.

Recovery of tolls.

37. Notwithstanding anything contained in this Ordinance, the said Joseph Brown Payne shall not acquire or be deemed to acquire any right other than that of user of any street or road along or across which he may lay any of "The Tramways."

J. B. Payne only to have user.

38. Nothing in this Ordinance shall limit the powers of the police to regulate the passage of any traffic along or across any street or road along or across which "The Tramways" are laid down, and the police may exercise

Reserving powers of police.

their authority as well on as off "The Tramways," and with respect as well to the traffic of the said Joseph Brown Payne as to the traffic of other persons.

Reserving
rights of
public.

39. Nothing in this Ordinance or in any bye-law made under this Ordinance shall take away or abridge the right of the public to pass along or across every or any part of any street or road along or across which "The Tramways" are laid, whether on or off "The Tramways," with carriages not having flange wheels, but having wheels suitable only to run on the side of "The Tramways": Provided always that no person shall wilfully obstruct the passage along "The Tramways" of any of the engines or carriages of the said Joseph Brown Payne, and all persons shall be bound on the approach of any such engine or carriage to remove from "The Tramways," together with any vehicle, animal, package, article or thing under their control, to such a distance as to allow such engine or carriage to pass along "The Tramways," and every person who on the approach of any such engine or carriage shall refuse or wilfully neglect forthwith to remove from "The Tramways," or forthwith to remove any vehicle, animal, package, article or thing under his control from "The Tramways" to such a distance therefrom as to allow such engine or carriage to pass along "The Tramways" without obstruction, shall be guilty of an offence punishable on summary conviction, and shall be liable to a penalty not exceeding five pounds.

Governor and
Legislative
Council may
order portions
of "The
Tramways"
to be taken up
in certain
cases.

40. If at any time within two years after the opening for traffic of any part of the said line of Tramway from the corner of King Street and Frederick Street to the south-east corner of Brunswick Square it shall be shown to the satisfaction of the Governor and the Legislative Council that the maintenance of any part of such line of Tramway is not for the public benefit, the Governor and the Legislative Council may, by notice under the hand of the Colonial Secretary, require the said Joseph Brown Payne to take up and remove such part of the said line of Tramway as shall be specified in such notice, within such time as the Governor and the Legislative Council may deem reasonable, and if the said Joseph

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Brown Payne shall refuse or neglect to take up and remove such part of the said line of Tramway so ordered to be taken up and removed, the Road Authority may take up and remove the same, and recover the cost of so doing from the said Joseph Brown Payne.

41. All iron work, machinery, locomotives and Tramway carriages required for the use of, or in constructing, making and working any of “The Tramways,” under this law, shall, until such Tramway is open for traffic, be free of all duty whatsoever thereon imposed by any law of this Island. Tramway material to be free of all duty.

42. No part of “The Tramways” shall be opened for public traffic until the Director of Public Works has inspected the same and certified it to be fit for such traffic, and the Governor has on the production to him of such certificate authorized the opening of such part of “The Tramways.” Restriction on opening of “The Tramways.”

43. All penalties incurred under the provisions of this Ordinance may be sued for and recovered before any Stipendiary Justice of the Peace in a summary manner, according to the form of procedure provided by Ordinance No. 5 of 1868, intituled “An Ordinance respecting the Summary Administration of Justice.” Procedure.

44. If “The Tramways” along one mile of street shall not be constructed within two years from the time when this Ordinance shall come into operation, or if all the lines of “The Tramways” be not completed and opened for traffic within the period of three years from that time, the Governor and Legislative Council may by resolution declare that all the powers and authorities conferred on the said Joseph Brown Payne by this Ordinance shall in either case cease and determine. Powers of J. B. Payne to cease if one mile is not constructed within two years.

On the cessation of such powers and authorities, the said Joseph Brown Payne shall remove every part of “The Tramways” already laid within such period as shall be fixed by the Governor.

45. If at any time after the opening of any of “The Tramways” for traffic the said Joseph Brown Payne discontinues the working of such Tramway, or any part thereof, for the space of three calendar months, such Discontinuance or failure of the undertaking.

discontinuance not being occasioned by circumstances beyond the control of the said Joseph Brown Payne, for which purpose the want of sufficient funds shall not be considered a circumstance beyond his control, and such discontinuance is proved to the satisfaction of the Governor and the Legislative Council, the Governor may, by order, declare that all the powers and authorities of the said Joseph Brown Payne in respect of any of such Tramways, or the part thereof so discontinued, shall, from the date of such order, be at an end, and thereupon the said powers and authorities of the said Joseph Brown Payne shall cease and determine.

Where any such order has been made, the said Joseph Brown Payne shall, within the period of two months from the date of such order, remove "The Tramways," or any part thereof mentioned in such order, and shall make good every street or such part thereof as may be injured by the taking up of any of "The Tramways," or any part thereof, on account of such discontinuance.

If the said Joseph Brown Payne shall fail to remove such Tramways, or any part thereof, in the event of non-completion within the period fixed by the Governor, or in the event of discontinuance within the time herein limited, and to make good such street, the Road Authority may, at any time, after the expiration of the period so fixed, or of such two months, as the case may be, remove "The Tramways," or part of them so not completed or discontinued, and make good the street whence such Tramway may be removed, and the said Joseph Brown Payne shall, on demand, pay to the Road Authority the costs and expenses incurred by such removal and making good the street, such costs and expenses to be certified by the Director of Public Works, whose certificate shall be final and conclusive.

If the said Joseph Brown Payne fail to pay the amount so certified within one calendar month after demand made on him, the Road Authority may, without any further notice to the said Joseph Brown Payne, but without prejudice to any other remedy which they may have for the recovery of the amount, sell and dispose of the materials of the Tramway or part of the Tramway so removed, either by public auction or private sale, and

for such sum or sums and to such person or persons as the Road Authority may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs and expenses certified as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the Road Authority to the said Joseph Brown Payne.

46. The powers and privileges given by this Ordinance are so given saving and reserving always the rights of Her Majesty, and of all bodies politic and corporate, and of all other persons, except such as are mentioned in this Ordinance, and those claiming by, from and under them.

Reservation of
rights of the
Crown.

Passed in Council this twenty-third day of June, in the year of Our Lord, One thousand eight hundred and eighty-two.

J. CUNNINGHAM,
Acting Clerk of the Council.

No. 9—1882.

AN ORDINANCE for regulating the Festivals of Immigrants.

(L.S.) J. SCOTT BUSHE, *Administrator.*

10th July, 1882.

BE it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

1. This Ordinance may be cited for all purposes as "The Immigrants Festivals Ordinance, 1882." Short title.

2. The Governor is hereby authorized to make from time to time regulations for the government of the festivals of immigrants in this Colony, and of the Power to make regulations as to festivals.