



CHAPTER cxviii.

An Act for authorising the construction of additional
Tramways in the borough of Portsmouth, and to Cosham,
in the county of Southampton; and for other purposes.

A.D. 1879.

[3d July 1879.]

WHEREAS by the Portsmouth Street Tramways Act, 1870, (in
this Act called "the Act of 1870,") the Portsmouth Street
Tramways Company (in this Act called "the Company") were
incorporated, and were authorised to make and maintain certain
tramways in the borough of Portsmouth :

33 & 34 Vict.
c. clxx.

And whereas by the Portsmouth Street Tramways (Extensions)
Order, 1874, confirmed by the Tramways Orders Confirmation Act,
1874, the Landport, Southsea, and Portsea Street Tramways
Order, 1876, (in this Act called "the Order of 1876,") confirmed
by the Tramways Orders Confirmation (Bristol, &c.) Act, 1876,
and by the Portsea Street Tramways Order, 1877, confirmed by
the Tramways Orders Confirmation Act, 1877, other tramways in
the parishes of Portsmouth and Portsea, in the county of South-
ampton, were authorised :

37 & 38 Vict.
c. clxxxiii.39 & 40 Vict.
c. cl.40 & 41 Vict.
c. cxxiv.

And whereas the additional tramways in this Act described
would be of local and public advantage, and it is expedient that the
Company be authorised to construct the same :

And whereas plans and sections showing the situation, lines, and
levels of the tramways authorised by this Act, with a book of
reference to the plans, have been duly deposited with the clerk of
the peace for the county of Southampton, and are herein-after
referred to as the deposited plans, sections, and book of reference :

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

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

A.D. 1879. and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the Portsmouth, &c. Tramways Act, 1879.

Incorporation of general Acts. 8 & 9 Vict. c. 16. 2. The provisions of the Companies Clauses Consolidation Act, 1845,—

With respect to the distribution of the capital of the Company into shares ;

With respect to the transfer or transmission of shares ;

With respect to the payment of subscriptions and the means of enforcing the payment of calls ;

With respect to the forfeiture of shares for nonpayment of calls ;

With respect to the remedies of creditors of the Company against the shareholders ;

With respect to the borrowing of money by the Company on mortgage or bond ;

With respect to the conversion of the borrowed money into capital ;

With respect to the consolidation of the shares into stock ;

With respect to the making of dividends ;

With respect to the giving of notices ;

And with respect to the provision to be made for affording access to the special Act by all parties interested :

26 & 27 Vict. c. 118. and Part I. (relating to the cancellation and surrender of shares)
32 & 33 Vict. c. 48. and Part II. (relating to additional capital) of the Companies Clauses
8 & 9 Vict. c. 18. Act, 1863, as amended by the Companies Clauses Act, 1869, and
23 & 24 Vict. c. 106. the Lands Clauses Consolidation Acts, 1845, (except the provisions
32 & 33 Vict. c. 18. thereof with respect to the purchase and taking of lands otherwise
33 & 34 Vict. c. 78. than by agreement, and with respect to the entry upon lands by
the promoters of the undertaking), 1860, and 1869, and section 3
(interpretation of terms), section 19 (local authority may lease or
take tolls), and Part II. (construction of tramways), and Part III.
(general provisions) of the Tramways Act, 1870, are (except where
expressly varied by this Act) incorporated with and form part of
this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; the word contingencies in the Companies Clauses Consolidation Act, 1845, section one hundred and twenty-two, 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 forty-three, at a sum less than the aggregate amount of the capital and debts of the Company. A.D. 1879.

4. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways herein-after described, 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, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are,— Power to
make
tramways.

A.—PORTSMOUTH SECTION.

Tramways and passing-places, Nos. 1 to 5 and 18, all in the parishes of Portsmouth and Portsea, or one of them, in the borough of Portsmouth, in the county of Hants :

- (1.) A tramway (No. 1) (single line), two furlongs six chains and seventy-five links in length, commencing in Lombard Street, Portsmouth, at a point about eighty-five feet north of its intersection with High Street, and passing thence in a south-easterly direction across High Street into and along Pembroke Road, and terminating in the road leading direct from Pembroke Road to Kent Road, at a point opposite the Pier Hotel, by a junction with Tramway (No. 1) authorised by the Order of 1876 :
- (2.) A tramway or passing-place (No. 2) (single line), one and a half chains in length, commencing in High Street by a junction with Tramway (No. 1) authorised by the Portsmouth Street Tramways Act, 1870, at a point seventy feet west of the junction therewith of Pembroke Road, and terminating in Pembroke Road by a junction with Tramway (No. 1) by this Act authorised, at a point one and a half chains south-east of its point of commencement :
- (3.) A tramway or passing-place (No. 3) (single line), two and a half chains in length, wholly in Pembroke Road, commencing and terminating respectively by junctions with Tramway (No. 1) by this Act authorised, its point of commencement being twenty-five feet north-west of the intersection of Penny Street with Pembroke Road, and its point of termination two and a half chains south-east of its point of commencement :
- (4.) A tramway or passing-place (No. 4) (single line), two and a half chains in length, wholly in Pembroke Road,

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commencing and terminating respectively by junctions with Tramway (No. 1) by this Act authorised, its point of commencement being one hundred and thirty-five feet south-east of the junction of King William Place with Pembroke Road, and its point of termination two and a half chains south-east from its point of commencement :

(5.) A tramway or passing-place (No. 5) (single line), two and a half chains in length, wholly in the road leading direct from Pembroke Road to Kent Road, commencing and terminating respectively by junctions with Tramway (No. 1) by this Act authorised, the point of commencement being opposite the Clarence Monument, and the point of termination two and a half chains south-east therefrom :

(18.) A tramway (No. 18) (single line), four and a half chains in length, wholly in High Street, commencing by a junction with the northernmost of the two lines of tramway now laid there at a point about forty yards east of the junction of Oyster Street with High Street, and terminating by a junction with Tramway (No. 2) at a point ten yards south-westward from the junction of Lombard Street with High Street.

B.—SOUTHSEA SECTION.

Tramways and passing-places (Nos. 9 to 17) all in the parish of Portsea and borough of Portsmouth aforesaid :

(9.) A tramway (No. 9) (single line), seven furlongs and two chains in length, commencing in Osborne Road by a junction with Tramways 1 and 4 authorised by the Order of 1876, at their termination at a point about seventy feet south-east of the south-west angle of the Cricketer's Tavern, thence passing into and along Clarendon Road (passing round the northern half of "The Circle") and St. Helen's Park Crescent, and terminating at the junction of that road with St. Helen's Parade :

(10.) A tramway or passing-place (No. 10) (single line), two and a half chains in length, situate wholly in Osborne Road, commencing and terminating respectively by junctions with Tramway (No. 9), the point of commencement being the same as the commencement of Tramway (No. 9), and the point of termination two and a half chains east therefrom :

(11.) A tramway or passing-place (No. 11) (single line), two and a half chains in length, wholly in Osborne Road,

commencing and terminating respectively by junctions with Tramway (No. 9), its point of commencement being ten feet west of the junction of Elphinstone Road with Osborne Road, and its point of termination two and a half chains east of its point of commencement: A.D. 1879.

- (12.) A tramway or passing-place (No. 12) (single line), four chains in length, in Osborne and Clarendon Roads, commencing and terminating respectively by junctions with Tramway (No. 9), its point of commencement being about one hundred feet westward of the intersection of Palmerston Road with Osborne Road, and its point of termination four chains south-east from its point of commencement:
- (13.) A tramway or passing-place (No. 13) (single line), five chains and thirty links in length, passing round the southern half of "The Circle," Clarendon Road, commencing and terminating respectively by junctions with Tramway (No. 9), the point of commencement being opposite Lymington Lodge in Clarendon Road, and the point of termination being opposite Lansdowne Villa in the same road:
- (14.) A tramway or passing-place (No. 14) (single line), six chains in length, wholly in Clarendon Road, commencing and terminating respectively by junctions with Tramway (No. 9), its point of commencement being at the junction of Pelham Road with Osborne Road, and its point of termination six chains eastward from its point of commencement:
- (15.) A tramway or passing-place (No. 15) (single line), two and a half chains in length, wholly in Clarendon Road, commencing and terminating respectively by junctions with Tramway (No. 9), its point of commencement being forty feet south-east of the Waverley Tavern, and its point of termination two and a half chains south-east from its point of commencement:
- (16.) A tramway or passing-place (No. 16) (single line), two and a half chains in length wholly in St. Helen's Park Crescent, and commencing and terminating respectively by junctions with Tramway (No. 9), its point of commencement being four chains east of the junction of Eastern Villas Road with Clarendon Road, and its point of termination two and a half chains south-east from its point of commencement:

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- (17.) A tramway or passing-place (No. 17) (single line), two and a half chains in length, wholly in St. Helen's Park Crescent, commencing and terminating respectively by junctions with Tramway (No. 9), its point of commencement being two hundred feet north of the junction of the aforesaid road with St. Helen's Parade, and its point of termination two and a half chains south of its point of commencement.

C.—LANDPORT SECTION.

Tramways and passing-places, Nos. 19 to 24, all in the parish of Portsea and borough of Portsmouth aforesaid :

- (19.) A tramway (No. 19) (single line), four furlongs six chains and twenty links in length, commencing in the Commercial Road by a junction with Tramway (No. 8) authorised by the Portsmouth Street Tramways Act, 1870, at a point about twenty yards north of the northern corner of the Crown Inn, and curving thence in a north-easterly direction into and passing along Lake Road, and terminating in that road at its junction with Buckland Road :
- (20.) A tramway or passing-place (No. 20) (single line), six chains in length, partly in Commercial Road and partly in Lake Road, commencing and terminating respectively by junctions with Tramway (No. 19), its point of commencement being thirty-three feet north-east of the point of commencement of the said Tramway (No. 19) as above described, and its point of termination one chain west of the junction of Cosham Street with Lake Road :
- (21.) A tramway or passing-place (No. 21) (single line), two and a half chains in length, wholly in Lake Road, commencing and terminating respectively by junctions with Tramway (No. 19), the point of commencement being eighty feet west of the junction of Charles Street with Lake Road, and the point of termination eighty-five feet east of that junction :
- (22.) A tramway or passing-place (No. 22) (single line), two and a half chains in length, wholly in Lake Road, commencing and terminating respectively by junctions with Tramway (No. 19), the point of commencement being twenty feet east of the junction of North Street with Lake Road, and the point of termination twenty feet east of the junction of Church Street with Lake Road :
- (23.) A tramway or passing-place (No. 23) (single line), two and a half chains in length, wholly in Lake Road, com-

mencing and terminating respectively by junctions with Tramway (No. 19), the point of commencement being forty feet west of the junction of Timpson Street with Lake Road, and the point of termination one hundred and twenty-five feet east of that junction : A.D. 1879.

- (24.) A tramway or passing-place (No. 24) (single line), two and a half chains in length, wholly in Lake Road, commencing and terminating respectively by junctions with Tramway (No. 19), the point of commencement being about two hundred and forty feet south-west of the junction of Buckland Road with Lake Road, and the point of termination being seventy-five feet south-west of that junction.

D.—PORTSMOUTH AND COSHAM SECTION.

Tramways and-passing places (Nos. 25 to 39), all in the parish of Portsea in the borough of Portsmouth aforesaid, and the parishes or places of Portsea, Wymering, Widley, and Portsdown, in the county of Hants, or some of them :

- (25.) A tramway (No. 25) (single line), one mile and seven furlongs in length, commencing in London Road by a junction with the Tramway (No. 1) authorised by the Portsmouth Street Tramways (Extensions) Order, 1874, at its termination opposite Northend House, passing thence in a northerly direction along the London Road through Hilsea and over the bridge known as Portsbridge, and terminating in London Road at a point about sixty feet south of the southern gates at the level crossing of the London and South-western Railway over London Road near Cosham Station: Provided always, that Tramway (No. 25) shall be made, formed, laid down, and maintained not in the position shown on the deposited plans, but in the position shown on a plan signed by Henry Cecil Raikes, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was in its passage through Parliament referred, and copies of which plan have been deposited in the Private Bill Office of that House and in the office of the Clerk of the Parliaments.

26 to 39 tramways or passing-places (each consisting of a single line of rails only) respectively situate in London Road, and commencing and terminating respectively by junctions with Tramway (No. 25), the point of commencement of each tramway being as below specified, and the tramway in each case running northwards

A.D. 1879. from its commencement for the length specified in the case of each tramway :

- (26.) A tramway or passing-place (No. 26), two and a half chains in length, commencing opposite the house called the Poplars :
- (27.) A tramway or passing-place (No. 27), two and a half chains in length, commencing at a point thirteen and a half chains northward from the commencement of Tramway No. 25 :
- (28.) A tramway or passing-place (No. 28), two and a half chains in length, commencing at a point four hundred feet north of North Grounds Villa :
- (29.) A tramway or passing-place (No. 29), two and a half chains in length, commencing at a point one hundred and fifty feet north of the entrance gate to Oak Farm :
- (30.) A tramway or passing-place (No. 30), two and a half chains in length, commencing at a point one hundred and thirty-five feet north-west of the obelisk indicating the borough boundary :
- (31.) A tramway or passing-place (No. 31), two and a half chains in length, commencing at a point two hundred feet south of the southern angle of the King's Head tavern :
- (32.) A tramway or passing-place (No. 32), two and a half chains in length, commencing at a point fifty feet south of the Hilsea Post Office :
- (33.) A tramway or passing-place (No. 33), two and a half chains in length, commencing at a point fifty feet north of the Royal Engineer's office :
- (34.) A tramway or passing-place (No. 34), two and a half chains in length, commencing at a point fifty feet south of the north-west corner of the Coach and Horses public-house :
- (35.) A tramway or passing-place (No. 35), three chains in length, commencing at a point eighty-feet south of the southern face of the arch under the Hilsea fortifications :
- (36.) A tramway or passing-place (No. 36), six chains in length, commencing at a point one hundred and fifty feet south of the south end of the bridge known as Portsbridge :
- (37.) A tramway or passing-place (No. 37), two and a half chains in length, commencing at a point eight hundred and twenty-five feet north-east of the northern end of the said Portsbridge :
- (38.) A tramway or passing-place (No. 38), two and a half chains in length, commencing at a point seventy-five feet south-west of the gateway to the old London Road :

(39.) A tramway or passing-place (No. 39), two and a half chains in length, commencing at a point one hundred and twenty feet north of the south-west corner of Hawthorne Cottage.

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

Power to
apply exist-
ing funds.

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

Power to
raise
additional
capital.

7. The provisions of the sections of the Act of 1870, numbered 43, 44, and 45, shall apply to the shares in the additional capital by this Act authorised to be raised.

Certain sec-
tions of
33 & 34 Vict.
c. clxx. ap-
plied to new
share capital.

8. In addition to any sum which by any other Act or Acts they are authorised to borrow, the Company may from time to time borrow on mortgage any further sum or sums not exceeding in the whole eight thousand seven hundred and fifty pounds, but no part of that sum shall be borrowed until the whole additional capital of thirty-five thousand pounds by this Act authorised 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 additional 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, or the whole of the stock in such additional capital, has been paid on account thereof, before or at the time of the issue or acceptance thereof, and that such additional 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, or 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 on
mortgage.

9. The Company shall not create debenture stock under this Act.

Company
not to create
debenture
stock.

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Mortgage
to comprise
purchase
money paid
on com-
pulsory sale.Indorsement
of notice of
power of
future pur-
chase by
local
authority.Existing
mortgages
to have
priority.Repealing
provisions
of previous
Acts for
appoint-
ment of
receiver.Appointment
of receiver.Money
borrowed
on mort-
gage to
have
priority.Application
of moneys.Period for
completion
of works.

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

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

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

13. The provisions of all previous Acts relating to the Company for the appointment of a receiver are hereby repealed, but without prejudice to any appointment heretofore made or proceedings pending.

14. 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-tenth part of the sum for the time being borrowed by the Company.

15. All moneys borrowed or to be borrowed on mortgage under this Act, or any other Act empowering the Company to borrow money on mortgage, 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.

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

17. The tramways shall be completed within two 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 to be exercised, except as to so much thereof as shall then be completed. A.D. 1879.

18. 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 20, a sum of one thousand and nineteen pounds twelve shillings and twopence three pence per centum Consolidated Bank Annuities, being equal at the price at which the same were purchased to five per cent. upon the amount of the estimate in respect of the tramways, has been transferred into the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (which stock is referred to in this Act as the deposit fund): Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors or survivor, are or is in this Act referred to as the depositors), unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways, open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers, then on the 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 Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be 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.

19. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete and open the same 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

D. 1879.

commencement, construction, or abandonment of the tramways, or any portion thereof, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be 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 re-transferred 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.

Power to purchase lands, &c. by agreement.

20. The Company may from time to time purchase, but only by agreement, any additional lands, not exceeding in the whole one acre, which they may require for any of the purposes of their undertaking.

Applying provisions 33 & 34 Vict. c. clxx. as to tolls, &c.

21. The tramways by this Act authorised shall for the purposes of tolls and charges, and for all other purposes, be deemed to be part of the tramways authorised by the Act of 1870, and the several provisions of that Act, except so far as they may be inconsistent with any of the provisions of this Act or any Act or part of an Act incorporated herewith, are incorporated with and form part of this Act.

Company not to carry animals and

22. The Company shall not carry on the tramways any goods, animals, or things, other than passengers and passengers luggage,

not exceeding the weight in that behalf mentioned in the Order of 1876, and small parcels.

23. In addition to the requirements of section twenty-six 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 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, until such plan and statement have been approved by the Board of Trade; 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 twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

goods on
tramways
hereby
authorised.
Further
provisions
as to con-
struction of
tramways.

24. The rails of the tramways shall be such as the Board of Trade may approve.

As to rails
of tramways.

25. 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 partially situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, in such

Periodical
revision of
tolls.

A.D. 1879. 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.

Inspection
by Board of
Trade.

26. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways
to be kept
on level of
surface of
road.

27. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Penalty for
not main-
taining rails
and road in
good con-
dition.

28. The Company shall at all times maintain and keep in good condition and repair the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Company at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in this section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report certified by a Secretary or an Assistant Secretary of the Board of Trade may be adduced as evidence of such default, and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Sewer
authority to
have access
to sewers.

29. Every 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 the sewer authority as if the same were a pipe for the supply of gas or water.

A.D. 1879.

30. The Board of Trade may from time to time upon the application of the local authority or 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 any such improvements.

Company may be required to use improved form of rail.

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

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

32. The Company may, subject to the provisions of this Act, with the consent 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 in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, stables, or carriage-houses or works of the Company: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road, if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Power to make additional crossings, &c.

33. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such

Application of road materials excavated in construction of works.

A.D. 1879.

road authority of so much of the roadway on either side of such tramways as the company are by section 28 of the Tramways Act, 1870, required to maintain; and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same; provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by such surveyor, or by some other person 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 any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the promoters and any road authority.

Tramways
not exempt
from pro-
visions of
present or
future
general
Tramway
Acts.

34. Nothing in this Act contained shall 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.

Expenses of
Act.

35. All costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, shall be paid by the Company.