



CHAPTER xxvii.

An Act for incorporating the Gosport Street Tramways Company, and for empowering them to construct Tramways; and for other purposes. A.D. 1879.
[23d May 1879.]

WHEREAS the construction of tramways in certain streets and roads in Gosport in the county of Southampton would be of public and local advantage :

And whereas the persons herein-after named, with others, are willing at their own expense to construct such tramways, and it is expedient that powers should be conferred upon them for that purpose :

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised, and books of reference to such plans, have been deposited with the clerk of the peace for the county of Southampton, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

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

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

1. This Act may be cited for all purposes as the Gosport Street Tramways Act, 1879. Short title.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except the provisions thereof with respect to the purchase of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking, Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 8 & 9 Vict. c. 18.

A.D. 1879. section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), Part II. (construction of tramways), and Part III. (general provisions) of the Tramways Act, 1870, are, except where expressly varied or excepted by or inconsistent with the provisions of this Act, incorporated with and form part of this Act.

23 & 24 Vict.
c. 106.

32 & 33 Vict.
c. 18.

33 & 34 Vict.
c. 78.

Interpreta-
tion.

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 Company" shall mean the Gosport Street Tramways Company incorporated by this Act ;

The expressions "the tramways" and "the undertaking" shall mean the tramways, passing places, and works, and the undertaking respectively by this Act authorised ;

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

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

Incorpora-
tion of
Company.

4. George Richardson, John Humphreys, and Alfred Lucas Henry, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purposes 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 "Gosport Street Tramways Company," and by that name shall be a body corporate with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to
make tram-
ways.

5. 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,—

A.D. 1879.

Tramway No. 1, a single line one mile seven furlongs four chains and fifty links in length, with passing places numbered respectively 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of the aggregate length of five furlongs and four chains, commencing near the Fountain in High Street, Gosport, and passing thence in a westerly direction into and along High Street, Walpole Road, Stoke Road, thence along Bury Road, Alverstoke Road, and Anglesey Road, and terminating in the latter road opposite the North Lodge, Alverstoke:

Tramway No. 2, a single line one mile three furlongs three chains and fifty links in length, with passing places numbered respectively 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, of the aggregate length of three furlongs and seven chains, commencing by a junction with Tramway No. 1, near the intersection of Upper South Street with High Street, Gosport, and passing thence in a northerly direction into and along Clarence Road, and thence into and along Forton Road to Forton and Camden Town, and terminating in Forton Road near the intersection of Ann's Hill Lane with Forton Road aforesaid.

6. The capital of the Company shall be twenty thousand pounds in two thousand shares of ten pounds each. Capital.

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

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

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

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole five thousand pounds, at the time and subject to the restrictions herein-after contained; that is to say, in respect of each sum of ten thousand pounds, part of the Power to borrow on mortgage.

A.D. 1879.

said capital of twenty thousand pounds, the Company may borrow the sum of two thousand five hundred pounds; but no part of any such sum of two thousand five hundred pounds shall be borrowed until the whole of the capital of ten thousand pounds in respect of which the same is borrowed is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify, under section 40 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.

For appointment of a receiver.

11. 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 be not less than five hundred pounds in the whole.

Company not to create debenture stock.

12. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

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

Indorsement of mortgage with notice of power of purchase by the local authority.

14. Every mortgage deed granted by the Company under this Act shall be indorsed 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 section 43 of the Tramways Act, 1870.

Priority of mortgages over other debts.

15. All money raised or to be raised by the Company on mortgage under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over

A.D. 1879.

all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or *pari passu* with the interest on their mortgages.

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

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

18. The quorum of every general meeting (whether ordinary or extraordinary) shall be ten shareholders present personally or by proxy holding in the aggregate not less than two thousand pounds in the capital of the Company. Quorum of general meetings.

19. The number of directors shall be three. Number of directors.

20. The qualification of a director shall be the possession in his own right of not less than twenty shares. Qualification of directors.

21. The quorum of a meeting of directors shall be two. Quorum of directors.

22. George Richardson, John Humphreys, and Alfred Lucas Henry 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 any of them, or may elect a new body of directors or a director or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect a person or persons to supply the places of the director or directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the person or persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be a director or directors until others are elected in his or their stead in manner provided by the same Act. First directors.

Election of directors.

23. Every tramway and passing place by this Act authorised shall consist of a single pair of rails, which shall be laid and main-

Mode of formation of tramways.

A.D. 1879. tained in such manner as to be on a level with the surface of the road, and shall be constructed on the gauge of four feet eight and a half inches.

Company to adopt improvements if required by the Board of Trade.

24. The Board of Trade may from time to time, upon the application of the road authority of any district, require the Company to adopt and apply such improvements in the tramways within such district, 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.

Inspection by Board of Trade.

25. 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 level with surface of road.

26. If and whenever after the passing of this Act any road authority shall alter 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 or not maintaining rails and roads.

27. 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; 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.

Sewer authorities to have access to sewers.

28. 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 sections 32 and 33 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.

Power to make additional crossings, &c.

29. The Company may, subject to the provisions of this Act, and with the consent of the local 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 his or their hand addressed to the Company, express his or their objection thereto.

A.D. 1879.

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

Temporary tramways may be made where necessary.

31. 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 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,

Application of road materials excavated in construction of works.

A.D. 1879. — 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.

Power to purchase lands, &c. by agreement.

32. The Company may from time to time purchase by agreement any lands which they may require for any of the purposes of their undertaking, not exceeding in the whole five acres, and the Company may erect on such lands such suitable buildings as they think necessary for the purposes of their undertaking.

Power to take easements by agreement.

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

Authorising agreements for the use of tramways.

34. The Company may, subject to the approval of the Board of Trade, from time to time enter into and carry into effect contracts, agreements, and arrangements with any person, persons, or corporation (for or with respect to the use by such person, persons, or corporation of the tramways, or any of them, or any part or parts thereof respectively, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such use, and all incidental matters.

Agreements with Alverstone Local Board.

35. The Company may from time to time enter into and carry into effect contracts or agreements with the Alverstone Local Board with respect to the laying down, maintaining, renewing, and repairing of the tramways, and the rails, plates, sleepers, and works connected therewith, and for facilitating the passage of carriages and traffic over or along the same.

Providing for foot-bridge over London and South-western Railway.

36. Subject to the consent of the London and South-western Railway Company being obtained thereto, and upon the request in writing of the Alverstone Local Board, the Company shall construct a footway six feet in width on the southern side of the bridge

carrying the Stoke Road over the London and South-western Railway. A.D. 1879.

37. In the event of the existing road called the Clarence Road, along which the tramways are intended to be laid, being diverted by the Alverstoke Local Board, the Company shall, if required so to do by the said local board, lay down the tramways along such diverted road instead of laying the same along the existing road, and shall take up and relay any tramways which may previously to such diversion being made have been laid down along the existing road: Provided always, that nothing herein contained shall be deemed to authorise or require the Company to lay any tramway or passing place so that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the said road and the nearest rail of the tramway or passing place if two thirds of the owners, lessees, and occupiers of the houses, shops, or warehouses abutting upon the place where such less space shall intervene shall, by writing under their hand addressed either to the Company or the local board, object thereto.

If Clarence Road diverted, tramways to be relaid.

38. Before laying down any tramways in Clarence Road over the moat bridge at the double gateway or through the ravelin of the fortifications, the Company shall, to the satisfaction of Her Majesty's Principal Secretary of State for the War Department, cause the said moat bridge to be widened to the south by turning another brick arch so as to give a clear carriage-road of twenty-five feet six inches and two footpaths not less than five feet six inches wide, and shall to the like satisfaction cause the roadway through the ravelin of the fortifications to be widened to twenty-five feet six inches in the clear, with two footpaths, each six feet wide, and rebuild one retaining wall.

As to alteration of moat bridge and fortification.

39. The Company shall bear and pay on demand to the Gosport Waterworks Company any additional expense which may be imposed upon them in laying down, repairing, altering, or removing any main or pipe for the supply of water by reason of the existence of the tramways by this Act authorised in any road or place where any such mains or pipes may be required to be laid down, repaired, altered, or removed; and if any difference arises between the Company and the Gosport Waterworks Company with respect to any such additional expense, the matter in difference shall be settled by an engineer or other fit person nominated as referee by the President for the time being of the Institution of Civil Engineers in London, on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs: Provided

For protection of Gosport Waterworks Company.

A.D. 1879. always, that nothing contained in this section shall be deemed to supersede or dispense with any of the provisions of Part II. of the Tramways Act, 1870, but those provisions shall remain in full force and effect.

For protection of bridge over London and South-western Railway.

40. Wheresoever the tramway is intended to be constructed upon a bridge carrying a road over a railway belonging to the London and South-western Railway Company the following provisions shall apply :

- (A.) In the construction of the tramway over every such bridge the same shall be constructed and for ever maintained at the cost of the Company, with such section and description of rails and fastenings and in accordance with such plan as shall be reasonably approved of by the engineer for the time being of the railway company, and under his superintendence and to his reasonable satisfaction ; and the Company shall, after the delivery to the railway company's engineer of such plan, give the railway company fourteen days notice in writing of their intention to commence the works ; and if at the expiration of such period of fourteen days the engineer of the railway company shall not have approved in writing of such plan, a difference shall be assumed to have arisen, which shall be settled in manner herein-after provided :
- (B.) At any time within the period of fourteen days herein-before mentioned the engineer of the railway company may elect to carry out and construct the works proposed by the Company, so far as the same are upon the bridge of the railway company, and such works shall be so carried out and constructed at the sole expense in all things of the Company, but to their reasonable satisfaction :
- (C.) During the construction and in the maintenance of the tramway the Company shall not stop or otherwise interfere with the traffic of the railway company, or obstruct the access to any of their buildings or works or stations, except so far as may be reasonably necessary :
- (D.) Any additional expenses in the maintaining of the bridge, and all future expenses in maintaining the roadway on the same and on the approaches thereto for their entire length, shall be borne by the Company :
- (E.) At any point between the extreme ends of the approaches for their whole length and over the bridge the Company shall only lay a single line of tramway, and no loop or crossing place shall be permitted without the consent of the railway company :

(F.) In the event of any difference between the railway company or their engineer and the Company in regard to anything to be done under the provisions of this section, the same shall be settled by a referee to be agreed on between the Company and the railway company, or, failing agreement, to be appointed by the Board of Trade in the manner provided by section 33 of the Tramways Act, 1870.

A.D. 1879.

41. 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 nine hundred and thirty pounds fourteen shillings and fivepence Consolidated Bank Annuities, being equal to five per centum upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as the deposit fund): Be it enacted that, notwithstanding anything contained in the said Act, the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors, or survivor are or is in this Act referred to as the depositors), unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers, then on the 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 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.

Deposit money not to be repaid until tramways opened or half the capital paid up and expended.

42. 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

Application of deposit.

A.D. 1879. — 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, and also in compensating all road authorities for the expense incurred by them in taking up any tramway, or material 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 Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor 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 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.

Period for completion of works.

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

Tolls for passengers.

44. The Company may demand and take for any passenger travelling upon the tramways or any part thereof, including tolls for the use of the tramways and of carriages and for motive power, and for every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile, and in computing the

said tolls or charges the fraction of a mile shall be deemed a mile, but in no case shall the Company be bound to charge a less sum than twopence. A.D. 1879.

45. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof, provided that such luggage be carried by hand and at the responsibility of the passenger, and shall not occupy any part of the seat, nor be of a form or description to annoy or inconvenience other passengers. Passengers luggage.

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

47. The Company shall carry small parcels, but they shall not be bound to deliver the same except at the termini of their tramways or at such other place or places as the Company may from time to time determine. Company to carry parcels.

48. The Company may demand and take for small parcels, not exceeding one hundred and twelve pounds in weight, any tolls not exceeding the following: Tolls for small parcels.

For any parcel not exceeding seven pounds in weight, threepence;

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

For any parcel exceeding fourteen pounds, but not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds, but not exceeding fifty-six pounds in weight, ninepence;

For any parcel exceeding fifty-six pounds any sum which the Company think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

49. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required 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 artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company, nevertheless, not being required to take any fare less than one Cheap fares for labouring classes.

A.D. 1879.

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: Provided that if in any continuous period of six months it shall be found that less than twenty passengers shall have been conveyed by each of such carriages, the Company, on proof thereof to the satisfaction of the Board of Trade, may discontinue the running of such carriages, but the Board of Trade may at any time order the resumption thereof by the Company, if it shall seem desirable to the Board of Trade so to do.

Byelaws as to tolls.

50. The Company may, subject to the provisions of section 46 of the Tramways Act, 1870, from time to time make byelaws as to the persons, times, and places to whom and at and in which the tolls and charges authorised by this Act shall be paid.

Interest not to be paid on calls paid up.

51. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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.

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

52. 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.

Company not exempt from provisions of present or future general Tramway Acts.
Expenses of Act.

53. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act.

54. 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.