

**CHAPTER xlv.**

An Act to authorise the Southampton Tramways Company to construct additional tramways and for other purposes.

A.D. 1888.

[28th June 1888.]

WHEREAS by the Southampton Street Tramways Act 1877 (in this Act called "the Act of 1877") the Southampton Tramways Company (in this Act called "the Company") were incorporated with a share capital of fifty thousand pounds and power to borrow on mortgage sixteen thousand six hundred and fifty pounds and were authorised to construct various street tramways:

And whereas the tramways authorised by the Act of 1877 have been constructed and opened for public traffic:

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

And whereas there are at present no omnibuses working in the borough of Southampton except between the railway stations and the hotels in the borough and except certain omnibuses belonging to the Company and it is expedient that subject to the conditions in this Act contained the Company should be authorised to build purchase hire horse work and use omnibuses in connexion with their tramways or otherwise and to demand take and recover tolls rates and charges for the use thereof and for the conveyance of passengers articles and goods:

And whereas it is expedient that the Company should be authorised to abandon such portions of their tramways as will be rendered unnecessary by the construction of certain of the tramways by this Act authorised:

And whereas it is expedient that the Company should be authorised to raise further capital for the purposes of this Act or other the general purposes of the Company and that their borrowing powers should be increased:

A.D. 1888.

And whereas it is expedient to facilitate the raising of so much of the authorised capital of the Company as has not been subscribed or issued and to make such other provisions with regard thereto as are herein-after contained :

And whereas plans and sections showing the situation lines and levels of the tramways and works authorised by this Act and also books of reference to those plans have been deposited with the clerk of the peace for the town and county of the town of Southampton and with the clerk of the peace for the county of Southampton and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and 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 Southampton Street Tramways (Extensions) Act 1888.

Incorporation of general Acts.

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 non-payment 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 :

and Part I. (relating to the cancellation and surrender of shares)

and Part II. (relating to additional capital) of the Companies

Clauses Act 1863 as amended by the Companies Clauses Act 1869

and the Lands Clauses Consolidation Act 1845 (except the provisions

thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and the Lands Clauses Consolidation Acts Amendment Act 1860 and section 3 (interpretation of terms) and 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.

A.D. 1888.

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 :

Interpre-
tation.

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 same is used were a simple contract debt and not a debt or demand created by statute :

The expression "the tramways" means the tramways and works by this Act authorised :

The expression "the corporation" shall mean the mayor aldermen and burgesses of the borough of Southampton :

The expression "the undertaking" means the undertaking by this Act authorised :

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

4. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 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.

Tramway No. 5. A tramway (a single line except for a distance of 17 yards or thereabouts northward from its termination for which distance it will be a double line) 2·50 chains or thereabouts in length situate wholly in the parish of St. Mary

A.D. 1888.
—

commencing in Terminus Terrace by a junction with the existing tramway opposite the northern side of Queen's Terrace at its junction with Terminus Terrace extending southwards for 2·50 chains or thereabouts and terminating there at the south end of Terminus Terrace :

Tramway No. 6. A tramway or passing place (a double line) 2·50 chains or thereabouts in length situate wholly in the parish of St. Mary commencing in Bernard Street by a junction with the existing tramway at a point 2·50 chains or thereabouts east of the east side of Canal Walk and terminating by a junction with the existing tramway at a point opposite the east side of Canal Walk :

Tramway No. 7. A tramway or junction line (a single line) 2·37 chains or thereabouts in length wholly situate in the parish of All Saints commencing in the Commercial Road by a junction with the existing tramway at a point 16 yards or thereabouts north-east of the north-west corner of the garden wall of Blenheim House curving thence in a north-eastwardly direction for a distance of 2·37 chains or thereabouts and terminating there by a junction with the existing tramway :

Tramway No. 8. A tramway or passing place (a double line) 2·50 chains or thereabouts in length situate wholly in the parish of All Saints commencing in London Road by a junction with the existing tramway at a point 2·50 chains or thereabouts southward of the Unitarian Chapel and terminating by a junction with the existing tramway opposite the said chapel :

Tramway No. 9. A tramway or passing place (a double line) 2·50 chains or thereabouts in length situate in the parishes of All Saints and St. Mary or one of them commencing in the Avenue by a junction with the existing tramway at a point opposite the south side of Middle Street and terminating by a junction with the existing tramway at a point 2·50 chains or thereabouts north of the first-mentioned point :

Tramway No. 10. A tramway or passing place (a double line) 2·50 chains or thereabouts in length being an improvement or reconstruction of the existing passing place on the tramway between Earl's Road and Cedar Road :

Tramway No. 11. A tramway (a single line) 1 furlong 4 chains or thereabouts in length commencing in Lodge Road by a junction with the existing tramway passing thence along Spear Road and Avenue Road and terminating in Bevois Hill at the junction of Avenue Road with Bevois Hill :

Tramway No. 12. A tramway or passing place (a double line) A.D. 1888.

2·50 chains or thereabouts in length commencing in Bevois Hill at the termination of Tramway No. 11 herein-before described and terminating in Bevois Hill by a junction with the existing tramway 2·50 chains or thereabouts north of the termination of Tramway No. 11 :

Tramway No. 13. A tramway or passing place (a double line) 2·50 chains or thereabouts in length commencing in the Portswood Road by a junction with the existing tramway at a point 2·50 chains or thereabouts south of the north side of Brookvale Road and terminating by a junction with the existing tramway opposite the north side of Brookvale Road :

Tramways Nos. 10 11 12 and 13 will be situate wholly in the parish of South Stoneham :

Tramway No. 14. A tramway or passing place (a double line) 2·50 chains or thereabouts in length wholly situate in the parish of All Saints commencing in the Commercial Road by a junction with the existing tramway at a point opposite the east end of Hamilton Terrace and terminating by a junction with the existing tramway 2·50 chains or thereabouts west of that point :

All the before-mentioned tramways will be in the town and county of the town of Southampton :

Tramway No. 15. A tramway or passing place (a double line) 2·50 chains or thereabouts in length in the Shirley Road commencing by a junction with the existing tramway at a point 2·50 chains or thereabouts south of the centre of Sir George's Road and terminating by a junction with the existing tramway at a point opposite Sir George's Road :

Tramway No. 16. A tramway or passing place (a double line) 2·50 chains or thereabouts in length being an improvement or reconstruction of the existing passing place or tramway in the Shirley Road commencing by a junction with the existing tramway at a point 2·50 chains or thereabouts south of the centre of Naseby Road and terminating by a junction with the existing tramway opposite Naseby Road :

Tramway No. 17. A tramway or passing place (a double line) 2·50 chains or thereabouts in length being an improvement or reconstruction of the existing passing place on the tramway in the Shirley Road between Grove Road and a point 2·50 chains or thereabouts south of Grove Road :

Tramway No. 18. A tramway or passing place (a double line) 2·50 chains or thereabouts in length being an improvement or

A.D. 1888.

reconstruction of the existing passing place or tramway in the Shirley Road commencing by a junction with the existing tramway at the north end of the said existing passing place opposite Portland Place and terminating by a junction with the existing tramway at a point 2·50 chains or thereabouts north of the said north end :

Tramways Nos. 15 16 17 and 18 will be situate in the parish of Millbrook in the county of Southampton :

and the tramways by this Act authorised shall for all purposes be part of the tramways of the Company: Provided always that Tramways Nos. 8 and 14 shall not be made without the consent of the corporation.

Abandonment of certain portions of the existing tramways of the Company.

5. The Company shall abandon the following portions of their existing tramways (that is to say) :—

So much of their existing tramways as are situate between the points of the commencement and termination respectively herein-before described of the Tramways Nos. 6 9 10 12 13 15 16 17 and 18 by this Act authorised and if Tramways Nos. 8 and 14 shall be made so much of their existing tramways as are situate between the points of the commencement and termination respectively herein-before described of Tramways Nos. 8 and 14 :

and the Company in the construction and for the purposes of those tramways shall take up and remove and may appropriate and use the rails and materials of the portions of tramways abandoned.

As to removal of tramways abandoned and making roads good.

6. The Company shall when and so soon as the said Tramways Nos. 6 8 9 10 12 13 14 15 16 17 and 18 by this Act authorised or any of them are completed and opened for public traffic remove the corresponding portions of the tramways by this Act authorised to be abandoned and make good the road to the reasonable satisfaction of the road authority and in default of such removal and making good the road within the time aforesaid the road authority may remove such tramways or portions of tramways and make good the road at the cost of the Company in accordance with section 41 of the Tramways Act 1870.

Certain sections of the Act of 1877 to apply to the tramways.

7. The provisions of the sections of the Act of 1877 numbered 7 (sub-sections 3 5 6 8 and 9) 8 10 11 12 47 and 49 shall apply to the tramways by this Act authorised in the like manner as if the said sections had been expressly re-enacted in this Act.

As to purchase by the corporation.

8. In the event of the corporation purchasing the tramways authorised by the Act of 1877 the tramways by this Act authorised

shall be deemed to be part of those authorised by the Act of 1877 and shall be purchased by the corporation accordingly. A.D. 1888.

9. The Company may from time to time purchase or acquire by agreement in addition to any lands which they are already authorised to acquire such land as they may require for their undertaking not exceeding in the whole three acres and may erect and hold offices buildings and other conveniences on any such lands. Purchase of lands by agreement.

10. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Restriction on displacing persons of labouring class.

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

11. The Company may from time to time apply towards any of the purposes of this Act or to the general purposes of their undertaking being in each case purposes to which capital is properly applicable 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 Act such moneys are made applicable. Power to apply existing funds.

12. The Company may from time to time raise by the creation and issue of new ordinary shares or subject to the provisions of Part II. of the Companies Clauses Act 1863 by the creation and issue of preference shares any further capital not exceeding in the whole eighteen thousand pounds but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof. Such preference shares may be issued at such rate of dividend not exceeding six per centum per annum and with such rights as between such preference shares and any other preference or ordinary shares or stock of the Company to priority in distribution of assets as may be fixed by the meeting Power to raise additional capital.

A.D. 1888. of the Company at which it shall be determined to issue any portion of such additional capital as preference capital: Provided always that the terms and conditions on which such preference shares are issued shall be stated on the certificates thereof.

Calls.

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

Except as otherwise provided new shares to be subject to the same incidents as other shares.

14. Except as by this Act otherwise provided the capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares were shares in that capital.

The capital in new shares so created shall form part of the capital of the Company.

Dividends on new shares.

15. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

New shares raised under this Act and any other Act may be of same class.

16. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital which they are by such Act and this Act respectively authorised to raise by the creation and issue of new shares.

Receipt on behalf of incapacitated persons.

17. If any money be payable to any shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

18. The Company may in respect of the additional capital of eighteen thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole four thousand five hundred pounds and of that sum they may borrow not exceeding one thousand five hundred pounds in respect of each six thousand pounds of their additional share capital of eighteen thousand pounds but no part of any such sum of one thousand five hundred pounds shall be borrowed until shares for the portion of capital of six thousand

pounds in respect of which it is to be borrowed are issued and accepted and one half of such portion of capital 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 shares for the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were 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 certificate shall be sufficient evidence thereof.

A.D. 1888.

19. The Company shall not create debenture stock.

Company not
to create de-
benture stock.

20. 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 forty-three of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Mortgage
to comprise
purchase
money paid
on com-
pulsory
sale.

21. 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 or the tramway undertaking in the event of its being purchased by the local authority under the forty-third section of the Tramways Act 1870.

Indorsement
of notice of
power of
future pur-
chase by local
authority.

22. All mortgages granted by the Company before the passing of this Act in pursuance of the powers of any Act or Acts 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.

Existing
mortgages
to have
priority.

23. The principal moneys and interest secured by all mortgages at any time after the passing of this Act granted by the Company in pursuance of the powers of this or of any subsequent Act of Parliament shall rank pari passu without reference to the date of the securities or of the Acts of Parliament or resolutions by which the mortgages were authorised.

All future
mortgages
to rank
pari passu.

A.D. 1888.

Money bor-
rowed on
mortgage
to have
priority.

24. All moneys 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 any Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Applica-
tion of
moneys.

25. All moneys raised under this Act whether by shares or borrowing shall be applied for the purposes of this Act and other the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Period for
completion
of works.

26. 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.

Penalty
imposed
unless the
line opened
within the
time
limited.

27. If the Company fail within the period limited by this Act to complete the tramways authorised to be made by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said tramways are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the tramways by this Act authorised and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster General for and on behalf of the Supreme Court of Judicature in England in the bank named in such order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen

accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control. A.D. 1888.

28. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said tramways or any portion thereof and for which injury or loss no compensation or inadequate compensation shall have been paid and 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 tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the solicitor to 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 Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Applica-
tion of
penalties.

29. Subject to the provisions of this Act the Company may demand and take in respect of the tramways the tolls and charges which they are by the Act of 1877 authorised to demand and take with respect to the tramways by that Act authorised and sections 43 to 47 (both inclusive) of the said Act shall extend and apply to the tramways by this Act authorised and the tolls to be taken for the use of the same as fully and effectually to all intents and purposes

Applying
provisions
of Act of
1877 as to
tolls, &c.

A.D. 1888. — as if those sections had been repeated and expressly re-enacted in this Act with reference thereto and as if the tramways authorised by the Act of 1877 and by this Act were a continuous line of tramway.

Periodical
revision of
tolls.

30. 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 manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised: Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Mode of
formation
of tramways.

31. Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with two rails to be approved by the Board of Trade on a gauge of four feet eight and a half inches and shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the street or road.

Company
may acquire
and work
omnibuses,
&c. and take
rates and

32. The Company may from time to time purchase hire and construct omnibuses and may from time to time purchase and hire horses and may use and work omnibuses along such routes as the corporation from time to time approve and may from time to time exact demand take and recover in respect of passengers articles and

goods carried in or by such omnibuses such fares and charges as they may think fit not exceeding in the case of passengers for every passenger twopence per mile: Provided that the present power of the corporation or any power which they may hereafter obtain to license and regulate omnibuses shall apply in all respects to the omnibuses which the Company may use and work and to the owners proprietors drivers and conductors thereof and that the licenses for such omnibuses shall be granted in the name of an officer of the Company who shall be responsible for every contravention of any such regulations made by the corporation under any such power as if he were the owner of such omnibuses: Provided further that for the purpose of such licensing and regulating as aforesaid by the corporation the omnibuses aforesaid shall be deemed to be hackney carriages within the meaning of the Public Health Act 1875 and of the local Acts relating to the borough of Southampton and be subject to the byelaws now in force for regulating hackney carriages in the said borough and to any future byelaws to be made by the corporation relative thereto: Provided also that a list of all rates and charges to be taken by the Company from time to time shall be exhibited in a conspicuous place inside each omnibus.

A.D. 1888.

charges in
respect
thereof.

33. The corporation may by resolution to be passed at a special meeting of the corporation determine to give notice in writing under their corporate seal to the Company requiring the Company at the expiration of six months from the date of such notice to sell to a purchaser to be named by the corporation the business of omnibus proprietors then carried on by the Company including the omnibuses then belonging to the Company (except those used on the tramways) and the horses depôts stabling stock and plant connected therewith for a sum of money to be fixed in case of difference by a single arbitrator to be appointed by the Board of Trade and the Company accordingly shall sell the same to the said purchaser and thereupon the powers of the Company to work and use omnibuses shall cease: Provided always that the Company within the said six months may appeal to the Board of Trade against such sale and in that case shall give notice in writing under their common seal to the corporation of their intention so to appeal and thereupon the matter shall be referred to the Board of Trade who may direct an inquiry into the matter by a referee in manner provided by section 63 of the Tramways Act 1870 and the decision of the Board of Trade shall be final.

Company
when re-
quired by
corporation
to sell omni-
buses, &c.

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

Carrying of
mails by
Company.

A.D. 1888. — them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—

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

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

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

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

(B.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(C.) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger:

(D.) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at

the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section. A.D. 1888.

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

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

35. 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. Inspection
by Board of
Trade.

36. 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 or authorised to be laid the Company may and shall at their own cost 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. Tramways
to be kept
on level of
surface of
road.

37. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and of all other tramways of the Company and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit

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

A.D. 1888. — 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.

Further provisions as to construction of tramways.

38. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade 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 26 of the said Act.

Sanitary authority to have access to sewers.

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

Company may be required to use improved form of rail.

40. The rails of the tramways shall be such as the Board of Trade approve and the Board of Trade may from time to time upon the application of the local or road authority of any district in which any part of the tramways is situated 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.

41. The Company may subject to the provisions of this Act with the consent of the local and road authorities and subject to such stipulations as they may impose 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 carriages-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.

A.D. 1888.

Power to
make
additional
crossings,
&c.

42. Any paving metalling or material excavated by the Company in the construction of any of the tramways 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 re-instating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person 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.

Application
of road
materials
excavated
in con-
struction of
works.

43. Where by reason of the execution of any work affecting the surface or soil of any road along which any tramway authorised by this Act is laid it shall in the opinion of the road authority be

Temporary
tramways
may be
made when
necessary.

A.D. 1888. — necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent of the local 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 tramway or part of a tramway so removed or discontinued.

Interest not
to be paid
on calls
paid up.

44. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

45. 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.

Provision
as to
general
tramway
Acts.

46. 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.

Costs of
Act.

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

London : Printed for HER MAJESTY'S STATIONERY OFFICE,
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

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